KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

10 May 2018

PLANNING APPLICATION 2018/90074 ITEM 12 – PAGE 33

ERECTION OF MOTOR VEHICLE DEALERSHIP COMPRISING CAR SHOWROOMS, WORKSHOPS AND MOT, ANCILLARY OFFICES, CAR PARKING AND DISPLAY, NEW VEHICULAR ACCESS AND EGRESS TO A643 AND LANDSCAPING

LAND OFF, LINDLEY MOOR ROAD, HUDDERSFIELD

Two letters of representation have been received, one from Harron Homes and one from Taylor Wimpey. The 2 letters are identical, but are reproduced in full for Members in formation. A verbal update on the relevance to the planning application contained within the letters will be given by Officers to Committee.

The application was deferred from the 5th April Strategic Planning Committee The necessary funding was also deposited with the Local Highway Authority. As such the outstanding measures required by Condition 36 on the Hybrid planning consent have been resolved and their provision/ implementation funded.

The means of securing these improvements is via a Section 278 Agreement with the Local Highway Authority. This mechanism ensures the necessary funding for the preparation and delivery of the schemes. The S278 Agreement has now been signed between Stirling Scotfield and Kirklees Council. Sterling Scottfield have also provided cash funds to cover the estimated costs of all the works required by the S278 Agreement.

The ability to implement the infrastructure improvements required by condition 36 now rests in the gift of Kirklees Council. The highway works are programmed to start at the end of May 2018 with the signalisation works scheduled to start by September 2018.

Taylor Wimpey

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9 May 2018

Dear Mr. Topping,

RE: APPLICATION NUMBER 2018/62/90074/W - ERECTION OF MOTOR VEHICLE DEALERSHIP COMPRISING CAR SHOWROOMS, WORKSHOPS AND MOT, ANCILLARY OFFICES, CAR PARKING AND DISPLAY, NEW VEHICULAR ACCESS AND EGRESS TO A643 AND LANDSCAPING

On 22nd March 2018 Taylor Wimpey Yorkshire reluctantly made the decision to raise concerns with planning application number 2018/62/90074/W, these concerns were presented to planning committee on the 5th April 2018 and the application was deferred by members. Despite the progress which has been made, Taylor Wimpey Yorkshire still feel that there are significant risks to, Taylor Wimpey Yorkshire, Harron Homes and to the Council which need to be brought to the attention of the Council and recommendations made to mitigate these risks to all parties and the public.

At planning committee on the 5th April 2018 members resolved to defer the application, in order to allow the payment of monies via a S278 Agreement which would ensure the completion of necessary highways infrastructure for the wider area and to support this planning application. A representative from the applicants confirmed that they were responsible for all these highways works and that the necessary S278 Agreements, to secure the necessary highways works, were being progressed and would be in place with the necessary funding.

Taylor Wimpey Yorkshire have today received an executed copy of the S278 Agreement for the wider outline consent. This document separates the highways work into three phases, phase 1 is the junction works which are necessary to access the application site and works to Lindley Moor Road, phase 2 is for traffic light works at the junction of Lindley Moor Road and Crosland Road and phase 3 is for road widening works along Crosland Road. The Council have secured monies totalling £1,143,535.27 and they have a clause in place to secure additional funds from the Developer (Stirling Scotfield) should the funds deposited be insufficient to complete the works.

Given that Stirling Scotfield have now delayed this highways work beyond the original deadline of December 2017, it is the intentions of Stirling Scotfield which are concerning. The S278 agreement is reliant upon Stirling Scotfield undertaking enabling works upon their own land prior to the commencement of works within phases 2 and 3.

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Should Stirling Scotfield fail to carry out these enabling works then the Council cannot commence with the phase 2 and 3 S278 works as they have no step-in rights within the S278 Agreement. The enabling works include the removal, stopping up and diversion of services, the removal of existing boundary walls and their replacement with new boundary treatment and the completion of detailed design work. The S278 agreement contains no clauses within it to ensure that this work takes place and as such we must question the willingness of Stirling Scotfield to carry out these works.

We must stress that the amount deposited by Stirling Scotfield is an estimate of the costs. The detailed design works remain outstanding for phases 2 and 3 so clearly an accurate cost cannot be provided. This is an unorthodox arrangement as all elements of work should be listed and individually costed within any S278 Agreement. This would ensure that the Council recover any additional costs as the construction of each individual phase progresses rather than overspending on the first phases and having to recoup funds on the last phase of work.

Members resolved at the planning committee on the 5th April to defer the item, so the applicants could put the Council into funds which would pay for all S278 works. The current S278 Agreement does not do this as the costs for phase 2 and 3 are estimates and Stirling Scotfield remain responsible for enabling works before the Council can commence with the outstanding highways works. Taylor Wimpey Yorkshire remain concerned about this situation as not all elements of the S278 works are in the Councils control and Stirling Scotfield remain in a position where they can frustrate and delay these works. For this reason, it is requested that the Council look to remove the item from the planning committee agenda on the 10th May until such a time that all elements of the S278 works are designed, priced and enabling works completed.

Given that the enabling works are necessary it is clear that the phase 2 and 3 highways works have never been progressed with any intention to hit target dates and Stirling Scotfield appear to have made very little progress on these works since the 5th April planning committee. The phase 1 works are however programmed for works to be commenced and all elements are in place. These are the works necessary to physically deliver the Jaguar Land Rover dealership; this must call into question Stirling Scotfield's past intentions as they are clearly delivering infrastructure which is considered to be necessary for their commercial ambitions whilst not progressing with works which are in the wider interests of the locality. Their inaction has put other developers, the Council and local community under pressure and given rise to highways safety concerns.

If officers are minded to recommend the approval of the application and take it to planning committee on the 10th May then officers need to ensure that the S278 Agreement, in combination with any planning consent granted on this planning application, give the Council security to ensure they can enforce the completion of all outstanding works and remove any liability from Taylor Wimpey Yorkshire and the public purse which could potentially arise if Stirling Scotfield renege on their responsibilities or cease to exist. In order to do this, it is important that the 'enabling works' identified at paragraphs 1.7, 1.8 and 1.9 of the S278 Agreement are secured by a pre-commencement condition on this planning permission, the wording of this condition is recommended below:

Prior to the commencement of development all enabling works, as specified by paragraphs 1.7, 1.8 and 1.9 of the First Schedule to the S278 Agreement dated 27th April 2018 between The Council of the Borough of Kirklees and Stirling Scotfield (Huddersfield) LLP shall be completed to the satisfaction of the Local Planning Authority.

Reason - To ensure essential highways infrastructure is secured which is required in the interests of highways safety.

These works need to be pre-commencement due to the acknowledged lack of delivery which has been achieved by Stirling Scotfield on this matter and to ensure that the Council can commence traffic management works prior to the commencement of development on the site and the associated vehicle movements.

A pre-occupation condition should then be used to ensure that all S278 works are completed:

Prior to the occupation of development all off site highways works as required by the S278 Agreement dated 27th April 2018 between The Council of the Borough of Kirklees and Stirling Scotfield (Huddersfield) LLP shall be completed, in their entirety, to the satisfaction of the Local Planning Authority.

Reason - To ensure essential highways infrastructure is secured which is required in the interests of highways safety.

It is considered that the approval of the application on this basis would ensure that essential S278 works are carried out which will protect the Councils interests.

Taylor Wimpey and Harron Homes continue to develop on their respective sites off Crosland Road with an overarching threat of enforcement action from the Council due to the inaction of Stirling Scotfield. We are continuing to work with the Council to justify an increase in the occupations cap enforced upon us by condition 36 on consent number 2014/62/93136/W (the outline consent). Application number 2018/91376 (Section 73 Application) has now been submitted to the Council which aims to increase the current occupations cap from 126 to 150 units. It remains imperative to both developers that the Council look to support this application and take a positive view to support Taylor Wimpey and Harron Homes in continuing development in the region.

I trust that the information contained is clear but please do not hesitate to contact me, on the details below, should you wish to discuss.

Yours sincerely
Taylor Wimpey Yorkshire



N Coxsidge
Technical Director

Harron Homes.

Kirklees Council
2nd Floor Civic Centre 3
Market Street
Huddersfield
HD1 2YZ

Dear Mr. Topping,
RE: APPLICATION NUMBER 2018/62/90074/W - ERECTION OF MOTOR VEHICLE DEALERSHIP COMPRISING CAR SHOWROOMS, WORKSHOPS AND MOT, ANCILLARY OFFICES, CAR PARKING AND DISPLAY, NEW VEHICULAR ACCESS AND EGRESS TO A643 AND LANDSCAPING

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At planning committee on the 5th April 2018 members resolved to defer the application, in order to allow the payment of monies via a S278 Agreement which would ensure the completion of necessary highways infrastructure for the wider area and to support this planning application. A representative from the applicants confirmed that they were responsible for all these highways works and that the necessary S278 Agreements, to secure the necessary highways works, were being progressed and would be in place with the necessary funding. Harron Homes have today received an executed copy of the S278 Agreement for the wider outline consent. This document separates the highways work into three phases, phase 1 is the junction works which are necessary to access the application site and works to Lindley Moor Road, phase 2 is for traffic light works at the junction of Lindley Moor Road and Crosland Road and phase 3 is for road widening works along Crosland Road. The Council have secured monies totalling £1,143,535.27 and they have a clause in place to secure additional funds from the Developer (Stirling Scotfield) should the funds deposited be insufficient to complete the works
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Given that Stirling Scotfield have now delayed this highways work beyond the original deadline of December 2017, it is the intentions of Stirling Scotfield which are concerning.The S278 agreement is reliant upon Stirling Scotfield undertaking enabling works upon their own land prior to the commencement of works within phases 2 and 3. Should Stirling Scotfield fail to carry out these enabling works then the Council cannot commence with the phase 2 and 3 S278 works as they have no step-in rights within the S278 Agreement. The enabling works include the removal, stopping up and diversion of services, the removal of existing boundary walls and their replacement with new boundary treatment and the completion of detailed design work. The S278 agreement contains no clauses within it to ensure that this work takes place and as such we must question the willingness of Stirling Scotfield to carry out these works
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elements are in place. These are the works necessary to physically deliver the Jaguar Land Rover dealership; this must call into question Stirling Scotfield's past intentions as they are clearly delivering infrastructure which is considered to be necessary for their commercial ambitions whilst not progressing with works which are in the wider interests of the locality. Their inaction has put other developers, the Council and local community under pressure and given rise to highways safety concerns.

If officers are minded to recommend the approval of the application and take it to planning committee on the 10th May then officers need to ensure that the S278 Agreement, in combination with any planning consent granted on this planning application, give the Council security to ensure they can enforce the completion of all outstanding works and remove any liability from Harron Homes and the public purse which could potentially arise if Stirling Scotfield renege on their responsibilities or cease to exist. In order to do this, it is important that the 'enabling works' identified at paragraphs 1.7, 1.8 and 1.9 of the S278 Agreement are secured by a pre-commencement condition on this planning permission, the wording of this condition is recommended below:

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Reason – To ensure essential highways infrastructure is secured which is required in the interests of highways safety.

These works need to be pre-commencement due to the acknowledged lack of delivery which has been achieved by Stirling Scotfield on this matter and to ensure that the Council can commence traffic management works prior to the commencement of development on the site and the associated vehicle movements.

A pre-occupation condition should then be used to ensure that all S278 works are completed: *Prior to the occupation of development all off site highways works as required by the S278 Agreement dated 27th April 2018 between The Council of the Borough of Kirklees and Stirling Scotfield (Huddersfield) LLP shall be completed, in their entirety, to the satisfaction of the Local Planning Authority.*
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Harron Homes and Taylor Wimpey continue to develop on their respective sites off Crosland Road with an overarching threat of enforcement action from the Council due to the inaction of Stirling Scotfield. We are continuing to work with the Council to justify an increase in the occupations cap enforced upon us by condition 36 on consent number 2014/62/93136/W (the outline consent). Application number 2018/91376 (Section 73 Application) has now been submitted to the Council which aims to increase the current occupations cap from 126 to 150 units. It remains imperative to Harron Homes that the Council look to support this application. Harron Homes also continue to consider ways in which to increase the cap on housing occupations whilst protecting highways safety. Now that the S278 Agreement is in place and there are broad dates for the completion of works (there is no commitment to these dates and Stirling Scotfield can still delay the process as previously explained), temporary traffic calming/management measures can be implemented whist works are ongoing. Harron Homes are prepared to contribute to the cost of these measures if they can be used to protect highways safety whilst residential development continues beyond 150 units. Again, we hope that the Council can take a positive view on this application and look to support Harron Homes and Taylor Wimpey in continuing development in the region.

I trust that the information contained is clear but please do not hesitate to contact me, on the details below, should you wish to discuss.

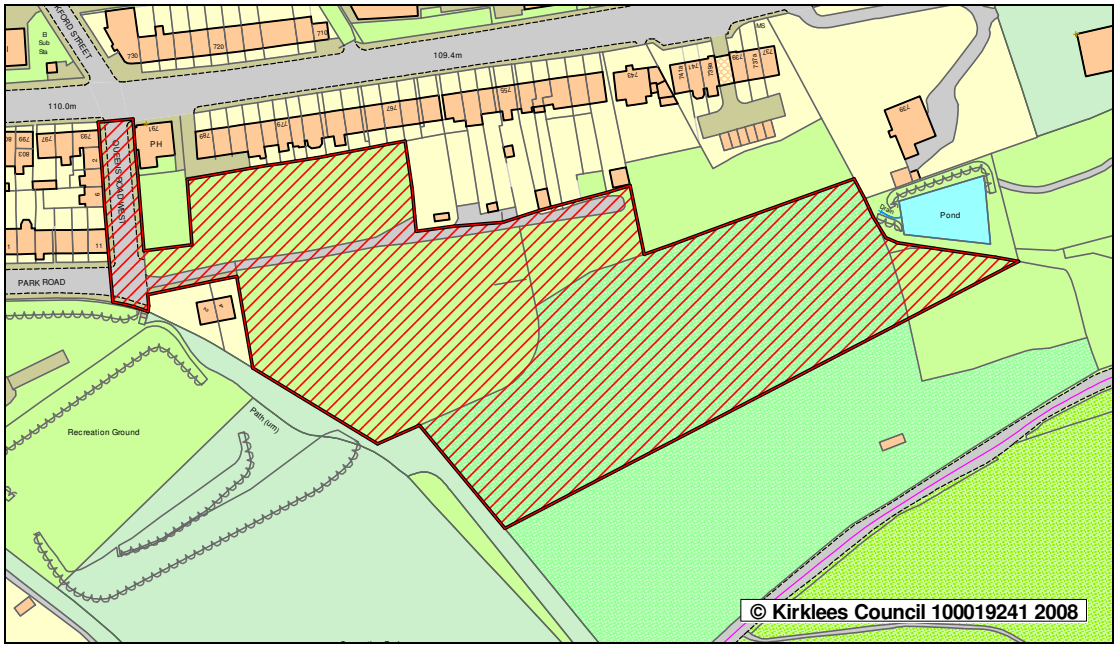
Yours sincerely
Mark Beevers MRTPI
Planning Manager
Email: markbeevers@harronhomes.co.uk
Tel: 0113 204 4670

OUTLINE APPLICATION (ALL MATTERS RESERVED OTHER THAN ACCESS) FOR ERECTION OF RESIDENTIAL DEVELOPMENT (WITHIN A CONSERVATION AREA)

LAND AT, QUEENS ROAD WEST, MILNSBRIDGE, HUDDERSFIELD

Committee report location plan

The location plan included in the published committee report shows the initial application red line boundary. This boundary was amended during the life of the application, as correctly illustrated below.



Trees

On 07/05/2018 the applicant submitted an Arboricultural Survey (Tree Care Consultancy, 05/05/2018). The survey identified no Category A (high quality) trees, 11 Category B (moderate quality) trees, 64 Category C (low quality) trees, and 17 Category U trees on the site. Officers are currently considering this recently-submitted information, and will provide a verbal update to Members if relevant consultee responses are received before the meeting of the Sub-Committee. It should be noted that the application is submitted in Outline with only the means of Access applied for, layout consideration has been Reserved.

PLANNING APPLICATION 2017/94366 ITEM 14 – PAGE 63

CHANGE OF USE OF LAND FOR BUSHCRAFT ACTIVITIES

LAND ADJACENT LOCK 38, OFF MARSDEN LANE, MARSDEN, HUDDERSFIELD

Highway Safety

Further to the assessment set out in the published committee report, the Highway Officer has further reviewed the attendance numbers and patterns of visitors to the site and has advised that the site access requires improvements.

Discussions have taken place with the applicant and agent regarding this matter and an additional plan has been provided. The plan details that the entrance of the site will be widened to the south where it joins with Warehouse Hill Road/Marsden Lane with the removal of a 1.7 metre wide section of wall to improve access and egress into the site. The height of the access track will be increased along a 30 metre stretch to reduce the gradient with the greatest increase occurring to the first 10 metres and ensure that vehicles exiting are visible to passing traffic on the adjacent road. The plan also sets out that the first 5 metres will be hard surfaced and that internal turning for a mini bus within the parking area is achievable.

The further details have been assessed by the Highway Office who considers that the proposed improvements to the access are acceptable subject to a condition requiring the provision of the improvements before the use commences.

It is noted that the proposed access track improvements would require the formation of a retaining structure to the south of the track to support the increase in levels. The retaining structure would however be located within the application red line boundary and this arrangement is considered to be acceptable. It is acknowledged that the site is adjacent to the Marsden Conservation Area (though is outside its boundary) and would lead to the loss of a small section of wall. The loss of wall is minimal in terms of scale and it is considered that this would not lead to any detrimental impact on the setting of the Conservation Area.

The works to widen the access would also lead to the loss of some vegetation and a tree adjacent to the entrance. The loss of vegetation is considered to be minimal in terms of the wider scale of the site, and as set out in the published committee report whilst the site is occupied by a number of mature trees these are not worthy of a preservation order. The loss of an additional tree adjacent the entrance is therefore considered to be acceptable.

In addition to the above, the applicant has also provided the following additional statement to address conditions set out in the published committee report and to provide additional detail in terms of highway safety:

We can also confirm that numbers will be a maximum of 15 at any one time and not 30 as previously advised. These will be children from schools most of the time so will not be creating vehicular movements.

Other than temporary wc's there will be no deliveries to site.
Food and drink will be brought by the 'pupils'.

There will be no bin collections - pupils will be advised to take rubbish away with them to encourage keeping the countryside tidy.

The submitted plan ML 03 Rev A has also detailed the parking layout for the site along with details for internal turning for a mini bus.

The points raised in the above statement and on the plan are considered to be acceptable, and address the matters which were proposed to be conditioned in terms of waste collection, maximum number of visitors per party, deliveries, parking layout and internal turning and an area for pick up and drop off. It is considered necessary to limit the size of the vehicle entering the site to a mini bus and the nature of the access track.

In light of the above the proposed conditions for the development have been amended to remove the conditions which have now been addressed and add conditions relating to providing the access improvements. A full set of proposed conditions is set out below:

1. Development to commence within 3 years.
2. In accordance with the plans.
3. Development to operate in accordance with submitted statement regarding fires, operation of the site and traffic including the provision of a 60 minute gap between sessions.
4. Restriction of hours of operation from 7am to 9pm.
5. Restriction of the group size to 15.
6. Access improvements, parking layout and pick up and drop off provision to be carried out in accordance with the details set out on Dwg. No. ML03 Rev A and provided before the use commences.
7. Provision of passing spaces before the development is brought into use.
8. Limit vehicular size entering the site to a D1 classification minibus.
9. Surfacing of areas to be used by vehicles.
10. Submission of details to control Himalayan Balasm.

Representation

A letter in support of the development has been received Slaithwaite Junior and Infant School has also been submitted from the applicant which sets out the benefits that bushcraft activities can have to children and young people. These comments are noted by Planning Officers.