

# KIRKLEES METROPOLITAN COUNCIL

## PLANNING SERVICE

### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

15 DECEMBER 2016

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**Planning Application 2015/90020**

**Item 16 – Page 39**

**Demolition of existing hotel and erection of 15 dwellings**

**The Whitcliffe Hotel, Prospect Road, Cleckheaton, BD19 3HD**

#### **10.0 APPRAISAL**

Planning Obligations (Pages 54 and 55)

Paragraph 10.48 on pages 54 of the agenda sets out that further information was awaited in relation to the Viability Appraisal. The further information has now been submitted by the applicant and has been independently assessed.

The contributions in question relate to:

- £40,250.000 (off-site Public Open Space)
  - £7,126.25 (Metro Cards) (*equates to £475.08 per dwelling*)
- Total:- £47,376.25

The viability exercise that has been undertaken shows a very borderline situation when taking into account the development costs. The independent appraiser has therefore suggested that the Council should consider a negotiated position. In light of this, negotiations are on-going with the applicant and this remains reflected in the recommendation set out on page 40 of the agenda.

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**Planning Application 2015/93261**

**Item 17 – Page 59**

**Demolition of existing buildings and outline application for erection of residential development (15 dwellings)**

**Connection Seating Limited, Dogley Mills, Penistone Road, Fenay Bridge, Huddersfield, HD8 0NQ**

#### **10.0 APPRAISAL**

**Layout Considerations** (Page 69)

As set out in paragraph 10.29 on page 68 of the agenda, option 2 for the improvements to the access into the site was considered to be acceptable by officers.

The change to the access would affect the layout proposed. A final plan showing the position of the proposed access and the layout of the site is awaiting submission.

This is an outline application however officers consider that it is appropriate to agree the layout at this stage because of the Green Belt allocation. Whilst it is acknowledged that the final layout scheme has not yet been submitted, and will need to be re-advertised, it is not anticipated that it would be fundamentally different than that indicated on the previously submitted plan i.e. it will relate to 15 dwellings, comprising a mix of detached and semi-detached dwellings.

#### **RECOMMENDATION** (Page 60)

In light of the above, the recommendation is as follows:-

**Grant Conditional Outline Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by Committee) and to:-**

- 1. Following receipt of the revised layout, re-advertise for 7 days, and provided that no new material considerations are raised that have not already been addressed;**
- 2. Secure a S106 agreement to cover the matter of the relocation of Connection Seating within the District.**

**In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would be secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

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**Planning Application 2016/92811**

**Item 18 – Page 75**

**Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works**

**Flockton Hall Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW**

**7.0 PUBLIC/LOCAL RESPONSE:** (Pages 79 to 83)

#### **Amended Plans Publicity**

Nine Further Representations have been received.

A summary of the issues raised are as follows:-

- The revised proposal will not address the access issue. Farm vehicles movements will be more than the proposal suggests. The combiner will not be able to access or exit the entrance without great difficulty as will the tractors and trailers

- Concern about mud on a road where there is numerous incidents.
- The plans to widen the entrance do not address the safety issues in this narrow and hazardous stretch of Barnsley Road.
- Due to crop and weather variations, the quoted figures in the report of the use of this road are a serious underestimation. The report claims such farm machinery movement falls within acceptable levels for a 'rural' community. The amount of traffic passing through exceeds that of most suburban communities.
- Farm machinery drops mud and manure while entering or leaving the fields. In wet weather this could provide a further hazard at this junction, where vehicles need to break for the chicane or at the junction of Haigh Lane.
- The chicane should not be removed, as it helps to prevent vehicles from speeding, as well as allowing for vehicles exiting properties between the traffic lights and the chicane in busy periods.
- The volume of traffic passing through the village is not all local, but includes coaches, lorries and other vehicles using the M1 and M62 motorways.
- Due to inadequate public transport residents use their own cars for every day journeys. Planning permission has already been granted for over a hundred new homes to be built in Flockton, thus adding to future traffic congestion. Planning and Highways should seriously reconsider passing any further planning applications for this village.
- Concern about the removal of measures to prevent speeding and accidents. The health and safety issues, rather than being within the development, have been put into the public domain without concern for the speed of traffic.
- Concern about accidents and fatalities if these highway changes are allowed. The existing measures work well
- When the farm vehicles are utilising the entrance could be major hold ups as both ways will be blocked due to the amount of traffic
- Concern about impact on air quality.
- Agree the parking allotted to the properties needs to be amended, cars park on pavements in the village. Refuse trucks and emergency service vehicles will have difficulty accessing the area.
- The proposals would turn a safe road into a dangerous road.
- Nothing further has been submitted regarding school or other facilities for the village. No mining report done either.
- Concern officers have been out to Flockton at various times during the day and evening to experience the volume of traffic.
- This is a well known cut through from the M1 at J 38/39 to the M62 at J23 and the volumes are not reducing.
- Concern about access for emergency service with no real entry/ exit onto Barnsley Road.
- A few weeks ago a car overturned in the pinch point and Barnsley Road was blocked for three hours. Incidents are not uncommon. Flockton Hall Farm is not suitable for housing
- Another solution is to put a new Road in from the top Road A642 across land owned by The Savile Estate to enter the new development at the top side.

**Officer Response:** The above concerns relate to highway safety matters which have been addressed in the main body of the report set out in the agenda.

Applicant's comments:

The applicant has also provided a response to the comments raised by objectors, as follows:-

COMMENT	RESPONSE
Farmer – can't turn a combine / tractor right into the site.	<ul style="list-style-type: none"> <li>It is noted that the combine harvester movements do, on occasion, currently use the priority system; as such it is considered that the proposed arrangements do not materially affect the existing situation.</li> <li>The frequency of combine harvester vehicle movements is extremely infrequent.</li> <li>Adequate forward visibility for eastbound vehicles approaching the priority system is available; as such, in practice drivers of eastbound vehicles are able to avoid conflicts.</li> <li>Swept path analysis of other farm vehicles which will more regularly use the access demonstrate that the agricultural access is adequate and there are no conflicts with other road users through the chicane.</li> </ul>
Combine – rear wheel steer and wheel will go over other side of carriageway.	<ul style="list-style-type: none"> <li>Combine harvesters already use this section of road and the proposals do not adversely impact in any way.</li> <li>Some carriageway widening is proposed to the east of the chicane which will assist the passage of combines.</li> <li>The frequency of combine harvester vehicle movements is extremely infrequent (limited to visit(s) during crop harvest – refer to TS Appendix for exemplar details).</li> </ul>
Combine – turning right will result in traffic gridlock if cars queuing at chicane and waiting to turn right.	<ul style="list-style-type: none"> <li>The frequency of combine harvester vehicle movements is extremely infrequent – as above adequate forward visibility for eastbound vehicles approaching the priority system is available; as such, in practice drivers of eastbound vehicles are able to avoid conflicts.</li> <li>Extended 'Keep Clear' signs are proposed at access.</li> </ul>
Issue with left turn out of farm access	<ul style="list-style-type: none"> <li>It is accepted that the x-distance is likely to be longer for farm vehicles; however, the driver's eye</li> </ul>

COMMENT	RESPONSE
and visibility.	<p>height of such vehicles is substantially higher than conventional vehicles, generally in excess of 2.5m. In practice, this will be sufficient to offset the extended x-distance, and therefore adequate visibility will be achievable.</p> <ul style="list-style-type: none"> <li>It should also be noted that no local or national standards are available which recommends a longer x-distance. The access will be used by the same drivers and, as such, they will be fully aware of the road conditions.</li> </ul>
Issue with right turn out of farm access and visibility / crossing third party land.	<ul style="list-style-type: none"> <li>Visibility splays of 2.4m x 45m can be achieved at the farm access.</li> <li>It is accepted that the x-distance is likely to be longer for farm vehicles; however, the driver's eye height of such vehicles is substantially higher than conventional vehicles, generally in excess of 2.5m. In practice, this will be sufficient to offset the extended x-distance, and therefore adequate visibility will be achievable.</li> <li>It should also be noted that no local or national standards are available which recommends a longer x-distance. The access will be used by the same drivers and, as such, they will be fully aware of the road conditions.</li> </ul>
Accident history – in particular one from 29 <sup>th</sup> August this year. Omitted from TS. Do the changes to this affect the conclusions of TS?	<ul style="list-style-type: none"> <li>Personal Injury Accident recorded in the vicinity of the development over the 5 year period 2011 to 2015 inclusive was obtained from Leeds City Council (who administer accident data on behalf of Kirklees Council) as part of the Transport Statement prepared as part of the planning application.</li> <li>Following subsequent discussion with Kirklees Council officers, we were made aware that a further accident occurred on 29 August 2016, although these details were not available at the time of writing the TS (in early September 2016). The details of this accident have therefore been subsequently obtained.</li> </ul> <p>The accident involved a westbound car overturning at the chicane, after the driver of the vehicle was temporarily dazzled by bright sunshine and struck the existing high kerb. The passenger of the vehicle suffered serious injuries. Based on the accident report, it is apparent that the bright sunshine was the most likely contributory factor to the accident, rather than the road layout. Given the relatively one-off nature of the accident, it is considered that it would not change the</p>

COMMENT	RESPONSE
	recommendations of the Transport Statement.
Car overturned at chicane (same as August 29 <sup>th</sup> above?).	<ul style="list-style-type: none"> <li>• [SEE ABOVE]</li> </ul>
Keep clear marking – already ignored?	<ul style="list-style-type: none"> <li>• On site observation suggest that the marking are adhered to, in most circumstances. IT is proposed to extend this to accommodate the proposed farm access.</li> </ul>
Increase in accident risk for traffic (at speed) already on Barnsley Road caused by vehicles exiting the farm.	<ul style="list-style-type: none"> <li>• Only one Personal Injury Accident was recorded in the vicinity of the site over the 5 year period 2011 to 2015 inclusive, but it is acknowledged that a further accident was recorded at the chicane in August 2016.</li> <li>• Existing farm access has poor visibility to the right, for exiting vehicles, due to vegetation.</li> <li>• Also worth noting that the scheme proposals facilitate the removal of the existing log yard, as such, the number of vehicle movements will reduce.</li> <li>• It is proposed to install dynamic message signs on Barnsley Road in the vicinity of the farm access, which could be used to encourage lower speeds.</li> </ul>
The farm access would not be wide enough to accommodate the turning circle. Trying to exit, the view of traffic entering Flockton from Grangemoor would be restricted due to the layout of Barnsley Road.	<ul style="list-style-type: none"> <li>• All agricultural vehicles will enter and leave the farm access in forward gear, as they will turn in the field.</li> <li>• Swept path analysis of farm vehicles demonstrates that the agricultural access is adequate.</li> </ul>
Site access – proximity to chicane pinch point makes it unsafe.	<ul style="list-style-type: none"> <li>• Visibility splays of 2.4m x 45m can be achieved at the farm access.</li> <li>• It is accepted that the x-distance is likely to be longer for farm vehicles; however, the driver's eye height of such vehicles is substantially higher than conventional vehicles, generally in excess of 2.5m. In practice, this will be sufficient to offset the extended x-distance, and therefore adequate visibility will be achievable.</li> </ul>

COMMENT	RESPONSE
	<ul style="list-style-type: none"> <li>• Independent Stage 1 Road Safety Audit undertaken</li> <li>• Combine harvesters use the existing priority system, albeit on an extremely infrequent basis. The proposed arrangements are not materially different to the existing situation.</li> </ul>
A number of fatalities and crashes have occurred by speeding vehicles, HGVs illegally entering the village, and poor sight lines of the chicane.	<ul style="list-style-type: none"> <li>• Only one Personal Injury Accident was recorded in the vicinity of the site over the 5 year period 2011 to 2015 inclusive, but it is acknowledged that a further accident was recorded at the chicane in August 2016.</li> <li>• The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles.</li> <li>• Potential for road to be widened at later date. This would allow for wider road, and relocation / removal of chicane – i.e. a betterment on the existing road widths.</li> <li>• It is proposed to install dynamic message signs on Barnsley Road in the vicinity of the farm access, which could be used to encourage lower speeds.</li> <li>• Highways officers are of view that the chicane is sufficiently visible and effective in reducing vehicle speeds.</li> </ul>
Vehicles speeding up to avoid chicane.	<ul style="list-style-type: none"> <li>• Highways officers are of view that the chicane operates effectively.</li> <li>• An alternative layout was proposed by the applicant which removed the chicane. Both options were subject to an independent Road Safety Audit. The RSA work has confirmed both options work safely. Ultimately either option could be pursued by Members at Planning Committee and secured through planning condition.</li> <li>• Only one Personal Injury Accident was recorded in the vicinity of the site over the 5 year period 2011 to 2015 inclusive, but it is acknowledged that a further accident was recorded at the chicane in August 2016.</li> </ul>

COMMENT	RESPONSE
Un policed HGV's exacerbate traffic problems.	<ul style="list-style-type: none"> <li>Enforcement is an issue for the Police.</li> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles (particularly HGVs).</li> <li>Potential for road to be widened at later date. This would allow for wider road, and relocation / removal of chicane – i.e. a betterment on the existing situation.</li> </ul>
Concern about pedestrians / children walking to school.	<ul style="list-style-type: none"> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles (particularly HGVs). This will assist both existing and future residents.</li> <li>Potential for road to be widened at later date. This would allow for wider road, and relocation / removal of chicane – i.e. a betterment on the existing situation with respect to the width of the road at the pinch point.</li> </ul>
Construction access / concerns about plant and machinery.	<ul style="list-style-type: none"> <li>Plant / machinery and construction will be subject to a Construction Management Plan. This could involve a route to site for site traffic (heavy plant to avoid chicane).</li> <li>Will be subject to planning condition and agreed with the local highway authority.</li> </ul>
Moving street furniture to the back of the pavement will put pedestrians etc at risk.	<ul style="list-style-type: none"> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles (particularly HGVs). This will assist both existing and future residents.</li> <li>The location of any street furniture will take full account of pedestrian safety and agreed with the Council. This will be addressed as part of the detailed design of the access works and subject to a Stage 2 Road Safety Audit.</li> </ul>

## Erection of 5 dwellings

### adj 3, Field Head, Shepley, Huddersfield, HD8 8DR

#### 7.0 PUBLIC/LOCAL RESPONSE: (Pages 98-100)

One further representation received:

- The amended plans indicate the shared hedge bordering 77 Station Road (specifically the field west of 77 Station Road) will be 'removed' in order to accommodate the 4th and 5th planned dwellings. This hedge cannot be removed without permission.  
**Response:** This is a private legal matter. The granting of a planning application does not override any matters of ownership.
- Request clarification on whether the road from Field Head Lane will be adopted by the Council or whether it will remain private property.  
**Response:** The access road would be made up to an adoptable standard.

#### 8.0 CONSULTATION RESPONSES: (Page 100)

##### Non-statutory:

**K.C. Flood Management** – The applicant has submitted additional information to demonstrate that should soakaways prove unsuitable that a connection to the combined sewer via gravity can be achieved. Flood Management has no further objections subject to a condition being attached relates to a scheme demonstrating adequately designed soakaways.

## **RECOMMENDATION:**

In light of the above, the recommendation set out on page 96 is amended as follows:

**Grant Conditional Full Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).**

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**Planning Application 2016/93148**

**Item 20 – Page 109**

**Outline application for erection of 7 dwellings**

**Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN**

**7.0 PUBLIC/LOCAL RESPONSE:** (Page 113)

The following email comments have been received from Councillor Graham Turner who states that he wishes to object to the application:

*“This is a green belt site and was formally part of a working farm. This will be obvious when you go on the site visit.*

*I do not think that any special circumstance has been proved and because of that the application should be rejected as it is green belt, and is therefore contrary to the Councils greenbelt policy.*

*Whilst housing is to be welcomed in the Denby Dale ward, it needs to be affordable and in the correct place, this development will fulfil neither of these requirements”.*

## **8.0 CONSULTATION RESPONSES**

The Council's Flood Management and Drainage Team objects to the application as no details have been submitted regarding proposed surface water attenuation. Whilst it is acknowledged that the application is in outline form, an assessment of current and proposed drainage arrangements must be submitted to demonstrate a viable surface water disposal scheme can be achieved.

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**Outline application for residential development (maximum 3 No. Dwellings)**

**rear of 40, Church Road, Roberttown, Liversedge, WF15 7LR**

**7.0 PUBLIC/LOCAL RESPONSES:** (pages 124 to 125)

The following email comments have been received from Councillor David Hall:-

*"I requested that this come to committee, given the number of objections to the first application. Although there were fewer objections received this time, I felt that this was to do with residents not being aware of the new application rather than a reduction in interest. I apologise that I am unable to attend in person to make my remarks.*

*I would ask members to note the initial objections of the PROW team – particularly that the access to this site is on an unmade lane, which has already had development leading off it, to the rear of the church. It is not possible to drive the entire length of Bullace Trees Lane and emerge on Clough Lane, as the lane tapers to a narrow point in the middle, and so all access and egress is at the top end.*

*I feel that adding more traffic onto this lane would be a bad idea, particularly given how busy Church Road is, and the congestion which occurs around the church and community centre whenever there is a function or even when the school is coming out, limiting sight lines. Members will note recent housing developments immediately opposite and to the side of the lane end, which have added more vehicles to the junction. The development will over-burden the little lane with extra traffic".*

**8.0 CONSULTATION RESPONSES:** (Page 125)

**Non-statutory**

**K.C. Flood Management and Drainage** – Further details have been submitted which indicate soakaways are feasible. Further testing and a full detailed scheme are required to be secured by condition and will need to be used to inform the layout at the reserved matters stage.

**12.0 CONDITIONS**

Suggested condition 10 is to be replaced with a condition that would require the submission of a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water.

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**Demolition of existing single storey side extension and erection of two storey side extension (within a Conservation Area)**

**16, Hall Lane, Highburton, Huddersfield, HD8 0QW**

**7.0 PUBLIC/LOCAL RESPONSE (Page 162):**

An additional letter was received from the occupant of 8, Hall Lane on 7<sup>th</sup> December 2016. They attached copies of representations that they had previously sent and re-iterated that the proposal, if granted, will severely impact their amenities and those of their neighbours, particularly its potential overbearing and overshadowing impact.

These issues are addressed within the committee report appraisal (section 10). No new issues are raised.

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