

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 2nd March 2023

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

1 Membership of the Committee

Councillor Hawkins attended for Councillor Davies.

**2 Minutes of the Previous Meeting
Resolved –**

That the Minutes of the meeting of the Committee held on 26th January 2023 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Armer, Hall, Pattison, Pinnock and Thompson advised that they had been lobbied in respect of Application No. 2021/94029.

In the interests of transparency and probity, Councillor Sokhal advised that he had decided not to participate in respect of Application No. 2021/94029 and left the meeting whilst that application was considered and voted upon.

Councillors Hall, Hawkins and Pattison advised that they had been lobbied in respect of Application No. 2022/93248.

Councillors Hall, Pattison, Pinnock and Thompson advised that they had been lobbied in respect of Application No. 2021/94208.

Councillors Hall, Hawkins and Pattison advised that they had been lobbied in respect of Application No. 2022/92406.

4 Admission of the Public

All items were considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

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7 Site Visit - Application No. 2022/92406
Site visit undertaken.

8 Site Visit - Application No. 2022/93230
Site visit undertaken.

9 Planning Application - Application No: 2021/94029
The Committee considered Application 2021/94029 relating to the demolition of existing structures and erection of a foodstore (Class E) with associated access, parking, servicing areas and landscaping on the site of the former Spotted Cow Pub, New Hey Road, Oakes, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Inder Bhullar, John Barber, Malcolm Sizer and Mark Stringer (in objection), Robert Sleight (in support) and Thomas Hanrey (on behalf of the applicant).

Resolved –

- 1) That 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, as set out below:
 1. 3 year Time Limit for Permission Implementation (TCPA S91)
 2. Development to be carried out in accordance with approved plan and document schedule.
 3. Construction Environmental Management Plan (Pre-commencement)
 4. Implement agreed Dust Mitigation Scheme
 5. Gross and net floorspace, convenience and comparison goods sales restrictions.
 6. No internal or external sub-division of premises for separate use or retail entity.
 7. Electric Vehicle Charging Points
 8. Implement Agreed Noise Mitigation Measures
 9. Acoustic Barrier Details
 10. Noise Specification from Fixed Plant and Equipment
 11. Customers Time Restrictions
 12. Delivery Time Restrictions
 13. Reporting Unexpected Contamination
 14. External Lighting Design Strategy for Biodiversity and Residential Amenity
 15. Submission of details relating to the kitchen extraction system for the bakery
 16. Submission of detailed Travel Plan
 17. Areas to be Surfaced and Drained
 18. Junction Access Sightlines
 19. Closure of Existing Access
 20. Submission of Details for a Right Turn Lane on New Hey Road (Precommencement)
 21. Retaining Walls (Pre-commencement)

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22. Implementation of agreed drainage design
23. Drainage Attenuation and Flow Control Detail Submission (Pre-commencement)
24. Sample of external facing materials and sample panel of masonry, inclusive of retaining wall facing materials
25. Submission of detailed boundary wall specifications
26. Ecological Design Strategy for Implementing Biodiversity Off-Setting
27. Working restrictions in respect of nesting birds
28. Removal of invasive non-native species (Pre-commencement)

b) secure a Section 106 agreement to cover the following matters:

- (i) Biodiversity – A financial contribution of £44,620 towards off-site measures to achieve biodiversity net gain in accordance with the Biodiversity Technical Advice Note;
- (ii) Sustainable Travel Improvements – A financial contribution of £26,000 for the provision of 2 no. bus stop shelters on New Hey Road (stops 22485 & 22498) as well as a further £10,000 towards Travel Plan Monitoring;
- (iii) Management – The establishment of a management company for the management and maintenance of infrastructure (including surface water and foul drainage infrastructure) until formally adopted by the statutory undertaker).

- 2) 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 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 Armer, Hall, Hawkins, and Pattison (4 votes)
Against: Councillors Pinnock and Thompson (2 votes).

10 **Planning Application - Application No. 2022/93248**

The Committee considered Application 2022/93248 relating to the demolition of existing Piazza shopping centre; part removal of Queensgate Market; demolition/retention of service tunnels; redevelopment of the site to form new public realm space (including public park and gardens, play areas, public square/outdoor event space); refurbishment and change of use of existing Queensgate Market Hall into food hall (Use Class E (b) sale of food and drink for consumption, mostly, on the premises); refurbishment and extension of existing library and art gallery building to form museum (Use Class F.1); change of use of part existing market hall building and extension to form public library (Use Class F.1); erection of indoor event venue incorporating multi-storey car park below (Sui-Generis); erection of public gallery building (Class F.1); associated infrastructure on land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre (part Listed Building/part within a Conservation Area) Piazza Centre, Princess Alexandra Walk, Huddersfield.

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Roberts, James Sibson, Chris Calvert and David Glover (on behalf of the applicant).

Resolved -

1) That 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, as set out below:

Timeframe and phasing

1. 5 year time frame to commence development
2. Development build in accordance with Plans
3. Submission of a Phasing Plan

Heritage

4. Details of all external materials for all new construction including samples of ceramic cladding and facing materials for sensitive locations
5. Landscaping details, materials, street furniture design, anti-social behaviour measures, a landscape strategy and a maintenance plan.
6. External lighting strategy and specifications in sensitive locations

Highways

7. Construction Environmental Management Plan (CEMP)
8. Events Management Plan
9. Service Management Plan
10. Full Travel Plan
11. Signing/Wayfinding Strategy
12. Highway Works – construction of new signalised access from A62 Queensgate to MSCP
13. Highway Works – construction of new service layby on Alfred Street
14. Multistorey Car Park (MSCP) Access Control System

Highway Structures

15. New retaining walls
16. Surface water attenuation tanks

Environmental Health

17. Air Quality Impact Assessment
18. Electric Vehicle Charging Points
19. Implement agreed Kitchen Extract Scheme
20. Submission of a Phase 2 Intrusive Site Investigation Report
21. Submission of Remediation Strategy (cont. land)
22. Implementation of the Remediation Strategy (cont. land)
23. Submission of Verification Report (cont. land)
24. Noise Report required for proposed noise generating use
25. Noise from Fixed Plant & Equipment
26. Entertainment Noise Inaudibility

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27. Installation of the Agreed External Artificial Lighting

28. Construction Environmental Management Plan

Drainage

29. Drainage Details (scheme detailing foul, surface water and land drainage)

30. Overland Flow Routing

31. Construction Phase Surface Water Flood Risk and Pollution prevention plan.

Ecology

32. Ecology Ecological Design Strategy (EDS)

33. Construction environmental management plan (CEMP: Biodiversity)

Coal Authority

34. Intrusive site investigations

35. Declaration prepared by a suitably competent person

Others

36. Sustainability- provisions of the Climate Change Statement to be implemented (and thereafter retained), along with a Post Construction Report

37. Details of waste collection provision

38. Tree protection plan

39. Landscape / tree planting details

b) secure an agreement to cover the following matters:

Sustainable Transport:- Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).

- 2) In the circumstances where the requisite 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 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 Hall, Hawkins, Pattison, Pinnock and Sokhal (5 votes)

Against: Councillors Armer and Thompson (2 votes)

11 **Planning Application - Application No. 2021/94208**

Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) at the former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Charlie Brown (in objection) and Matthew Sheppard (on behalf of the applicant).

Resolved –

That the application be refused for the following reasons:

- 1) the intensification of the access junction, and the impact on Cliff Hollins Lane and Mill Carr Hill Road and the junction with Bradford Road by the introduction of the predicted generation of traffic indicated in paragraph 10.37 of the officer's report is considered to be unacceptable as it would be detrimental to highway safety.
- 2) Notwithstanding the position of National Highways (as set out in paragraphs 8.1 and 10.6 of the officer's report), building upon safeguarded land (for highways improvements) would unacceptably remove potential future opportunities to improve the strategic highways network, namely connections between the M62 and M606, which in turn would benefit the local network at Junction 26 / Chain Bar Roundabout.

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

For: Councillors Hall, Pinnock and Thompson (3 votes)

Against: Councillors Hawkins, Pattison and Sokhal (3 votes)

Abstain: Councillor Armer

The Chair used his casting vote for the motion.

12 Planning Application - Application No. 2022/92406

The Committee considered Application 2022/92406 in relation to the erection of 10 affordable dwellings, with access from Chapelgate and associated works, including resident play zone on land adjacent to 67 Chapelgate, Scholes, Holmfirth.

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Moses Crook, Paul Davies and Donald Firth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Rob Heels, Dean Killock and Carol Killock (in objection) and Tony Hood, Martyn Broadest and David Storrie (on behalf of the applicant).

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Resolved -

- 1) That, 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. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Details of boundary treatments to be submitted and approved, and thereafter installed and retained.
 4. Materials samples, to include natural stone and slate, to be provided.
 5. Remove Permitted Development rights for extensions, outbuildings, and dormers.
 6. Retaining walls erected as per approved plans.
 7. Landscaping to be done in accordance with plan.
 8. Landscaping management and maintenance plan to be provided.
 9. Details of new village sign, to be provided and retained.
 10. Construction Environmental Management Plan (CEMP).
 11. Road to adoptable standard.
 12. Access, Sightlines, Footpath to acceptable standards.
 13. Cycle stores to be provided.
 14. Construction Traffic Management Plan (CTMP).
 15. Road Condition Survey.
 16. Drainage strategy.
 17. Flood routing strategy.
 18. Temporary drainage strategy for construction.
 19. Car parking crime mitigation measures.
 20. One Electric Vehicle Charging Point per dwelling.
 21. Contaminated land investigations.
 22. Invasive species management plan.
 23. An Ecological Design Strategy (including management and maintenance details) to demonstrate how the 0.68 habitat units will be delivered on site, to include; five bat boxes, five bird boxes, five log piles, provision of hedgehog holes in garden boundaries.
 24. A lighting designs strategy (ecology).
 25. Restrict site clearance to outside of bird breeding season (unless appropriate surveys are undertaken).
 26. Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity)
 - b) secure a Section 106 agreement to cover the following matters:
 - (i) Limit occupation of the dwellings to those with a local connection and in need of affordable housing.
 - (ii) The provision of 0.8 habitat units within the area, an off-site contribution (£18,538), or a mixture of the two. On-site habitat to be managed for 30 years.

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(iii) Management and maintenance of drainage infrastructure (prior to adoption) and ecological features.

- 2) 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 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 Hall, Hawkins, Pattison, Pinnock and Sokhal (5 votes)

Against: Councillors Armer and Thompson (2 votes)

13 **Planning Application - Application No. 2022/93342**

The Committee considered Application 2022/93342 in respect of the demolition of an existing building and erection of engineering building with associated external works at David Brown Santasalo UK Ltd, Park Works, Park Road, Lockwood, Huddersfield.

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

Resolved -

That, approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the report, as set out below:

1. 3-year commencement timescale.
2. Development in accordance with the approved plans.
3. Phase I contaminated land assessment.
4. Phase II contaminated land assessment.
5. Contaminated land remediation strategy.
6. Implementation of contaminated land remediation strategy.
7. Contaminated land verification report.
8. Provision of highway retaining wall/structure.
9. Air Quality Impact Assessment.
10. Construction Environmental Management Plan.
11. Noise Impact Assessment.
12. Surface and foul water drainage strategy.
13. Separate foul and surface water drainage systems.
14. No piped discharge prior to completion of surface water drainage works.
15. Details of external materials.
16. Solar Panel Glint and Glare Assessment.
17. External lighting strategy.
18. Swift (Apus apus) nesting box.

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19. Compliance with Bat Roost Survey Report.

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

For: Councillors Armer, Hall, Hawkins, Pattison, Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

14 **Planning Application - Application No. 2022/93230**

The Committee considered Application 2022/93230 to deepen and extend Windy Ridge Quarry; increase the number of HGV movements permitted; excavate former landfill to recover recyclable materials (retrospective); temporarily store soils on part of the previously restored quarry area (retrospective); form new access; restore the site by infill with construction, demolition and excavation wastes; and recycle imported construction demolition and excavation wastes at Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth.

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

Resolved –

That the application be refused for the following reasons:

1. The proposals through the construction of a new access road will result in the encroachment of urban development into the countryside. This together with its use as proposed would constitute inappropriate development failing to preserve the openness of the green belt and would conflict with the purpose of including the land within the green belt. Very special circumstances (which clearly outweigh this inappropriateness and other harm) has not been sufficiently demonstrated. The proposal is therefore contrary to policies LP32 and LP36, Part 2 (a) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.
2. The proposals will result in an intensified use in HGV movements on the surrounding highway network including Cartworth Moor Road. Consequently, this will result in the further structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified HGV movements. Cartworth Moor Road in part forms a core walking and cycling network. The intensified HGV's movements is likely to result in significant highway safety concerns from conflicts between HGV and other road users including vehicular, equestrian, cyclists and pedestrians, failing to safeguard and undermine the safety of all other users. The proposals as such are contrary to guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 Part 2 (points c, d and f).

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3. The carrying out of the proposals will result in unacceptable noise nuisance to the occupants of the nearest noise sensitive receptor known as Moorfield Farm. It has not sufficiently been demonstrated how the detrimental impact from noise nuisance on the occupiers of Moorfield Farm can be mitigated against adequately. The proposals as such fail to comply with Kirklees Local Plan Policies LP36, Part 2(c) and LP52 and guidance in the National Planning Policy Framework.
4. The submitted information fails to demonstrate sufficiently how the proposals would avoid causing potential detrimental effects on the existing private water supplies serving a number of properties in the vicinity of the application site, to accord with Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e) and guidance in the National Planning Policy Framework.

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

For: Councillors Armer, Hall, Hawkins, Pattison, Sokhal and Thompson (6 votes)

Against: Councillor Pinnock (1 vote)

15 **Planning Application - Application No. 2022/93465**

The Committee considered Application 2022/93465 in respect of the variation of Condition 30 (minerals) on previous permission 2000/90671 for extension of Carr Hill Quarry including the extraction of sandstone and clay, associated activities and its restoration by means of infill with inert wastes at Carr Hill Quarry, Barnsley Road, Upper Cumberworth, Huddersfield.

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

Resolved –

- 1) That, 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 rewording of condition 30, on receipt of accurate final site layout drawings showing appropriate contouring details.
 - b) secure a Section 106 agreement to cover the following matters:

to link the existing structures and their use on the application site, to the applicant's haulage business situated 240 metres to the west, on the A635 Holmfirth Road.
- 2) 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 and, if so, the Head of Planning and Development be authorised 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 Hall, Hawkins, Pattison, Pinnock, Sokhal and Thompson (6 votes)

Against: (no votes)