

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

28 APRIL 2021

Planning Application 2019/93658

Item 7 – Page 11

Erection of 122 dwellings, landscaping and associated infrastructure

Land at, Whitechapel Road, Cleckheaton

Since the publication of the committee report the following has been received:

Additional Information:

In an email dated 19th April 2021, the applicant's agent provided the following information:

- Noise Assessment by SLR, Reference: 405.03696.00038 Version No. 10, dated April 2021
- Noise Input for the Overheating Assessment by SLR, Reference: 416.07967.00001 Version No. 3, dated April 2021

The email provided the following explanation for the reasons as to why the documentation was provided:

“Following the submission of the updated Noise Impact Assessment, we have now undertaken an Overheating Risk Assessment to confirm those dwellings which would require enhanced glazing and alternative ventilation at the site. Appendix 4 of the submitted Noise Impact Assessment indicatively identified those dwellings where we believed enhanced glazing and alternative ventilation would be required. Accordingly, Appendix 4 of the Noise Impact Assessment has been updated. The only change to the information presented in Appendix 4 is an increase in the number of dwellings where enhanced glazing and ventilation will be needed at the 2nd floor level. The results for the ground and first floor remain the same.

Enclosed above is the Overheating Risk Assessment and the updated Noise Impact Assessment. Whilst this level of information is usually submitted to discharge planning conditions, we thought it prudent to submit this now to give the Council further comfort that the appropriate mitigation strategy and measures will be in place to ensure a good level of residential amenity is provided for the homes at this site.”

Officer response: This information was passed onto Environmental Health for comments. To date, none have yet been received. However, given the nature of the changes to the Noise Assessment and the provision of the Overheating Risk Assessment, it is considered that any comments received will likely recommend changes to the proposed wording of the conditions 18, 19 and 20. As such, Environmental Health still have no objections to the proposal, subject to the necessary conditions.

Additional Representations:

Ward Cllr, Cllr Pinnock has made officers aware of the following weblinks, in relation to research regarding the impacts of traffic noise on human health, which are considered relevant to this particular site:

<https://www.theatlantic.com/health/archive/2021/02/how-noise-harms-heart/618091/>

<https://www.tcpa.org.uk/Blog/blogimproving-peace-at-quiet-at-home-with-sound-acoustic-design>

Officer response: These weblinks have been passed onto Environmental Health and the research into traffic noise impacts on human health are noted. The site is a housing allocation and the concerned site allocation box reference: HS97 recognises 'Noise source near site - M62 motorway' as a site constraint and requires a Noise Assessment to be submitted to address this matter. A Noise Assessment has now been provided to the satisfaction of officers. Additional information regarding mitigation measures have also been provided in response to members request at the Strategic Planning Committee on 27th January 2021. This matter is discussed further in paragraphs 10.93 – 10.97 of the committee report. Furthermore, the applicant has worked with Environmental Health to ensure that an appropriate site layout with the incorporation of the necessary mitigation measures is now proposed.

Cllr Bolt raised a number of observations and queries in an email dated 21st April 2021. These queries are summarised below, along with an officer response:

- What is the cost and distance of the link needed from 2019/93658 E to the Greenway.

Officer response: It is estimated that the cost of the off-site Greenway works would be in the region of up to £55,000 and £5,000 for potential survey work. The route measures approximately 250 metres.

- What work has been done on the surface or route standards.

Officer response: Unclear regarding the question. There are plans to improve connectivity to the Spen Valley Greenway in Whitechapel Road. These improvements will be between the greenway and the A638 on the north side. Kirklees Council have been awarded monies from the Department for Transport Active Travel Fund for this purpose. Consultation on this scheme has already started with key stakeholders such as ward members and bus operators and will go out to the wider public in June/July 2021. Kirklees Transport Policy and Strategy would support where feasible and affordable to see a link south of the greenway as well to further connect communities to the A638 corridor and the greenway.

- How many similar management company models are there in Kirklees please?

Officer response: Development Management do not keep such records and thus cannot provide a response to this question.

- A high quality right of way should be secured before any works commence due to the backlog of PROW cases.

Officer response: Officers believe that a high-quality route can be secured through the site with the imposition of the necessary planning conditions. This approach is in accordance with paragraph 54 of the NPPF, which states that: *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.”*

- Agreement with Cllr Kath Pinnock’s comments that the PROW should be sited away from the motorway.

Officer response: Noted. This matter was explored by the applicant. However, it was considered that such designs resulted in problems of achieving an efficient use of land as well as achieving the necessary natural surveillance of the proposed diverted public footpath.

- The PROW should also be to a Greenway standard to ensure a safe route to school for those living on the new site.

Officer response: In this case the developer is providing a link from the estate road east towards the main school entrance. The developer will also be providing a constructed multi-use link from the proposed estate road to the north western edge of their site, and improvement is expected of the current public footpath within the site that connects south past the pub. These works will be secured through the planning process, as well as the financial contribution.

- The long overdue link from the greenway also giving access away from roads and encouraging non- motorised transport.

Officer response: Noted.

- Opposed to the loss of trees.

Officer response: Noted. This matter has been assessed within the report. Please refer to paragraphs 10.79 – 10.87.

- Some of the units are not to acceptable size?

Officer response: As detailed in paragraphs 10.39 – 10.43 not all of the dwelling houses would be to the Government’s Nationally Described Space Standards (March 2015, updated 2016) (NDSS). However, such standard is not adopted planning policy in Kirklees and during the application process the developer has revised the scheme to provide significantly more NDSS compliant homes.

- In the event committee do approve the scheme has Kirklees ever looked at demanding like for like tree provision not numerically but environmentally, so you lose trees reducing CO2 by X you must replace with the same effect, which would mean planting standard (more mature trees) than whips/saplings and planting more of them to equate to the same outcome.

Officer response: Noted. However, Local Plan policy LP33 only states that “Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.” Thus, it does not state what would be a suitable tree mitigation strategy and in this case, Development Management consider that an appropriate detailed tree mitigation scheme has been provided in accordance with this policy requirement.

Additional Consultee Responses:

KC Conservation and Design: No objection. Reference made to previous comments and additional commentary provided on the applicant’s original Heritage Impact Assessment. It is considered that the current proposal would retain the enclosure of the listed church and its immediate context so that the grave-yard and appreciation of the designated church would be unaffected by any intrusion into views which contribute to the significance of the asset. Therefore, the indirect heritage impact of the revised development proposal remains modest in terms of the impact on the setting of the grade-II listed church.

Planning Application 2020/92546

Item 8 – Page 69

Outline application (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class 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, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield, HD4 7AD

Additional Representation

A further representation to the application has been received from the Huddersfield Civic Society (HCS).

Their response notes the details of the submission and acknowledges that the applicant has made suggestions as to how the development might proceed. However, HCS regard many of the proposals as materially inadequate and their representation sets out the following conclusions and recommendations. The Council’s response is also set out below.

1. HCS notes that the applicant is currently only asking for ‘Access Matters’ to be agreed as part of an application for Outline Planning Permission.

2. Accordingly, HCS asks that this Strategic Planning Committee:
 - a. Considers ONLY access matters at this stage, as per the applicant's request;
Response: As confirmed in the report, this application is submitted in outline with only means of access into the site to be determined at this stage.
 - b. defers consideration of all remaining matters to a future, more complete, application
Response: It is not a question of deferring a consideration of the outstanding Reserved Matters. Rather, the applicant is not seeking for those matters to be determined at this stage and as such, they do not form part of the consideration of this application.
 - c. does NOT delegate to officers the many key matters which are critical to the success of a future new community here and its impacts on existing neighbourhoods
Response: For a development of this scale, it is anticipated that any Reserved Matters application would be brought back to a Strategic Committee for determination in any event.
3. Only a future application will be able to address the many real needs to create a new community in Crosland Hill, along with several other sites in close proximity designated for housing.
Response: The importance of place-making is understood and it will be fully considered at Reserved Matters stage.
4. This application raises key issues for Kirklees Council in the challenge of meeting local and national targets for housing, transport, energy, air quality and many other standards.
Response: It is considered that these matters are addressed in the report.

An additional petition has also been received from a resident on Stonefield Avenue with 31 signatures. The petition raises the following objections: The elephant in the room is the extra traffic that will ensue from these developments at Crosland Moor (including St Lukes) and this will have a detrimental knock-on effect for both public transport as well as for cars.

It is going to be entirely unacceptable for the residents of Crosland Moor, never mind the schools traffic, which is always a busy time for this route.

The author is well-aware that Kirklees 'have been ordered to build 31,000 houses by the government' as part of a drive to increase available housing but this plan would be grossly unfair on the population of our area.

Please do not foist this amount of housing on Crosland Moor because it will be a useful amount to knock off the required housing numbers. Environmentally it will fail – the high places around our town have previous clean air, which is a big plus when we live in such a heavily populated area.

Response: The highway impact of this proposal, as well as the potential effects on air quality and education provision are fully assessed and detailed within the Committee Report.

Additional consultation response

The Lead Local Flood Authority have confirmed that in light of the application being all matters reserved and therefore layout not being decided upon at this moment in time, the LLFA can support this application subject to conditions. It is noted that decisions on improvements and drainage for Felks Stile Road will need to be factored into any approval of layout that can accommodate all drainage. An assessment of current drainage including that around existing ditches along Felks Stile Road and gullies in and around the junction with Blackmoorfoot Road would be required prior to the submission of a reserved matters application should this application be approved.

Planning Application 2020/90725

Item 9 – Page 125

Erection of 68 dwellings with associated access, parking and open space (revised plans)

Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

Additional Representation

The following representation has been received from the Kirklees Cycling Campaign:

'Kirklees Cycling Campaign (KCC) has commented in detail on this application. We are advocates for improved cycling facilities in Kirklees and would like to see the proposed Fenay Greenway completed to encourage walking and cycling, which was first proposed in 2001.

The Fenay Greenway would utilise the former Kirkburton branch railway. The railway is shown on the Local Plan as a proposed route of the core walking and cycling network. Its development as a Greenway is therefore supported by planning policy (LP23).

The former railway forms one of the long boundaries of this rectangular site. This section of railway adjacent to this site is already in use as an informal path, with access from Whitegates Grove and Rowley Lane.

Despite the potential of the Greenway to provide non-vehicular access to and from the site, the Planning Officer has declined to recommend that it be part-funded through a S.106 contribution.

Background

The Greenway, when fully developed, will extend from Kirkburton to Waterloo and offer a safe and attractive alternative route to the A629 Penistone Road. Serious and genuine concerns have been raised by many regarding safety and congestion on this road.

The very large quantity of new residential development on allocated sites within the Penistone Road corridor, to which this current application site contributes, will result in worsening conditions on Penistone Road. New residents to the area, together with existing residents, are increasingly likely to use the Greenway for essential and leisure travel as part of Kirklees' strategic cycling network. Kirklees Council is already committed to improved cycling facilities on A629 from Huddersfield town centre to Waterloo.

The urgency and importance of the climate crisis, recognised by the Council's declaration, highlights the need to promote active travel as one way of reducing emissions, but also for strong public health reasons.

Conclusions

Whilst it is regrettable that the Council has not previously taken steps to create the Greenway, the opportunity to do so still exists as most of the route is undeveloped, and in the few places where it has been built over, diversions are available.

For these reasons the committee is urged to accept that:

- i. The development of the Fenay Greenway is both achievable and highly desirable.*
- ii. A section 106 contribution be sought from the developer of this site, and others which come before the committee in due course, to ensure that sections of the route are upgraded, which will require a significant sum for the development of the Greenway.*

Response

This matter is fully addressed in the report. It is acknowledged that the disused railway line to the rear of the site is identified within the KLP as part of a core walking and cycling network. Policy LP23 of the KLP advises that they provide an opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan. Proposals should seek to integrate into existing and proposed cycling and walking routes by providing connecting links where appropriate.

It is not disputed that the former railway line would offer a safe and attractive alternative route to the A629 Penistone Road. Unfortunately, however, the section adjacent to the site is in private ownership. It is also understood that other sections of the line between Kirkburton to Waterloo have been subject to garden extensions and are in private ownership.

As set out in the report, the opportunities for delivering this route was fully considered in the course of the planning application. This included a meeting held with the Kirklees Cycling Campaign, the Council's Cycling Officer and Sustrans. Whilst the desire to bring forward the Fenay Greenway project is appreciated, it is not an identified Council project with timescales for its delivery. There is no identified strategy to secure the land from private ownership in order to be able to deliver the link from Kirkburton to Waterloo. It is therefore considered to be an aspiration at this stage, rather than an identified project to which a contribution could be tied. A planning obligation can only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

In the absence of a strategy for the delivery of the Fenay Greenway within the vicinity of the site, it is considered that a contribution could not be justified in this instance. However, significantly, the development would not preclude the Greenway being delivered in the future should that position change.

Amended plan

The applicant has submitted an updated plan to revise the position of the affordable housing units. This was submitted in response to a concern raised by a local resident about the proximity of such units to their property. Whilst the resident's concern was not considered to be a material consideration, the applicant chose to relocate them to mitigate the issue.

Planning Application 2019/93303

Item 10 – Page 183

Erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive

Merchant Fields Farm, Hunsworth Lane, Cleckheaton, BD19 4EJ

Highway matters:

A revised site layout plan and a series of drawings showing swept paths for a refuse vehicle have been submitted. These plans seek to address the outstanding issues with the internal site layout, as identified at paragraph 10.77 of the committee report.

Highways Development Management have reviewed the drawings. It is considered that the swept paths demonstrate that a refuse vehicle can adequately negotiate the site.

Junction visibility and forward visibility has been demonstrated and is considered to be acceptable, with the exception of two small areas at the junction adjacent to plots 125 and 139. A minor amendment to these plot boundaries is required to ensure that the visibility splay from this junction falls within the adopted highway. This could either be conditioned or the applicant could submit a revised plan before any decision is issued.

A Stage 1 Road Safety Audit is required and can form part of a condition relating to the detailed road design.

Flood risk and drainage matters:

Kirklees Lead Local Flood Authority (LLFA) has removed its holding objection.

Additional information has been submitted which demonstrates that the finished floor levels of plots 46-48 would be slightly higher than the floor level at the rear of 12 Mazebrook Avenue. Using this neighbouring property as a benchmark, it is considered that there is not any significant risk of flooding to these properties from Nann Hall Beck, which would be around 3.5m below the level of the proposed houses.

The LLFA recommends that a condition be imposed regarding measures to mitigate the risk of flooding to new property from the existing drainage ditch/proposed swale to the northern boundary, for example suitable landscaping to channel water away from property. This is a 'belt and braces' approach to minimising flood risk.

The LLFA is satisfied that the access points for the proposed attenuation tank adjacent to Nann Hall Beck would not be at risk of flooding subject to detailed drainage design, which would be secured by condition.

Residential amenity:

As discussed at paragraph 10.50 of the committee report, the applicant has now submitted revised plans for the two house types that did not meet Nationally Described Space Standards (NDSS). The scheme achieves 100% compliance with NDSS.

Affordable housing:

The affordable housing offer is 54 units comprising of:

- 26no. 2 bed units
- 28no. 3 bed units

53 affordable dwellings are required from this development and so the total number of units proposed represents a slight oversupply.

There is significant need for affordable 1, 2 and 3+ bedroom homes in this housing market area. The proposal would therefore make a substantial contribution towards the supply of two and three bedroom properties.

The affordable housing offer does not fully respond to the need for larger sized dwellings in this housing market area and all of the two-bedroom dwellings on the site would be affordable, which would not promote 'tenure blindness'. However, the quantum of affordable dwellings slightly exceeds the policy requirement and the proposed tenure split of 55% affordable rent and 45% intermediate (affordable home-ownership) is policy compliant. The affordable dwellings are also spread across the site and would be indistinguishable from the open market housing in terms of the quality of design. Overall, it is considered that the application complies with Policy LP11 of the Local Plan.

Additional comment on air quality:

Comments from Councillor Kath Pinnock and local residents and have raised concerns with the applicant's air quality assessment and information being taken from the Birkenshaw monitoring station. Councillor Pinnock has asked that mobile air monitoring units are placed at, or near to, the traffic light junction on the A58 and Hunsworth Lane as there is always queuing traffic there.

Kirklees Environmental Services agree with the general findings of the applicant's Air Quality Report. The report complies with relevant national guidance and current practices. Monitoring data from the monitoring point at Birkenshaw has been used to validate the modelling and it is considered that this would be more relevant than the data from the monitoring points at Chain Bar because the Birkenshaw location has higher levels of pollutants than Chain Bar and therefore represents a worst-case scenario. It is not anticipated that traffic composition and volume would be materially different between the monitoring point and the Hunsworth Lane A58 junction.

Notwithstanding the above, the Council reviews the air quality monitoring network on an annual basis and this is subject to review by DEFRA. During the last review, a decision was made to include a diffusion tube monitoring site at the junction of the A638 and Hunsworth Lane to increase the Council's understanding of the air quality in this location and therefore allay local concerns that have previously been raised outside of this planning application.

Additional representations:

A neighbour has submitted a copy of their submission to the Secretary of State that requested the Secretary of State to formally issue a "holding direction" so that the Secretary of State could consider whether to call-in the application, should the Council be minded to approve it. The grounds for the request were the impact on archaeology, flooding and highway matters.

The Council has given an undertaking to the Secretary of State not to issue the Decision Notice should the Strategic Planning Committee resolve to approve the application. This will give the Secretary of State an opportunity to consider whether to call-in the application. This is reflected in the officer recommendation within the committee report.

The same neighbour has submitted a representation reiterating concerns that have previously been expressed regarding works that have been undertaken to remove trees and hedgerows on the site and the impact of this on bats and birds. This includes tree removal that took place prior to the application being submitted.

Officers are aware that trees were removed before the application was submitted and that a hedgerow was removed earlier this year. Neither the trees or hedgerow benefited from protected status and so there was nothing to prevent their removal. Responsibility for ensuring that any works to remove vegetation do not contravene wildlife protection laws rests with the landowner and those carrying out the works. There is nothing to indicate that the works resulted in unlawful harm to wildlife.

The application has been assessed by the Council's Ecology Unit and, subject to the proposed landscaping, biodiversity measures and a financial contribution, the development would deliver a biodiversity net gain of 10%.

Boundary dispute:

One of the representations raised a boundary dispute in relation to a property at Merchant Fields Farm. The applicant has confirmed that a meeting has been held with the neighbour in question and the issue has been resolved. The outcome was that the red line boundary as submitted with the application is correct.

Additional condition:

24. Details of the proposed treatment of the external site boundaries, including to Kilroyd Avenue (as discussed at paragraph 10.46 of the committee report).

Planning Application 2021/90376

Item 11 – Page 213

Erection of external lighting

**Spensborough Pool and Sports Complex, Bradford Road, Littleton,
Liversedge, WF15 6LW**

3.0 PROPOSAL

3.1 For clarification, in total 18 columns are proposed, 4 at 4m in height and 14 at 8m in height. These are shown on the submitted masterplan.
