

Contact Officer: Richard Dunne or Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 14th July 2022

Present: Councillor Steve Hall (Chair)
Councillor Paul Davies
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Bill Armer
Councillor Mark Thompson
Councillor Andrew Pinnock

Co-optees

In attendance:

Observers:

Apologies:

1 Membership of the Committee

All Committee members were present.

2 Minutes of the Previous Meetings

RESOLVED – That the Minutes of the Meetings held on 25 May and 9 June 2022 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillor Armer advised that he had been lobbied on Application 2021/92086.

Councillors Armer, P Davies, S Hall and A Pinnock advised that they had been lobbied on Application 2021/93644.

Councillor A Pinnock advised that he had been lobbied on Application 2021/94060.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were submitted.

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7 Site Visit - Application No: 2021/92086
Site visit undertaken.

8 Site Visit - Application No: 2021/93644

9 Site Visit - Application No: 2021/92206
Site visit undertaken.

10 Planning Applications

11 Planning Application - Application No: 2021/92086

The Committee gave consideration to Application 2021/92086 – Erection of 277 residential dwellings and associated infrastructure and access (amended scheme) at land at Bradley Villa Farm, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Jonathan Dunbavin (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Homewood.

RESOLVED – That the determination of the application be deferred to obtain further clarity in regards to the S106 contribution.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, P Davies, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

12 Planning Application - Application No: 2021/92206

The Committee gave consideration to Application 2021/92206 – Erection of 137 homes with open space, landscaping and associated infrastructure at land off Woodhead Road, Brockholes, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Paul Butler (on behalf of the applicant), Andrew Naylor (applicant) and Lee Henton (local resident).

Under the provisions of Council Procedure Rule 36(a), the Committee received a representation from Councillor Greaves.

RESOLVED –

1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Three Year Time Limit for Commencement

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- Development to be carried out in accordance with approved plans
- Details of phasing (Pre-commencement)
- Construction Management Plan (Pre-commencement)
- Highway/PROW Condition Surveys (Pre-commencement)
- Detail of highway improvements (Pre-commencement)
- Detail of internal estate roads, footpaths etc
- Condition ensuring access to undeveloped land
- Erection and repair of existing and proposed dry stone walls
- Detail of visibility splays across site access (Pre-commencement)
- Various off-site highway and PROW works and Road Safety Audits
- Highway structure details (Pre-commencement)
- Surfacing and draining of vehicle parking areas
- Temporary retaining structure details (Pre-commencement)
- Retaining Wall facing materials
- Timely removal of temporary construction access
- Structural details of pipes/manholes (Pre-commencement)
- Cycle storage details
- Temporary waste storage for dwellings during the construction period
- Electric vehicle charging points
- Finished floor level restrictions
- Compliance with arboricultural method statement
- Detailed design of foul and surface water drainage scheme (pre-commencement)
- Surface water emergence and land drainage mitigation (pre-commencement)
- Storm Event Scenarios (Pre-commencement)
- Temporary Surface Water Details (Pre-commencement)
- PD Rights Removed for Plot 122 (Side extensions)
- PD Rights Removed for Plot 123 (Outbuildings)
- PD Rights Removed for 62no. plots in respect of boundary treatments relative to shared spaces
- Implementation of sound attenuation scheme
- Ventilation scheme for noise impacted properties (Pre-commencement)
- Dust mitigation details during construction period
- Unexpected contamination/coal deposits
- Imported Top/sub soil verification report
- Physical samples of facing materials
- Boundary treatment detailing
- Hard and soft landscaping details (Pre-commencement)
- Maintenance of landscaping and occupier notification mechanism
- Biodiversity Management Plan (Pre-commencement)
- Construction Environmental Management Plan (Pre-commencement)
- Eradication of invasive non-native species (Pre-commencement)
- Lighting Design Strategy
- Protected species Mitigation Strategy
- Working times compliance
- Further Archaeological Investigation (Pre-commencement)
- Details of substation and pumping station design and appearance
- Definitive footpath surfacing adjacent T18
- Details of any PROW diversion
- Riverside footpath construction specification and delivery

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- Rapid Health Impact Assessment submission and implementation

2) That the following matters to be delegated to officers to resolve prior to the issue of the decision notice: (i) NDSS shortfall of (7 units) to be addressed – this could be a condition or an amended plan and (ii) lighting of the PROW /footpath connection from the site to Smithy place/ Brockholes to provide improved safety and security for residents.

3) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) affordable housing – a 20% (19.7%) on-site contribution of 27 affordable homes with the following tenure split; 15 affordable rent, 5 shared ownership and 7 first homes (ii) education – a financial contribution of £546,137 made towards local schools (iii) public open space – an off site financial contribution of £94,288 to address shortfalls in specific open space typologies (iv) biodiversity – a financial contribution of £471,500 towards off site measures to achieve biodiversity net gain (v) sustainable transport – measures to encourage the use of sustainable modes of transport, including a £70,075.50 financial contribution towards a sustainable travel fund as well as a further £10,000 towards travel plan monitoring (vi) off site highway works – an off site financial contribution of £33,000 towards bus stop upgrades and signage improvements on Smithy Place Lane as well as a further £15,000 to contribute towards signalised junction improvements in Honley (vii) management – the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water and foul drainage infrastructure until formally adopted by the statutory undertaker),

4) That, pursuant to (3) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to 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, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, P Davies, S Hall, Pattison, Sokhal and Thompson (7 votes)
Against: Councillor A Pinnock (1 vote)

13 **Planning Application - Application No: 2022/91138**

The Committee gave consideration to Application 2022/91138 – Demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage at Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Clare Plant (on behalf of the applicant).

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RESOLVED - That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Three Year Time Limit for Commencement (S91 TCPA)
- Compliance with Approved Plans
- Construction Management Plan (Pre-commencement)
- Landscape and Ecological Design Scheme
- Fire Station Extension Materials (to match)
- Compliance with Submitted Materials (HQ & Training Centre)
- Submission of Outstanding Materials (HQ & Training Centre)
- Biodiversity Enhancement and Management Plan (No Net Gain)
- Protected Species restrictions to Working Practices
- Details relating to identification and remediation of Mine Shafts
- Structural Safety Sign-Off by Competent Person (Mine Shafts)
- Drainage Design including 30% betterment and surface water filter interceptors (Pre-commencement)
- Temporary Drainage Details (Pre-commencement)
- Parking restrictions to Whitehall Road West and Bradford Road
- Car Park Management Plan
- Compliance with Submitted Travel Plan
- Submission of Arboricultural Method Statement
- Implement Agreed Dust Mitigation Scheme
- Details of Kitchen Extract System
- Details of Pollution Prevention for Food Outlets (oil, fat and grease reduction to public sewer)
- Details of Electric Vehicle Charging Point Provision
- Post Demolition Phase 2 Contaminated Land ISI Report
- Submission of Contaminated Land Remediation Strategy
- Implementation of Contaminated Land Remediation Strategy
- Submission of Contaminated Land Validation Report
- Details of External Artificial Lighting
- Details of means of Securing External Access Doors
- Details of Fire Appliance Siren Policy
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A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, P Davies, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

14 Planning Application - Application No: 2021/93644

The Committee gave consideration to Application 2021/93644 – Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW with ancillary infrastructure and landscaping and biodiversity enhancements at Low Farm, Wakefield Road, Flockton.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mike Greetham (local resident) and Jack Spurway (applicant).

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RESOLVED - That authority be delegated to the Head of Planning and Development to notify the Secretary of State of the Local Planning Authority's intention to approve the application, to give the Secretary of State the opportunity to consider whether to exercise call in powers and that, subject to the response from the Secretary of State, progress to approve the application and issue the decision notice and complete the list of conditions including matters relating to;

- Development to commence within 3 years
- Development to be carried out in accordance with the approved plans and specifications
- Temporary permission (40 years, with non-operational clause for removal), with notice of commencement to be submitted
- Limitation of site to 49.9MW
- Green Belt: Prior to development commencing, full details of landscaping and screening strategy (i.e., numbers, species mixture, planting timeframe etc.) and management / maintenance to be submitted and approved
- Green Belt: Decommissioning statement prior to use
- Green Belt: Notwithstanding the submitted plans, details of container colour to be submitted
- Green Belt: No lighting erected without details being submitted
- Green Belt: CCTV plan
- Land use: Grazing Management Plan
- Glint and Glare: Mitigation measures to be installed prior to use commencing
- Amenity: Site operate in accordance with the Noise Impact Assessment
- Amenity: Construction Environmental Management Plan
- Highways: Access improvements to be implemented prior to solar panels being installed (per parcel)
- Highways: Sightlines as shown on plan to be implemented and retained
- Highways: Construction Management Plan
- Drainage: Yorkshire Water easement
- Contamination: Ground investigation – Contamination (Phase 2, Remediation, Validation)
- Contamination: Ground investigation – Coal (Phase 2, Remediation, Validation)
- Ecology: No clearance within the bird breeding season without survey
- Ecology: protected species holes in fence, for access
- Ecology: Ecological Design Strategy (EDS)
- Ecology: Invasive species removal protocol
- Ecology: Construction Environmental Management Plan: Biodiversity
- Education: Submission of education strategy
- Trees: No solar panels to be erected within 15m of the ancient woodland
- Trees: An Arboricultural Method Statement and Tree Protection Plan shall be provided before development commences
- Trees: A plan showing the exact location of tree friendly construction for access road

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

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For: Councillors P Davies, S Hall, Pattison, A Pinnock and Sokhal (5 votes)

Against: Councillors Armer and Thompson (2 votes)

15 **Planning Application - Application No: 2021/94060**

The Committee gave consideration to Application 2021/94060 – Variation condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following the demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) at Former North Bierley Waste Water Treatment Works, Oakenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Charlie Brown (local resident) and Jeremy Williams (applicant's agent).

RESOLVED –

- 1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Reserved matters to be submitted prior to commencement
- Reserved matters to be submitted to the LPA and carried out per plans
- Reserved matters time limit for submission
- Reserved matters time limit to commence
- Phasing plan to be submitted
- Biodiversity Enhancement and Management Plan to be submitted
- Construction Ecology Management Plan to be submitted
- Construction Environment Management Plan to be submitted
- Lighting Design Strategy for Biodiversity to be submitted
- Sewer easement
- Access to Moorend combined sewer overflow and syphon sewer details
- Separate foul and surface water required
- Drainage details to be submitted
- Outfall details to be provided
- Development done in accordance with Flood Risk Assessment
- Coal working site investigations
- Layout and landscape RMs to include consideration of coal working investigations
- Layout and landscape RMs to include Arboricultural Survey and Method Statements
- Layout and landscape RMs to include treatment of PROW on site
- Limiting floorspace constructed to 17,642m² until given highway works are approved or Highway England works undertaken
- Limiting floorspace occupied to 17,642m² until given highway works implemented (as approved by condition 20) or Highway England works undertaken
- Development restricted to the areas shown on plateau plan
- Reserved Matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk
- Reserved Matters to include surface water disposal strategy

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- Before occupation, SUDS features management, maintenance, and adoption to be submitted
- Temporary surface water details to be provided
- Prior to occupation, confirmation of highway works to be provided (improvements to Mill Carr Hill Road and Cliff Hollins Lane)
- Fixed mechanical services and plan to be noise controlled
- Layout and landscape RMs to include noise attenuation
- Unexpected contamination procedure
- Layout and landscape RMs to include low emission and charging point details
- Limitation on B2 and total floor space (to be varied)
- Prevent given area being used as Last Mile (new)

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover a deed of variation which ties the S106 obligations from 2016/92298 (the original consent) to the new S73 consent.

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to 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, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

4) That any subsequent Reserved Matters applications be submitted to this Committee for determination.

5) That Condition 33 be amended to read as follows:

33. The hereby approved development does not authorise the operation of any 'Last Mile' and/or 'Parcel Distribution' distribution use within the area highlighted in red on plan ref. '2147 PL 100B', as submitted on the 13th June 2022. 'Last Mile' and/or 'Parcel Distribution' is hereby defined as any single parcel undertaking its last leg of a journey from a transportation hub to a final destination, based upon the nationally recognised TRICS (Trip Rate Information Computer System) database definition. Reason: In the interest of highway safety, to ensure the development operates within the parameters of the assessment undertaken, in accordance with LP21 of the Kirklees Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors P Davies, S Hall, Pattison, A Pinnock and Sokhal (5 votes)

Against: Councillors Armer and Thompson (2 votes)

16 **Planning Application - Application No: 2021/93539**

The Committee gave consideration to Application 2021/93539 – Demolition of existing building and erection of detached dwelling at 628 Halifax Road, Hightown, Liversedge.

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RESOLVED – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Timescale for implementing permission
- Development to be carried out in accordance with the approved details
- Samples of materials to be submitted for approval
- Submission of Phase II Intrusive Site Investigation Report
- Submission of Remediation Strategy
- Implementation of Remediation Strategy
- Submission of Validation Report
- Submission of scheme for electric vehicle charging point
- Removal of permitted development rights (classes A-E)
- Submission of details for provision for a fire tender/dry riser
- Areas to be surfaced and drained
- Submission of details for biodiversity enhancement measures

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, P Davies, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

17 **Planning Application - Application No: 2021/93911**

The Committee gave consideration to Application 2021/93911 – Erection of 7 single storey garages and extension to access track at land off Perseverance Street, Cowlersley, Huddersfield.

RESOLVED – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Three years to commence development
- Approved Plans and Documents
- Pre-commencement condition on materials and colour to be approved by the Local Planning Authority before construction

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, P Davies, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)