

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

16 MARCH 2023

Planning Application 2022/90804

Item 10 – Page 27

Erection of dwelling, formation of access and other associated operations

Bell Cabin, Long Lane, Earlsheaton, Dewsbury, WF12 8LG

Updated Recommendation:

RECOMMENDATION: REFUSE

1. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed change of use of undeveloped land to residential and the erection of a dwelling and associated engineering works to form the access to serve the dwelling, is considered to constitute inappropriate development in the Green Belt, thus, detrimentally harming the openness and character of the Green Belt, whereby no very special circumstances have been demonstrated. To approve the application would impact adversely upon the openness of the Green Belt contrary to chapter 13 of the National Planning Policy Framework.

2. The proposed development to domesticate land within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network would change the character of the existing habitat corridor by introducing a human presence that is hitherto absent, thus contrary to the purpose of the allocation with the area of Kirklees Wildlife Habitat Network. By the virtue of the proposed change of use and extensive clearance, the function and connectivity of green infrastructure networks and assets have been detrimentally harmed and no sufficient mitigating measures have been proposed. There is considered very limited scope to replace the loss of the network has been cleared. Therefore, given the detrimental ecological impact of the proposal, to permit the development would be contrary to Policies LP30 and LP31 of the KLP and Chapter 15 of the National Planning Policy Framework.

3. The application site falls within the high risk area for coal mining with two mine entries. Given the very close proximity of the proposed development to the mine entry points, there is a high risk to end user safety and stability. The applicant has failed to show that development is not proposed within the calculated zone of influence of both mine entries (no build exclusion zones). As such, due to insufficient information, the scheme fails to suitably demonstrate that the propose would ensure that the contamination/instability does not have the potential to cause harm to people or the environment. To permit the development would be contrary to Kirklees Local Plan Policy LP53 and Paragraph 183 of the National Planning Policy Framework.

3.0 PROPOSAL

Since the previous committee meeting the proposed access has been revised. Whilst officers noted the change in the proposed access in the officer report, the full plans were not received until after the committee report for the upcoming meeting was published. The newly proposed ramp would replace the existing, unauthorised access. It would be of a less acute angle and shallower gradient than the existing access. The new ramp position has resulted in the dwelling being relocated to a completely new position. This information was received a significant period of time following committee and, in order to progress determination, officers have accepted the plans and expedited a re-assessment of the scheme.

In detail, the proposed access sees a flat plateau at the top of the ramp as you enter / exit from Long Lane. It would see suitable visibility splays provided from this point. The ramp would then be set at a 1:8 incline which is considered on balance acceptable given the ramp is to only serve one dwelling. The ramp shall then turn 180 degrees and meet the levelled ground by the proposed dwelling, which is now to be sited in the south west corner of the plot.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

Since the committee report was authored, officers have had further negotiations with the newly appointed agent. Officers received the amended plans to show suitable sight lines which has overcome the previous recommended reason for refusal. Officers have spoken to the agent to state that the latest site plan still failed to show the calculated zone of influence of both mine entries (no build exclusion zones) despite officers asking for this several times previously to both the agent and applicant. A plan to show the calculated zone of influence of both mine entries (no build exclusion zones) has never been received.

8.0 CONSULTATION RESPONSES:

KC Highways Development Management – Objection has been removed.

10.0 APPRAISAL

Principle of Development

To reiterate paragraphs 10.1-10.11 of the officer report, the starting point of the assessment should be as a site assessment prior to any (unauthorised) works taking place, with tree and natural covering across the site and no vehicular access. There has never been vehicular access to the site from Long Lane. The access that is onsite at present has been unlawfully constructed and causes undue and detrimental harm to the Green Belt.

The amended access is not an improvement when considering the original site attributes but an alteration to an existing unlawful access which is subject to an enforcement notice which the applicant has failed to comply with. The proposed amendment to the access has resulted in the ramp being approximately 60m in length as opposed to access previously proposed which was 25m in length. Therefore, whilst resolving the highway safety issue, the development causes further undue and unacceptable harm.

This amendment represents increased significant harm to the rural landscape and Green Belt land by doubling the size of the access ramp. This engineering operation would undoubtedly cause extensive harm and appear incongruous. The ramp and development in its entirety would cause harm by virtue of the inappropriateness of the proposed development and its impact on the openness. It is the opinion of officers that it would appear as a scar and blight on the Green Belt. Therefore, the amended scheme has greater harm than that previously proposed and to permit this development would be contrary to the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework with regard to development in the Green Belt.

Impact on Highway Safety

KC Highways Development Management have been consulted on the amended drawing and have removed their previous objection to the proposed development. This is subject to conditions for: the ramp and access to be provided and completed prior to occupation of the dwelling; full sections, elevations and an Approval in Principle (AIP) of the access ramp; for visibility splays to be kept clear; and, details of surfacing and drainage. To reflect this, the reasons for refusal have been updated as per above.

Erection of residential development consisting of 48 dwellings with associated highways and landscaping

land at, Cliff Hill, Denby Dale, Huddersfield, HD8

Committee Report Corrections:

Site and Surroundings:

In section, 7.2 of the report, reference is made to 'Leak Hall Crescent'. The correct name of the adjacent street for access to the site allocation is Leak Hall Lane.

Cllr Bamford Comments

In section 7.4 of the report, an incorrect response of Cllr Bamford's was included in the report. This is deleted as below and replaced with the correct comments:

Deleted Comment:

~~I have the following comments to add.~~

- ~~• 4 and 5 bedroomed homes which the area does not need. We need housing — bungalows — for older people and affordable, 3 bedroomed semis/terraced fit for single people and big enough for young families, conforming to National Internal Space Guidelines~~
- ~~• Affordable housing proposed appears to fall short of LPA criteria — 20% affordable — therefore 6 homes needed on 30 house development~~
- ~~• Lack of visitor parking spaces — does not conform to LPA requirements — 1 space for every 4 homes required.~~
- ~~• Attenuation tank and pumping station infringe the buffer zone — means excavations near to trees~~
- ~~• Road turning area also infringes on buffer zone~~
- ~~• Likewise garden area of house at entrance infringes on buffer zone~~
- ~~• No information on levels — a major problem with previous application — housing should be designed to fit the lie of the land not built on tiers.~~
- ~~• No public space~~
- ~~• Overuse of close lapped wooden fencing inappropriate to the look and heritage of the area — should be stone walls and preferably hedging to comply with Councils 'green' and sustainable policies.~~
- ~~• Serious concerns about site access and sightline visibility, particularly in view of the changes proposed via a new application from Yorkshire Country Properties on the adjoining site. Why aren't these two sites linked by internal roadways and one way system — i.e. one entrance in, one entrance out.~~

Correct Comment:

My earlier comments on this development still stand but I have the following concerns. I think the revised plan should have been put out for public consultation again as do many residents.

I am pleased that the attenuation pond is now a tank but held back by a retaining wall? There will be a lot of weight in the tank when full. I have concerns about the amount of retaining walls on the site and their subsequent maintenance. I can't comment any further as there is very little g detail on these. The remediation is also very thin on detail. It is basically an opportunistic opencast mine, going well beyond site remediation for profit and, in my opinion, quite unsafe. Looking at the statutory consultee responses I'm not sure that they are aware of the implications of the remediation strategy. Has this been drawn to their attention? I haven't had any explanation yet why the site access is on Cumberworth Lane and not Leak Hall Lane as agreed when this site was approved for the Local Plan. This site should be recommended for refusal for this issue alone.

Best regards

Tim Bamford

Sustainable Travel Contribution

In sections 8.1 and 10.98 of the report, reference is made to a £52,128 (48 x £1066) contribution for metro card tickets for new occupants of the development. This figure is incorrect as it should be £36,410.88.

Committee Representations

A representation from Upper Dearne Valley Environmental Trust seeks to reiterate that the site should be accessed from Leak Hall Lane as this is in accordance with the Local Plan allocation wording (HS144). This representation was cited in section 7.2 of the Committee Report and is the first bullet point under the 'Transport/Access' header. The representor requests that a further reason for refusal is added on the grounds that the site access is in a location that the allocation does not allow. For the benefit of members, the site allocation wording is as follows on this particular matter:

- Third party land required to achieve sufficient visibility splays
- The provision of a pedestrian footway is required across the site frontage at Leak Hall Lane.

As indicated, there is no requirement for the site to be accessed from Leak Hall Lane, only that a footway should be provided at Leak Hall Lane. The representor conjectures that site frontage infers access, however this is not the case as there are multiple site frontages across Leak Hall Lane, Leak Hall Crescent and Cumberworth Lane. Indeed other parts of the allocation, as set out Section 4 of the report, have been permitted with site accesses off Leak Hall Crescent and Cumberworth Lane. To conclude, Highways Development Management have confirmed that the site access is acceptable in principle subject to further information being provided and therefore Development Management Officers advise that a reason for refusal predicated on the representor's request would not be sound in material planning terms.

The representation is available to view on the application webpage via the following link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91911>

There are no further corrections, representations or supplementary information.

Erection of two storey rear extension

Salt Pie Farm, Penistone Road, Birds Edge, Huddersfield, HD8 8XP

7.0 PUBLIC/LOCAL RESPONSE:

The publicity period ended on 13/03/2023 with no representations received.

Denby Dale Parish Council have confirmed that they have 'no comments' to make on the application.
