KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

26 NOVEMBER 2026

Planning Application 2025/93355 **Item 10 Page 9**

Erection of 75 residential dwellings with associated landscaping, open space, highways and drainage infrastructure

Land off, Woodward Court, Mirfield, WF14 0PY

Additional Representations

Three additional representations have been received since the publication of the committee report, taking the number of representations received from 537 to 540. A summary of the main concerns raised is as follows:

Principle of Development

- Planning application 2017/93935 involving 61 dwellings on substantially the same site was refused on 29/10/2018. The present proposal increases the number of dwellings to 75, resulting in 23% more homes than the previously refused scheme.

Officer note: The current proposals have been considered on the merits against current national and local planning policy, and the improved package of access and mitigation works now proposed. This includes measures that will improve the parking situation on local streets, which is one of the key local concerns that has been raised. HDM have concluded that there is insufficient justification to object to the proposals on the grounds of highway safety and operation, which is consistent with the position taken with the previous application at the site, where HDM also did not object to the proposals.

- The site remains designated as safeguarded land under Policy LP6 of the Kirklees Local Plan and would result in a departure from the development plan.

Officer note: Noted. This departure of the Local Plan is discussed in more detail within the principle of development section of the committee report.

- The council's lack of a five-year housing land supply is a material consideration but does not automatically extinguish the safeguarded land designation or the statutory requirement under section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine applications in accordance with the development plan unless material considerations indicate otherwise.

Officer note: Noted. Other material planning considerations, outside of the lack of a five-year housing land supply have been assessed within the committee report, these include, but are not limited to, drainage; ecology; design, heritage, residential amenity. Of which, officers have concluded that subject to conditions and S106 contributions, the application is acceptable and is therefore recommended to be approved.

- There is a distinction between highway improvements which are technically proposed and improvements which can be confidently delivered, as those that require separate traffic regulation order processes, require statutory consultation and may take a minimum of 12 months and their outcome cannot be guaranteed. Members should be advised on what would happen if one or more traffic regulation orders were refused, amended or delayed following consultation.

Officer note: Separate processes are always required to deliver highway works, and it is commonplace that these include measures that may require further statutory processes and consultation to take place. The proposed offsite highway mitigation works would be secured by conditions, which will enable the proposals to be refined, amended or omitted, as required by the Local Highway Authority as the detailed design of the proposals progress to implementation.

- Application 2026/93042 seeks the erection of 20 dwellings on land at Greenside Road and Wellhouse Lane, Mirfield. The council have confirmed that the proposed development has not been included in the highway assessment for this application as its cumulative effects would instead be considered when the application 2026/93042 is determined. However, the new application was validated on the 16th November 2026. Before determining this application, committee members should receive a clear explanation from highways officers as to whether the cumulative effects of these two developments have been considered and if not why.

Officer note: Noted. However, it would be considered unreasonable to require the application to include additional traffic movements from 20 new dwellings which may or may not be granted approval. It would instead be more likely that should this application be granted permission, that application 2026/93042 should take into consideration the traffic movements of this scheme in their assessments.

- Proposed condition 19 requires off-site highway works to be operational before occupation. This is an important safeguard but does not in itself demonstrate that every essential measure will secure the necessary statutory approval.

Officer note: Noted. The proposed offsite highway mitigation works are to be secured by conditions, which will enable the proposals to be refined, amended or omitted, as required by the Local Highway Authority as the detailed design of the proposals progress to implementation. Each amendment will be assessed and agreed by the Local Highway Authority as they see fit, which will secure the necessary changes required.

- The committee should consider the implications of introducing additional traffic onto a road network whose limitations have been repeatedly identified through earlier planning application and the Local Plan process.

Officer note: KC Highways have undertaken a detailed assessment of the proposals, which has concluded that there would not be a severe impact on the local highway network operation or an unacceptable impact on highway safety.

- Attention should be given to the enforceability and operation of the exit-only arrangement, the effects on pedestrian safety and the interaction with existing traffic movements at Hepworth Lane and Hepworth Close.

Officer note: The Hepworth Lane egress arrangement has been subject to an Independent Stage 1 Road Safety Audit (RSA), which has not identified any safety problems that cannot be adequately addressed at the detailed design stage. The one-way arrangement would be subject to a Traffic Regulation Order (TRO), so would be enforceable.

- The officer report acknowledges that the development would harm the heritage significant of the Grade II Balderstone Hall and associated listed structures, although it is concluded that the harm would not be substantial. Committee must give the identified harm the required statutory weight before balancing it against the public benefits of the development.

Officer note: Noted.

- The recommendation to approve is professional advice, not a binding determination.

Officer note: Noted.

- A grant of permission could potentially be susceptible to a judicial review if the decision-making process involved a material error of law, failed to address a legally relevant consideration or relied upon an irrational conclusion concerned essential mitigation.

Officer note: Noted.

One of the three representation receive did not contain material planning matters specific to this planning application, relating to wider legal matters of the planning process.

<u>PROW Upgrade Contribution</u>

As noted within the recommendation and paragraph 10.147 of the committee report, a contribution towards upgrading Public Rights of Way adjacent to the site is proposed, with the final value being unknown at the time of the committee report being published.

In consultation with K.C. Highways PROW, the value has been identified as up to £130,000, to be secured via S106 for upgrades to Public Rights of Way MIR/19/10 (2m wide tarmac path), MIR/12/40 (2m wide tarmac path), and MIR/15/50 & MIR/15/10 (2m wide stone path). This has been agreed with the applicant.

Receipt of updated sections plan

An updated sections plan has been submitted, Drawing No. 2520-SS-02F, which was updated following revised landscaping and external works being agreed. These amendments do not result in any increase to the heights of the proposed dwellings, but in some cases do result in a reduction in heights, due to the amended ground levels following the landscaping and external works to be undertaken. Landscaping has been added on the boundaries, with some dwellings benefitting from greater separation distances from the boundary of the site than previous.

Typographical Errors and Corrections

Within the recommendation box at the beginning of the committee report, 'Social' Rent properties have been quoted however, this should instead state 'Affordable' Rent.

Further to the above, under paragraphs 7.2 and 10.162, reference is made to the end date for public comments being 22/08/2026, this should instead be 12/11/2026 following a fourth round of public consultation.

Paragraphs 3.13 and 10.107 reference Public Rights of Way to the northern, eastern and western boundaries, this should read northern, eastern and southern boundaries.

Paragraph 10.72 makes reference to Site Sections Drawing No. 2520-SS-02A however, following receipt of the updated Site Sections drawing, this should now be Drawing No. 2520-SS-02F.

Additional Condition

Following submission of the committee report, officers consider it reasonable and appropriate to include an additional condition which requires details of the finished floor levels of the dwellinghouses to be agreed prior to construction works commencing on their superstructures. This is in the interest of visual and residential amenity. This has been agreed with the applicant's agent.