

Public Document Pack



**Service Director – Legal, Governance and
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Wednesday 18 January 2023

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 26 January 2023**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

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

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

A Gregg
D Hall
V Lees-Hamilton
R Smith
J Taylor

Green

K Allison
S Lee-Richards

Independent

C Greaves
A Lukic

Labour

A Anwar
F Perry
M Kaushik E Firth
T Hawkins

Liberal Democrat

A Munro
PA Davies
J Lawson
A Marchington

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 18

To approve the Minutes of the meetings of the Committee held on 8 December 2022 and 14 December 2022.

3: Declaration of Interests and Lobbying

19 - 20

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

To receive any public questions in accordance with Council Procedure Rule 11.

6: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

7: Planning Applications

21 - 22

The Planning Committee will consider the attached schedule of planning applications.

Please note that any members of the public who wish to speak at the meeting must register by no later than 5.00 p.m. (for phone requests) or 11:59 p.m. (for email requests) on Monday 23 January 2023.

To register, please email governance.planning@kirklees.gov.uk or phone Sheila Dykes 01484 221000 (Extension 73896).

Please note that, in accordance with the Council's public speaking protocols at planning committee meetings, verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No: 2022/91730

23 - 38

Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units Land Adjacent, 60, Northgate, Cleckheaton.

Contact officer: Callum Harrison, Planning Services

Ward(s) affected: Cleckheaton

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Sheila Dykes / Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 8th December 2022

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

Apologies: Councillor Paul Davies
Councillor Bill Armer

1 Membership of the Committee

Councillor Anwar substituted for Councillor P Davies and Councillor Gregg substituted for Councillor Armer.

2 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting of the Committee held on 3rd November 2022 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Gregg, Hall, Pattison, Pinnock, Sokhal and Thompson advised that they had been lobbied in respect of Applications 2020/92331 and 2020/92350.

Councillors Hall, Pinnock and Sokhal advised that they had been lobbied in respect of Application 2020/92307.

4 Admission of the Public

It was noted that all items were to be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No. 2020/92307

Site visit undertaken.

8 Planning Application - Application No. 2020/92331

The Committee considered Application 2020/92331, an outline planning application for the demolition of existing dwellings and development of a phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential

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institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure (amended and further information received) on land east of Leeds Road, Chidswell, Shaw Cross, Dewsbury.

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mark Eastwood MP, Duncan Smith, Sally Naylor, Duncan Mounsey and Sandy Mounsey (local residents/Chidswell Action Group) and Nolan Tucker (on behalf of the applicant).

RESOLVED -

- 1) That, subject to the Secretary of State not calling in the application, approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:
 - a) complete the list of conditions, including those contained within the report and the update, as set out below:
 - 1) Standard outline condition (approval of reserved matters prior to commencement, including allowance for an infrastructure-only reserved matters application to be submitted).
 - 2) Standard outline condition (implementation in accordance with approved reserved matters).
 - 3) Standard outline condition (reserved matters submission time limits – first reserved matters application to be submitted within three years of outline approval, last to be submitted within 12 years).
 - 4) Standard outline condition (reserved matters implementation time limit – within two years of reserved matters approval).
 - 5) Development in accordance with plans and specifications.
 - 6) Details of phasing to be submitted.
 - 7) Floorspace of employment element to comprise a maximum of 65% B8 use and a maximum of 50% B1c and B2 uses, and all B1a floorspace to be ancillary to a B1c, B2 and/or B8 use.
 - 8) Floorspace of the local centre to include no more than 500sqm of A1 use.
 - 9) D1 floorspace within the local centre shall not be used as a museum or exhibition hall.
 - 10) Implementation of a traffic mitigation scheme at the Shaw Cross junction when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.
 - 11) Implementation of other junction improvement schemes when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.
 - 12) Submission of interim and final details of spine road (including road safety audits and arrangements for implementation under Section 38), and subsequent implementation.

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- 13) Submission of interim and final details of Leeds Road and Chidswell Lane site entrances (including road safety audits and arrangements for implementation under Section 278), and subsequent implementation.
- 14) Primary school to be provided (or alternative provision made) prior to occupation of more than 700 dwellings.
- 15) Assessment of potential for decentralised energy scheme to be carried out prior to submission of Reserved Matters applications.
- 16) Flood risk and drainage – full site-wide scheme to be submitted.
- 17) Flood risk and drainage – detailed drainage proposals to be submitted for each parcel / phase.
- 18) Separate systems of foul and surface water drainage to be provided.
- 19) Ecological mitigation and enhancement details (including an Ecological Design Strategy, measures to address impacts on birds including ground-nesting farmland birds), and details of mitigation and delivery measures to be submitted.
- 20) Air quality mitigation measures to be submitted.
- 21) Further noise assessment and mitigation measures to be submitted.
- 22) Further odour assessment and mitigation measures to be submitted, and odour constraint on developable areas to be considered prior to submission of Reserved Matters applications.
- 23) Contaminated land – phase II intrusive site investigation report to be submitted.
- 24) Contaminated land – remediation strategy to be submitted.
- 25) Contaminated land – remediation strategy to be implemented.
- 26) Contaminated land – validation report to be submitted.
- 27) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
- 28) Archaeological site investigation.
- 29) Site-wide placemaking strategy to be submitted prior to Reserved Matters applications, and to include design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide Supplementary Planning Document.
- 30) Bus stop infrastructure audit and improvement plan to be submitted, with timeframes for implementation.
- 31) Construction (Environmental) Management Plan to be submitted.
- 32) Tree protection measures to be approved and implemented.
- 33) Temporary (construction phase) drainage measures to be approved and implemented.
- 34) Site-wide open space strategy to be submitted prior to Reserved Matters applications (or with the first Reserved Matters application), and to include proposals for on-site provision with reference to existing local provision and the six open space typologies of the Open Space Supplementary Planning Document.
- 35) M62 junction 28 monitoring strategy to be submitted, approved and implemented, and mitigation to be implemented if monitoring demonstrates the need (condition to be worded to allow for an alternative scheme to be approved, for a contribution to be made via a Section 106 agreement, and for the developer to implement phase 1 of the scheme).

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- 36) M1 junction 40 monitoring strategy to be submitted, approved and implemented, and mitigation to be implemented if monitoring demonstrates the need (condition to be worded to allow for an alternative scheme to be approved, and for a contribution to be made via a Section 106 agreement).
- b) secure a Section 106 agreement to cover the following matters (with all contributions being index-linked):
- (i) Highway capacity / improvement / other works:
- a) Contribution towards M62 junction 28 mitigation (if details submitted pursuant to condition 35 demonstrate this is appropriate).
 - b) Contribution towards M1 junction 40 mitigation (if details submitted pursuant to condition 36 demonstrate this is appropriate).
 - c) Monitoring of left-turn movements into Chidswell Lane from spine road, Traffic Regulation Order and implementation of works if signed restriction proves ineffective (contributions totalling £23,500).
 - d) Contributions towards junction improvement schemes (applicable should schemes secured by condition prove to be more appropriately delivered via a Section 106 provision).
- (ii) Sustainable transport:
- a) Pump-priming of a Dewsbury-Leeds bus route along spine road, triggered by occupation of 1,000 homes across both sites, contribution to be agreed, duration of pump-priming to be agreed, and provision for contributions to cease if bus service becomes self-financing.
 - b) Bus stop upgrade contribution (applicable if bus stop audit demonstrates the need).
 - c) Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).
- (iii) Education:
- a) £700,000 contribution towards interim primary provision to be paid in two tranches (£350,000 upon first occupation, £350,000 upon occupation of 119 homes).
 - b) Primary school (including early years and childcare) provision cascade:
 - i) Applicant / developer to decide on whether to build school on site or pay contribution no later than point of occupation of 200 homes;
 - ii) If the former, applicant / developer to provide land and build school on site to the Council's specification for use no earlier than when required and no later than point of occupation of 700 homes;
 - iii) If the latter, contribution amount to be reviewed at the time of payment, contribution to be paid in instalments between the occupation of 229 and 919 homes, Council to put contribution towards on-site school or alternative provision.
 - c) Secondary education contribution of £2,257,029.00
- (iv) Open space, including sports and recreation and playspaces – contribution based on Open Space Supplementary Planning Document methodology / formulae, taking into account on-site provision (to be confirmed at Reserved Matters stage). Site-wide strategy required to ensure provision across all phases / parcels / Reserved Matters applications is co-ordinated.

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- (v) Affordable housing – 20% provision.
 - (vi) Local centre (including community facilities) – arrangements to ensure buildings / floorspace is provided, and details of size, timing, uses and location to be clarified.
 - (vii) Air quality – contribution (amount to be confirmed, and subject to applicant / developer measures which may render contribution unnecessary) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
 - (viii) Biodiversity
 - a) Contribution (amount to be confirmed) or off-site measures to achieve biodiversity net gain (only applicable if 10% can't be achieved on-site);
 - b) Securing other off-site measures (including buffers to ancient woodlands, and provision of skylark plots).
 - (ix) 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. May include street trees if not adopted.
 - (x) Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.
 - (xi) Ancient woodland – management plan (and works, if required) for public access to Dum Wood and Dogloitch Wood (outside application site, but within applicant's ownership).
 - (xii) Social value – requirement for applicant / developer, future developer partners and occupants of employment floorspace to provide package of training, apprenticeships and other social value measures.
 - (xiii) Masterplanning – No ransom scenarios to be created at points where new roads meet other development parcels / phases.
- 2) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution (or of the date the Secretary of State for Levelling Up, Housing and Communities confirms that the application will not be called in) then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised 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 Anwar, Hall, Pattison and Sokhal (4 votes)

Against: Councillors Gregg, Pinnock and Thompson (3 votes)

9 **Planning Application - Application No: 2020/92350**

The Committee considered Application 2020/92350, an outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated

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infrastructure (amended and further information received) on land south of Heybeck Lane, Chidswell, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mark Eastwood MP, Duncan Smith, Sally Naylor, Duncan Mounsey and Sandy Mounsey (local residents/Chidswell Action Group) and Nolan Tucker (on behalf of the applicant).

RESOLVED –

- 1) That, subject to the Secretary of State not calling in the application, approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:
 - a) complete the list of conditions, including those contained within the report and the update, as set out below:
 - 1) Standard outline condition (approval of reserved matters prior to commencement).
 - 2) Standard outline condition (implementation in accordance with approved reserved matters).
 - 3) Standard outline condition (reserved matters submission time limits – first reserved matters application to be submitted within three years of outline approval, last to be submitted within five years).
 - 4) Standard outline condition (reserved matters implementation time limit – within two years of reserved matters approval).
 - 5) Development in accordance with plans and specifications.
 - 6) Details of phasing to be submitted.
 - 7) Implementation of junction improvement schemes when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.
 - 8) Submission of interim and final details of Heybeck Lane site entrance (including road safety audits and arrangements for implementation under Section 278), and subsequent implementation.
 - 9) Assessment of potential for decentralised energy scheme to be carried out prior to submission of Reserved Matters applications.
 - 10) Flood risk and drainage – full site-wide scheme to be submitted.
 - 11) Flood risk and drainage – detailed drainage proposals to be submitted for each parcel / phase.
 - 12) Separate systems of foul and surface water drainage to be provided.
 - 13) Ecological mitigation and enhancement details (including an Ecological Design Strategy, measures to address impacts on birds including ground-nesting farmland birds), and details of mitigation and delivery measures to be submitted.
 - 14) Air quality mitigation measures to be submitted.
 - 15) Further noise assessment and mitigation measures to be submitted.
 - 16) Contaminated land – phase II intrusive site investigation report to be submitted.
 - 17) Contaminated land – remediation strategy to be submitted.
 - 18) Contaminated land – remediation strategy to be implemented.
 - 19) Contaminated land – validation report to be submitted.

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- 20) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
 - 21) Archaeological site investigation.
 - 22) Site-wide placemaking strategy to be submitted prior to Reserved Matters applications, and to include design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide Supplementary Planning Document.
 - 23) Bus stop infrastructure audit and improvement plan to be submitted, with timeframes for implementation.
 - 24) Construction (Environmental) Management Plan to be submitted.
 - 25) Tree protection measures to be approved and implemented.
 - 26) Temporary (construction phase) drainage measures to be approved and implemented.
 - 27) Site-wide open space strategy to be submitted prior to Reserved Matters applications (or with the first Reserved Matters application), and to include proposals for on-site provision with reference to existing local provision and the six open space typologies of the Open Space Supplementary Planning Document.
- b) secure a Section 106 agreement to cover the following matters (with all contributions being index-linked):
- (i) Highway capacity / improvement / other works:
 - a) contributions towards junction improvement schemes (applicable should schemes secured by condition prove to be more appropriately delivered via a Section 106 provision).
 - b) contribution towards Shaw Cross junction scheme.
 - (ii) Sustainable transport:
 - a) Bus stop upgrade contribution (applicable if bus stop audit demonstrates the need).
 - b) Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).
 - (iii) Education:
 - a) £300,000 contribution towards interim primary provision.
 - b) Secondary education contribution of £223, 957.
 - (iv) Open space, including sports and recreation and playspaces – contribution based on Open Space SPD methodology / formulae, taking into account on-site provision (to be confirmed at Reserved Matters stage). Site-wide strategy required to ensure provision across all phases / parcels / Reserved Matters applications is co-ordinated.
 - (v) Affordable housing – 20% provision.
 - (vii) Air quality – contribution (amount to be confirmed, and subject to applicant / developer measures which may render contribution unnecessary) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
 - (viii) Biodiversity:
 - a) Contribution (amount to be confirmed) or off-site measures to achieve biodiversity net gain (only applicable if 10% can't be achieved on-site);

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- b) Securing other off-site measures (including buffers to ancient woodlands, and provision of skylark plots).
 - (ix) 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. May include street trees if not adopted.
 - (x) Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.
 - (xi) Ancient woodland – management plan (and works, if required) for public access to Dum Wood and Dogloitch Wood (outside application site, but within applicant's ownership).
 - (xii) Social value – requirement for applicant / developer, future developer partners and occupants of employment floorspace to provide package of training, apprenticeships and other social value measures.
 - (xiii) Masterplanning – No ransom scenarios to be created at points where new roads meet other development parcels / phases.
- 2) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution (or of the date the Secretary of State for Levelling Up, Housing and Communities confirms that the application will not be called in) then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised 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 Anwar, Hall, Pattison and Sokhal (4 votes)

Against: Councillors Gregg, Pinnock and Thompson (3 votes)

10 **Planning Application - Application No. 2020/92307**

The Committee considered Application 2020/92307, an outline application, including the consideration of access, for the erection of residential development (up to 75 units) at Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield.

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Alison Munro and Gerald Newsome (local residents), Steve Noble (Green Alert in Lepton) and Chris Creighton (agent).

RESOLVED –

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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;

1. Standard OL condition (submission of Reserved Matters)
2. Standard OL condition (implementation of Reserved Matters)
3. Standard OL condition (Reserved Matters submission time limit)
4. Standard OL condition (Reserved Matters implementation time limit)
5. Full technical details of the proposed access to be submitted, approved and implemented
6. Full technical details of the proposed footway along the southside of Rowley Lane to be submitted, approved and implemented
7. Full technical details of the proposed highway improvements to the Rowley Lane / Penistone Road junction to be submitted, approved and implemented
8. Full technical details of internal road to adoptable standard to be submitted, approved and implemented
9. Structural details provided for retaining walls adjacent to the highway
10. Archaeology investigation works to be undertaken and details of how the findings have informed the design, to be submitted with layout and/or landscape
11. Contaminated land investigation and appropriate remediation pre-commencement conditions
12. Full drainage scheme to be provided prior to commencement
13. Overland flow routing plan to be provided prior to commencement
14. Temporary surface water drainage plan to be provided prior to commencement
15. Noise mitigation measures to be submitted with layout and/or appearance
16. Details of secure cycling to be provided at layout
17. Construction Environmental Management Plan
18. Construction Environmental Management Plan: Ecology
19. Construction Management Plan
20. EV Charging Points to be provided
21. Arboricultural Survey, Impact and Methodology assessments to be submitted with layout and/or landscape
22. Ecological Impact Assessment, to include 10% net gain, to be submitted with layout and/or landscape
23. Repeat Ecological Surveys for the stand-alone tree and north boundary to be submitted with layout and/or landscape
24. Fully detailed Travel Plan to be provided
25. Public sewer easement
26. Tree protection

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) Affordable housing: 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing (inc. 25% First Homes) (ii) Open space: Contribution to off-site open space to be calculated at Reserved Matters stage based upon final number of units and the level of on-site provision at that time (iii) Education: additional places would be required at Rowley Lane Junior, Infant and Nursery School and King James's School with the contribution to be calculated at Reserved Matters stage based upon final number of units and the projected student numbers at that time (iv) Bio-diversity: Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain

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in the event that it cannot be delivered on site (v) Travel plan: Monitoring of £10,000 (£2,000 per year, for five years) (vi) Metro / Sustainable travel: £10,000 for Real Time Information display plus Residential Metro Cards (vii) Roundabout contribution: £285,000 with overage clause if the identifies cost is exceeded and (viii) Management and maintenance: POS, Drainage, and Ecological features.

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.

A recorded vote was taken, in accordance with Council Procedure Rule 42 (5), as follows;

For: Councillors Anwar, Gregg, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

11 **Planning Application - Application No. 2021/90800**

The Committee considered Application 2021/90800 relating to the redevelopment and change of use of a former mill site to form 19 residential units (within a Conservation Area) at Hinchliffe Mill, Water Street, Holmbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Charles Pogson (in objection), Mark Lee and Alison Dumville (on behalf of the applicant)

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;

1. TCPA Standard 3 Year Time Limit for Commencement;
2. Development in Accordance with Approved Document List;
3. Restrictions on occupation of the development to ensure Mill Conversion is completed;
4. Material Samples, Fenestration Detailing, Heritage Feature Retention Report (Prior to Commencement);
5. Archaeological Recording (Prior to Commencement);
6. Boundary Treatment Plan;
7. Obscure Glazing for Protection of Privacy of Water Street Residents;
8. Installation of Heritage Information Boards ;
9. Environment Agency Flood Risk Mitigation Measures;
10. Detailed Foul and Surface Water Drainage Design (Prior to Commencement);
11. Exceedance Event Assessment and Overland Flow Routing (Prior to Commencement);
12. Temporary Drainage Design (Prior to Commencement);
13. Lighting Design Strategy for Biodiversity;

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14. Submission of a Phase II Intrusive Site Investigation Report for Contaminated Land (Prior to Commencement);
15. Submission of a Remediation Strategy for Contaminated Land (Prior to Commencement);
16. Implementation of Site Remediation for Contaminated Land;
17. Submission of Validation Report for Contaminated Land;
18. Protection of Private Water Supplies (Prior to Commencement);
19. Electric Vehicle Charging Points;
20. Construction Management Plan (Prior to Commencement);
21. Submission of Structural Retaining Wall Details (Prior to Commencement);
22. Submission of Highway Structure Details within the Carriageway (manholes etc) (Prior to Commencement);
23. Submission of Retaining Wall Facing Materials;
24. Submission of Tree Protection Plan;
25. Submission of Waste Management Plan;
26. Submission of Temporary Waste Management Plan;
27. Submission of Pre and Post Development Highway Condition Survey (Prior to Commencement);
28. Private Access Road Surfacing Details (Prior to Commencement);
29. Submission of the details relating to the Parking Layby proposed on Spring Lane/Dam Head (Prior to Commencement);
30. Parking Area Surfacing;
31. Construction Environmental Management Plan: Biodiversity (Prior to Commencement);
32. Landscape Ecological Design Strategy (Prior to Commencement);
33. Public Open Space Details;
34. Removal of Invasive Plant Species;
35. Protected Species Licence (Prior to Commencement);
36. PROW Alignment, Construction and Safety Details.

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) financial contribution of £62,330 towards off-setting the loss of Biodiversity on the development site with supplementary management details in accordance with the Biodiversity Technical Advice Note (ii) the provision of management companies for the purpose of maintaining shared spaces and drainage infrastructure serving the site and (iii) to enter into a viability review no later than the point at which 75% of on-site units have been sold. The agreed developer profit is to be 15% of Gross Development Value and any profits in excess of this shall be paid to the council to meet identified planning policy contributions (Affordable Housing/Sustainable Travel/Public Open Space/ 10% BNG).

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.

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A recorded vote was taken, in accordance with Council Procedure Rule 42 (5), as follows;

For: Councillors Anwar, Gregg, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

12 **Planning Application - Application No. 2022/92718**

The Committee considered Application 2022/92718 in respect of the demolition of fire training building, extension and landscaping of RTC yard, including erection of fuel pump and tank, bin store and dog kennels, recladding of the BA building and erection of an enclosed link between BA and TRTC, provision of a new sub-station and new boundary treatments, retaining and landscaping works at Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw.

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

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;

- 1) In accordance with the approved plans
- 2) Commencement with 3 years
- 3) Development shall not commence until works to remediate shallow coal mine workings has been carried out.
- 4) Prior to the occupation of the development, a signed statement or declaration confirming that the site has been made safe shall be submitted.
- 5) Development in accordance with the submitted Flood Risk Assessment and foul and surface water drainage strategy
- 6) Prior to development commencing a Construction Environmental Management Plan (CEMP) to be submitted.
- 7) Development in accordance with the Arboricultural Method Statement contained within the arboricultural impact assessment
- 8) Submission of Remediation Strategy
- 9) Implementation of the Remediation Strategy
- 10) Submission of Verification Report relating to any site remediation prior to site being bought in to use (If applicable).
- 11) Noise from Fixed Plant & Equipment to be controlled to not exceed background sound level.
- 12) Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
- 13) In accordance with BNG design stage report.
- 14) In accordance with landscape plans
- 15) Brick to link for BA room to match existing BA & Command building

A recorded vote was taken, in accordance with Council Procedure Rule 42 (5), as follows;

For: Councillors Anwar, Gregg, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

13 Planning Application - Application No. 2022/92651

The Committee considered Application 2022/9261 for the use of land as a 'glamping site' with 6 glamping pods with decking, alterations to access to Moor Lane with formation of access road and parking areas, change of use of stables to form gym and Class E shop and café, and installation of package treatment system at Moorgate Farm, Moor Lane, Netherthong, Holmfirth.

RESOLVED – That the application be refused on the grounds that;

1. The proposed development is inappropriate in principle within the Green Belt since buildings for holiday or visitor accommodation do not fall within the definition of "appropriate facilities for outdoor recreation" nor any of the other categories listed in paragraphs 149-150 of the National Planning Policy Framework (NPPF). It is considered that the development would cause significant harm to the openness of the Green Belt and undermine the purpose of including land within it as set out in paragraph 138(c) of the NPPF in that it would represent an encroachment of built development into open countryside. Very special circumstances that clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness or other harm have not been demonstrated by the applicant. The development is therefore contrary to Chapter 13 of the NPPF, Policy 10 of the Kirklees Local Plan and Policy 7 of the Holme Valley Neighbourhood Development Plan.

2. The proposed visibility splay to the west crosses land that is outside the red line boundary and appears to be in third party ownership. It is therefore not possible to guarantee that a sufficient visibility splay to the west can be provided or retained in perpetuity. Consequently, the use of the access by the proposed development would give rise to a material increase in risks to highway users, and therefore due to impacts upon highway safety, the proposal is contrary to the aims of Policy LP21 of the Kirklees Local Plan and Policy 11(4&5) of the Holme Valley Neighbourhood Development Plan.

3. The application has not been supported by an Arboricultural Survey or Impact Assessment formally appraising the value of the trees on site, explaining how they would be affected and what mitigation or compensation could be undertaken. The provision of visibility splays as shown on drawing 220430-01-11 would appear to require the removal of a number of mature trees that are the subject an Area Tree Preservation Order, reference 66/92/g1. The development therefore does not accord with the aims of Policy LP33 the Kirklees Local Plan or those of Holme Valley Neighbourhood Development Plan Policy 2(3) which state that any significant trees should be retained.

4. The Kirklees Biodiversity Net Gain Technical Advice Note requires that a 10% net gain should be achieved on sites over 0.5ha. The proposal has not been supported by a baseline ecological survey or impact assessment. It is therefore not possible to assess the value of any existing semi-natural habitat that would be lost (including, but not restricted to, mature trees) nor establish how the appropriate biodiversity net gain would be achieved. The proposal therefore does not accord with the aims of

Strategic Planning Committee - 8 December 2022

Policy LP30(ii) of the Kirklees Local Plan and Policy 13 of the Holme Valley Neighbourhood Development Plan.

A recorded vote was taken, in accordance with Council Procedure Rule 42 (5), as follows;

For: Councillors Anwar, Gregg, S Hall, Pattison, A Pinnock And Sokhal (6 votes)

Against: Councillor Thompson (1 vote)

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 14th December 2022

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

Apologies: Councillor Bill Armer

1 Membership of the Committee

Apologies were received from Councillor Bill Armer.

Councillor Adam Gregg substituted for Councillor Bill Armer.

2 Declaration of Interests and Lobbying

Councillors P Davies, Gregg, S Hall, Pattison, A Pinnock, Sokhal and Thompson declared that they had been lobbied on application 2021/91914.

3 Admission of the Public

All items on the agenda were taken in public session.

4 Public Question Time

No questions were asked.

5 Deputations/Petitions

No deputations or petitions were received.

6 Planning Applications

The following applications were considered.

7 Planning Application - Application No: 2021/91914

The Committee gave consideration to Planning Application 2021/91914 Demolition of one dwelling and erection of 44 dwellings with access and associated infrastructure (revised plans) rear of, 28, Northorpe Lane, Northorpe, Mirfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Dipika Kaushal, Lucy Ashen, Sarah Hirst, Dominic Bowen, Stephen Ashen, Jackie Ashen and John Fitzsimons (objectors) and Richard Mowat (on behalf of the applicant).

Strategic Planning Committee - 14 December 2022

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report and the planning update including:
 1. TCPA Section 91 – Standard 3 Year Commencement Deadline
 2. Development in accordance with Approved Document Schedule
 3. Submission of retaining wall facing materials
 4. Highway Retaining Wall Structural Details (Pre-commencement)
 5. Non-highway Retaining Wall Structural Details (Pre-commencement)
 6. In highway structures' details (manholes etc) (Pre-commencement)
 7. Internal estate highway construction details to meet adoptable standards (Pre-commencement)
 8. Provision of off-site parking lay-by/widening works (Pre-commencement)
 9. Surfacing of parking areas
 10. Access junction layout (Pre-commencement)
 11. Submission of detailed Travel Plan
 12. Bin presentation points.
 13. Temporary waste management during development and occupation of dwellinghouses
 14. Pre & Post Highway Condition Surveys and remedial works (Pre-commencement)
 15. External materials specifications and samples.
 16. Soil & Vent Pipes to remain within external envelope.
 17. Submission of detailed hard and soft landscaping including street trees and management practices (Pre-commencement)
 18. 5 Year Landscape Replacement
 19. Construction Environmental Management Plan for Biodiversity (Pre-commencement)
 20. Ecological Design Strategy
 21. Detailed drainage design (Pre-commencement)
 22. Exceedance event/overland flow routing (Pre-commencement)
 23. Temporary drainage arrangements (Pre-commencement)
 24. Submission of Phase II Contaminated Land Survey (Pre-commencement)
 25. Submission of Remediation Strategy for Contaminated Land (Pre-commencement)
 26. Implementation of Remediation Strategy (Pre-commencement)
 27. Validation of Site Remediation (Pre-commencement)
 28. Submission of Air Quality Impact Assessment
 29. Electric Vehicle Charging Point Installation
 30. Construction Environmental Management Plan (Noise, Dust, Artificial Lighting, Complaint Handling) (Pre-commencement)
 31. Construction traffic and operative parking management (Pre-commencement)
2. Secure a Section 106 agreement to cover the following matters:

Strategic Planning Committee - 14 December 2022

- 1) Affordable housing – A 20% (20.51%) on-site contribution composed of 9 affordable First Homes with 30% market discount.
 - 2) Public Open Space – An off-site financial contribution of £80,318 to address shortfalls in specific open space typologies.
 - 4) Biodiversity – A financial contribution of £59,110 towards off-site measures to achieve biodiversity net gain.
 - 5) Sustainable Transport – Measures to encourage the use of sustainable modes of transport, including a £25,968.50 financial contribution towards a Sustainable Travel Fund for the purpose of providing Residential MCards for occupants of the development as well as £23,000 for Bus Stop Upgrades in the form of a New Shelter at Stop 16299 and a Real Time Display to be installed at Stop 16300. A further £10,000 towards Travel Plan monitoring is also required.
 - 7) 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).
3. Pursuant to (2) above, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised 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: P Davies, S Hall, Pattison and Sokhal (4 votes).

Against: Councillors: Gregg, A Pinnock and Thompson (3 votes)

8 Planning Application - Application No: 2022/92557

The Committee gave consideration to Planning Application 2022/92557 Installation of a 1mW ground mounted solar array and all associated works Fox View, Dry Hill Lane, Denby Dale, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Richard Corbett (on behalf of the applicant).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. In accordance with the approved plans.
2. Development with 3 years.
3. Submission of details regarding the transformer details / locations

Strategic Planning Committee - 14 December 2022

4. Submission of a landscaping / planting scheme
5. Submission of noise impact assessment
6. Submission of a 'Glint and Glare' assessment
7. Reporting of unexpected contaminated land
8. No development within an appropriate buffer of the protected trees, as agreed with KC Trees
9. Submission of a biodiversity plan for a 10% biodiversity net gain
10. Notwithstanding approved plans, applicant to agree on method to fix panels to the ground with the LPA.
11. Submitted of an arboricultural method statement / tree protection plan
12. Submission of a landscape and ecological design (LEDS). The scheme shall provide the means of providing biodiversity enhancement, given the location, managed and maintained in perpetuity.

It was noted that the Committee supported a condition to replace the use of concrete pads as the method of fixing the solar panels to the ground with a less intrusion method.

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

For: Councillors: P Davies, Gregg, S Hall, Pattison, A Pinnock and Sokhal (6 votes).

Against: Councillor Thompson (1 vote)

KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Jan-2023

Subject: Planning Application 2022/91730 Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB

APPLICANT

D & M Middleton

DATE VALID

17-May-2022

TARGET DATE

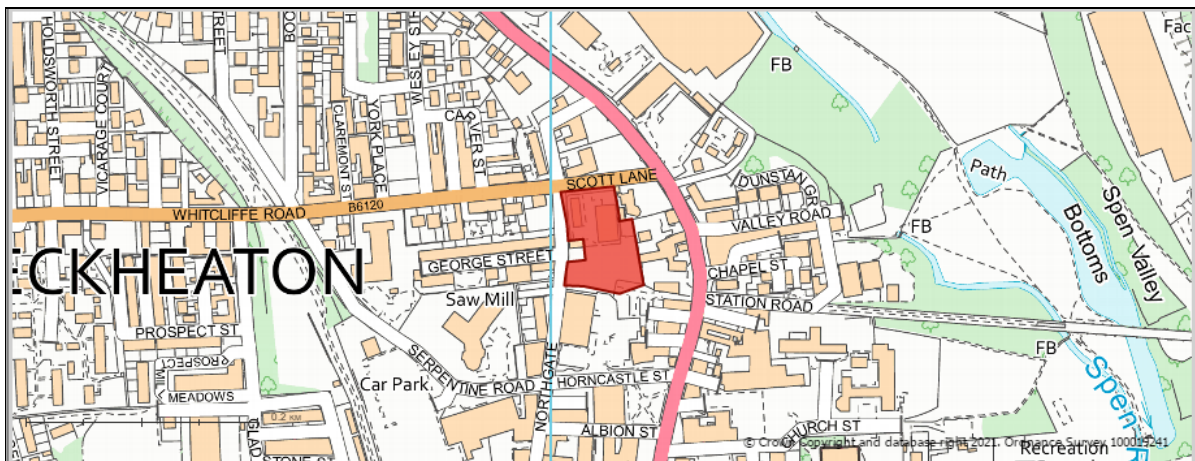
16-Aug-2022

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions, including those contained within the main report, and to secure a Section 106 Agreement to cover the following matter:

1. Financial contribution to deliver offsite habitat improvements (£30,130)**1.0 INTRODUCTION:**

1.1 The application has been called to committee on the request of Cllr K Pinnock. Cllr K Pinnock had concerns regarding highway safety and residential amenity which are set out in full in the report below. The Chair accepted these reasons to constitute a material planning consideration and valid reason for the application to be heard at committee.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises an area of vacant land that is approximately 0.45 hectares in size. The site slopes down from Northgate towards the east.

2.2 The northern part of the site was historically used for a range of different uses, including a dairy, snooker hall and children's nursery. Derelict buildings relating to these former uses had existed on the site, but these have recently been demolished and the land cleared. This part of the site has an existing point of access from Scott Lane.

2.3 The southern part of the site formed an area of unkempt land covered largely with low lying vegetation, although this part of the site has recently been cleared as well. There is an existing point of access from Northgate that has been blocked off.

2.4 The site lies on the edge of Cleckheaton town centre. Immediately to the south is a Home Bargains store and to the eastern boundary is a dental practice, car dealership, car wash and other commercial uses. The site is bound to the north by Scott Lane with residential development beyond. Northgate runs parallel to the western boundary and towards the west are a mixture of dwellings, light industrial and office uses as well as a small domestic garage site. The site wraps around 60 Northgate, which forms a two-storey office/retail unit with a car park to one side.

3.0 PROPOSAL:

3.1 This is a full application for the demolition of the existing buildings on the site and the erection of 9 light industrial units. The application describes the proposals as starter units.

3.2 Six units are proposed in the northern part of the site (units A-F) and three in the southern part (units G-I).

- 3.3 Units A-C are formed on two levels with pedestrian access onto Northgate and the vehicular access to the rear being at a lower level. The remainder of the units are single storey, although unit I includes some office space on the side of the unit that is two storeys.
- 3.4 The units would be constructed from composite colour coated panels, except units A-C, which would be faced in stone where they front onto Northgate.
- 3.5 There are two vehicle access points with vehicles entering and exiting from Scott Lane and Northgate.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application ref 2020/91747 proposed an almost identical scheme to the one being proposed now, also for the erection of 9 industrial units. It was refused by Members of the Strategic Planning Committee on residential amenity grounds of nearby properties, contrary to officer recommendation. The decision was appealed and dismissed. However, within the appeal, the inspector found that the scheme was in fact acceptable on residential amenity grounds and dismissed the appeal as a s106 agreement was not in place for financial contributions to deliver offsite habitat improvements. This was the only reason that the appeal was not upheld.
- 4.2 The application site formed part of a much larger site that was the subject on an approved outline application (ref 2001/92868) and subsequent reserved matters approval (ref 2005/91881) for a superstore.
- 4.3 Planning permission for six industrial unit/starter units on the southern part of the site was approved under application 91/04914 (decision notice dated 1st December 1997).

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 There was a formal pre-application enquiry submitted in 2020 for a mixed-use residential and light industrial scheme on the site. This proposed 15 dwellings in the northern part of the site and several light industrial units in the southern part of the site. The overall principle of development was considered acceptable although the Police Architectural Liaison Officer raised strong concerns with the location of the dwellings facing onto Scott Lane.
- 5.2 Under application 2020/91747, the planning application was amended by the applicant to reduce the number of units from twelve to nine, by omitting three units in the southern part of the site and removing the dwellings proposed on the pre-application. Also, under application 2020/91747. Additional information was provided to address highways, drainage and ecological matters. Site illustrations were also provided to assist with the assessment of the proposals.
- 5.3 Under this application, minor revisions to the layout were made along with the submission of additional information with regard to highway safety. The agent has also agreed to enter into a section 106 agreement to secure funds for offsite habitat improvements.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The site is unallocated in the Local Plan.

6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP27 – Flood Risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD

6.5 National Planning Guidance:

Chapter 2 – Achieving sustainable development

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notices, press advert and neighbour notification letters. Eight objections have been received, a summary of the concerns raised is provided below.

- Concerns with the amount and nature of traffic that would be generated, particularly HGVs.
 - Surrounding road network is unsuitable for HGVs; heavy goods vehicles do not currently use & never have used Scott Lane or Northgate.
 - HGVs and other large vehicles would pose a danger to children and elderly people.

- Noise, vibration and air pollution from site traffic.
 - HGVs and other larger vehicles would cause obstructions for local residents.
 - Impact of HGVs on Northgate/Horncastle Street junction.
 - Impact of traffic on road surface.
- The parking provision assessment is insufficient and Development may cause on-street parking problems.
 - Conflict between the site's egress points and the surrounding highway network.
 - Development may cause on-street parking problems.
 - No proper provision for pedestrians.
 - Concerns that the units would be used for more intensive uses than 'light industrial'. The drawings show heavy wagons and articulated lorries and full height industrial doors which the objector states is not typical to light industrial uses.
 - Light pollution/glare from the lighting within the site and vehicles exiting the site would impact on nearby dwellings.
 - Noise pollution from the units would affect neighbouring properties.
 - Detrimental impact on users of adjacent offices.
 - Development is incompatible within a residential area.
 - Appearance of the units would have a negative impact on the area.
 - Detrimental impact on visual amenity; materials and scale of buildings inappropriate within the site's context.
 - Detrimental impact on property values.
 - Block access to adjacent units and could cause accidental damage to them.
 - Land is better suited to residential use.
 - The applicant has not considered ecology, trees or carbon budget. All trees from the site were cleared before the previous application and pre-application.
 - No pre-application consultation carried out by the applicant, contrary to the submitted 'Statement of Community Involvement'.

- Spenn Valley Civic Society have stated that they have spent years trying to generate interest to develop the site for residential purposes in many different forms, such as sheltered housing. They also state that industrial units should be built on land allocated for industry, not adjacent to town centres. The Society have also raised concerns regarding highway safety.

7.2 Ward Councillor Kath Pinnock has provided comments on the application and requested that the application be heard at committee, which was accepted by the Chair. Councillor Kath Pinnock stated:

'I have read most of the planning documents supplied and these are some of the issues that cause me concern:

1. Traffic movements: the plan is for a one-way system through the site. The traffic assessment was conducted during covid when traffic was well below normal. This assessment should be renewed. The right turn onto Scott Lane is not easy as the road narrows. The access from Scott Lane onto Bradford Road is very difficult as the sight lines are poor. What assessment has been made of the traffic volumes on Bradford Road and whether more traffic can be readily accommodated?
2. The traffic assessment states that Scott Lane is used by buses. As far as I know this is not the case. The reason will be the narrow access with Bradford Road which may also affect vehicles of 7.5 tons.
3. The site has houses on 2 sides which is not apparent from the application. This is of concern due to increased noise and air pollution as well as families dealing with increases in traffic.
4. The application seems to suggest that the site has been in regular use. This is not the case. To my knowledge the site has been derelict for at least 20 years.

I welcome development of the site which is not going to adversely affect people already living opposite. I, and I think local residents, would welcome houses on the site.'

These points will be addressed where relevant in the appraisal below.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – no objections to the revised scheme.

KC Lead Local Flood Authority – No objection subject to conditions.

The Coal Authority – No objection.

Yorkshire Water – No objection subject to conditions.

8.2 Non-statutory:

KC Environmental Services – No objection subject to conditions relating to contamination, noise, construction management plan and provision for electric vehicle recharging.

KC Ecology Unit – No objection in principle. Deem the amount agreed with the applicant for offsite habitat improvement to be acceptable and provides a suitable biodiversity net gain, along with the provision of a bat box on the site and a condition for no site clearance in the nesting season.

Police Architectural Liaison Officer – No objections; advice provided in respect of security measures that should be incorporated into the development.

KC Trees – No objections.

KC Public Health – No objections.

Health and Safety Executive – No objections.

9.0 MAIN ISSUES

- Principle of development
- Employment considerations
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecology and trees
- Representations
- Other matters
- Climate change

10.0 APPRAISAL

Principle of development

- 10.1 The site is an unallocated brownfield site situated immediately on the edge of Cleckheaton town centre which has been vacant for a considerable period of time.
- 10.2 It is proposed to erect nine light industrial starter units on the site. The proposal therefore provides an opportunity boost the supply of employment land in this part of the district whilst making use of derelict land. Furthermore, the site is situated in a sustainable location, with very good connectivity to the town centre and the transport links and amenities that it provides.
- 10.3 The principle of the development is consistent with the aims of the National Planning Policy Framework (NPPF) in terms of promoting sustainable economic growth and making effective use of land. The principle of the development is therefore considered to be acceptable subject to consideration of all relevant material planning considerations, as set out in the remainder of this report.

Employment considerations

- 10.4 Given that all the potential end-users are unknown at this stage it is not possible to specify the exact number of jobs that the development would support. However, it is known that the development would create 1834m² to which the Homes and Communities Agency's Employment Density Guide (3rd edition, November 2015) suggests that a development of this size would be expected to support approximately 39 full-time members of staff. It is therefore considered that there would be somewhere in the region of this number of full-time equivalent jobs.
- 10.5 The provision of modern light industrial units would help to support employment opportunities and this weighs in favour of the proposed development and accords with Local Plan Policies LP3 and LP7 by utilising brownfield land for employment generating uses.
- 10.6 The provision of modern light industrial units would help to support employment opportunities and this weighs in favour of the proposed development.

Urban Design issues

- 10.7 The northern part of the site has been vacant since around the year 2000 when the snooker centre closed and up until recently contained some derelict structures relating to the former uses on the site. The southern part of the site has historically formed an area of unkempt, scrubby land but this area has also recently been cleared. The long-standing condition and appearance of the application site has detracted from the character of the surrounding area.
- 10.8 The site slopes down from Northgate towards the eastern boundary, with a fall of some 3 to 4 metres.
- 10.9 To the south of the site is a large, modern retail unit that is faced in a mixture of brick, white render and grey cladding. Natural stone is prevalent on the residential and office buildings immediately surrounding the site and brick is also found on a number of buildings within the wider vicinity. On the opposite side of Northgate is a joinery workshop/sawmill that sits at the corner of Northgate and George Street where it is faced in a mixture of stone and timber.
- 10.10 The site lies within an area that forms the transition between the town centre and the dense residential area to the northwest beyond Whitcliffe Road. Whilst the make-up of the area immediately surrounding the site includes a large amount of residential development, it also includes several non-residential uses and historically the application site contributed to this mixed-use character with the nursery, snooker hall and dairy. In this context, it is considered that light industrial units would not be out of keeping with the established character of the area.

- 10.11 The proposed layout has three adjoining units facing directly onto Northgate (units A-C). These units would be two storeys in height where they face onto the roadside and would be faced in natural stone with a stone slate roof. This elevation also includes pedestrian doors and a series of windows. As such, this prominent aspect of the development would provide an active street frontage that provides visual interest and harmonises with the character of surrounding development. The plans show that the height of these units would be slightly lower than the ridge height of this existing building which will help to assimilate the proposals into the street scene. The design of these three units therefore provides a positive interface with the street scene.
- 10.12 Units D-F are set within the site behind units A-C. Both blocks have a gable end facing towards Scott Lane, separated from the road by some tandem parking spaces and a boundary wall. The gable ends would be faced in grey cladding. These units follow the topography of the site by stepping down in height away from Northgate. The roof profile slopes downwards towards the eastern boundary which helps to limit the bulk of the buildings when viewed from the east.
- 10.13 Officers are satisfied that the appearance of the development from Scott Lane is acceptable, although it should be enhanced with a high-quality boundary treatment such as natural stone walling. Stone boundary walls are characteristic of the area and this would help to integrate the proposals within the street scene. The same applies to the proposed boundary wall to Northgate.
- 10.14 The three units in the southern part of the site units (G-I) are set towards the eastern boundary and would be viewed in the context of the commercial uses to the south and east that lie within the town centre. These units would be set back from, and would be at a lower level to, Northgate which helps to mitigate their prominence when viewed from the west. The roof profile of units G and H also slopes down towards the eastern boundary to mitigate their bulk and mass and similarly the roof of unit I slopes down towards the southern boundary.
- 10.15 The application also involves the addition of some ancillary office accommodation to the side of unit I. The proposed bin store is located to the western side of unit I also. The bin store but is set back from this road and the overall design is still acceptable.
- 10.16 In summary, the proposed development would improve the visual amenity of the area by regenerating what has historically been an untidy and derelict piece of land. This type of development would not be out of keeping with the surrounding area and the layout, scale and appearance of the development are such that the proposals would successfully integrate with surrounding development. Approval of samples of the proposed facing materials can be secured by condition. The application is considered to comply with Policy LP24 of the Local Plan and guidance in the NPPF.

Residential Amenity

- 10.17 The site is in a mixed-use area, with residential and commercial premises surrounding the site. The proposals are for light industrial units which would fall within Use Class E(g). Uses within Class E (including E(g)) are, by definition, considered uses which can be carried out in a residential area without detriment to its amenity, including industrial processes. As such, officers have no choice but to determine that the principle of light industrial use is therefore acceptable in a residential area.
- 10.18 The proposed development is situated near residential properties which may be negatively impacted by noise. As the future occupiers of all the units are currently unknown, undertaking a noise assessment at this stage would not effectively predict the future noise impact from the operations at the various units. It is therefore recommended that a condition restricting the level of noise from each of the individual units is necessary. This will ensure that the combined noise from the whole site is controlled effectively.
- 10.19 It is recognised that vehicular activity to and from the site also has the potential to give rise to noise disturbance. To ensure that this is limited as far as reasonably practical, a condition restricting the hours of operation of the units is recommended. This would help to prevent noise nuisance at unsociable hours, specifically during the night.
- 10.20 The siting and the scale of the proposed units are such that the development would not result in any overbearing effects or overlooking issues in relation to neighbouring houses. Some of the units are in close proximity to the rear elevation of an existing dental practice (57 Bradford Road) as well as some offices at 60 and 103 Northgate, however, it is not considered that the amenities of the users of these existing properties would be unduly prejudiced by the proposed buildings.
- 10.21 To mitigate the impact of the construction of the development, a condition is recommended for a Construction Environmental Management Plan (CEMP) to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction noise to safeguard residential amenity.
- 10.22 A number of concerns have been raised by local residents regarding the proposed development's impact on residential amenity, such as from noise, air pollution (including vehicle exhaust emissions) and glare from stray light from the units and/or service yard and light pollution. As stated above, officers are satisfied that noise can be adequately controlled by conditions and a further condition requiring details of any external lighting can also be imposed to help address the concerns with glare/light pollution. The nature of the proposal (light industrial) means that any industrial processes must be compatible within a residential area and so should not give rise to any significant air quality issues. More intensive industrial processes ('general industrial') fall within a separate use class (B2) and would not be permitted under this proposal. It is to be noted as well that the number of units has been reduced from 12 to 9 since neighbour representations were submitted.

- 10.23 Kirklees Environmental Services have not raised any objections to the application and, subject to conditions, officers consider that the proposal complies with policies LP24 and LP52 of the Local Plan and guidance in the NPPF.

Highway issues

- 10.24 The proposed would have a route through the site that has access and egress points from Scott Lane and Northgate. The applicant has demonstrated visibility splays from both these access points with Highways Development Management satisfied with the visibility.
- 10.25 A total of 44 parking spaces are proposed and this level of parking is considered acceptable for the development, particularly considering its accessible location on the edge of the town centre. The plans also show space for refuse storage. The location of the bin store is immediately adjoining one of the units which is a potential fire risk. A condition requiring details of measures to address the risk posed by fire through the construction of the bin store is recommended.
- 10.26 The nature of the units, which are relatively small starter units for light industrial purposes, means they are most likely be served by small to medium commercial vehicles. Vehicle tracking for both a 16.5m HGV wagon and 7.5m panel van has been submitted, which would be typical for this type of development. The applicant has clearly demonstrated that these vehicles can adequately manoeuvre within the site.
- 10.27 It is considered that the traffic associated with a development of this scale and type can be accommodated on the local highway network without giving rise to any significant adverse impacts.
- 10.28 In summary the proposal is considered acceptable from a highway safety perspective and the application accords with Policies LP20, LP21 and LP22 of the Local Plan and guidance in the NPPF. It is noted at this point that KC Highways Development Management have no objections to the proposal.

Drainage issues

- 10.29 The application is supported by a drainage assessment which indicates that surface water would be attenuated on site within oversized pipes and discharge to the sewer network in Scott Lane at a restricted rate.
- 10.30 Kirklees Lead Local Flood Authority (LLFA) and Yorkshire Water have assessed the application and raise no objections subject to conditions relating to: the detailed surface water drainage design and measures to ensure suitable arrangements are in place for the future maintenance and management of the surface water infrastructure within the site; the provision of separate drainage systems for foul waste and surface water; no piped discharge of surface water from the development prior to the completion of surface water drainage works; No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer; and, temporary drainage during the construction phase.

Ecology / Trees

- 10.31 Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. The Council seeks to achieve a net biodiversity gain of 10% on all sites.
- 10.32 Prior to its clearance, the site was considered to have relatively limited ecological value and the risk of significant ecological impacts due to the proposed development was low. A bat survey was submitted with the application which confirmed that the buildings/structures on the site had negligible potential for roosting bats. An active bird nest was recorded in one of the buildings at the time of the survey, although it is understood that the demolition of the building subsequently took place outside of the breeding season for nesting birds. Aside from the buildings, the site principally comprised of hard surfacing and scrubland.
- 10.33 Notwithstanding the relatively limited ecological value of the site, supporting information confirms that the development would result in a net biodiversity loss. Opportunities to provide meaningful ecological enhancement on this site are somewhat constrained and as such the applicant has proposed to deliver a biodiversity net gain of 10% through a financial contribution to facilitate habitat improvements in an offsite location. This would be within the district, at a location as close to the application site as possible. The Ecology Unit is satisfied with this approach. The contribution has been calculated as £26,200 plus a £3930 administration fee. This would need to be secured through a Section 106 Agreement. On this basis the application is considered to comply with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy.
- 10.34 In addition to the above, a condition requiring an Ecological Design Strategy is considered necessary. This should include bat/bird box provisions within the new buildings and appropriate planting within the areas of the site that are shown to provide soft landscaping.
- 10.35 There are no trees on the site there are worthy of preservation.

Representations

- 10.36 Eight objections have been received. The main grounds of objection are in relation to highway safety and residential amenity issues as well as the visual impact of the development. All these matters have been addressed earlier within this report. A response to those matters that have not already been addressed is provided below. Eight objections have been received, a summary of the concerns raised is provided below.
- Concerns with the amount and nature of traffic that would be generated, particularly HGVs.

- Surrounding road network is unsuitable for HGVs; heavy goods vehicles do not currently use & never have used Scott Lane or Northgate.
- HGVs and other large vehicles would pose a danger to children and elderly people.
- Noise, vibration and air pollution from site traffic.
- HGVs and other larger vehicles would cause obstructions for local residents.
- Impact of HGVs on Northgate/Horncastle Street junction.
- Impact of traffic on road surface.

Response: The impact of HGVs has been assessed in the appraisal above.

- The parking provision assessment is insufficient and development may cause on-street parking problems.

Response: The quantum of parking has been assessed in the appraisal above.

- Conflict between the site's egress points and the surrounding highway network.

Response: The impact of these egress points has been assessed in the appraisal above. Furthermore, the applicant has demonstrated through vehicle tracking and visibility splays that vehicles serving the site can access and exit the site safely.

- Development may cause on-street parking problems.

Response: The quantum of parking proposed within the site has been considered acceptable.

- No proper provision for pedestrians.

Response: The proposed application retains pavements around the surrounding highway network and is considered safe for pedestrians.

- Concerns that the units would be used for more intensive uses than 'light industrial'. The drawings show heavy wagons and articulated lorries and full height industrial doors which the objector states is not typical to light industrial uses.

Response: The application being assessed is for light industrial. A further application would be required if the site were to be used for general industry. The impacts of this would be assessed at that time.

- Light pollution/glare from the lighting within the site and vehicles exiting the site would impact on nearby dwellings.

Response: The impact of lighting has been assessed in the appraisal above.

- Noise pollution from the units would affect neighbouring properties.

Response: The impact of noise has been assessed in the appraisal above.

- Detrimental impact on users of adjacent offices.
Response: Offices are not deemed noise sensitive premises to the same degree as dwellings. Nevertheless, the appraisal sets out the principle of development and impact on the amenity of other uses in the area.
- Development is incompatible within a residential area.
Response: The appraisal sets out impact on the residential amenity of other uses in the area.
- Appearance of the units would have a negative impact on the area.
Response: The appraisal sets out the impact on the area.
- Detrimental impact on visual amenity; materials and scale of buildings inappropriate within the site's context.
Response: The appraisal sets out the impact on the visual amenity area.
- Detrimental impact on property values.
Response: This is not a material planning consideration.
- Block access to adjacent units and could cause accidental damage to them.
Response: This is not a material planning consideration. Access to and accidental damage are covered by civil legal rights.
- Land is better suited to residential use.
Response: Officers note this point, however officers cannot refuse a scheme on an unallocated site which accords with policy because there is still potentially a more desirable use of the land. The application is being assessed on its merits.
- The applicant has not considered ecology, trees or carbon budget. All trees from the site were cleared before the previous application and pre-application.
Response: Noted and officers have assessed these impacts in the appraisal above.
- No pre-application consultation carried out by the applicant, contrary to the submitted 'Statement of Community Involvement'.
Response: Noted.
- Spen Valley Civic Society have stated that they have spent years trying to generate interest to develop the site for residential purposes in many different forms, such as sheltered housing. They also state that industrial units should be built on land allocated for industry, not adjacent to town centres. The Society have also raised concerns regarding highway safety.
Response: Officers note and understand the Civic Society's views on the impact of the development and principal of development. However, each application must be assessed upon its merits and officers cannot refuse a scheme on an unallocated site which accords with policy because there is still potentially a more desirable use of the land.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. Officers have considered the impact on residential properties nearby, whereby any potential harm would be suitable mitigate through the conditions listed below. Furthermore, the wider area has a mixture of uses including industrial and commercial already, therefore the proposed use is not of context with the area. There is only a minor impact with regard to ecology, which has been appropriately offset by the applicant agreeing a significant contribution for offsite habitat improvements.
- 11.3 Overall, the proposal would see the redevelopment of a brownfield site which would significantly improve the visual amenity of the land which is currently in a poor state, harming the character of the area. The proposal would provide nine light industrial units that would boost the provision of modern commercial floor space in this area whilst bringing this vacant piece of land back into productive use. The development would also represent a significant investment into the area and would provide new jobs which is welcomed. The scheme would not prejudice highway safety or result in any undue drainage/flood risk impacts. As such, the scheme accords with the purposes of The Kirklees Local Plan, The National Planning Policy Framework and the applicable supplementary planning documents.
- 11.4 This conclusion and recommendation is also supported by the Planning Inspectorate's report on the appeal for application 2020/91747 at the site. Therefore, it is considered that the development would constitute sustainable development and the development is recommended for approval.

12.0 CONDITIONS

(Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Approval of samples of facing materials
4. Details of boundary treatments
5. Construction management plans for highway safety and residential amenity
6. Temporary drainage scheme for construction phase
7. Detailed drainage design and arrangements for the future maintenance and management of surface water infrastructure within the site
8. Submission of a noise report
9. Restriction on hours of operation to avoid night-time working
10. Details of external lighting to mitigate the impact on residential amenity
11. Updated intrusive site investigation report for land contamination
12. Site remediation and validation reports as necessary (informed by the updated intrusive site investigation report)
13. Scheme for electric vehicle recharging points
14. Surfacing of the parking and turning areas within the site
15. Details of the proposed waste storage arrangements to mitigate potential fire risk

16. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that are to be submitted to and approved by the Local Planning Authority.

17. Details of any highway retaining structures

18. Details of integrated bird boxes

19. Scheme for security measures to be incorporated into the development

20. Scheme of energy efficiency measures to be incorporated into the construction of the units to mitigate the impact on climate change

21. Separate foul and surface water drainage systems to be provided

22. No surface water pumping prior to the completion of surface water drainage works.

Background Papers: Application and history files. Website link:
This application:

[Link to planning application](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91730>

Previous Application (2020/91747):

[Link to planning application](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91747>

Certificate of Ownership: Certificate B signed - Notice served on Mr W Rushton and Kirklees Council