

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE HEAVY WOOLLEN

6 APRIL 2017

Item 7 – Page 19

Direction from Secretary of State (DEFRA) to Make an Order to Add a Public Footpath at Hey Beck Lane to the Definitive Map and Statement of Public Rights of Way

The council received the direction recently. Since the officer report was drafted, the following written submission has been received from David Storrie of Enzygo, on behalf of Mr Lilley, the owner of land crossed by the proposed order route. Mr Lilley continues to oppose the recording of a further public footpath over his land.

“We write on behalf of our client Mr R. Lilley of High Barn, Hey Beck Lane. We have had sight of the decision letter from the Planning Inspectorate. Unfortunately, due to illness, Mr Lilley was unable to make representations on the recent appeal but his comments and concerns were registered when the Council made their decision.

He is obviously concerned by the conclusion of the Inspector and the direction that a public footpath is added to the definitive map as this route goes right through his garden area. What this effectively does is provide users with a choice when entering at point B on the plan produced by the Council. The current public footpath from point B runs at an angle to the north then runs between 75 and 75a Hey Beck Lane. Access between these two properties is currently restricted with an electronic gate at the Hey Beck Lane end. These physical obstacles not only present a barrier but significantly influence users choice as to where to go.

It is noted that the Inspector made the decision without the benefit of a site visit. Had they carried out a site visit they may have reached a different decision as it seems somewhat perverse to have two public footpaths in this location. As this is a direction by the Inspector the Council have no choice other than to follow procedure. Our client will then have a further opportunity to object.

All we ask at this stage in the process is that Mr Lilley’s comments and concerns are noted.”

Officers would note that members are being asked to give authority to make an order further to a direction from the Secretary of State. Formal objections may be made at the order notice stage and, as a landowner, Mr Lilley would receive a formal order notice.

Erection of single storey side and rear extensions

Copse House, 10, Blenheim Drive, Westborough, Dewsbury WF13 4NH

7.0 PUBLIC/LOCAL RESPONSE

The site publicity period has now expired and no further representations have been received.

Revised Recommendation:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

Erection of 14 dwellings with integral garages

Former Parkham Foods Site, 395, Halifax Road, Liversedge, WF15 8DU

Highway Safety

Two minor adjustments were requested to the layout with respect to requirements for emergency vehicle access, and the provision of bin stores. The revised layout plan does not adequately address these matters however they can be addressed by condition and an advisory footnote.

Suggested Condition:

Prior to the development being brought into use details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Suggested Footnote:

Emergency vehicle access and turning is not provided to all dwellings on this development and the applicants are advised to contact their building control provider regarding requirements for the provision of alternative measures to allow emergency fire service access to the proposed dwellings.

Viability Update:

The conclusion of the independent assessment of the viability appraisal was that the development can provide one affordable unit on site, (or a lump-sum contribution of £204,207), a Public Open Space Contribution of £32,000, and a Metro Card contribution of £6,660.50. The applicant has previously confirmed that they were unwilling to provide any contribution.

Since the publication of the committee report the applicant has revised their offer. Whilst they still challenge the conclusion of the independent appraisal, the offer is to enter into a S106 to cover:-

- £32,200 for an off-site Public Open Space contribution
- £6,600.50 for Metro Cards

The site is a brownfield site, and had the former buildings existed on site it is noted that the applicant would have benefited from vacant building credit to offset against the requirement for affordable housing. Vacant Building Credit is an incentive to developers of brownfield sites to help them bring forward and recycle land for housing led scheme. Although the conclusion of the independent assessment is that the site can also provide one affordable unit, it is considered that the benefits of housing provision on this previously developed site weigh heavily in favour of the proposal. The application will secure a contribution towards Public Open Space and Metro Cards, and it is considered on balance, that officers can now support the proposal.

Revised Recommendation:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this update and the matters as set out below:-

- 1. The signing of a section 106 agreement securing a financial contribution of £32,200 for off-site Public Open Space and £6,600.50 for Metro Cards.**

CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Development to commence within three years
2. Development to be in accordance with the approved plans
3. Samples of all facing and roofing materials
4. Details of boundary treatment
5. A scheme detailing the proposed internal adoptable estate roads
6. Blocking up of the existing access
7. Full Drainage Scheme
8. Submission of a Preliminary Risk Assessment (Phase 1 Report) to address land contamination and Coal Mining Legacy
9. Submission of an Intrusive Site Investigation Report (Phase II Report) to address land contamination and Coal Mining Legacy
10. Submission of Remediation Strategy to address land contamination and Coal Mining Legacy
11. Implementation of the Remediation Strategy to address land contamination and Coal Mining Legacy
12. Submission of Validation Report to address land contamination and Coal Mining Legacy

13. Noise Report or the provision of standard thermal double glazing and ventilation to the bedrooms of Plot 1
 14. Landscaping Scheme based upon the use of native tree and shrub species
 15. Bat and Bird Boxes
 16. Electric Charge Points
 17. Removal of Permitted Development Rights for extensions and new openings
 18. Details of storage and access for collection of wastes
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