

Contact Officer: Sheila Dykes or Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 20th June 2024

Present: Councillor James Homewood (Chair)
Councillor Ammar Anwar
Councillor Bill Armer
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

Apologies: Councillor Paul Moore

- 1 Membership of the Committee**
Apologies were received from Councillor Paul Moore.
- 2 Minutes of the Previous Meeting Resolved –**
That the minutes of the meeting of the Committee held on 16th May 2024 be agreed as a correct record..
- 3 Declaration of Interests and Lobbying**
Councillor Homewood declared that he had been lobbied in respect of Application 2023/93449.
- 4 Admission of the Public**
All items were considered in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Site Visit - Application No. 2022/91477**
Site visit undertaken.
- 7 Site Visit - Pre- Application 2024/20252**
Site visit undertaken.
- 8 Site Visit - Application No: 2023/93449**
Site visit undertaken.
- 9 Site Visit - Application No. 2023/92191**
Site visit undertaken.

10 Planning Application: Application No: 2023/92191

The Committee considered Planning Application 2023/92191 for the erection of residential development for 62 dwellings including grouting remedial works for ground stabilisation to facilitate construction of dwellings with associated hard and soft landscaping on land at Cliff Hill, Denby Dale, Huddersfield

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillor Tim Bamford and Will Simpson.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Emma Dimbylow, Quinn Little, Sarah Ogden, Neil Denby, Nicola Tiffany, Jack Little, Richard Littlewood and Nigel Thorpe (in objection) and Mark Lane (on behalf of the applicant).

Resolved –

That the application be refused for the following reasons:

The proposed development, due to its scale, location, proximity to residents, and due to its associated remediation would cause an unacceptable number of vehicle movements and environmental impacts associated with the removal of coal from the site. In addition, due to unknown conditions beneath the site, there is a lack of information that prevents it being ascertained what the environmental impacts of the development would be. Furthermore, it has not been demonstrated that the site is suitable for residential development.

The proposed development is therefore contrary to policies contained within the Kirklees Local Plan and the National Planning Policy Framework. (Details of the relevant policies/chapters to be specified by the Head of Planning and Development).

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

For: Councillors Anwar, Armer and Thompson (3 votes)

Against: Councillors Homewood and Pinnock (2 votes)

Abstain: Councillor Sokhal.

11 Planning Application - Application No: 2022/91477

The Committee considered a hybrid planning application (2022/91477) for the erection of an industrial unit for B2 /B8 use, with ancillary office space and associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(b),B2 and B8, with ancillary office space and associated works Land off Lindley Moor Road, Lindley, Huddersfield

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

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Resolved –

- (1) That approval of the application and the issuing 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:

Full Permission

1. 3 years to commence development
2. Development to be done in accordance with plans
3. Technical details of road and access (including footpaths)
4. Solar panels to be provided
5. Material samples to be provided and approved.
6. Remove Permitted Development rights for alterations (i.e., new windows) on south elevation
7. Internal, external, and plant noise mitigation to be implemented (subject to update).
8. Submitted finished floor levels to be adhered to.
9. External lighting to be as per submitted plans
10. Crime mitigation measures to be submitted and approved.
11. Drainage strategy to be done in accordance with Flood Risk Assessment.
12. Footpath on frontage to Lindley Moor Road to be provided.
13. Site southern boundary wall to be set back 1.5m to widen Public Right of Way (PROW), with technical details to be provided.
14. Landscaping strategy, including management and maintenance arrangements, to be submitted and approved.
15. Cycle facilities as proposed to be provided

Outline Permission

1. 3 years for Reserved Matters to be submitted, 2 years for reserved matters development to be commenced
2. Development to be done in accordance with plans
3. Restaurant to be E(b) use only.
4. Limit on retail floor space of unit D, Da and E's trade counter.
5. Each Reserved Matters phase to include a Climate Change Statement
6. Floor space not to exceed Area Schedule
7. Each phase to have its own Heritage Impact Assessment
8. Crime mitigation measures per phase
9. Lighting strategy to be submitted per phase.
10. Restaurant Reserved Matters to include an odour assessment.
11. Lighting strategy per Reserved Matters phase
12. Noise Impact Assessment, to include hours of operation, per reserved matters phase
13. Noise limitation of external plant per unit.
14. Details of Layout, per phase, to include updated drainage strategy complying with indicative strategy and flood routing from outline
15. Details of layout to include cycle facilities.

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Shared

1. Air quality mitigation measures including Electric Vehicle Charging Points, prorated based on floor space to the identified value, to be detailed and implemented.
2. Construction Environmental Management Plan per phase
3. Construction Ecological Management Plan per phase
4. Biodiversity Management Enhancement Plan per phase
5. Temporary surface water during construction per phase
6. Development to done in accordance with remediation
7. Validation report to be submitted per phase.
8. Waste storage and collection details to be provided per phase

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

- (i) Ecological net gain off-site contribution: £9,200.
- (ii) Travel plan monitoring: £15,000
- (iii) Sustainable travel contribution: £10,000 towards bus stop improvement
- (iv) Signal Timing Monitoring at Ainley Top: £24,000 (£12k x 2, at 50% and 100% occupation)
- (v) Skills and education plan: Detailed strategy to be provided and implemented
- (vi) Management and maintenance arrangements: Drainage (unless adopted), on-site habitat (min 30 year).

(2) That, in the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution, 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 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock, Sokhal and Thompson (6 votes)

12 **Planning Application: Application No 2023/93449**

The Committee considered Planning Application 2023/93449 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 Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth, HD9 2RL.

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

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Resolved –

- (1) That approval of the application and the issuing 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, together with additional conditions in respect of:

(i) HGV vehicle movements shall be restricted to 16 (8 in and 8 out) until the approved new access road has been completed and made operational in accordance with details having been submitted to and approved in writing by the MPA. Thereafter the HGV movements shall be restricted to no more than 30 (15 in and 15 out).

(ii) a scheme to record vehicles entering and leaving the site

Time limits/restrictions

1. Period of mineral extraction (to cease by 31st Dec 2028) and completion of site restoration (by 31st Dec 2030), in accordance with an approved restoration scheme
2. Prior cessation measures to deal with restoration and aftercare in the event that mineral extraction is abandoned/ceases
3. Requirement to have all approved documents on site for the duration of operations for inspection
4. Mitigative measures recommended within the PEA be applied including the protection for nesting birds during work on the site, as described within Section 7.7 of the submitted PEA
5. Submission of Biodiversity Net Gain (BNG) using the most up to date BNG Metric calculation
6. Full recommendations, mitigation and monitoring measures of the submitted Hydrogeological Risk Assessment (HRA) to be employed at the relevant stages of the development, as specified in the HRA. written verification to be submitted to MPA before continuing onto each stage, verifying works done fully in accordance with HRA.
7. Restriction on depth and extent of mineral workings in accordance with plan HRA and cross-sectional drawings

Plans

8. Works to be carried out in accordance with approved details/plans

Access and Vehicular Movements

9. Restrictions on numbers of heavy vehicle movements (to not exceed 15 in and 15 out) any one day
10. HGV's to follow route as shown on HGV routing plan ref (10193/S106Traffic route/CJB)
11. There shall be no increase in HGV movement as approved, until reconstruction of the unsealed "maintained in character" only section of Cartworth Moor Road, subsequent to an initial joint inspection with site operator/council representatives have been carried out. Specification details for verges, drainage run offs and passing places shall be submitted to and approved in writing by the MPA and works completed (at the cost of the applicant/site operator) in accordance with approved details. Thereafter six monthly joint inspections with site operator/council representative, to be carried out and any defects observed shall be

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rectified at the cost of the applicant within an agreed timescale by the MPA.

12. There shall be no increase in HGV movement, as approved, until a joint survey with an appropriate Council representative and site operator/applicant has been carried out to assess the existing condition of the highways along the HGV route. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining details. Thereafter works shall be completed in accordance with specification details to be submitted to and approved in writing by the MPA and subsidised by the annual highway maintenance fees. Subsequently, six monthly joint inspections with site operator/council representatives, to be carried out until site is fully restored. Any defects observed shall be rectified within an approved timescale and subsidised by the annual highway maintenance fees.
13. Within 1 month from the date of permission being granted details of wheel bath to be submitted and approved in writing by MPA. The wheel bath shall be provided in the location approved before bringing into operation the new approved access road and thereafter be maintained in good operational condition and used for wheel cleaning for the lifetime of the permission.
14. HGV wheels and chassis to be cleaned before entering highway
15. All loaded HGVs leaving the site to be sheeted
16. Permanent closure of existing vehicular access, details of which shall need to be approved by MPA and implemented up on bringing into use the new access road
17. Plan showing parking provision for quarry associated vehicles/traffic within the application red line
18. Reinstatement of bridleway in accordance with details to be submitted and approved and approved timescale

Preparatory Works

19. Screen bunds to be constructed using on site material only as per submitted details and as per noise assessment

Soil Stripping

20. All topsoils and subsoil to be stripped and stored prior to mineral excavation
21. Plant of vehicles not to cross unstripped areas of the site
22. Following soil stripping the MPA to be advised of volumes of topsoil and subsoil
23. MPA to be given at least 7 days' notice prior to soil stripping operations
24. Soils storage mound to be maintained in good condition grassed within 3 months and maintained to control weeds

Working Programme

25. Requirement to notify MPA at commencement of works involving site preparation, entering a new phase, completion of backfill, completion of phased restoration, completion of final restoration

Restoration

26. Notwithstanding submitted restoration plan an amended restoration plan with full details to be submitted and approved with full details including 10 % BNG
27. Submission of soft landscaping details

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Soil replacement during restoration

28. No overburden to be removed from the site or stored above existing ground levels
29. Site to be progressively restored as indicated on submitted phases
30. Subsoil and topsoil to be spread at specific depths and to be worked to provide a satisfactory medium for planting
31. The MPA to be given 7 days' notice prior to the spreading of sub soil or top soil
32. Any area of grass seeding fails, it will be re-seeded within the next available planting season
33. All site infrastructure to be removed including access road with land reinstated to the levels shown on restoration levels drawing
34. Completion of restoration works in accordance with soft landscaping details

Amenity

35. Hours for operation of the quarry in accordance with those suggested by Environmental Services
36. Site operations to comply with stipulated noise levels at site boundary as recommended
37. Site to operate in accordance with dust management scheme to be submitted & approved by MPA
38. No fires or blasting at the site
39. Reporting of unexpected contamination

Aftercare

40. Requirement to provide an outline aftercare scheme
41. Requirement to provide a detailed annual aftercare scheme
42. Requirement to arrange an annual aftercare meeting

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

To restrict HGV movements to no more than 16 (8 in and 8 out) and no working or winning to commence into the:

- extension area south of the existing operational quarry as shown on drawing 10193A/02C, and
- no mineral extraction to extend beyond the approved depth of 323 AOD level as shown on drawing 8973/05, pursuant to planning permission 2012/93305, until;
 - (i) An annual highway maintenance fee of £50,000 (to be split between Kirklees and Barnsley Council) to mitigate against the potential damage and deterioration of the highway infrastructure as shown on HGV routing drawing 10193/S106 Traffic Route/CJB/120324 is received.
 - (ii) The reconstruction of the unsealed "maintained in character" only section of Cartworth Moor Road. An initial joint inspection with site operator/council representatives shall be carried out to assess any defects/works required to verges, provisions for drainage run offs and passing places, with details to be submitted to and approved in writing by the MPA. Thereafter the approved works shall be completed (at the cost of the applicant/site operator) in accordance with an

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agreed timescale. Subsequently, six monthly joint inspections with site operator/council representative shall be carried out and any defects observed shall be rectified at the cost of the applicant within an agreed timescale by the MPA.

(iii) Reinstatement of bridleway in accordance with details to be submitted and approved by the MPA and carried out within an agreed timescale, at the cost of the applicant/site operator).

- (2) That, in the circumstances where the Section 106 agreement has not been completed within 3 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 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock and Sokhal (5 votes)

13 **Pre-Application 2024/20252**

The Committee was presented with a pre-application (2024/20252) for demolition and mixed use development at New Mills, Brougham Road, Marsden, Huddersfield

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

Matthew Shepherd (on behalf of the applicant) presented the plans and answered questions from Members.

The position statement was noted.