

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

3RD JANUARY 2019

PLANNING APPLICATION 2018/91661

ITEM 9 – PAGE 13

**PROPOSED RESIDENTIAL DEVELOPMENT - OUTLINE APPLICATION
FOR UP TO 74 DWELLINGS WITH MEANS OF ACCESS TO, BUT NOT
WITHIN,**

**THE SITE LAND AT WALKLEY TERRACE AND BRUNSWICK STREET,
HECKMONDWIKE.**

Members should note that since the publication of the committee report the following comments have been received from Cllr. M Bolt:

“Reading the committee papers I have concerns about the security of the Greenway route, if the application is approved.

The route was designated in the UDP, and to my recollection was the width of the former rail track bed? Has this been carried forward in its entirety to Local Plan?

Relevant sections of the report as you know say

K.C. Public Rights of Way – Object as this proposal would not provide a dedicated motor traffic free route for cyclists and pedestrians and insufficient information has been provided with regard to the protection of the adjacent public right of way.

This should not be solely the comment of PROW , but should be a planning policy statement ?

These comments are echoed by Sustrans

Sustrans/Railway Paths Ltd - Object, the proposed Cycleway/pedestrian link is unacceptable in its current form as it would link directly to the estate road rather than being a separate cycle/pedestrian route and the proposed drainage measures may cause flooding which may degrade land or structures which are owned by Railway Paths Ltd.

Routes which do not meet Sustrans standards will now not be accepted onto the National Cycle Network and thus this may compromise or adversely affect the work done in Kirklees for more than 20 years

Officer comments say

10.4 The site is identified as a Green Corridor in the Local Plan and, in accordance with UPD policy D6, development of the site needs to either demonstrate that this corridor will be safeguarded or an alternative Green Corridor will be established and there will be no detriment to wildlife or restriction to public access. It should be noted that no public access through the site bottom currently exists.

Whilst it is true that no public access currently exists, neither does any other use so that is a strange statement, however the crucial point is the fact that an alternative (and I would say equal) corridor will/should be established. This cannot be done by putting users onto the estate roads and in order for the green corridor to encourage biodiversity it must be segregated

Pars 10.9 to 10.11 seem to occur at present in planning reports and should be accompanied by clarification on the weight which can be given to the emerging Local Plan, as in recent cases it has been given significant weight and thus there IS a supply of land

Additionally it was identified that there is sufficient brownfield land in Kirklees for a substantial number of houses and so the demand can be met

I take issue with the officer view of the provision of open space and play facilities, para 0.24 as the abdication of play provision in site affects the opportunity to create a community spirit by families meeting at these facilities, and the expectation that young children should walk to Cawley Lane does not take into account the volume of traffic on the roads those children would have to cross or any gradients etc. It also ignores the requirement in the Fields in Trust standard on which the guidance is set of local areas of play for young children

The resolution or deferral of key decisions such as the provision of a Greenway should not be deferred to reserved matters stages but should be addressed and conditioned at this stage, I have seen recent decisions where strategic committee agreed a proposal based on conditions, which were later not met and planning officers accepted the conditions were unenforceable and not sound. So Clear, and unequivocal enforceable conditions need to be set on planning permissions

Due to the time taken by developers to achieve occupation etc I would strongly suggest that all planning conditions and contributions should be front loaded, prior to commencement and not await the occupation of a trip sale or occupation figure

I suggest that the conditions should include not only the allocation of land for a Greenway but the construction or payment to a high and equivalent standard of the adjoining Greenway and should add an equestrian verge as it links via bridleway. Otherwise the corridor will exist but no route built. The housing development should also show links to the Greenway as on other sites along the open routes"

Following the deferral of this application at the last meeting of the Strategic Planning Committee, the West Yorkshire Combined Authority (WYCA) was consulted on this proposal bearing in mind its aspirations to provide additional future rail links as part of a mass transit strategy. WYCA has confirmed that, whilst this proposal may preclude or limit future opportunities to use former railway alignments to achieve this aspiration, it does not object to this proposal. A copy of WYCA's response is included at the end of this update for member's information.

PLANNING APPLICATION 2018/93325

ITEM 12 – PAGE 77

OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT

LAND ADJ, 363, DUNFORD ROAD, HADE EDGE, HOLMFIRTH.

This application has been withdrawn by the agent.

PLANNING APPLICATION 2017/92568

ITEM 13 – PAGE 97

ERECTION OF 62 DWELLINGS WITH ASSOCIATED WORKS AND FORMATION OF ASSOCIATED PARKING WITH VEHICULAR ACCESS FROM WOODHEAD ROAD (AMENDED DESCRIPTION)

LAND OFF WOODHEAD ROAD, HONLEY, HOLMFIRTH.

RECOMMENDATION (Amended)

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to finalise the drainage details and complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

To secure a financial contribution for:

1. Education £141,439 is required towards school funding in the area
2. an offsite contribution of £102,374.02 to off-site play
3. Sustainable Travel Fund (could include Metrocards) of £10,000 for travel improvements including bus shelters.
4. Maintenance for drainage infrastructure (to be agreed)

The provision of 12 affordable houses split between 54% affordable rent and 46% intermediate.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Update

LLFA have advised that there is no objection in principle but further details should be agreed in respect of flood routing and the design of infrastructure and therefore it is advised to that delegation back to officers to finalise the detail is preferred.

Since publication of the committee agenda the applicants have confirmed that they are willing to provide a legal agreement to ensure that the access road to the edge of the land under the applicant's ownership before work commences on specific plots (as shown on drawing no. 21 69 30). Officers are satisfied that such a legal agreement would be acceptable and would comply the CIL Regulations contained within Paragraph 56 of the NPPF to ensure compliance with the relevant masterplanning policy within the emerging Local Plan policy PLP5.

Conditions (full wording delegated back to the Head of Strategic Investment)

1. 3 Year Time Limit
2. Development in accordance with the plans
3. Highways Conditions
4. LLFA conditions *likely* for surface water drainage including a scheme for management and maintenance
5. Trees Conditions including protection measures of TPO trees
6. Landscape & Biodiversity
7. Yorkshire Water
8. Electric Vehicle charging points
9. Low emissions Travel Plan
10. Contaminated Land conditions

PLANNING APPLICATION 2018/92456

ITEM 14 – PAGE 121

ERECTION OF 29 DWELLINGS

LAND OFF WHITE LEE ROAD, BATLEY.

This application has been withdrawn by the agent.

**ERECTION OF CAFE/RESTAURANT WITH BEDROOMS,
INTERPRETATION FACILITIES, CAR PARKING AND SERVICING
FACILITIES (WITHIN THE CURTILAGE OF A LISTED BUILDING)****VICTORIA TOWER, LUMB LANE, CASTLE HILL, ALMONDBURY,
HUDDERSFIELD.***Design and conservation*

The three-way meeting (between the applicant team, council officers, and Historic England) referred to at paragraph 10.26 of the Position Statement has been held. This was a constructive meeting, with the applicant team acknowledging that the design of the proposed development will need to be reconsidered. A smaller-scale proposal is likely to come forward after the committee meeting, however no sketches or other images of such a proposal have been submitted yet.

Secretary of State call-in

The Ministry of Housing, Communities and Local Government has advised that the Secretary of State (SoS) has received a request to call in the current planning application. The MHCLG is not able to confirm who made the request, however the reasons given for the request were stated as:

- Inappropriate development
- Impact on the green belt
- Development is larger than in previous scheme

The SoS will make a decision on whether or not to call in the application only once (and if) the Strategic Planning Committee resolves to grant permission. Officers have explained to the MHCLG that no such resolution will be made on 03/01/2019, as the committee will be considering a Position Statement.

Representations

West Yorkshire Police Architectural Liaison Officer – No objection in principle, however West Yorkshire Police are unable to support the proposal in its present form. Site is secluded and accessible from every direction, and has experienced anti-social behaviour, vandalism, drug dealing and use, alcohol abuse, issues with off-road motorcycles, and theft of Yorkshire stone. Development should be built to Secured by Design Silver standard as a minimum. Car park should be designed to Park Mark accreditation standard. Defensible space should be created to vulnerable parts of the proposed building (such as service yards and staff-only areas) with close-boarded fencing and lockable gates over 1.8m in height. Fencing also needed to restrict climbing access. Advice provided regarding lighting, planting heights and maintenance, doors and windows, cycle storage, alarms, and CCTV and Automatic Number Plate Recognition.

KC Landscape – Proposal, as is, cannot be supported. Proposal would be highly visible from the surrounding area, and should be more sympathetic and should have less of an adverse impact. Extension to car park would increase cars on site and increase adverse visual impact. Proposal could incorporate mitigation measures, however screen planting may not be in keeping with the tower and its setting. Curved roof helps the proposal sit within the landscape, however the proposal should be reduced in size, should project less above ground level (so the profile of Castle Hill is not adversely impacted in long views) and should incorporate green walls. No landscaping proposals have been submitted, but are required. Details of bin storage and collection are needed.

KC Public Health – Measures to mitigate health impacts during construction suggested. Measures to reduce car dependency and to encourage the use of sustainable transport modes, physical activity and social interaction suggested. Recommend that proposed café serves healthy food.

POSITION STATEMENT 2018/90748**ITEM 16 – PAGE 173****OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 630 RESIDENTIAL DWELLINGS (USE CLASS C3), UP TO 70 CARE APARTMENTS WITH DOCTORS SURGERY OF UP TO 350 SQ M (USE CLASSES C2/C3/D1), UP TO 500 SQ M OF USE CLASS A1/A2/A3/A4/A5/D1 FLOORSPACE (DUAL USE), VEHICULAR AND PEDESTRIAN ACCESS POINTS****OFF BLACKMOORFOOT ROAD AND FELKS STILE ROAD AND ASSOCIATED WORKS LAND OFF,**

The applicants have submitted a letter in response to the Position Statement, and will be attending the meeting.

In general, the applicants disagree with the “tone” of the position statement and have formally requested that Members are informed of the following key points prior to any discussion.

- The financial contribution towards highway/junction improvements at Longroyd Bridge is inaccurate, as it is based upon a total of 825 houses rather than the 700 applied for.
- The required contribution of £592,000 should therefore be reduced (on a pro rata basis) to £452,072.
- The public transport contributions ie bus shelter, extension of bus service, and METRO cards have not been evidenced properly, and at previous meeting the applicants have been advised that METRO cards is were not a priority on this site, and this therefore misrepresents the baseline position in respect of the Section 106 contributions.
- The level of information provided goes far beyond that which would normally be expected for an outline application, and considerable cost have been incurred in preparing the submission of a robust financial appraisal.

- The Independent appraisal raised question regarding assumed costs in respect of remediation options and the Council has not pursued its own independent additional advice on these assumptions.
 - The full residential allocation was put forward as an amendment to the Local Plan as the mixed use allocation was unviable. This was supported by the Council. It has been made evident from the earliest discussion that the site viability would be challenging
 - Believe that they have engaged meaningfully in this whole process over the last 2 years (starting with the local plan allocation, the pre application enquiry and current application). Have explained that the owner of the site has a number of options with the site, but wishes to gain a permission for the site before making any commercial decision . This is normal practice for any land owner seeking outline permission.
 - The report makes no mention of the effort involved and the previous discussions that have taken place regarding the place making principles that have been applied in coming up with a scheme in this semi-rural, urban fringe location.
 - The viability appraisal for a scheme of 35 dwellings per ha has been undertaken, and this makes the viability position worse
 - “Finally following a meeting with the client if a viable planning permission cannot be secured the client will carefully consider all options and could decide to retain its current firework distribution use on the site meaning this and the adjacent residential allocation will not come forward during the Local Plan period”.
 - The developer has stated verbally today they are willing to consider a review mechanism to the S106 which would allow viability to be reappraised at Reserved Matters stage which if it demonstrates changes to build and site assembly costs which improve the viability a greater S106 package could be achieved. Officers note this very positive development in negotiations.
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Glenn Wakefield
Kirklees Council
Via E-mail
2 January 2019

PLANNING APPLICATION REF: 2018/91661

PROPOSED RESIDENTIAL DEVELOPMENT - OUTLINE APPLICATION FOR UP TO 74 DWELLINGS WITH MEANS OF ACCESS TO, BUT NOT WITHIN, THE SITE

Thank you for consulting with the West Yorkshire Combined Authority (Combined Authority) on this application.

The site is not identified as or located in a Strategic Priority Area as set out in the Strategic Economic Plan (SEP) and therefore these comment are related to transport matters only.

The application proposes the infill of a section of the former railway cutting on the Spen Valley Ringway. These comments should be considered in the context of the potential for the former railway alignment to be brought back into use for transport and recreation purposes.

The Combined Authority and its partner councils including Kirklees Council, are currently developing local and strategic connectivity strategy, including proposals for Mass Transit and a West Yorkshire Local Cycling and Walking Infrastructure Plan (LCWIP), building on individual LCWIPs being developed by Kirklees.

These plans aim to identify priority corridors of movement and future investment required to deliver the connectivity improvements required for communities across the region. The report endorsed by West Yorkshire Transport Committee on 9 November 2018 set out that transforming local connectivity as highlighted in the map (See “Figure 2.3: 2033 Emerging City Region Transit Network with HS2”) . As highlighted in the report, detailed route alignments have yet to be undertaken.

<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CId=138&MId=730&Ver=4>

The proposed infill of the Spen Valley Ringway may preclude or limit future opportunities to utilise the former railway alignments to provide future connectivity improvements between communities as set out in the Transport Committee report that I refer to. However, the Combined Authority currently don't have an adopted plan for alignment identified. Therefore, in this instance, we request that this point should be noted but consider that we have

not sufficiently advanced in this work to consider that objection to the development be appropriate on the bases of this emerging strategy.

The next stages of connectivity strategy work are to open a conversation around the proposals and also to consider in partnership with the council the design options to achieve the objectives of the strategy.

We note that the layout plans in the Transport Statement shows a potential route to link the Spen Valley Ringway though the site. The plans show a 'Potential route for links to the Urban Greenway, to be provided by others and in agreement with the landowner'. We suggest that the council should seek an assurance through a planning condition or obligation that this aspect of the scheme will be implemented to ensure that a continuous link is retained should the Spen Valley Ringway be brought back into use for recreational purposes.

I trust these comments will be useful in your appraisal of the application. If you require more information, please don't hesitate to contact me.

Yours sincerely,

Michael Long
Head of Planning Coordination