



Wednesday 20 September 2017

Mr Matthew Woodward
Kirklees Metropolitan Council
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Our Ref CRTR-PLAN-2017-
23185

Dear Mr Woodward,

Proposal: Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure

Location: Lidl, Station road, Mirfield

Waterway: Calder & Hebble Navigation

Thank you for your consultation. The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application but is unable to make a substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015 due to the absence of the following information:

- An assessment of the potential impact of existing boating operations on the amenity of future residents;
- A Phase I survey to consider potential contamination.

Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent, Staffordshire,
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Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB



We will make a substantive response within 21 days from the date of receipt of this information. Details of the information required are summarised below:

Potential impact of existing boating operations

Block 'B' of the proposed scheme is within 12m of moorings to the south of the site, and are also in proximity to a working boat yard (not owned by the Trust) which is understood to operate seven days a week. These uses typically generate noise, smells and fumes through the operation of engines and general repair works. Whilst a noise assessment has been submitted by the applicant this does not consider the impact of these existing boating operations (with the assessment primarily being with regards to uses to the north of the site).

It is considered that further information is required to assess the potential impact of existing boating operations on the amenity of future residents, particularly any noise and air quality issues and to consider any mitigation necessary to avoid any amenity issues or complaints from future residents, to protect existing economic activities.

Without this information, there is no confidence that apartments within Block B would not be subject to unacceptable levels of noise or odour or that the proposed location of Block B is acceptable. This information is therefore considered necessary prior to determination of the application.

Contamination

The Ground Report submitted with the application dates from 1994/5 and has not been undertaken to current standards. The report is not considered sufficient to determine whether contamination is present on site which may present a risk to the canal during excavation and construction works. We therefore request that an up to date Phase 1 desk study report that fully considers the risks to the waterway and sets out measures to prevent any risk of contamination is submitted for consideration. This is in line with the principles of paragraphs 109 and 121 of the National Planning Policy Framework concerning pollution.

Other Matters

In addition to the above, we also wish to raise the following matters.

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- The impact of the proposals towards residential moorings on the canal.
- The design and appearance of the southern blocks and landscaping and their impact on waterway character.
- The impact on the structural integrity of the canal.
- The impact on the biodiversity of the waterway corridor.

On the basis of on the information available our advice is that amendments and/or suitably worded conditions are necessary to address these matters.

Impact on existing moorings

Proposed block 'B' is sited approximately 5m from the southern curtilage of the site, and 12m distant from boats moored to the south. The proposed block is 5-stories in height, and features main living windows and external balconies facing the canal. It is considered that the combination of height, proximity, and the presence of external balconies could result in a significant erosion of privacy for users of the existing moorings. The impact would be more significant than that from the neighbouring development to the west, where the approved building is not as tall and features a reduced number of balconies. The impact on the privacy of nearby residents does need to be considered in line with the aims of policy BE12 from the saved Kirklees Local Plan, which requires the need for design to ensure that no detriment will be caused to existing occupiers of adjacent premises.

We therefore request that amendments are made to the scheme to reduce the perception of overlooking towards residential boats to the south. Measures could include the reduction to balcony numbers, the setting back of the building further from the canal (which could also reduce the potential for apartment residents to suffer from noise or odour nuisance from boaters), a reduction in height, and the inclusion of louvre screening to the remaining balconies.

Impact on the Character of the Waterway

In line with saved policy BE1 from the Kirklees UDP, development should be of a good quality, and contribute to the built environment, which should be visually attractive, and create a sense of local identity.

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The success in the scheme meeting the requirements of BE1 will depend upon the quality and type of materials and planting used within the buildings and landscaping scheme next to the canal, especially with regards to the replacement wall, new access point, and the railings shown.

The indicative landscaping arrangements do not show any positive engagement with the canal, and we would encourage the developer to consider the opportunity to create a more engaged landscape design aside of the canal for the occupants to enjoy as an amenity area as the scheme is developed further.

We request that full hard and soft landscaping details and southern boundary treatments are reserved by condition prior to development of that element so that the materials and planting can be fully assessed against the requirements of this policy. The use of appropriate native planting between the building and the canal would assist in enhancing the waterway corridor.

In addition to the above, we do note that the ground floor of the block 'B' will be visible from the canal. The narrow openings to the parking area of the block risk making the immediate ground floor appear overbearing to the neighbouring towpath. We therefore would request that consideration is given to widening the openings shown so that they mirror the width of the openings above, which would improve the appearance of this elevation. This would also mirror the arrangement approved for the parking areas upon the development to the west of the site.

Impact on the Structural Integrity of the Canal

In line with paragraph 120 of the National Planning Policy Framework, there is a need for planning decisions to ensure that new development is appropriate for the location to prevent unacceptable risks from land instability. The Planning Practice Guidance (PPG) confirms the important role of the planning system in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public. (Paragraph: 001 Reference ID: 45-001-20140306).

The proposed building works will be situated within proximity to the canal, and will include new retaining walls to deal with the land levels on site.

The developer will need to demonstrate that any temporary or permanent works associated with the proposed development will not impose any additional load onto the canal wash wall and that foundations provide support to his development without

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any negative impact on the Trust's assets, such as the towpath, walls, or the canal itself.

We therefore request that any consent includes pre-commencement conditions that require the submission of foundation details, including cross sectional drawings showing their relationship relative to the canal.

A Construction Management Plan should also be required to include, details of the proposed location of plant and equipment in proximity to the canal, and proposed construction methodology to limit the presence of heavy or disruptive equipment in locations that could affect the stability of the land sloping towards the canal.

We would also request that details of surface water drainage are secured by planning condition, as unintentional runoff from the site towards the canal could undermine the slope stability here.

Flood Risk

We note that the Flood Risk Assessment provided includes a statement that the canal flood gates protect the site from flood risk to the 1:100 level. The Trust cannot confirm if this statement is accurate, and our infrastructure cannot therefore be relied upon to provide flood protection to this level.

Impact on Biodiversity

In line with paragraph 109 of the National Planning Policy Framework referred to above, there is a need to mitigate any harm to biodiversity on the site, and to provide net gains to biodiversity on site. We would request that any future landscaping scheme considers the use of native planting and measures to increase biodiversity.

Other Matters

In our capacity as landowner, we wish to remind the applicant that the Trusts agreement will be necessary for any works to the canal towpath.

Should the Council be minded to grant planning permission, we request that the following informative is included

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Canal &
River Trust

“The applicant/developer is advised to contact the Canal & River Trust’s Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust’s “Code of Practice for Works affecting Canal & River Trust”.

If you have any queries please contact me, my details are below.

Yours sincerely

Simon Tucker MSc MRTPI

Area Planner

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