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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 24-Jun-2020**

**Subject: Planning Application 2019/92378 Outline application for erection of residential development at land east of 28 Northorpe Lane and associated off site layby works opposite the site entrance east of, 28, Northorpe Lane, Mirfield, WF14 0QN**

**APPLICANT**

J Cowell

**DATE VALID**

16-Jul-2019

**TARGET DATE**

15-Oct-2019

**EXTENSION EXPIRY DATE**

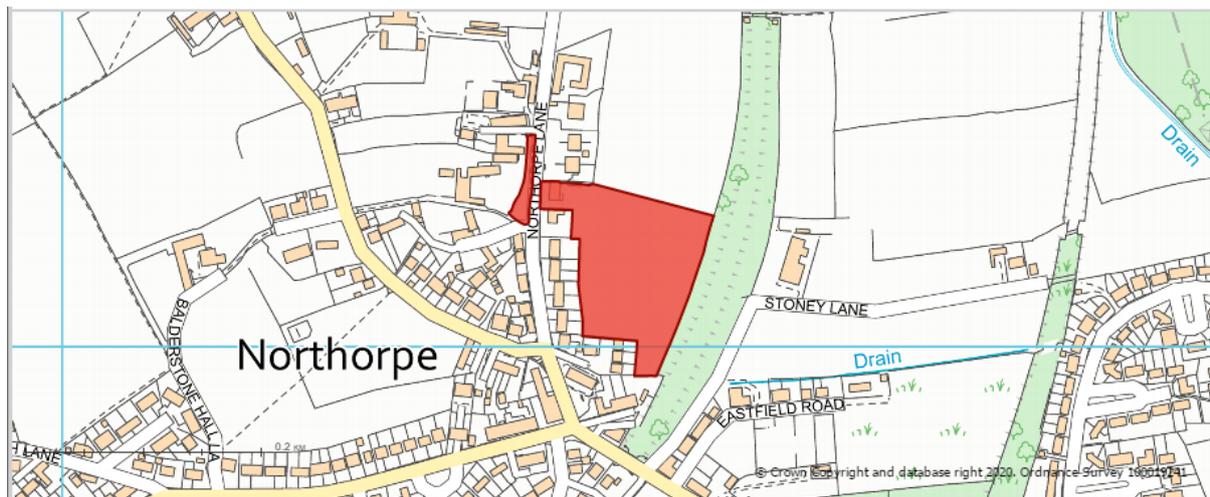
24-Feb-2020

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Mirfield**

**Ward Councillors consulted: Yes**

**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report**

**1.0 INTRODUCTION:**

- 1.1 This is an application for outline planning permission for residential development, with all matters reserved (other than access).
- 1.2 This application is reported to the Strategic Planning Committee due to the size of the site and the number of representations that have been received.
- 1.3 The application was previously deferred from the Heavy Woollen Planning Sub Committee and is in accordance with the Councillors' Protocol for Planning Sub Committees.
- 1.4 The planning application was deferred from the Heavy Woollen Planning Sub Committee on 9<sup>th</sup> January 2020 to allow for the expiration of the publicity period on the application. This publicity period has now ended.
- 1.5 The site is allocated for housing on the Kirklees Local Plan (site allocation ref. HS69). This site designation indicates that a capacity of 48 dwellings is applicable for this site.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is located at land at the rear of no. 28 Northorpe Lane which is an area of grassed land which slopes downwards to the east to an area of woodland which is made up of mature trees. The woodland is outside of the red line boundary. To the north of the site is open land which is allocated as Green Belt. At the time of the site visit, there were several trees within the site itself, which have since been felled.
- 2.2 To the south and west of the site is predominantly residential, with a variety of dwelling types within the vicinity of the site. The access to the site will require the demolition of no. 28 Northorpe Lane which is a detached dwelling constructed primarily of render. There is a large area of hardstanding to the front.
- 2.3 On the frontage of the application site, there is a stone boundary wall. This continues along one side of Northorpe Lane. There are other boundary treatments fronting the other properties, meaning that there is a variety in the area.

2.4 The majority of the application site is within a Coal Mining High Risk Area as defined by the Coal Authority. The site is also within Flood Zone One.

### **3.0 PROPOSAL:**

3.1 Outline planning permission is sought for the erection of residential development. It is only 'access' details that are being sought under this planning application. All matters relating to 'layout', 'scale', 'landscaping' and 'appearance' are reserved for any subsequent reserved matters application.

3.2 The applicant has submitted a plan which shows an indicative layout of 48 dwellings on the site. This site layout is not being assessed as part of this outline planning application, only the principle of development along with the point of access.

3.3 As set out above, it is access details that are being sought at this stage, with the proposed development being served from Northorpe Lane following the demolition of no. 28 Northorpe Lane.

3.4 A serpentine road layout within the development has been shown on the indicative site layout plan. However, this is not under consideration at this stage. The plan also shows parking within the site but once again, this is for indicative purposes only.

3.5 The block plan shows an area of Public Open Space to the north-east corner of the site, on either side of the access to the site and within the site itself however, once again, this is only indicative and the layout is not under consideration at this stage.

3.6 The grassed area to the west of the application site (adjacent to Northorpe Lane) is to be used (in part) as a layby for vehicles to park in. This area has been shown within the red line boundary of the application site and indicative plans have been submitted to show how the works to the layby would be secured.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 93/00369 – Change of use of land for the rearing and breeding of ornamental fish together with retention of existing earth mound and 5 ponds and excavation of further 10 ponds for same use REFUSED (appeal allowed)

4.2 2008/93748 – Erection of detached dwelling with integral garage REFUSED (appeal dismissed)

4.3 2006/90314 – Outline application for erection of one detached dwelling REFUSED (adj. 32a Northorpe Lane)

4.4 2005/90462 – Demolition of existing bungalow and outline for the erection of one dwelling REFUSED (no. 26 Northorpe Lane)

### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The case officer has been in negotiations with the agent to secure additional information necessary for the determination of the application – a preliminary ecological appraisal, a flood risk assessment, a health impact assessment and

further highways information (including section plans showing how the layby would sit within the site). This information has been submitted and subsequently reviewed by consultees, and found to be acceptable subject to conditions, for the reasons set out in the main assessment below.

## **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

6.2 The site is allocated for housing on the Kirklees Local Plan (*housing allocation reference HS69*).

### **6.3 Kirklees Local Plan (KLP):**

The following policies are considered relevant:

**LP1** – Achieving sustainable development

**LP2** – Place Shaping

**LP3** – Location of new development

**LP11** – Affordable housing and housing mix

**LP20** – Sustainable travel

**LP21** – Highway Safety and Access

**LP22** – Parking

**LP23** – Core walking and cycling network

**LP24** – Design

**LP27** – Flood Risk

**LP28** - Drainage

**LP30** – Trees

**LP32** - Landscape

**LP33** – Biodiversity and geodiversity

**LP35** – Historic environment

**LP38** – Minerals safeguarding

**LP47** – Healthy, active and safe lifestyles

**LP48** – Community facilities and services

**LP49** – Educational and health care needs

**LP50** – Sport and physical activity

**LP51**– Protection and improvement of local air quality

**LP52**– Protection and improvement of environmental quality

**LP53** – Contaminated and unstable land

**LP63** – New open space

### **6.4 National Planning Policy Framework (NPPF):**

**Chapter 2** – Achieving sustainable development

**Chapter 5** – Delivering a sufficient supply of homes

**Chapter 8** – Promoting healthy and safe communities

**Chapter 9** – Promoting sustainable transport

**Chapter 11** – Making efficient use of land

**Chapter 12** – Achieving well designed places

**Chapter 14** – Meeting the challenge of climate change, coastal change and flooding

**Chapter 15** – Conserving and enhancing the natural environment  
**Chapter 16** – Conserving and enhancing the historic environment  
**Chapter 17** – Facilitating the sustainable use of minerals

## 6.5 Supplementary Planning Guidance

- Highways Design Guide Supplementary Planning Document
- Kirklees Local Plan allocations and designations
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Strategic Housing Market Assessment (2016)
- Mirfield Design Guide (2002)

6.6 The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore, there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at:

<https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement.

7.2 As a result of the initial statutory publicity period, 80 letters of objection have been received (including a members list of 'Save Mirfield' with 813 signatures). The statutory publicity was extended to reflect a change to the red line boundary of the application site and description. A further 73 representations were received. The concerns raised are summarised as follows:

- Principle of development
- Traffic pollution / highway safety / congestion (photographs and dates attached to representations)
- Reference made to submitted highway reports
- Ecological survey makes reference to trees, habitat and wildlife. Since the survey, the site circumstances have changed. Is the report still relevant?
- Lots of protected species on the site – Woodpeckers, Cuckoos, Owls, Hares, Rabbits and Rodents
- Inadequate road infrastructure
- Green space being lost
- Disruption
- Loss of trees
- Drainage
- Construction traffic on Northorpe Lane – many issues associated with this which made lead to an increased risk of accidents
- Flooding incidents – concern going back a few years. Building on green field will deprive the locality of valuable run off and water soak away capacity
- Drainage of the site
- It is safe to drive through flooding? Risk of vehicle damage, for example.
- Work by Northorpe Hall Trust can include events of up to 100 people on site – concerns regarding traffic flow, safety and the road infrastructure

- Limited visibility due to cars being parked on either side of the road as many houses do not have parking spaces of their own
- May directly impact on experience of young people, families and professionals visiting and on employees and volunteers due to lack of easy access.
- Been told lane does not need resurfacing
- Lane not changed at all since days prior to motor vehicles
- Difficulty for emergency vehicles and carers navigating the area for elderly and disabled clients
- Development of this scale would have a serious impact on local residents
- Application in 2008 was refused to build another single property and the reasons for refusal should be noted.
- Number of other refusals of Northorpe Lane due to concerns about traffic
- National and local policies have changes but conditions on the highway have not improved, indeed they have worsened.
- Think a message needs to be sent that this is not an acceptable plan in its current form.
- Field for building is Green Belt, therefore planning for the erection of buildings should not be passed
- Drainage at the bottom of the field is an issue as it is parallel with the old railway line. Implications for the surfaces of the road. Hardstanding would make this worse – sewage system barely copes at present
- Trip generation from the proposed development and schools considered. Walking distances in D and A statement are under estimated.
- Sympathy to landscape – historic value Grade 2 listed Hall in Northorpe. The proposed buildings are not sympathetic to this.
- 44-48 houses will more than double the number of homes on Northorpe Lane, having a negative impact on the nature of rural area
- Pressure on medical services and unclear how further demand will be met
- Mirfield schools already oversubscribed – where will the children be educated?
- Small development would destroy existing mature trees and wildlife habitat – contribute to climate change
- Density and type of housing does not match the surrounding housing
- Old coal mines exist in the land and pollution could result from disturbing the old workings and underground seams
- Nuisance to residents as a result of contractor vehicles
- Poor air quality
- Surface water problems. Reference made to incidents of flooding and neighbours having to raise their gardens to stop garden being water logged.
- How will mains drainage be provided – no information provided and infrastructure can meet the demand of a new development
- Lower corner of field affected by flooding.
- Currently no housing estates. The proposed is not in character with the area which is a mixture of houses from all different eras along Northorpe Hall
- Danger to pedestrians and horse riders coming and going to livery yards
- Loss of privacy/overlooking. Site plan does not accurately represent the neighbouring properties near the site
- Overbearing/ overshadowing/loss of light
- Supporting documents and application form misleading and factually inaccurate, including traffic monitoring
- Not clear how many houses being applied for – site plan indicates 48, form says 44.
- New houses required but Northorpe Lane totally unsuitable location

- Junctions unsuitable and unable to handle additional burden of such a development
- If one unit not suitable, how is 48 suitable?
- Huge development but limited information and council cannot make a reasoned decision
- Field was to provide a buffer between Mirfield and Ravensthorpe – applicant says it's private garden
- No consent to change field to private garden – presumably use of this land is without planning consent
- Building on land would be harmful to Green Belt and therefore a breach in planning policy
- Form states 64 parking spaces will be available on site – why does plan show 110 spaces? Deliberate attempt to underestimate impact from vehicles
- Reference to 89/06112 which has conditions imposed relating to highway safety
- Green corridor between Heckmondwike, Mirfield and Dewsbury will be shortened
- Residents not notified of the removal of land from the green belt register – this should be enough to refuse the application as green belt status unethically removed
- Lose joy of looking onto open green space/ increased shading
- Geology of Northorpe – underlying strata not very permeable
- Countless brownfield sites that could easily be redeveloped for housing – open green spaces should not be approved
- Impact on human rights
- 2016 similar application was submitted with fewer houses proposed
- Cllr McBride values consultation with local residents. This should be the case in this area.
- No way to widen Northorpe Lane so natural conclusion is to reject the application
- Access to the site is dangerous
- Traffic counter placed above the entrance to Northorpe Hall so vehicles that use the Hall cannot be counted – significant amount of traffic would not be recorded
- When did fish farm use cease and domestic curtilage use begin?
- Mirfield lacks local jobs – recent development appears overly biased towards residential driving
- Houses needed within the Local Plan not driven by local demand/need, but by the plan to replace diminished central government grants/ funding with new council tax and business rates
- Kirklees Council needs an appropriate political and commercial solution to funding its budget to provide local services
- Increasing housing densities without supporting infrastructure will make Kirklees a poorer and more dangerous place to live
- Trees being cut down on a daily basis – can this be condoned given that the application is still being considered?
- Not possible for the principle of access to be correctly evaluated until full details of the intended development have been disclosed
- No details of foul sewage- site is landlocked and therefore requirement for pumping which does not accord with LP28
- Site allocation states that the planning application should be accompanied by several reports – these have not been submitted
- Love to see more horses and sheep grazing on the land
- Smell from the development being constructed

- Protests will be organised and prolonged should plans be allowed be implemented
- Density of building not in keeping with the semi-rural character of Northorpe
- What provision is to be made for the planting of trees and shrubs along southern boundary and on the rest of the site
- Trees afford privacy and absorb water
- Loss of open space
- Proposed entrance to the site is where the roads narrow considerably
- Noise and disturbance from all the additional properties is a source of concern
- Hard to imagine any employment opportunities arising from the proposals
- Poor design in terms of health and wellbeing – plots crammed to capacity
- Majority of front elevations are hard standing
- POS areas feature on indicative site layout
- Large development in terms of environmental damage and build capacity
- Kirklees Planning have the duty to test this application using the National Planning Policy Framework.
- -Climate Emergency has been declared and urgent action is needed to tackle climate change
- What climate change impact has been measured and assessed to justify outline application for 48 dwellings on green fields.
- Co2 pollution to develop this site will equate to over 8000 tonnes (materials, plant and equipment)
- Flooding history and condition of Mirfield drainage system should mean that good practice would include consultation with Yorkshire Water, Local Lead Flood Authority
- Conditions for drainage maintenance and management schemes, and the submission of a flood risk and drainage strategy have been recommended. No response has been received from Yorkshire Water
- Yorkshire Water are however, not a statutory consultee.
- Applicant not produced a Flood Risk Assessment
- Coal Authority not consulted on this application
- Only desk study carried out
- Historically, information held by the Coal Authority is inaccurate
- Details within committee report.
- Site intrusive investigation should be carried out before outline planning permission granted
- Why wasn't application refused straight away
- Parking layby owned by Northorpe Hall
- Road surface very weak and in poor state
- Without the verge being converted to parking, development cannot go ahead as not enough access for vehicles
- Bridleway running through the verge
- Paragraph from planning application 93/00369 has been submitted which states that land waterlogged during rainfall
- Trees felled contrary to Preliminary Ecological Appraisal
  - Poor condition of the road
- Object against layby being constructed on Northorpe village green
- Been used for hundreds of years by the village
- Old Yorkshire stone path running through the green by residents
- In Hm Pobjoy's history of Mirfield, it says a roman road ran up Northorpe and down Jill Lane.
- Council laid kerbstones there to protect the green and now they want to destroy it

- Widening the road will make car drivers travel faster
- Kirklees council has a policy to protect greenspace and community heritage
- Construction machinery and additional trade transport required to support the build
- Lane already a single lane near the junction with Crossley Lane due to the cars parked on both sides of the road
- Number of livery yards that use the lane on a daily basis will make lane dangerous for horse riders and other road users
- Planning departments are needed and houses have to be built somewhere, but incomprehensible to build houses where the site is tucked away and the infrastructure and current volume of road users has already far exceeded the volume that the lane was intended for.
- To add traffic is not acceptable.
- Lay by will mean that cars will drive quicker as road will be wider
- Dangerous and unsafe for people
- Green space is planted by the community and therefore is something which Kirklees Council should prioritise
- Layby been a meeting place for locals where there once was a seat and pathway should be protected
- Flowers planted and in spring they are a pleasure to see and is enjoyed by the neighbourhood and visitors to the Hall.
- Layby would be filled with cars and therefore of no advantage to the access
- To try and obtain the Hall's property at such a late date is bad procedure
- Layby beneficial to insects and other wildlife as well as being aesthetically pleasing
- Can't see the plans or drawings to the design of the proposed layby/road widening – this is hardly a transparent process
- The Green is not in the gift of the Council to use for their own purposes
- Residents at risk of high traffic speeds
- Are there planning policies to protect green spaces and community heritage?
- The Green contains a public footpath and would be adversely impacted by new proposals
- Northorpe Hall is a listed building and land used for layby would impact adversely on this important historic site
- Council has duties to protect community facilities this space is valuable greenspace for the community
- Installed a kerb to prevent people parking on this space so latest proposal is a complete 'U' turn on the Council's behalf
- Extremely let down by the Council as a resident in the area, should want to protect local communities rather than help destroy them
- Development would affect the lives and mental health of residents of Northorpe
- Northorpe has quite a few farms, stables will be affected- horses are part of the community in Northorpe and the Green is used by riders as a safe place to pass vehicles.
- Are speed bumps an intention to calm traffic?
- This area does not have a public park or green space, how will this be replaced?
- It is right to destroy unnecessarily green spaces to allow for more cars, even thinking about the planet.
- Would trees on the green be cut down?
- People played conkers, cricket etc
- Land is owned by Northorpe Hall
- Contributes to physical and mental health and wellbeing of the community

- Ramblers and hikers using the green as a resting point, stewards for duke of Edinburgh take advantage of the green whilst waiting for orienteers to arrive
- Green used as a safe area when traffic heavy on the lane
- Planning department remiss in their actions and not fit for purpose.
- Scandalous that the layby may be lost
- Traffic at junctions of Crossley Lane and Northorpe Lane and Shillbank Lane can be heavy at peak times, and because the junction in close proximity additional traffic will make it more difficult for drivers and pedestrians
- Potential for more accidents
- No plans available for residents to see how much of the green will be removed. Kirklees are not following procedures properly
- Motor detector survey cable across the road and no one knows why it was put there
- In the planning meeting, it was stated that it was a pure accident why this had been put down
- Kirklees and the agent not fit for purpose and have made it difficult to obtain information
- Kirklees website broken and continually changing
- Evidence of changing the land from green belt to garden land
- Site has been transformed over the past few months, wildlife disappeared, and the landscape has been prepared for it to be classed as garden land
- Landowner been given guidance by agent or Kirklees Planning about how to prepare his land for building
- Committee meeting decision been deferred – could have been told at the beginning of the session.
- Wildlife seen at the site and the proposed layby
- Difficulty leaving the house as a result of health issues (issues that will not be helped by local traffic and noise pollution)
- Health centre appointments will take longer with more people
- A bit shady to allow people to buy such houses
- Nice to save some of the character of Northorpe Lane
- People generally feel safe walking down these fairly quiet backwaters, loss of quiet route which diminishes quality of life
- Traffic monitoring equipment to gauge density of traffic flow was conveniently sited at the top of Northorpe Lane well past the proposed site entrance – skewed and totally irrelevant result
- Highways department suggested that car movements, road safety must be taken seriously
- Why doesn't the council ever listen to local residents objecting about planning applications – ask people to register concerns then dismiss them out of hand
- Lower Hopton councillor stating that “we're prepared to take a risk on flooding”
- Why can't KMC look further afield for potential development sites instead of being intent on filling every last green space in North Kirklees - south Kirklees does not have same development.
- Is this because the residents of south Kirklees have more influence on how Kirklees is run?
- Proposal is 2 spaces per house but most people will have more than 2 vehicles – figures of 70 movements a day is totally wrong. Dread to think how many potential accidents there will be at the junction
- Just who is going to benefit from more houses in an already built up area?
- Layby is common land and therefore can't be used by the council

- Previously installed a kerb to prevent parking on the green and it now wants to do the exact opposite
- Noise pollution from additional vehicles, machinery and building work would be huge and not welcome at all
- Mirfield has far too many new build estates
- No mention of additional school places or surgeries being built to compensate for the ridiculous amounts of being built
- Box ticking of targets by Kirklees
- Given the topography of the site, it will be necessary for pumping to be included in any design -under LP28 there is a presumption against pumping and therefore this development does not meet the council's policy requirements
- Proposal is fraudulent as Kirklees know the application form is inaccurate
- Deliberate attempt to manipulate planning officers into making a decision
- Bat roosts that have been lost
- Applicant previously persuaded the council that the construction of commercial fishponds was allowing having emphasised the tree planting and hedgerows. Now, these are being removed.
- These urban green spaces also perform an important function by providing visual breaks in built up areas
- Climate emergency – removing any green space is detrimental with the environment
- Council willing to ignore its own planning strategy and allow loss of green facility of environmental and social benefit
- Why were owners not notified of including this land in the development?
- Why did it take until January 8<sup>th</sup> for Northorpe Hall to be notified (and only when residents queried the planning team's actions)?
- Why were residents of the 'full' site not notified of the proposed relating to the green once the matter was re-opened for public consultation?
- Why did the published plan not outline the full extent of the site – it only includes the dwelling and the field behind
- Why is the new plan showing the site and village green dated April 2019?
- Why was the intention to remove the Green not publicised from the outset?
- Inclusion of the green will directly affect a listed building and a public footpath – why was the purpose of this consultation period not publicised?
- New notices were put up but no information to identify the specific issue despite the detrimental effect on this neighbourhood
- Planning officer has confirmed that the consultation period has been further extended beyond the 18<sup>th</sup> and the website still advertises the 18<sup>th</sup> as the statutory closing date. What is the end date?
- Why has the highways department reported publicly that it has no knowledge of why a traffic counter was fixed at no. 28 Northorpe Lane
- Highways department confirmed its purpose but failed to reply to residents on at least 4 occasions
- Highways department record keeping is clearly inadequate
- Long established highways problems on Northorpe Lane will not be resolved by this alteration
- Local planning authority has entirely mishandled this application and scant regard has been given to residents' legitimate concerns
- Council recently been criticised for not listening to its residents
- A full investigation is required in to how this planning application has reached the current stage without planning officers being aware of the incorrect details, and failure to follow due process
- Can the complaints procedure and to whom this situation should be referred for a full and independent review to take place be explained

- Cramming this number of houses onto this land encourages poor design, lack of privacy, congestion on the estate and a huge loss of amenity space for the community
- Northorpe is one of the three Mirfield Manors noted in the Domesday book – historic village landscape is worthy of conservation
- Disabled children use Northorpe lane, more cars reversing is surely not in their best interests
- Active consideration being given to dedicating this land as a village green
- Protect and improve green infrastructure – intention to destroy the green is at odds with your own policy
- Reasonable expectation that an application will be handled appropriately but in this case, this has not happened
- Fear that valid comments from the public and the legitimate needs of the community play no part in the decision making process
- Plan dated April 2019 so it's assumed that it has always been the intention to include the Green but the council failed to properly advertise the application, resulting in members of the public not being fully aware of the extent and implications of the proposed development.
- Demonstrates a lack of attention to detail and a failure to follow proper procedure to avoid this situation. Concerned that this was not a mistake
- New notices placed on Northorpe Lane, no specific detail as to the nature of the new period. Timing of new notices being erected prior to Christmas is suspect
- Concerns relating to highway department and lack of customer care, if department cannot maintain simple records, how can it be trusted to deal with this matter with the appropriate level of rigour?
- How can the access be assessed without relevant details being provided?
- Why is council planning department absolutely determined to have this application passed?
- Consultation process has been poorly managed and does not encourage public participation in any meaningful way. In fact, it is quite the opposite. A deliberate attempt to withhold critical information in the hope that the public remain unaware of what is being planned for them.
- David Attenborough stated that the removal of green spaces and trees causes global warming, and that the greenfield sites takes priority over the numerous brownfield sites within Kirklees?
- School children use Northorpe lane which could be considered to be a road safety issue.
- Issues with planning application form
- Issues with the lane causing tension in the community – bin wagon lost grip and nearly wiped out a resident's car
- Where will the foxes go if this proposed housing estate goes ahead?
- Constant flow of water that pour down the road from the natural springs will cause flooding issues
- It is heart breaking to think in a couple of years that I will feel like I am driving home to a Lidl car park
- Councillors and officers need to take community benefits of heritage and greenspace into account, not just the extra council tax revenue from a development.
- Council's policy is to enhance the environment, reduce traffic on already gridlocked roads and improve air quality – this proposal will have the opposite effect
- Tarmac over the green space would be unthinkable when suffering climate change

- If green was cut away, the dry-stone wall of Northorpe Hall boundary could become unstable and collapse
- Raised a spectre of predetermination
- Layby will make the listed building less attractive and as a wedding venue, and will reduce the income of the charity
- Excavation of more than a spade and a half into the green – claims that Kirklees have highways rights, but you do not have rights to the subsoil that is owned by Northorpe Hall.
- Is it correct that a charity should have to spend money on a court case if they want to stop someone taking their land?
- West Yorkshire archaeological society have not been consulted on the changes to the layby.
- Previously been a garage and benches on the grass verge – community facility.
- Local plan was advertised in local newspapers but not everyone reads local newspapers – would have been more appropriate to carry out a letter drop
- Section attached to this application showing the layby is substandard – full dimensions of layby are not shown and volume of land excavated cannot be fully interpreted
- Hazard to the existing path, sheer drop adjacent to the public footpath of the resultant retaining wall
- Path would become unusable and dry-stone wall may collapse, which is part of the setting of the Grade II listed structure.
- Recent severe storms and rainfall during February 2020 -site shows flooding to the south of the site
- Could conservation department review their comments in light of proposed layby
- Housing allocation does not mean that planning permission should automatically be granted – there are issues with this site that were not identified at local plan and which bring the develop ability of the site into question
- Not acceptable to extend red line of an application when it amounts to a major change – a new planning application should have been requested.
- This was established in the case of Pridmore v Salisbury District Council
- Consultation process following submission of the amended red line boundary has been insufficient
- No evidence that amended red line has been sent to consultees, let alone that changes to their comments have been made
- No information on the website to indicate that the consultees have been formally consulted after significant change – this failure to consult is challengeable
- Final consultation responses on the scheme which include the layby is published
- Section 66 of Planning Act 1990 states that LPAs shall have special regard to desirability of preserving building or its setting – insufficient consideration has been given to impact of the layby on the setting of Northorpe Hall
- When site was allocated, layby wasn't included, so impact on setting of Northorpe Hall was considerably different
- Do not consider that conditioning the details of a buffer is sufficient or appropriate – conservation officer needs to be reconsulted and impact on setting of listed building needs to be adequately addressed
- Development would have a detrimental impact on the setting of Northorpe Hall
- Land is owned by Northorpe Hall and they do not consent to layby being constructed on their land

- Council indicated that they consider that the land forms part of the public highway, we do not concur and understand legal advice is being sought regarding this claim
- Layby been proposed to overcome deficiencies in the access to the site – in event that layby is not public highway, then developer cannot provide layby and therefore development is unacceptable on highway safety grounds
- Number of errors in January committee report that must be addressed
- Report states that LLFA have no objection, but most recent consultation response states that they object – most recent consultation response should be made public
- Issue of flooding must be properly addressed – when application for Koi Carp Farm was submitted, applicant said that land was often flooded and water logged – council aware of this.
- January committee report totally failed to address objections raised by local residents, especially in relation to flooding downhill of the site and how this would be exacerbated by the proposed development.
- Numerous objections regarding concerns in relation to impact of construction vehicles and increased traffic on the vulnerable adults living in Northorpe – no consideration of the impact on these vulnerable adults in terms of their amenity.
- Application form factually incorrect – site been used as a commercial Koi Carp Farm for over 20 years, not domestic garden
- Koi Carp planning permission had attached conditions which required planting to encourage wildlife and screen the ponds – application form indicates that there were no trees on site.
- Site was actually covered in trees and planting – current owner has removed this landscaping and altered the site since permission has been granted
- Cut down most of the trees, ripped out the hedgerows and cleared large portions of the site – not following the recommendations of the Preliminary Ecological Appraisal and Landscape Report – this should be discussed with relevant officers within the council and reported to members of the committee.
- Application form indicates that the site serves no ecological function, this is incorrect given the fact that the land is a piece of open green land
- Only way forward is for application to be withdrawn and re-submitted in the correct form, application can be properly consulted upon and a decision can be reached following correct consultation
- Northorpe Trust holds events meaning that demand for parking often exceeds the number of spaces within the site itself and visitors make use of spaces along the frontage
- The green has significant amenity value – keen that design and use remains as it is
- Required visibility splays cannot be achieved at the proposed access to the north and the south – would be encroachment onto neighbouring property
- Splays have been drawn favourably for the applicant and incorrectly measured
- Concerns relating to the approach that has been taken with speed survey methodology – more than one measurement should have been taken
- Results unlikely to give an accurate reflection of the actual range of speeds and as such cannot be relied upon for calculating visibility splay requirements
- Integrity of speed survey data is questionable, not clear whether there is one or two data collection points, as well as when on street parking opposite the proposed access and parking acts as a speed restraint

- Road insufficient width to allow two vehicles to pass when vehicles are parked – relocation of parking in this layby will remove this speed restraint, resulting in increased speeds and thus more onerous requirements for visibility
- Provision of this access with proposed visibility splays that are not appropriate will result in significant road safety issue
- Swept path analysis of an 11.85m refuse vehicle could not be accommodated even with initially proposed keep clear marking
- Now, layby proposed – so as to relocate parking off the existing highway to allow servicing vehicles to access/egress the proposed development – this introduces other issues
- Land ownership records inconclusive and land does not appear to be definitively within the adopted highway, as such should not be included within the red line boundary – garage for Northorpe hall was previously erected on the land, and dropped kerb and drive still in place – Northorpe Trust has right of access over this part of The Green – access would be impeded by parked vehicles – layby cannot be delivered as required and therefore there will be highway safety issues.
- Layby does not appear to allow for the retention of this footway and its loss would result in a significant detrimental impact on local amenity
- Layby design does not reflect standards with the Kirklees Highways Guidance and Standards and therefore, would be unlikely to be adopted by the Council, causing a future maintenance issue
- Parking on eastern side of Northorpe Lane could increase – this does not happen at the moment but the installation of the layby will serve to widen the available carriageway width – will impede visibility at access point
- Not all required data has been submitted with the technical note - no queue length data and do not take into account impact of prevalent on street parking around the junction
- School pick up and drop off times, this part of network becomes busy, with movements impeded by parked cars – creates an issue with vehicles turning into Northorpe Lane and not anticipating a static queue.
- Community facility of Shillbank Stores is located to the east of Northorpe Lane and majority of customers park on/ around the junction.

7.4 The following concerns have been raised by Cllr Bolt:

- Highways concerns
- Education contributions – where will they go?
- Greenway provision
- Loss of trees
- Concerns relating to discrepancies with the application form

7.5 The following concerns have been made by Mirfield Town Council:

- Concern relating to application form (lack of integrity and honesty)
- Application form states no trees or hedgerows on the land
- Lies and misleading comments on the application

- Traffic counters placed in areas with low traffic counts (does not give an accurate view of the amount of traffic)
- Highway network not suitable for the capacity of traffic
- Proof of mitigation water run-off tested and proven prior to approval
- Impact on local schools, nature conservation and effect on nearby listed building
- School pedestrian access and lack of footpath along majority of route is health and safety issue.

7.6 Officer comments will be made in Section 10.0 of this report in response to the concerns set out.

## 8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### 8.1 Statutory:

- *K.C Highways Development Management* – no objection to point of access or layout, subject to conditions (including a condition to include ensure that a cycleway connection is provided at reserved matters stage in relation to the matter of 'layout'). Financial contribution for metro cards and travel plan monitoring required.
- *Lead Local Flood Authority* – no objection following submission of Flood Risk Assessment and imposition of relevant conditions.
- *West Yorkshire Archaeology Service* – no objection subject to condition.
- *The Coal Authority* – no objection subject to imposition of conditions.

### 8.2 Non-statutory:

- *K.C Ecology* – no objection subject to conditions.
- *K.C Trees* – no objection. Trees within the site removed. Woodland to the rear of the site not within the red line boundary.
- *K.C Environmental Health* – no objection subject to conditions.
- *K.C Landscape* – contributions required (to be conditioned).
- *K.C Education* – contributions required (to be conditioned).
- *K.C Housing* – contributions required (to be conditioned).
- *K.C Public Heath* – required Health Impact Assessment – subsequently submitted by the agent.

- *K.C Public Right of Way (informal)* – no objection.
- *K.C Conservation and Design* – Subject to a suitable parking layout plan, which includes a buffer close to this wall, and the retention of any necessary screening, there is no objection in principle to the use of this land for a parking layby.

## **9.0 MAIN ISSUES**

- Principle of development, land use and sustainability
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### **Principle of development, land use and sustainability**

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site was previously Green Belt land but is allocated for housing in the Local Plan (site reference HS69) which relates to the entire site subject of this planning application. Full weight can be given to this site allocation document which identifies the following constraints that are relevant to the site:
- Third party land required to achieve sufficient visibility splays
  - Part/all of the site is within a high-risk coal referral area
- 10.4 An indicative capacity of 48 dwellings is noted in the supporting text of the site allocation.
- 10.5 Subject to highways, design, residential amenity and other matters being appropriately addressed, it is considered that residential development on this site is acceptable in principle and would make a contribution towards meeting housing need in the Kirklees district.
- 10.6 Furthermore, and subject to further details that would be submitted at Reserved Matters stage, should outline permission be granted, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an accessible, already-developed area, its proximity to public transport and other facilities, and the measures related to transport that can be put in place by developers.

- 10.7 The Design and Access Statement submitted with the application states that the site is located just over one mile from the centre of Mirfield and just under one mile from the centre of Ravensthorpe, both of which provide a good range of shops and services. There are several schools within the vicinity and the site is easily accessible by public transport, with good bus routes within 200m walking distance of the site. Buses run along Shillbank Lane to the south of the site which provide access to both Dewsbury and Leeds. Considering the above, it is considered that this site is within a sustainable location and would comply with Paragraph 108 of the NPPF which states that “*appropriate opportunities to promote sustainable transport modes can be - or have been – taken up, given the type of development and its location*”.
- 10.8 Officers’ recommendation is to accept the principle of residential development at this Greenfield site. If this site is to be released for development, the development’s impacts would need to be mitigated, and a high-quality development would be expected. These matters are addressed later in this report and would require further consideration at reserved matters stage.
- 10.9 It is worth noting that an application, referenced 2008/93748, was refused and dismissed at appeal for the erection of a detached dwelling to the rear of the existing dwelling at the site. The reasons for refusal related to the principle of development in the Green Belt, residential amenity and a shared access for two dwellings resulting in highway safety matters. However, given the differences in scale, location and access, it is not considered that a direct comparison between the two applications is considered relevant. The recommendation for approval is not considered to contradict this previously refused application.

### **Urban Design**

- 10.10 This outline planning permission seeks approval of access details rather than ‘layout’ and therefore the site layout plan referenced 2600-010 must be regarded as indicative and has not been assessed in detail at this stage. However, as this and other drawings are currently before the council, it is appropriate to comment on them, to inform future design work.
- 10.11 Relevant design policies include those set out in Chapter 12 of the NPPF and Policies LP2 and LP24 of the Kirklees Local Plan.
- 10.12 Chapter 12 of the NPPF states that “the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” Policy LP24 of the Kirklees Local Plan reiterates this and aspires for all developments to be of good quality.
- 10.13 The applicant’s indicative layout illustrates an estate road, winding downhill towards the former railway line. Around the estate road, the applicant proposes 48 dwellings provided in a mix of short terraces, detached and semi-detached dwellings. Four private drives are proposed off the estate road.
- 10.14 The applicant has not provided a justification for the proposed layout. Many planning matters should inform layout including topography, local character highways considerations, flood routing and residential amenity.

- 10.15 Officers consider that there is a mix of dwellings in the immediate surrounding area and therefore, in principle, the applicant's proposed mix of housing typologies could be accepted on this site. Notwithstanding this, there are concerns with the proposed site layout. The site layout is dominated by the internal estate road and parking to the front of the majority of the dwellings. This is considered to be poor design and a layout that would not be supported at reserved matters stage. Officers are of the opinion that more can be done to minimise the visual impact of the development's parking spaces.
- 10.16 The proposed layout would necessitate reversing of refuse vehicles and may also be of concern in relation to dementia friendly design.
- 10.17 Details of elevations, house types (including associated amenity spaces), materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.18 As well as the above, K.C Police Architectural Liaison Officer states that the site would have open access to wooded areas and fields and the disused railway line to the North East could provide pedestrian access to offenders. The proposed development should include substantial boundary treatment to these sides in particular. This can be addressed at reserved matters, through a condition which seeks to minimise the risk of crime.
- 10.19 The site will require an affordable housing provision at 20% of the total number of dwellings. Consideration should be given to mixing such housing within the development to avoid a concentration of affordable housing in one location on the site.
- 10.20 On a site of approx 1.35 hectares, 45.5 dwellings would be required to achieve the required density of 35 dwellings per hectare. In this case, the proposed layout indicates 48 dwellings and therefore the indicative site plan is of a satisfactory density to comply with Policy LP11 and Chapter 11 of the National Planning Policy Framework being taken into account. This policy states that planning decisions should promote an effective use of land. Paragraph 123c of Chapter 11 of the National Planning Policy Framework also states that Local Planning Authorities should refuse applications which they consider to fail to make efficient use of land. This matter will be considered in greater detail at reserved matters stage when numbers are finalised.
- 10.21 Although the number of units, their sizes and tenures would not be fixed upon approval of outline planning permission, the applicant has nonetheless submitted relevant information, upon which it is appropriate to comment.
- 10.22 The application form states that all dwellings will be for market sale.
- 10.23 Kirklees Local Plan Policy LP11 states that all proposals for housing will be of a high-quality design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. The housing mix should reflect the proportions of householders that require housing, achieving a mix of house size and tenure.
- 10.24 K.C Strategic Housing has been consulted on the planning application and has stated that there is a significant need for affordable 1, 2 and 3 bed properties in

the Dewsbury and Mirfield SHMA sub area. 10 affordable dwellings are sought from this proposed development. In this case, K.C Strategic Housing are satisfied that the affordable housing contribution can satisfactorily comprise 3 and 4 bedroom homes, as per the existing proposals.

- 10.25 At Reserved Matters stage, more detail of the proposed affordable housing provision would be required, in particular in relation to tenure and the location of the dwellings. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development (as discussed in the visual amenity section). In this case, 6 social/affordable rented dwellings and 4 intermediate dwellings would be recommended for this development and can be secured via condition at this stage (and subsequent S106 Agreement).
- 10.26 It is also noted that as a result of the extension of the red line boundary, the proposed layby and associated engineering operations would be located close to Northorpe Hall, a Grade II listed building. Consideration has been given to the impact on this development on the setting of the listed building, taking into account comments from the K.C Conservation and Design Officer. Indicative section plans and a block plan have been provided to demonstrate that the proposed development of the layby, of which further details will be assessed at reserved matters 'layout' stage, could be satisfactorily accommodated on the site with minimal engineering works required, and a satisfactory buffer around the stone boundary wall to avoid impeding on the setting of the Grade II listed building. This can be seen on the submitted block plan and cross sections (1708-103 E).

### Summary

- 10.26 The principle of development the site on this housing allocation is considered acceptable from a visual amenity perspective, in accordance with Policies LP11, LP24 and LP35 of the Kirklees Local Plan and Chapters 5, 12 and 16 of the National Planning Policy Framework. However, as set out above, the layout proposed is not under consideration at this stage and nor have any details been submitted for consideration regarding the scale or appearance of the proposed dwellings. Such matters would be considered as the subsequent reserved matters stage should outline planning permission be granted.

### Residential Amenity:

- 10.27 The principle of residential development at this site is considered acceptable in relation to the impact on the amenity of occupants of neighbouring residential properties. Chapter 12 of the National Planning Policy Framework states that planning decisions create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.28 As noted above, the submitted block plan has been submitted for indicative purposes only, however it is nonetheless appropriate to comment on it in relation to the amenity of existing neighbouring residents, to inform future design work.

- 10.29 Adequate distances could be achieved between the proposed dwellings and the existing dwellings on Northorpe Lane and Northorpe Court. Other residential properties are located a sufficient distance away from the application site so as not to be adversely be affected by the proposed development in terms of natural light, privacy and outlook.
- 10.30 The quality and amenity of the future occupiers of the proposed residential accommodation is also a material planning consideration, although it is again noted that details of the proposed development's appearance, landscaping, layout and scale are reserved at this stage.
- 10.31 Officers consider that all houses shown on the applicant's indicative layout would benefit from dual aspect, and are capable of being provided with adequate outlook, privacy and natural light. The proposed houses could also be provided with adequate outdoor private amenity space.
- 10.32 K.C Environmental Health have identified a nearby noise generating source at Humac Associates Supplies at Stoney Lane and Northorpe Working Men's Club. A condition has been recommended to ensure that a noise report is submitted to protect the impact on future occupiers of the dwellings from these nearby noise generators, as well as to ensure that no undue pressure is put on these existing land uses should planning permission be granted by introducing residential development in close proximity. This is to ensure compliance with policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.33 Finally, a condition requiring the submission and approval of a Construction Management Plan is recommended. Should planning permission be granted, the necessary discharge of condition submission would need to sufficiently address the potential amenity impacts of construction work at this site including dust management.

Summary:

- 10.34 To conclude, the impact on the residential amenity of surrounding occupiers can be sufficiently minimised via suggested conditions and as part of any subsequent reserved matters submission (should planning permission be granted), thus complying with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues:

- 10.35 The main issue for consideration as part of this outline planning application is 'access' and therefore significant consideration has been given to the impact of the proposed access point at the site. The internal road layout and parking arrangements have not been commented on. Therefore, the assessment of the point of access is based on the following information that has been submitted:
- Road Safety Audit Stage 1
  - Designer's response to Stage I Road Safety Audit
  - Technical Note
  - Transport statement
  - Site plan showing access to the site

- 10.36 Chapter 9 of the National Planning Policy Framework states that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree. Policy LP21 of the Kirklees Local Plan reiterates this.
- 10.37 As part of the assessment in relation to highway safety and efficiency, K.C Highways Development Management has been consulted on the planning application. Initially, a concern was raised in terms of a lack of information to assess the proposed development. Subsequently, further information (as detailed above) was provided, and this will form the basis of the assessment on highway grounds, discussed below.
- 10.38 The proposed site layout plan shows access to the land at the rear of no. 28 Northorpe Lane by demolishing the existing bungalow. The speed surveys identify the location of the counts that have been carried out and show that the proposed access and sightlines can be achieved at the site but a concern has been raised in terms of the submitted swept path analysis for an 11.85m refuse collection vehicle at the site access, with accessibility to the application site being limited for refuse collection purposes. Consideration was given to achieving an acceptable width for this vehicle to pass.
- 10.39 The Highway Safety team has been consulted and raised a concern in terms of a financial contribution for a traffic regulation order which involves a single yellow line. This legal order has the potential to be refused. As well as this, the extent of single yellow line would not be adequate to accommodate all of the vehicles that currently park on Northorpe Lane. For these reasons, K.C Highway Safety objected to the original recommendation for a Traffic Regulation Order.
- 10.40 Instead, the applicant has amended the red line boundary and provided a site plan and section drawings to demonstrate that the proposed layby can accommodate the required parking for vehicles.
- 10.41 The provision of a layby would provide certainty of parking meaning that the vehicles that currently park on Northorpe Lane would continue to have an area to park, and a refuse collection vehicle would have adequate space to manoeuvre into and out of the site. Highway Safety concur with the revised recommendation of the Highways Development Management team and request that further information is provided on the achievability of this given the slope of the grass verge.
- 10.42 In the submitted Technical Note dated Dec 2019, information on the proposed gradients at the access was provided and is in line with the Council's 'Highway Design Guide' Supplementary Planning Document and considered acceptable for adoption purposes. As well as this, the technical note also provides evidence that the committed developments for the allocated site HS70 have been taken into account and confirms that the anticipated operation of the junction is within capacity and therefore is considered to be acceptable.
- 10.43 For any subsequent reserved matters application, consideration needs to be given to Policy LP22 of the Kirklees Local Plan. A parking schedule and

provision for the storage and collection of waste should also be addressed. Reference should be made to the 'Highway Design Guide' Supplementary Planning Document. Again, as stated above, the layout of the proposed development is not being considered and therefore these issues are not relevant to this current outline planning application. However, it is considered that the required parking provision can be achieved.

- 10.44 As well as this, it is noted that the Kirklees Local Plan Policies Map identifies an indicative potential future walking cycling route to the rear of the site, along the disused railway which runs close to the eastern boundary of the site. To future proof the accessibility between the proposed development and this route, a condition has been recommended to ensure that a walking/cycling connection to the adjacent indicative route is shown as part of any subsequent reserved matters application under 'layout'.
- 10.45 Given the scale of nature of the development and its location, The West Yorkshire Combined Authority have requested that the developer provides a financial contribution to ensure that residential metro cards for the development are provided, as well as contributions to facilitate the provision of a bus shelter and a Real Time Information display at an existing bus stop.
- 10.46 As well as the above financial contributions, Kirklees Council also requires developers to contribute to the cost of monitoring travel plan progress. This fee will cover assistance with the development of the Framework Travel Plan. All of the financial contributions, as well as the provision of a layby as discussed above, is required to make the scheme acceptable in highway safety terms and, at this stage, can be secured via condition and subsequent S106 Agreement.
- 10.47 The proposal is acceptable in principle subject to conditions. The proposed development and the proposed access to the site is satisfactory to comply with Policies LP21, LP22 and LP23 of the Kirklees Local Plan and Chapters 8 and 9 of the National Planning Policy Framework.

#### Public and Environmental Health

- 10.48 The Council's Public Health team have commented on a Health Impact Assessment that has been submitted by the applicant. The applicant's information has been assessed in relation to Policy LP47 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework. Subject to the comments of the Public Health team being considered, the proposed development is acceptable and will be considered further at reserved matters stage in relation to air quality, on-site and local outdoor activity, inclusive design, connections to the area's Public Rights of Way network, the shared cycleway/footway required outside the application site, and other matters relevant to planning and health, it is considered that the proposed development could assist in promoting healthy, active and safer lifestyles in accordance with relevant planning policies. This could be resolved at reserved matters stage.

#### Charging points

- 10.49 For air quality reasons and to encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies LP21, LP24 and LP51, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. Charging points for every dwelling, and one for every 10 visitor parking spaces, would be required, and an appropriate condition is recommended.

### Climate Change

10.50 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

### Coal Mining

10.51 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. This is, however, not a reason for refusal of outline planning permission. The applicant has submitted a Coal Mining Risk Assessment which notes the coal mining legacy of the site and the surrounding area and recommends site investigation to determine ground conditions and any risk posed to the proposed development. A relevant pre-commencement condition is recommended in accordance with the advice of the Coal Authority to ensure that the proposed development complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

### Contaminated Land

10.52 The site is located in an area which has been identified as being contaminated. K.C Environmental Health have commented on the planning application and confirmed that a Phase I Preliminary Risk Assessment is required prior to the commencement of any ground works at the site. Subsequent reports may be required if contamination is found following the investigation of the groundworks as per the above report. A condition has been recommended to ensure that these reports are secured at outline planning application stage.

10.53 The proposal therefore complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

### Ecological implications

10.54 K.C Ecology has been consulted on the application and the applicant has submitted a Preliminary Ecological Appraisal (PEA). This document indicates that the habitats present are generally of lower botanical value but identifies the need for additional surveys to advise on the importance of the site for roosting bats, foraging bats and reptiles.

10.55 As this planning permission is purely assessing the principle of development and is not establishing housing numbers and housing types, the K.C Ecology Officer is satisfied that the additional survey needed to design a scheme that

complies with relevant ecology policies can be undertaken in a reserved matters application stage. There is no objection in principle to the housing allocation on ecological grounds and it is possible to develop the site for residential use while providing the required biodiversity net gain, in accordance with relevant local and national policy, including Local Plan policy LP30 and Chapter 15 of the NPPF. This is likely to require alterations to the site layout at reserved matters stage.

### Trees

- 10.56 There is a woodland to the rear of the site which is outside of the application site's red line boundary. Nonetheless, consideration has been given to the impact on this woodland area as a result of the proposed development. As well as this, it is noted that mature trees within the site have been felled. This issue caused concern for members of the public. K.C Trees have commented on this and advised that there is no cause for concern in this regard. The trees are not protected by tree preservation order or by their status within the conservation area.
- 10.57 The Council's Tree officer has confirmed that the remaining trees are not worthy of protection and any future felling of these trees will not result in a harmful impact on visual amenity or the character of the area. The Council's Tree Officer has not objected to the development in principle to residential development at the site.
- 10.58 The proposed development complies with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

### Planning obligations and financial viability

- 10.59 The size of the site indicatively proposes 48 dwellings and would therefore trigger contributions relating to education, public open space and affordable housing, each of which would require a financial contribution.
- 10.60 To accord with Local Plan policy LP11, 20% of the proposed development's residential units would need to be secured as affordable housing.
- 10.61 The Council's Education department were consulted and commented that a contribution of £103,756 would be required. This is based on the applicant's current indicative proposed layout. Following further design work, however, the number of units proposed at Reserved Matters stage may trigger the need for a larger or smaller contribution.
- 10.62 Some Public Open Space (POS) has been shown on the applicant's indicative layout plan. As noted above, amendments to the proposed site layout would be necessary at the Reserved Matters stage, and this may affect the on-site provision of public open space and the need for contributions towards off-site provision to make up any shortfall. The K.C Landscape team have commented on the application and stated that the development triggers open space requirements and a requirement for children and young people's provision as per the Fields in Trust requirements in the form of a Local Area of Play.
- 10.63 No details have been provided in regard to the open space that is indicated on the site layout in terms of its measurements and the typology of the areas. It is noted that the Mirfield ward has quantity deficiencies in open space typologies

for Parks and Recs and semi natural and natural spaces. This would be secured via condition and subsequent S106 Agreement once details have been agreed at the Reserved Matters Stage (subject to permission being granted).

- 10.64 Contributions intended to mitigate the highway impacts of the proposed development will also need to be secured at Reserved Matters stage, especially in relation to the contribution to fund a layby which is required to ensure that a refuse vehicle can access the site safely and the financial contributions requiring due to the nature and scale of the proposed development (see highway safety section above). This is expanded on in the highway safety section of this report.
- 10.65 The need for final contributions would be assessed once the proposed number of residential units has been confirmed as part of any subsequent reserved matters application (subject to outline permission being granted) however, they can be secured via suggested condition at this stage.
- 10.66 Conditions imposed on grants of planning permission have to satisfy the 6 tests for a condition (necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects).
- 10.67 Conditions relating to contributions, in this instance, all meet the 6 tests set out in Paragraph 55 of the National Planning Policy Framework. The contributions are required to make the development acceptable and to mitigate the impact caused by it.

#### Historic Environment

- 10.68 To the west of the site is Northorpe Hall Trust which is a Grade II listed building. Whilst this is on the opposite side of the highway, consideration has been given to its setting and the application has been re-advertised as such. Northorpe Hall Trust building is a reasonable distance from the site and would not affect the principle of development for residential at the site. The listed buildings at Northorpe Hall was not raised in the list of constraints for the site allocation.
- 10.69 The proposed layby adjacent to Northorpe Hall has the potential to obscure the view of the stone boundary wall which borders the listed building, as well as changing the character of this part of Northorpe Lane. The K.C Conservation Officer has been consulted on the impact on the setting of this listed building. Subject to a suitable parking layout plan, which includes a buffer close to this wall, and the retention of any necessary screening, there is no objection in principle to the use of this land for a parking layby. A condition requiring this information will be recommended for assessment at any subsequent reserved matters stage.
- 10.70 The National Planning Policy Framework states that where a development has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment.
- 10.71 The application site is in an area of known archaeological potential and therefore West Yorkshire Archaeology Advisory Service has been consulted on the application and stated that there is currently an unknown potential for archaeological remains to be present within the proposed development site.

- 10.72 The West Yorkshire Archaeology Advisory Service has recommended that the development should provide the Local Planning Authority with an archaeological evaluation, based on appropriate analytical methods. Instead of requesting an archaeological survey prior to the determination of this planning application, a condition will be imposed stating that no development shall commence until a written scheme of archaeological investigation has been submitted to the Local Planning Authority and approved in writing.
- 10.73 The West Yorkshire Archaeology Advisory Service has not been re-consulted on the inclusion of the layby in the application site. As part of any subsequent reserved matters application, a condition has been recommended which will require the developer to provide an archaeological survey as detailed above.
- 10.74 In all, with the inclusion of the suggested conditions, the proposed development is considered acceptable from a heritage perspective and complies with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Flood Risk (site within Flood Zone 1)

- 10.75 The site is in Flood Zone 1. Given the size of the site, the applicant submitted a site-specific Flood Risk Assessment which was subsequently reviewed by the Local Lead Flood Authority. The site is in the lowest area at risk of flooding.
- 10.76 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 10.77 This is reiterated in the Kirklees Local Plan Policy LP27 'Flood Risk'.
- 10.78 Following the submission of the Flood Risk Assessment and re-consultation with the Lead Local Flood Authority after receiving this information, there is no objection to the proposed development subject to consideration of the measures discussed within the Flood Risk Assessment (17632-D-FRA-001-R1).
- 10.79 When 'layout' is assessed, these considerations need to be taken into account, including a more suitable design to ensure that new properties are not at risk of flooding or displace flooding elsewhere that may impact third parties.

10.80 In conclusion, considering the above information and relevant conditions, and especially consideration of the proposed layout at reserved matters stage, the proposed development complies with policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

#### Pre-commencement conditions

10.81 The developer's agreement to the pre-commencement condition has been agreed in writing to comply with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

#### Public Right of Way (MIR/12/60)

10.82 Chapter 8 of the National Planning Policy Framework states that planning decisions should protect and enhance public rights of way and access. Policy LP23 of the Kirklees Local Plan states that existing public rights of way should be protected and enhanced.

10.83 Public Right of Way Mir/12/60 runs to the West of the site past Northorpe Hall. This is on the opposite side of the highway to no. 28 Northorpe Lane but is in close proximity to the proposed layby position. Whilst it is acknowledged that the proposed layby will be located close to this footpath, the proposed development, subject to an appropriate scheme being submitted at discharge of condition stage, will ensure that the existing public right of way will be protected. This means that the proposed development also complies with LP23 of the Kirklees Local Plan which reiterates the aim of Chapter 8 of the National Planning Policy Framework.

#### Minerals safeguarding

10.84 The site is over 1000sq m and is within a wider mineral safeguarding area and therefore, Local Plan Policy LP38 applies. This policy is important to ensure that known mineral reserves are protected from permanent development which may sterilise such resources through encouraging the extraction of mineral, if feasible, prior to non-mineral extraction taking place.

10.85 This policy states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of Policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

#### **Representations:**

10.86 80 letters of objection (including 815 signatures from 'Save Mirfield') were received as a result of the initial publicity period. A further 73 representations have been received as a result of the statutory publicity period to advertise the proposed layby within the red line boundary. The representations received raise the following concerns which are addressed by officers as follows:

- Principle of development  
*Officer comment: the site is allocated for housing in the Kirklees Local Plan. See principle of development section of this report.*

- Traffic pollution / highway safety / congestion (photographs and dates attached to representations). Inaccuracies within highway report.  
*Officer comment: Highways DM have reviewed the objections to the application and consider that the provision of a layby is suitable to overcome concerns – see above highway safety section of the report.*
- Ecological survey makes reference to trees, habitat and wildlife. Since the survey, the site circumstances have changed. Is the report still relevant?  
*Officer comment: K.C Ecology have reviewed the information and site context and stated that the principle of development is not a cause for concern on ecological grounds.*
- Lots of protected species on the site – woodpeckers, cuckoos, owls, hares, rabbits and rodents  
*Officer comment: the K.C Ecology Officer has commented on the planning application with regards to protected species. See the other matters section of this report.*
- Inadequate road infrastructure  
*Officer comment: see highway safety section of this report. It is the point of access that is being applied for as part of this planning application.*
- Green space being lost  
*Officer comment: As mentioned above, the site is allocated for housing on the Kirklees Local Plan.*
- Disruption during construction phase  
*Officer comment: K.C Environmental Health have requested a condition for a construction management plan to ensure that there is no harmful disturbance and noise to nearby residents during the construction phase.*
- Loss of trees  
*Officer comment: K.C Trees have commented on the planning application and there is no objection to the proposed development. See other matters section of this report.*
- Drainage  
*Officer comment: There is no objection from the Local Lead Flood Authority. See other matters section of this report.*
- Construction traffic on Northorpe Lane – many issues associated with this which made lead to an increased risk of accidents  
*Officer comment: Highways DM and Highways Safety have reviewed the application and there is no objection to the point of access that is being proposed.*
- Flooding incidents – concern going back a few years. Building on green field will deprive the locality of valuable run off and water soak away capacity  
*Officer comment: See consultation response from Local Lead Flooding team and the other matters section of this report.*
- It is safe to drive through flooding? Risk of vehicle damage, for example.  
*Officer comment: this is a private matter.*

- Work by Northorpe Hall Trust can include events of up to 100 people on site – concerns re traffic flow, safety and the road infrastructure  
*Officer comment: see highway safety section of this report.*
- Limited visibility due to cars being parked on either side of the road as many houses do not have parking spaces of their own  
*Officer comment: concern was initially raised by Highways DM in this regard. A Grampian condition has been recommended to ensure that a layby is provided prior to the development being brought into use, this will allow a refuse vehicle to access the site.*
- May directly impact on experience of young people, families and professionals visiting and on employees and volunteers due to lack of easy access at Northorpe Hall.  
*Officer comment: this is noted. Highways Development Management have assessed the site context – see highway safety section.*
- Lane not changed at all since days prior to motor vehicles/ been told lane does not need resurfacing  
*Officer comment: this is not a material planning consideration.*
- Difficulty for emergency vehicles and carers navigating the area for elderly and disabled clients at Northorpe Hall  
*Officer comment: see highway safety section of this report.*
- Development of this scale would have a serious impact on local residents  
*Officer comment: see principle of development section of this report. The density of the proposed development is acceptable in accordance with local plan Policy LP11 and Chapter 11 of the NPPF.*
- Application in 2008 was refused to build another single property and the reasons for refusal should be noted.  
*Officer comment: see principle of development section of this report which refers to the 2008 application at the site.*

Number of other refusals on Northorpe Lane due to concerns about traffic National and local policies have changes but conditions on the highway have not improved, indeed they have worsened.

*Officer comment: Highway Safety is a material planning consideration that is given significant weight in this application. National and local planning policies aim to ensure a satisfactory impact on highway safety.*

- Think a message needs to be sent that this is not an acceptable plan in its current form.  
*Officer comment: As part of this application, it is the principle of development and the access to the site that is being assessed. The layout, scale, appearance and landscaping of the site is not being applied for.*
- Field for building is Green Belt, therefore planning for the erection of buildings should not be passed. Breach in planning policy  
*Officer comment: the site is allocated for housing and is not within the Green Belt.*
- Drainage at the bottom of the field is an issue as it is parallel with the old railway line. Implications for the surfaces of the road and neighbouring

properties. Hardstanding would make this worse – sewage system barely copes at present. Surface water problems. No information provided.

*Officer comment: see other matters section of the report. The Local Lead Flood Authority have commented on the application and no objection is raised.*

- Trip generation from the proposed development and schools considered. Walking distances in D and A statement are underestimated.  
*Officer comment: Highways DM have reviewed the submitted information and it is considered that the site is in a sustainable location.*
- Sympathy to landscape – historic value Grade 2 listed Hall in Northorpe. The proposed buildings are not sympathetic to this.  
*Officer comment: it is noted that the development site is to the east of the application site. Layout and scale of the proposed development is not being considered in this application.*
- 44-48 houses will more than double the number of homes on Northorpe Lane, having a negative impact on the nature of rural area  
*Officer comment: Layout and scale of the proposed development is not being considered in this application. The application site is allocated for housing on the Kirklees Local Plan.*
- Pressure on medical services and unclear how further demand will be met  
*Officer comment: Given the scale of the development, this is not a concern.*
- Mirfield schools already oversubscribed – where will the children be educated?  
*Officer comment: As stated within the report, the scale of the development will trigger a contribution to education within the area.*
- Small development would destroy existing mature trees and wildlife habitat – contribute to climate change  
*Officer comment: this is noted. Consultation responses from K.C Ecology and K.C Trees has been received and no concern is raised in this regard. see other matters section of this report.*
- Density and type of housing does not match the surrounding housing  
*Officer comment: The type of housing is not being applied for as part of this planning permission. The density of the housing is acceptable as stated above.*
- Old coal mines exist in the land and pollution could result from disturbing the old workings and underground seams  
*Officer comment: The Coal Authority have been consulted on the application and raised no objection to the application subject to a pre commencement condition requiring intrusive site investigation.*
- Poor air quality  
*Officer comment: the proposed development has been assessed against Local Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, and K.C Environmental Health have commented on the application. A condition has been recommended to ensure that electric charging points are provided at any subsequent reserved matters stage.*

- Lower corner of field affected by flooding.  
*Officer comment: this is noted. See consultation response from Local Lead Flooding team.*
- Currently no housing estates in the area. The proposed is not in character with the area which is a mixture of houses from all different eras along Northorpe Hall  
*Officer comment: the layout of the proposed development*
- Danger to pedestrians and horse riders coming and going to livery yards  
*Officer comment: see highway safety section of this report.*
- Loss of privacy/overlooking. Site plan does not accurately represent the neighbouring properties near the site  
*Officer comment: at this stage, layout, appearance and scale of the proposed development is not being applied for. This is a consideration for a subsequent reserved matters application.*
- Overbearing / overshadowing / loss of light  
*Officer comment: at this stage, layout, appearance and scale of the proposed development is not being applied for. This is a consideration for a subsequent reserved matters application.*
- Supporting documents and application form misleading and factually inaccurate, including traffic monitoring  
*Officer comment: the documents mentioned within the site allocation designation are noted. The required documents have been submitted and assessed by relevant consultees.*
- Not clear how many houses being applied for – site plan indicates 48, form says 44.  
*Officer comment: it is noted that this is the case. The layout and number of dwellings are not being applied for as part of this outline application.*
- New houses required but Northorpe Lane totally unsuitable location  
*Officer comment: this is noted. The site is allocated for housing development.*
- Junctions unsuitable and unable to handle additional burden of such a development  
*Officer comment: see highway safety section of this report.*
- If one unit not suitable, how is 48 suitable?  
*Officer comment: the previous application was on land allocated as green belt on the Kirklees Unitary Development Plan. The current planning application for residential development is proposed on land allocated for housing on the Kirklees Local Plan.*
- Huge development but limited information and council cannot make a reasoned decision  
*Officer comment: the application is for outline permission with details relating to access only. Other matters are reserved for a future reserved matters application and therefore full details are not required at this stage.*

- Field was to provide a buffer between Mirfield and Ravensthorpe – applicant says it's private garden  
*Officer comment: following a site visit, it is noted that the land is manicured as a domestic garden and is used as such. The land is also allocated for housing.*
- No consent to change field to private garden – presumably use of this land is without planning consent  
*Officer comment:*
- Form states 64 parking spaces will be available on site – why does plan show 110 spaces? Deliberate attempt to underestimate impact from vehicles  
*Officer comment: the layout plan and numbers of parking spaces is indicative and therefore is not being considered as part of this outline planning permission which is solely assessing the point of access at the site.*
- Reference to 89/06112 which has conditions imposed relating to highway safety  
*Officer comment: this has been reviewed and noted. Each application is based on its own merits.*
- Green corridor between Heckmondwike, Mirfield and Dewsbury will be shortened  
*Officer comment: it is noted that the site is a green field and that housing will erode this openness. However, this site is allocated for housing in the Kirklees Local Plan.*
- Residents not notified of the removal of land from the green belt register – this should be enough to refuse the application as green belt status unethically removed  
*Officer comment: The Kirklees Local Plan process involved robust testing from the Planning Inspectorate. This is not a material planning consideration for this application.*
- Loose joy of looking onto open green space / increased shading  
*Officer comment: this is noted. A loss of a view is not a material planning consideration.*
- Geology of Northorpe – underlying strata not very permeable  
*Officer comment: The Coal Authority have been consulted on the application and raised no objection to the application subject to a pre-commencement condition requiring intrusive site investigation.*
- Countless brownfield sites that could easily be redeveloped for housing – open green spaces should not be approved  
*Officer comment: the application site is allocated for housing and the proposed development is assessed in the context of the proposed application site.*
- Impact on human rights  
*Officer comment: this is noted. Residential amenity has been covered in the officer report*
- 2016 similar application was submitted with fewer houses proposed  
*Officer comment: this does not relate to the application site.*

- Cllr McBride values consultation with local residents. This should be the case in this area.  
*Officer comment: this is noted*
- No way to widen Northorpe Lane so natural conclusion is to reject the application  
*Officer comment: see highway safety of this report. A parking layout at the site is considered to be satisfactory to allow a refuse vehicle to access the site safely.*
- Access to the site is dangerous  
*Officer comment: see highway safety section of this report.*
- Traffic counter placed above the entrance to Northorpe Hall so vehicles that use the Hall cannot be counted – significant amount of traffic would not be recorded  
*Officer comment: Highways Development Management have been consulted on the application and reviewed the information submitted. There is no objection to the methods of carrying out the traffic survey.*
- When did fish farm use cease and domestic curtilage use begin?  
*Officer comment: this information is not known. However, the site is allocated for housing and therefore the principle of development is acceptable.*
- Mirfield lacks local jobs – recent development appears overly biased towards residential driving  
*Officer comment: the scheme for residential development requires parking provision at the site. The site is also within a sustainable location close to public transport links.*
- Houses needed within the Local Plan not driven by local demand/need, but by the plan to replace diminished central government grants/ funding with new council tax and business rates  
*Officer comment: this comment is noted. As stated above, the Local Plan has been through robust testing and housing need/demand has been evidenced.*
- Kirklees Council needs an appropriate political and commercial solution to funding its budget to provide local services  
*Officer comment: this is noted.*
- Increasing housing densities without supporting infrastructure will make Kirklees a poorer and more dangerous place to live  
*Officer comment: the application proposal achieves the required density at the site. Contributions to affordable housing, public open space and education has been conditioned to mitigate the impacts of this development.*
- Trees being cut down on a daily basis – can this be condoned given that the application is still being considered?  
*Officer comment: see other matters section of this report.*
- Not possible for the principle of access to be correctly evaluated until full details of the intended development have been disclosed

*Officer comment: the site is allocated for housing, with an indicative capacity of 48 dwellings. Highways Development Management have carried out their survey on this basis.*

- No details of foul sewage- site is landlocked and therefore requirement for pumping which does not accord with LP28  
*Officer comment: drainage details will be required by condition.*
- Site allocation within the Kirklees Local Plan document states that the planning application should be accompanied by several reports – these have not been submitted  
*Officer comment: the necessary reports have been submitted.*
- Love to see more horses and sheep grazing on the land  
*Officer comment: this is noted.*
- Smell from the development being constructed  
*Officer comment: a construction management plan has been recommended as a condition to ensure that the impact on residential amenity is acceptable.*
- Protests will be organised and prolonged should plans be allowed be implemented  
*Officer comment: this is noted and is not a material planning consideration.*
- Density of building not in keeping with the semi-rural character of Northorpe  
*Officer comment: see the principle of development section of this report. Chapter 11 of the National Planning Policy Framework requires that developments ensure an efficient use of land. The proposed indicative layout meet Kirklees Local Plan density requirements.*
- What provision is to be made for the planting of trees and shrubs along southern boundary and on the rest of the site  
*Officer comment: this is a matter to be considered at any subsequent reserved matters stage.*
- Trees afford privacy and absorb water  
*Officer comment: this is a matter to be considered at any subsequent reserved matters stage.*
- Proposed entrance to the site is where the roads narrow considerably  
*Officer comment: see highway safety section of this report.*
- Noise and disturbance from all the additional properties is a source of concern  
*Officer comment: see residential amenity section of this report.*
- Hard to imagine any employment opportunities arising from the proposals  
*Officer comment: this is noted.*
- Poor design in terms of health and wellbeing – plots crammed to capacity  
*Officer comment: the layout of the site is not being considered as part of this outline planning application. This will be dealt with at any subsequent reserved matters stage.*
- Majority of front elevations are hard standing

*Officer comment: the site layout is not being assessed at this stage. See visual amenity section of this report.*

- POS areas feature on indicative site layout but these may be used for infrastructure for drainage instead  
*Officer comment: this is noted.*
  
- Large development in terms of environmental damage and build capacity  
*Officer Response: this is noted. The site is allocated for housing in the Kirklees Local Plan with an indicative build capacity of 48 dwellings.*
  
- Kirklees Planning have the duty to test this application using the National Planning Policy Framework.  
*Officer Response: The relevant planning policies have been listed within the committee report, these include all relevant policies of the National Planning Policy Framework.*
  
- Climate Emergency has been declared and urgent action is needed to tackle climate change
- What climate change impact has been measured and assessed to justify outline application for 48 dwellings on green fields.  
*Officer Response: see point 10.49 of the committee report with reference to climate change impacts.*
  
- Co2 pollution to develop this site will equate to over 8000 tonnes (materials, plant and equipment)  
*Officer Response: this is noted. A condition relating to the provision of electric vehicle charging points has been suggested by officers.*
  
- Flooding history and condition of Mirfield drainage system should mean that good practice would include consultation with Yorkshire Water, Local Lead Flood Authority  
*Officer Response: The Local Lead Flood Authority has been consulted on the application and drainage is discussed within the Officer Report.*
  
- Conditions for drainage maintenance and management schemes, and the submission of a flood risk and drainage strategy have been recommended. No response has been received from Yorkshire Water
  - Yorkshire Water are however, not a statutory consultee.Applicant not produced a Flood Risk Assessment  
*Officer Response: A Flood Risk Assessment has been submitted and reviewed by the Local Lead Flood Authority. Details are in the committee report.*
  
- Coal Authority not consulted on this application  
*Officer Response: The Coal Authority have been consulted on the application as seen within the committee report.*
  
- Only desk study carried out  
*Officer Response: this is noted and is satisfactory at this stage.*
  
- Historically, information held by the Coal Authority is inaccurate  
*Officer Response: The Coal Authority are satisfied that the submitted Coal Mining Risk Assessment is satisfactory subject to conditions.*

- Details within committee report.
- Site intrusive investigation should be carried out before outline planning permission granted  
*Officer Response: a pre commencement condition has been recommended by the Coal Authority, and this condition is recommended in the committee report.*
- Why wasn't application refused straight away  
*Officer Response: the application is allocated for housing and has been assessed against relevant local and national planning policy policies*
- Parking layby owned by Northorpe Hall  
*Officer Response: The red line boundary includes this land and notice has been served on the relevant landowners*
- Road surface very weak and in poor state  
*Officer Response: this is noted.*
- Without the verge being converted to parking, development cannot go ahead as not enough access for vehicles  
*Officer Response: see highway safety section of this report.*
- Bridleway running through the verge  
*Officer Response: the public right of way (MIR/12/60) does not run through the grass verge. It runs to the south of this piece of land, adjacent to the proposed layby land.*
- Paragraph from planning application 93/00369 has been submitted which states that land waterlogged during rainfall  
*Officer Response: this is noted. Local Lead Flood Authority have been consulted on the application. Details are within the committee report.*
- Trees felled contrary to Preliminary Ecological Appraisal  
*Officer Response: this is noted. The Arboricultural Officer has stated that no trees worthy of tree preservation order have been felled. The Ecology Officer is aware of this and the ecological impact of the*
  - *proposed development is addressed in the committee report.*
- Poor condition of the road  
Officer comment: this is noted
- Object against layby being constructed on Northorpe village green  
Officer comment: this is noted
- Been used for hundreds of years by the village  
Officer comment: this is noted
- Old Yorkshire stone path running through the green by residents  
Officer comment: this is noted
- In Hm Pobjoy's history of Mirfield, it says a roman road ran up Northorpe and down Jill Lane.  
Officer comment: this is noted. See report for assessment of archaeological features and historic environment

- Council laid kerbstones there to protect the green and now they want to destroy it  
Officer comment: this is noted. The green is proposed as a layby to facilitate the proposed development.
- Widening the road will make car drivers travel faster  
Officer comment: this is noted.
- Kirklees council has a policy to protect greenspace and community heritage  
Officer comment: the application has been assessed against historic environment national and local planning policies as set out in the report above. The small area of green space/grass verge is not indicated in the local plan as a space that provides a high level of amenity value.
- Construction machinery and additional trade transport required to support the build  
Officer comment: this is noted.
- Lane already a single lane near the junction with Crossley Lane due to the cars parked on both sides of the road  
Officer comment: see highway safety section of this report
- Number of livery yards that use the lane on a daily basis will make lane dangerous for horse riders and other road users
- Officer comment: see highway safety section of this report
- Houses have to be built somewhere, but incomprehensible to build houses where the site is tucked away and the infrastructure and current volume of road users has already far exceeded the volume that the lane was intended for.  
Officer comment: the agent has provided sufficient justification in the form of submitted information to ensure that the proposed development will not result in any highway safety issues. See highway safety section of this report.
- To add traffic is not acceptable.  
Officer comment: see above comment
- Dangerous and unsafe for people  
Officer comment: see highway safety section of this report
- Green space is planted by the community and therefore is something which Kirklees Council should prioritise  
Officer comment: as stated above, the grass verge does not provide a high amenity value for the community and is not identified in the Kirklees Local Plan as an area for protection. Notwithstanding this, consideration has been given to the impact on the setting of the listed building.
- Layby been a meeting place for locals where there once was a seat and pathway should be protected  
Officer comment: this is noted. There is no seat and pathway on the land as existing.

- Flowers planted and in spring they are a pleasure to see and is enjoyed by the neighbourhood and visitors to the Hall.  
Officer comment: this is noted
- Layby would be filled with cars and therefore of no advantage to the access  
Officer comment: see highway safety section of this report
- To try and obtain the Hall's property at such a late date is bad procedure  
Officer comment: this is noted. The Council has re- advertised the amended red line boundary and allowed comments on the inclusion of this layby to be considered.
- Layby beneficial to insects and other wildlife as well as being aesthetically pleasing  
Officer comment: it is not considered that the grass verge has any significant ecological value. It is not identified as an area of land that is worthy of protection.
- Can't see the plans or drawings to the design of the proposed layby/road widening – this is hardly a transparent process  
Officer comment: the section plans and block plan showing the layby are on the Council's website for comment
- The Green is not in the gift of the Council to use for their own purposes  
Officer comment: comment noted
- Residents at risk of high traffic speeds  
Officer comment: see highway safety section of this report
- Are there planning policies to protect green spaces and community heritage?  
officer comment: the impact on the setting of the listed building has been discussed in the report below. The grass verge is not considered to be of significant amenity value worthy of protection.
- The Green contains a public footpath and would be adversely impacted by new proposals  
Officer comment: there is a designated footpath to the west of the site which will not be impacted by the proposed development – see other matters section of this report.
- Northorpe Hall is a listed building and land used for layby would impact adversely on this important historic site  
Officer comment: see visual amenity section of this report and the other matters section.
- Council has duties to protect community facilities this space is valuable greenspace for the community  
Officer comment: this area is not a protected community facility and is not identified in the Kirklees Local Plan as such.
- Installed a kerb to prevent people parking on this space so latest proposal is a complete 'U' turn on the Council's behalf  
Officer comment: this is noted
- Extremely let down by the Council as a resident in the area, should want to protect local communities rather than help destroy them

Officer comment: this is noted.

- Development would affect the lives and mental health of residents of Northorpe

Officer comment: this is noted

- Northorpe has quite a few farms, stables will be affected- horses are part of the community in Northorpe and the Green is used by riders as a safe place to pass vehicles.

Officer comment: this is noted. Highway safety is addressed in this report

- Are speed bumps an intention to calm traffic?

Officer comment: this is noted. The proposed development does not include the provision of speed bumps.

- This area does not have a public park or green space, how will this be replaced?

Officer comment: the grass verge is not identified as a formal area of green space in the Kirklees Local Plan and does not function as a public park.

- It is right to destroy unnecessarily green spaces to allow for more cars, even thinking about the planet.

Officer comment: see climate change section of this report.

- Would trees on the green be cut down?

Officer comment: this would be a matter that would be assessed at reserved matters stage, should the application be approved

- People played conkers, cricket etc

Officer comment: this is noted

- Land is owned by Northorpe Hall

Officer comment: certificate B of ownership has been signed and notice served on Northorpe Hall Trust.

- Contributes to physical and mental health and wellbeing of the community

Officer comment: this is noted. However, the grass verge is not designated for any use. There is a condition recommended on the application to ensure that a pedestrian/ cycleway connection is provided to the development to enhance the connectivity of the site, to promote the wellbeing of users, in accordance with chapter 8 of the NPPF.

- Ramblers and hikers using the green as a resting point, stewards for duke of Edinburgh take advantage of the green whilst waiting for orienteers to arrive.

Officer comment: this is noted

- Green used as a safe area when traffic heavy on the lane

Officer comment: this is noted. It is not considered that the proposed development will result in any highway safety issues. See highway safety section of this report.

- Planning department remiss in their actions and not fit for purpose.

Officer comment: this is noted.

- Scandalous that the layby may be lost  
Officer comment: this is noted.
- Traffic at junctions of Crossley Lane and Northorpe Lane and Shillbank Lane can be heavy at peak times, and because the junction in close proximity additional traffic will make it more difficult for drivers and pedestrians  
Officer comment: this is noted. Highway safety has been assessed in this report.
- Potential for more accidents  
Officer comment: see the highway safety section of this report
- No plans available for residents to see how much of the green will be removed. Kirklees are not following procedures properly  
Officer comment: there are section plans and block plan available online and members of the public have been made aware of these indicative details of the layby
- Motor detector survey cable across the road and no one knows why it was put there, in the planning meeting, it was stated that it was a pure accident why this had been put down  
Officer comments: the details that have been used to aid the highways information on the website. There is a highway safety section in this report.
- Kirklees and the agent not fit for purpose and have made it difficult to obtain information  
Officer comment: this opinion is noted.
- Kirklees website broken and continually changing  
Officer comment: the information on this application has been updated accordingly to allow members of the public to comment on the most recent information
- Evidence of changing the land from green belt to garden land  
Officer comment: the site was taken out of the Green Belt under the Kirklees Local Plan and members of the public were consulted on this change through that process.
- Site has been transformed over the past few months, wildlife disappeared, and the landscape has been prepared for it to be classed as garden land  
Officer comment: this is acceptable and clearing the site would not require planning permission.
- Landowner been given guidance by agent or Kirklees Planning about how to prepare his land for building  
Officer comment: this is not the case.
- Committee meeting decision been deferred – could have been told at the beginning of the session.  
Officer comment: this is noted. The application was deferred to allow for members of the public to comment on the amended information
- Wildlife seen at the site and the proposed layby  
Officer comment: this is noted. See ecology matters.

- Difficulty leaving the house as a result of health issues (issues that will not be helped by local traffic and noise pollution)  
Officer comment: personal issues are not a material planning consideration
- Health centre appointments will take longer with more people  
Officer comment: this is noted. Contributions will be made to education, affordable housing and public open space.
- A bit shady to allow people to buy such houses  
Officer comment: this is noted
- Nice to save some of the character of Northorpe Lane  
Officer comment: this application is solely seeking permission for the principle of a point of access to the site
- People generally feel safe walking down these fairly quiet backwaters, loss of quiet route which diminishes quality of life  
Officer comment: quality of life is not a material planning consideration
- Traffic monitoring equipment to gauge density of traffic flow was conveniently sited at the top of Northorpe Lane well past the proposed site entrance – skewed and totally irrelevant result
- Highways department suggested that car movements, road safety must be taken seriously  
Officer comment: highway safety has been given significant weight in the balance of material planning considerations. Highways DM have commented that there will be no highway safety issues as a result of the proposed development.
- Why doesn't the council ever listen to local residents objecting about planning applications – ask people to register concerns then dismiss them out of hand  
Officer comment: all comments have been considered and given weight in the decision making on this planning application.
- Lower Hopton councillor stating that “we're prepared to take a risk on flooding”  
Officer comment: this is noted.
- Why can't KMC look further afield for potential development sites instead of being intent on filling every last green space in North Kirklees - south Kirklees does not have same development.  
Officer comment: this site is allocated for housing on the Kirklees Local Plan.
- Is this because the residents of south Kirklees have more influence on how Kirklees is run?  
Officer comment: this opinion is noted. All Kirklees residents' opinions are considered.
- Proposal is 2 spaces per house but most people will have more than 2 vehicles – figures of 70 movements a day is totally wrong. Dread to think how many potential accidents there will be at the junction  
Officer comment: highways development management have commented on the application and confirmed that the submitted information is acceptable

and that there will be no highway safety issues as a result of the proposed development.

- Just who is going to benefit from more houses in an already built up area?  
Officer comment: this application seeks the principle of development of the site
- Layby is common land and therefore can't be used by the council  
Officer comment: this opinion is noted
- Previously installed a kerb to prevent parking on the green and it now wants to do the exact opposite  
Officer comment: this is noted.
- Noise pollution from additional vehicles, machinery and building work would be huge and not welcome at all  
Officer comment: a construction management plan will be conditioned to ensure that the extent of work at the site has an acceptable impact on residential amenity.
- Mirfield has far too many new build estates  
Officer comment: this is noted
- No mention of additional school places or surgeries being built to compensate for the ridiculous amounts of being built  
Officer comment: a contribution will be made by the development towards education. See report.
- Box ticking of targets by Kirklees  
Officer comment: the site is allocated for housing and will help towards the Council's housing target for the local plan
- Given the topography of the site, it will be necessary for pumping to be included in any design -under LP28 there is a presumption against pumping and therefore this development does not meet the council's policy requirements  
Officer comment: The LLFA have commented on the application and confirmed that there is no objection to the proposed development. Drainage details will be dealt with at reserved matters stage
- Proposal is fraudulent as Kirklees know the application form is inaccurate  
Officer comment: the application is valid and a site visit has been carried out to ensure that the site context is accurately known.
- Deliberate attempt to manipulate planning officers into making a decision  
Officer comment: this is not the case.
- Bat roosts that have been lost  
Officer comment: see ecology section of this report.
- Applicant previously persuaded the council that the construction of commercial fishponds was allowing having emphasised the tree planting and hedgerows. Now, these are being removed.  
Officer comment: this is noted as relevant planning history of the site. Clearing of the site is allowed without planning permission.

- These urban green spaces also perform an important function by providing visual breaks in built up areas  
Officer comment: the site is not urban green space; it is allocated for housing development.
- Climate emergency – removing any green space is detrimental with the environment  
Officer comment: this is noted. Electric vehicle charging points are conditioned.
- Council willing to ignore its own planning strategy and allow loss of green facility of environmental and social benefit  
Officer comment: The Council's Local Plan allocates this site for housing and therefore the development is consistent with the local plan.

#### TO FINISH REPLYING TO REPS

- Why were owners not notified of including this land in the development?  
Officer comment: Ownership certificate **B** was signed and notice served on the relevant land owners.
- Why did it take until January 8<sup>th</sup> for Northorpe Hall to be notified (and only when residents queried the planning team's actions)?  
Officer comment: When it brought to the Officers' attention, as above, the relevant notices were served on the land owners and the statutory time period given to allow for comments following this.
- Why were residents of the 'full' site not notified of the proposed relating to the green once the matter was re-opened for public consultation?  
Officer comment: all statutory publicity has been undertaken for the planning application.
- Why did the published plan not outline the full extent of the site – it only includes the dwelling and the field behind  
Officer comment: initially, this was the case. Following an assessment of the planning application a requirement for the layby was included in the plan and this was advertised to members of the public.
- Why is the new plan showing the site and village green dated April 2019?  
Officer comment: this is a plan submitted by the agent and does not alter the details which are being applied for.
- Why was the intention to remove the Green not publicised from the outset?  
Officer comment: initially the Green did not form part of the planning application. Following further assessment and highways discussions, the requirement was evident and therefore, this land was subsequently made part of the planning application and relevant publicity and notices adhered to.
- Inclusion of the green will directly affect a listed building and a public footpath – why was the purpose of this consultation period not publicised?  
Officer comment: the site notices that have been erected at the site state that the development will affect the setting of a listed building and a public footpath.

- New notices were put up but no information to identify the specific issue despite the detrimental effect on this neighbourhood  
Officer comment: new site notices were put up to identify that the development proposal includes the layby and could affect a public footpath and listed building.
- Planning officer has confirmed that the consultation period has been further extended beyond the 18<sup>th</sup> and the website still advertises the 18<sup>th</sup> as the statutory closing date. What is the end date?  
Officer comment: the end date of the publicity is 3 weeks from the date that the site notice was erected, as per the details of the site notice.
- Why has the highways department reported publicly that it has no knowledge of why a traffic counter was fixed at no. 28 Northorpe Lane.  
Officer comment: Highways DM reported no knowledge of the traffic counters. In the case of this development, information was provided in the supporting information, which is available on the website, in terms of how the speed survey information was considered.
- Highways department confirmed its purpose but failed to reply to residents on at least 4 occasions  
Officer comment: this is noted.
- Highways department record keeping is clearly inadequate  
Officer comment: this opinion is noted
- Long established highways problems on Northorpe Lane will not be resolved by this alteration  
Officer comment: see highway safety section of this report.
- Local planning authority has entirely mishandled this application and scant regard has been given to residents' legitimate concerns  
Officer comment: this is noted. All representations made in relation to the planning application have been thoroughly considered and formed part of the assessment of the planning application.
- Council recently been criticised for not listening to its residents  
Officer comment: this is noted.
- A full investigation is required in to how this planning application has reached the current stage without planning officers being aware of the incorrect details, and failure to follow due process  
Officer comment: this is noted. All statutory publicity has been undertaken and site visits and assessments carried out to ensure that the correct assessment of the planning application can be undertaken.
- Can the complaints procedure and to whom this situation should be referred for a full and independent review to take place be explained.  
Officer comment: the council's complaints procedure is on the Kirklees Council website.
- Cramming this number of houses onto this land encourages poor design, lack of privacy, congestion on the estate and a huge loss of amenity space for the community

Officer comment: the application site is the residential garden of no. 28 Northorpe Lane, and the numbers shown on the plan are indicative at this stage. As previously mentioned, this application solely seeks permission for the principle of development and the point of access.

- Northorpe is one of the three Mirfield Manors noted in the Domesday book – historic village landscape is worthy of conservation  
Officer comment: this is noted.
- Disabled children use Northorpe lane, more cars reversing is surely not in their best interests  
Officer comment: highway safety has been assessed in this report.
- Active consideration being given to dedicating this land as a village green  
Officer comment: this is noted. At the time of writing this report, the council has not been made aware of any approved application for this.
- Protect and improve green infrastructure – intention to destroy the green is at odds with your own policy  
Officer comment: the application is not at odds with the local policies. The site is allocated for housing and measures have been included within the application to ensure that any future reserved matters application should include a connection to local cycling/walking infrastructure.
- Reasonable expectation that an application will be handled appropriately but in this case, this has not happened  
Officer comment: this is noted.
- Fear that valid comments from the public and the legitimate needs of the community play no part in the decision making process  
Officer comment: as seen in this report, all comments have been considered and given weight in the decision making process.
- Plan dated April 2019 so it's assumed that it has always been the intention to include the Green but the council failed to properly advertise the application, resulting in members of the public not being fully aware of the extent and implications of the proposed development.  
Officer comment: as stated above, the inclusion of the Green was a later addition to the application site following initial concerns raised by Highways DM.
- Demonstrates a lack of attention to detail and a failure to follow proper procedure to avoid this situation. Concerned that this was not a mistake  
Officer comment: correct procedure has been followed and statutory publicity undertaken.
- New notices placed on Northorpe Lane, no specific detail as to the nature of the new period. Timing of new notices being erected prior to Christmas is suspect  
Officer comment: the site notices were erected following the receipt of additional information relating to the proposed layby.
- Concerns relating to highway department and lack of customer care, if department cannot maintain simple records, how can it be trusted to deal with this matter with the appropriate level of rigour?

Officer comment: a detailed highway safety assessment has been undertaken

- How can the access be assessed without relevant details being provided?  
Officer comment: see highway safety section of this report. The access is acceptable and adequate information has been provided.
- Why is council planning department absolutely determined to have this application passed?  
Officer comment: the application site is a housing allocation and has been assessed against material planning considerations.
- Consultation process has been poorly managed and does not encourage public participation in any meaningful way. In fact, it is quite the opposite. A deliberate attempt to withhold critical information in the hope that the public remain unaware of what is being planned for them.  
Officer comment: this is noted. The council has not attempted to withdraw information and all statutory publicity has been undertaken.
- David Attenborough stated that the removal of green spaces and trees causes global warming, and that the greenfield sites takes priority over the numerous brownfield sites within Kirklees?  
Officer comment: this is noted.
- School children use Northorpe lane which could be considered to be a road safety issue.  
Officer comment: see highway safety section of this report.
- Issues with planning application form  
Officer comment: the application form has been reviewed. The case officer has undertaken a site visit to establish the context of the proposed development.
- Issues with the lane causing tension in the community – bin wagon lost grip and nearly wiped out a resident's car  
Officer comment: this is noted.
- Where will the foxes go if this proposed housing estate goes ahead?  
Officer comment: see ecology section of this report. As mentioned, this application solely seeks permission for the principle of development and point of access.
- Constant flow of water that pour down the road from the natural springs will cause flooding issues  
Officer comment: see other matters section of this report.
- It is heart breaking to think in a couple of years that I will feel like I am driving home to a Lidl car park  
Officer comment: this is noted
- Councillors and officers need to take community benefits of heritage and greenspace into account, not just the extra council tax revenue from a development.  
Officer comment: greenspace and heritage have been considered, as well as all other material planning considerations.

- Council's policy is to enhance the environment, reduce traffic on already gridlocked roads and improve air quality – this proposal will have the opposite effect  
Officer comment: the site is allocated for housing and has been assessed in relation to highway safety. In relation to improving the environment, a condition relating to electric vehicle charging points has been recommended, as well as a condition to ensure that at RM stage, a connection between the site and the anticipated walking/cycling network should be provided.
- Tarmac over the green space would be unthinkable when suffering climate change  
Officer comment: this is noted. There is already a small area of hardcore at the site which has been recently laid.
- If green was cut away, the dry-stone wall of Northorpe Hall boundary could become unstable and collapse  
Officer comment: As stated within the NPPF paragraph 179, the stability and safety of a site is the responsibility of the developer.
- Raised a spectre of predetermination  
Officer comment: the application has been assessed on its merits, including consideration of all comments made on the application.
- Layby will make the listed building less attractive and as a wedding venue, and will reduce the income of the charity  
Officer comment: see officer report. The attractiveness of the site as a wedding venue is not a material planning consideration, however, the setting of the listed building is considered and appropriate design of the layby will be assessed at any subsequent reserved matters stage
- Excavation of more than a spade and a half into the green – claims that Kirklees have highways rights, but you do not have rights to the subsoil that is owned by Northorpe Hall.  
Officer comment: this opinion is noted, and notice has been served on the owners of the land. The works could be carried out by the Local Highway Authority.
- Is it correct that a charity should have to spend money on a court case if they want to stop someone taking their land?  
Officer comment: this is not a material planning consideration. The grass verge is highway land, on which works can be carried out by the Council.
- West Yorkshire archaeological society have not been consulted on the changes to the layby.  
Officer comment: as stated, a condition will be recommended to ensure that archaeological works are taken place prior to work commencing on development.
- Previously been a garage and benches on the grass verge – community facility.  
Officer comment: the proposed layby site is a grass verge
- Local plan was advertised in local newspapers but not everyone reads local newspapers – would have been more appropriate to carry out a letter drop

Officer comment: the local plan consultation process is not a material planning consideration for this application. Members of the public were invited to comment on the local plan, and this site has been allocated for housing subsequently.

- Section attached to this application showing the layby is substandard – full dimensions of layby are not shown and volume of land excavated cannot be fully interpreted

Officer comment: this matter is reserved for any subsequent planning application.

- Hazard to the existing path, sheer drop adjacent to the public footpath of the resultant retaining wall
- Path would become unusable and dry-stone wall may collapse, which is part of the setting of the Grade II listed structure.

Officer comment: as noted below, this is a matter for the developer to ensure that the site is safe and stable. As well as this, the design/ levels of the layby are not being considered as part of this planning application.

- Recent severe storms and rainfall during February 2020 -site shows flooding to the south of the site

Officer comment: there is no objection from the LLFA and further details will be required at reserved matters stage

- Could conservation department review their comments in light of proposed layby

Officer comments: comments have been sought on this matter and there is no objection subject to a buffer being created around the boundary wall

- Housing allocation does not mean that planning permission should automatically be granted – there are issues with this site that were not identified at local plan and which bring the develop ability of the site into question

Officer comment: the application has been assessed in relation to the local plan allocation for the land along with material considerations

- Not acceptable to extend red line of an application when it amounts to a major change – a new planning application should have been requested.

- This was established in the case of *Pridmore v Salisbury District Council*

Officer comment: the extension of the red line boundary to form a layby is acceptable under this application, new publicity and consultation has been undertaken.

- Consultation process following submission of the amended red line boundary has been insufficient

Officer comment: members of the public have been allowed to comment on the extension of this red line boundary, and the application has been publicised in relation to the setting of the listed building and the public right of way.

- No evidence that amended red line has been sent to consultees, let alone that changes to their comments have been made, no information on the website to indicate that the consultees have been formally consulted after significant change – this failure to consult is challengeable- final consultation responses on the scheme which include the layby is published

Officer comment: all statutory consultations have been undertaken. In relation to further comments on the design of the layby, this is a matter reserved for future consideration, and conditions have been recommended to this effect.

- Section 66 of Planning Act 1990 states that LPAs shall have special regard to desirability of preserving building or its setting – insufficient consideration has been given to impact of the layby on the setting of Northorpe Hall  
Officer comment: consideration has been given to the impact of the proposed layby on the setting of the listed building. The principle is acceptable and further information will be required at any subsequent reserved matters.
- When site was allocated, layby wasn't included, so impact on setting of Northorpe Hall was considerably different  
Officer comment: this is noted and consultation with Conservation and Design in this regard has been undertaken, as well as relevant publicity.
- Do not consider that conditioning the details of a buffer is sufficient or appropriate – conservation officer needs to be reconsulted and impact on setting of listed building needs to be adequately addressed  
Officer comment: this application is not assessing any details of the proposed development apart from access, this is acceptable in this instance. And will be assessed at any subsequent reserved matters application under 'layout' – the principle of a layby in this location is acceptable to the case officer and conservation officer.
- Development would have a detrimental impact on the setting of Northorpe Hall  
Officer comment: this opinion is noted and the impact on the setting of Northorpe Hall has been assessed.
- Land is owned by Northorpe Hall and they do not consent to layby being constructed on their land  
Officer comment: the relevant ownership certificates have been served to ensure that the application is valid. The grass verge to be laid out as a layby is highway verge, meaning that works to the highway can be undertaken by the council.
- Council indicated that they consider that the land forms part of the public highway, we do not concur and understand legal advice is being sought regarding this claim  
Officer comment: this is noted.
- Layby been proposed to overcome deficiencies in the access to the site – in event that layby is not public highway, then developer cannot provide layby and therefore development is unacceptable on highway safety grounds  
Officer comment: this is noted. However, in terms of the planning process, this is a valid application as notice has been served on other owners of the site. The highway safety impacts are acceptable.
- Number of errors in January committee report that must be addressed
- Report states that LLFA have no objection, but most recent consultation response states that they object – most recent consultation response should be made public

Officer comment: following the submission of a flood risk assessment, the LLFA do not object to the planning application as seen in this report.

- Issue of flooding must be properly addressed – when application for Koi Carp Farm was submitted, applicant said that land was often flooded and water logged – council aware of this.

- January committee report totally failed to address objections raised by local residents, especially in relation to flooding downhill of the site and how this would be exacerbated by the proposed development.

Officer comment: the agent has submitted a flood risk assessment and this is acceptable to the LLFA. At reserved matters stage, further information will be requested.

- Numerous objections regarding concerns in relation to impact of construction vehicles and increased traffic on the vulnerable adults living in Northorpe – no consideration of the impact on these vulnerable adults in terms of their amenity.

Officer comment: the vulnerability of the users of Northorpe Hall is not a material planning consideration. However, highway safety has been considered and confirmed to be acceptable as seen in the highway safety section of this report.

- Application form factually incorrect – site been used as a commercial Koi Carp Farm for over 20 years, not domestic garden

Officer comment: the case officer has been to the site and is aware of the planning history.

- Koi Carp planning permission had attached conditions which required planting to encourage wildlife and screen the ponds – application form indicates that there were no trees on site.

Officer comment: this is noted. The case officer has been to the site and noted the site's characteristics. Clearing of the site is acceptable and K.C Trees are not concerned with the removal of the trees within the site given that they are not mature.

- Site was actually covered in trees and planting – current owner has removed this landscaping and altered the site since permission has been applied for

Officer comment: clearing the site is acceptable without planning permission.

- Cut down most of the trees, ripped out the hedgerows and cleared large portions of the site – not following the recommendations of the Preliminary Ecological Appraisal and Landscape Report – this should be discussed with relevant officers within the council and reported to members of the committee.

Officer comment: this is noted. At reserved matters stage, further assessment of the ecological value of the site will be considered and measures put in place to mitigate any impact.

- Application form indicates that the site serves no ecological function, this is incorrect given the fact that the land is a piece of open green land

Officer comment: this is noted. See other matters section of this report in relation to ecology.

- Only way forward is for application to be withdrawn and re submitted in the correct form, application can be properly consulted upon and a decision can be reached following correct consultation  
Officer comment: the process that has been followed is acceptable. There is no requirement to withdraw the application.
- Northorpe Trust holds events meaning that demand for parking often exceeds the number of spaces within the site itself and visitors make use of spaces along the frontage  
Officer comments: highways DM have noted the use of the Hall and are satisfied with the impact on highway safety as a result of the point of access. Northorpe Hall has car parks with dedicated parking within their site and it must be noted that the parking to the front on Northorpe Lane is not dedicated to the Trust and therefore is not necessarily available for this use. As well as this, the layby will provide parking spaces within it.
- The green has significant amenity value – keen that design and use remains as it is  
Officer comment: the site is allocated for housing on the Kirklees Local Plan and is not considered to have significant amenity value
- Required visibility splays cannot be achieved at the proposed access to the north and the south – would be encroachment onto neighbouring property  
Officer comment: The visibility splays at the proposed access are either confined within the site or on the adjacent highway, and do not encroach into any third part land.
- Splays have been drawn favourably for the applicant and incorrectly measured  
Officer comment: Manual for Streets 2 paragraph 10.5.3 states '*Therefore a more accurate assessment of visibility splay is made by measuring to the nearside edge of the vehicle track*'. The recorded speeds were 20.4mph (northbound) and 17.7mph (southbound). Visibility splays have been proportionately reduced in accordance with the stopping sight distances required within Manual for Streets, with a requirement of 2.4m x 26.5m to the south and 2.4m x 22m to the north. The visibility shown corresponds with this requirement. The concern with respect to visibility splays is without foundation.
- Concerns relating to the approach that has been taken with speed survey methodology – more than one measurement should have been taken  
Officer comment: The sample size considered to be appropriate having regard to the residential status of Northorpe Lane and that the speed survey was carried out over 4 hours with a combined sample of 99 vehicle speeds being recorded. A single speed survey is widely accepted by Kirklees Council's Highways Officers for obtaining appropriate visibility splay provision. The locations for the samples follow best practice for determining traffic speeds (at the envisaged decision points).
- Results unlikely to give an accurate reflection of the actual range of speeds and as such cannot be relied upon for calculating visibility splay requirements  
Officer comment: for the above reasons and those stated within the highway safety section of this report, the information provided was considered

acceptable for Highways DM to accurately assess the proposed development.

- Integrity of speed survey data is questionable, not clear whether there is one or two data collection points, as well as when on street parking opposite the proposed access and parking acts as a speed restraint  
Officer comment: see above.
- Road insufficient width to allow two vehicles to pass when vehicles are parked – relocation of parking in this layby will remove this speed restraint, resulting in increased speeds and thus more onerous requirements for visibility  
Officer comment: The introduction of a layby will relieve on street parking adjacent to the site. Given the road width at this location and that the road narrows further north of the site, traffic speeds are highly unlikely to rise with the introduction of a layby and partial removal of on street parking along Northorpe Lane.
- Provision of this access with proposed visibility splays that are not appropriate will result in significant road safety issue  
Officer comment: see above responses. The proposed visibility splays are acceptable in this context.
- Swept path analysis of an 11.85m refuse vehicle could not be accommodated even with initially proposed keep clear marking Now, layby proposed – so as to relocate parking off the existing highway to allow servicing vehicles to access/egress the proposed development – this introduces other issues  
Officer comment: see above responses. The impact on highway safety is acceptable.
- Land ownership records inconclusive and land does not appear to be definitively within the adopted highway, as such should not be included within the red line boundary – garage for Northorpe hall was previously erected on the land, and dropped kerb and drive still in place – Northorpe Trust has right of access over this part of The Green – access to the former garage site would be impeded by parked vehicles – layby cannot be delivered as required and therefore there will be highway safety issues.  
Officer comment: for the purposes of this planning application, notice has been served on the relevant owners of the land and the application is therefore valid. The garage is not on the site now and consideration of the proposed development has been undertaken based on the existing situation, meaning that any new layby would not be impeded by parked cars within the layby. A new garage would require planning permission.
- Dropped kerb still remains on the site and the drive leading to the garage remains and the drive has been retained (new surfacing recently laid)  
Officer comment: this is noted. The case officer and highways officer has been to review the recently laid surfacing. This driveway, which was overgrown and not likely to have been used for vehicles a lot, is likely to require highway consent given that this work has been done to an adopted highway verge. Should the planning application be granted, the removal of this area of hardstanding would not result in a loss of parking provision that would result in highway safety issues.

- Layby does not appear to allow for the retention of this footway and its loss would result in a significant detrimental impact on local amenity  
Officer comment: plans are indicative at this stage as 'layout' is not being considered and the existing historic footway could be accommodated along with the required parking if decided at reserved matters stage.
- Layby design does not reflect standards with the Kirklees Highways Guidance and Standards and therefore, would be unlikely to be adopted by the Council, causing a future maintenance issue  
Officer comment: the plans submitted at this stage are indicative only and any future reserved matters application will assess this in detail under 'layout'.
- Parking on eastern side of Northorpe Lane could increase – this does not happen at the moment but the installation of the layby will serve to widen the available carriageway width – will impede visibility at access point  
Officer comment: The layby will provide sufficient off carriageway parking and subsequently allow for sufficient carriageway space for refuse vehicle access to and from the site and will not impede visibility at the point of access.
- Not all required data has been submitted with the technical note - no queue length data and do not take into account impact of prevalent on street parking around the junction  
Officer comment: see below response.
- School pick up and drop off times, this part of network becomes busy, with movements impeded by parked cars – creates an issue with vehicles turning into Northorpe Lane and not anticipating a static queue.  
Officer comment: see below response.
- Community facility of Shillbank Stores is located to the east of Northorpe Lane and majority of customers park on/ around the junction.  
*Officer comment: the local context has been considered in relation to highway safety and other sites within the area that would result in an impact on the local highway network. The Northorpe Lane/ Shillbank Lane has been assessed based on current TRL software Junction 9 PICADY and includes traffic survey data during the network peak periods. The assessment demonstrates that during the busiest peak periods the RFC is well below 0.85. Given the parameters and geometry input for the model, on street parking would have no influence on the RFC value and junction performance during the current and future years with and without development traffic scenarios. This concern is without foundation.*

#### 10.85 Comments from Councillor Martyn Bolt:

- Highways concerns  
*Officer comment: see highway safety section of this report.*
- Education contributions – where will they go?  
*Officer comment: contributions will be finalised at any subsequent reserved matters stage. The contributions would go to Crossley Fields School and the Mirfield Free Grammar School.*

- Greenway provision

*Officer comment: this has not been requested by Highways Development Management*

- Loss of trees

*Officer comment: see other matters section of this report.*

- Concerns relating to discrepancies with the application form

*Officer comment: this is noted. However, the case officer has been to the site and understood the proposed development's context. A sufficient assessment of the proposed development could be carried out.*

- Provision of a lay by on council owned land could mean that the planning application is refused

*Officer Response: Highways Development Management have confirmed that the layby is required to make the scheme acceptable from a highway safety perspective.*

- Land is not within the red line boundary of the application form – report is incorrect

*Officer Response: the land proposed for the layby is within the red line boundary. This has been reported to members in the committee update.*

Public have not seen the red line boundary and therefore cannot comment on loss of amenity

*Officer Response: the new red line boundary will be re advertised.*

- Planning application which has a material impact on or affects land of other owner should have notice served, process should be halted until that formal and legal process has taken place

*Officer Response: this is noted. Notice has now been served and Certificate B submitted on the application form. This is a legal notice that states that notice has been served on the other owners of the land.*

- Land should be seen under the precedent of Stokes v Cambridge as a ransom strip and a higher value can be gained for the use or sale of the land/ value is equal to the total development potential of the site

*Officer Response: The works to form the layby would be carried out under the Highways Act (Section 38 or 278 Agreement).*

- Grampian condition should be includes to caveat that no development can take place until a formal easement or sale has taken place, for which I expect Kirklees to ensure a maximum return on their asset

*Officer Response: this is noted.*

- No material gain to the residents of Mirfield or the wider Kirklees area as a result of losing layby

*Officer Response: this is noted. However, the layby proposed would, in the view of officers, provide a more appropriate parking area for the vehicles that currently utilise the on-street parking along this stretch of Northorpe Lane.*

- In the view of potential value for the land, I believe such a decision should be made by cabinet  
*Officer Response: this is noted. The application is being heard at Heavy Woollen Planning Sub Committee in accordance with the delegation agreement.*
- Officers would be on an isolated platform if you were to try and tell Mirfield and Kirklees that highways and land associated with it were not council assets. It is land vested with highways  
*Officer comment: this is noted.*
- Land is owned by other others and they have not been consulted on, nor given permission for its use  
*Officer comment: Certificate B of the planning application form has been signed and the required publicity will be undertaken to allow comments to be made on the amended red line boundary.*
- Ownership of land is unclear and therefore impossible for planning application to be heard – report is on a false premise  
*Officer comment: see above response.*
- Grass verge is not within the red line boundary  
*Officer comment: the grass verge is within the red line boundary and, as stated above, the relevant publicity will take place.*

#### 10.86 Concerns made by Mirfield Town Council:

- Concern relating to application form (lack of integrity and honesty)  
*Officer comment: this is noted. However, the case officer has been to the site and understood the proposed development's context. A sufficient assessment of the proposed development could be carried out.*
- Application form states no trees or hedgerows on the land  
*Officer comment: this is noted. The K.C Tree Officer has commented on the planning application and confirmed that there is no concern about the removal of trees. The case officer and consultees are fully aware of the site context.*
- Lies and misleading comments on the application  
*Officer comment: this is noted.*
- Traffic counters placed in areas with low traffic counts (does not give an accurate view of the amount of traffic)  
*Officer comment: this comment is noted. Highways DM are satisfied with the transport statement and other reports submitted with the application.*
- Highway network not suitable for the capacity of traffic  
*Officer comment: see highway safety section of this report.*
- Proof of mitigation water runoff tested and proven prior to approval  
*Officer comment: the principle of development has been assessed by the Local Lead Flood Authority who have confirmed that there is no objection to the proposed development. A condition has been recommended for a*

*drainage scheme to be submitted. At this stage, layout is not being considered.*

## **11.0 CONCLUSION**

11.1 To conclude, the concerns summarised above have been carefully considered however, when assessing this planning application in relation to national and local planning policy, along with all other material planning considerations, officers are of the opinion that the principle of residential development on this site which is allocated for housing on the adopted Kirklees Local Plan is acceptable. Furthermore, on the basis of the submitted information and subject to appropriate conditions, the point of access is also considered appropriate from a highway safety perspective.

11.2 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and further consideration at Reserved Matters stage, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

### **Suggested Conditions:**

1. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought by development commences.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within 3 years.
4. Time limit for commencing development.
5. Development to be carried out in accordance with approved plans and specifications.
6. Affordable housing contribution.
7. Education contribution.
8. Open space contribution.
9. Submission of a Travel Plan, to include metro card provision, provision of bus shelter and monitoring of Travel Plan.
10. Submission of a Drainage Maintenance and Management Scheme.
11. Submission of a Flood Risk and Drainage Strategy.
12. Programme of archaeological recording to be submitted by a qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation.
13. Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.
14. Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.
15. Provision of Electric Vehicle Charging Points.
16. Submission of a Phase 1 Preliminary Risk Assessment Report

17. Submission of a Phase 2 Intrusive Site Investigation Report.
18. Submission of a Remediation Strategy.
19. Implementation of a Remediation Strategy.
20. Submission of a Validation Report.
21. Submission of a Noise report specifying measures to be taken to protect the future occupants of the development from noise from Humac Associates Supplies Ltd, Stoney Lane and Northorpe Working Mens Club, Eastfield Road.
22. Submission of an Ecological Impact Assessment.
23. Development to incorporate measures to minimise the risk of crime and meet the specific needs of the site and development.
24. Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.
25. Detailed plans and sections of layby to be submitted to and approved in writing by the LPA
26. The proposed development will not commence until the layby which is adjacent to Northorpe Hall is completed.
27. Details of junction new estate road to be approved in writing and development shall not be occupied until these works complete
28. Within first 3 months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.
29. Details of a pedestrian link between the application site and any future footpath/cycle path shall be incorporated into future layout of the housing development under 'layout'.

**NOTE:** This approval does not relate to the layout of the proposed development. Concerns have been raised in relation to this – see visual amenity section of this report.

**NOTE:** Guidance on crime prevention measures – boundary treatments and front boundaries of dwellings, rear gardens and access footpaths.

**NOTE:** All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

**NOTE:** Guidance relating to the details to be included as part of the Construction Environmental Management Plan.

### **Background Papers:**

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92378>

Certificate of Ownership – Certificate B signed and dated 8/01/2020