

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 8th March 2018

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock

- 1 Membership of the Committee**
All members of the committee were present.
- 2 Minutes of the Previous Meeting**
The Minutes of the meeting held on 8 February 2018 were approved as a correct record.
- 3 Interests and Lobbying**
Councillor A Pinnock declared he had been lobbied on application 2016/92298.
- 4 Admission of the Public**
All items on the agenda were taken in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Public Question Time**
No questions were asked.
- 7 Site Visit - Application No: 2018/90074**
Site visit not undertaken due to adverse weather conditions.
- 8 Site Visit - Application No: 2018/90242**
Site visit not undertaken due to adverse weather conditions.
- 9 Local Authority Planning Appeals**
That the report be noted.
- 10 Planning Application - Application No: 2016/92298**
The Committee gave consideration to Planning Application 2016/92298 Outline application for redevelopment of former waste water treatment works following

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demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Oakenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Cllr Sarah Ferriby (Bradford Council) and Brian Pearson (both of whom objected to the proposal) and Marianne McCallum (agent).

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. Approval of access, layout, scale, appearance, and the landscaping of the site reserved matters (standard Out Line (O/L) condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
5. Appropriate mitigation and enhancement measures as advised by the Biodiversity Officer
6. A lighting design strategy for biodiversity, for the whole development
7. Yorkshire Water conditions
8. Environment Agency conditions
9. Coal Authority conditions
10. Tree survey and Arboricultural Method Statement, in accordance with BS5837, in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland. This should demonstrate how the trees can be protected both during construction and following completion.
11. Details for the treatment and enhancement of existing Public right of way.
12. Lead Local flood Authority conditions
13. Highways England conditions as set out in response dated 21st February 2018.
14. Restrict overall floor space of proposals to not exceed 75.8% of B2 Use.
15. DM Highways Conditions to include details of:

- I. Bradford Road/Chain Bar Roundabout for the provision of road widening to provide 3 lanes, new pedestrian footways.
- II. Mill Carr Hill Road/Bradford Road junction improvements for the widening of Mill Carr Hill Road to provide a right turn facility at the junction and new pedestrian footways.
- III. Re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliffe Hollins Lane and the development site and new pedestrian footways.
- IV. Re-alignment of the Cliff Hollins Lane to give priority to vehicles travelling into development.
- V. 7.5 tonne lorry bans to Wyke lane and Cliff Hollins Lane.

(2) Secure a Section 106 agreement to ensure :

- I. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use.

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- II. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
- III. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

(3) That, pursuant to (2) above, In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment 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; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

(4) In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application.

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

For: Councillors S Hall, Kane, and Pattison (3 votes)

Against: Councillors Armer, D Firth and A Pinnock (3 votes)

The Chair used his casting vote to approve the officer recommendation.

11 **Planning Application - Application No: 2017/94336**

The Committee gave consideration to Planning Application 2017/94336 Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Michael Martin, Sue Duddridge, Jill Martin and Charles Woodcock (objectors) and Roger Lee (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local ward members).

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including:

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1. Time limit condition to implement the permission.
2. Development it be in accordance with approved plans.
3. Phasing of the development
4. Approval of samples of materials
5. Detailed design and delivery of the footway to Washpit New Road (to be delivered before occupation of the first dwelling).
6. Internal road design.
7. Highway signage scheme.
8. Surfacing of parking areas.
9. Boundary treatment details.
10. Detailed drainage scheme.
11. Survey of watercourse within site and schedule of repairs where necessary.
12. Assessment of mill pond and tributaries.
13. Temporary drainage scheme.
14. Drainage relating to fats, oil and grease from café.
15. Oil petrol interceptor from car parks.
16. Stand-off distances to culverted watercourse.
17. Mill pond survey and repair/renewal where necessary.
18. Contaminated land and landfill investigation and remediation.
19. Details of plant and extract ventilation for the non-residential uses.
20. Restrictions on operating and delivery hours for The Carding Shed:
 - I. Café and shop:
 - 10:00 to 16:00 Monday to Friday (with no deliveries/dispatches before 0900 or after 1700)
 - 09:30 to 16:30 Saturday (with no deliveries/dispatches before 0830 or after 1730 on Saturdays and no deliveries/dispatches on Sundays)
 - II. Workshop and car storage:
 - 08:30 to 17:00 Monday to Friday only.
21. Restrictions on operating hours of the gym.
22. Restrictions on use of gym to residents and workers of Washpit Mills only.
23. Storage use only for retained curtilage listed building connected to the Carding Shed business (Block D).
24. Ecological mitigation including details of demolition.
25. Detailed landscape plan including new tree planting to south eastern site boundary.
26. Electric vehicle charging.
27. Restriction on hours of the gym to those specified within the Update List.
28. Details of external lighting of the site designed to mitigate the impact on biodiversity
29. Updated Travel Plan that reflects the development proposed (as per paragraph 10.36 of the considered report)
30. Details of crime prevention and security measures to be incorporated into the development (as per Police Architectural Liaison Officer comments).
31. Details of renewable energy measures to be incorporated into the development.

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(2) Secure a Section 106 agreement to cover the following matters:

1. £51,417 towards Education requirements arising from the development.
2. Contribution of £10,000 (originally towards Metro Cards) be allocated towards Highway and Pedestrian infrastructure improvements in the vicinity of the site.
3. Detailed scheme for the provision of the POS and future maintenance and management responsibilities of the POS and other open space areas within the site.
4. Future maintenance and management arrangements for the culverted watercourse and other surface water drainage infrastructure within the site and the mill pond.
5. Covenant not to use Block L for its established B2 use or any change from B2 as permitted under the Use Classes Order.

(3) That, pursuant to (2) above, In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment 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; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

It was noted that should the Council receive further applications to change the use of the community gym the application will be presented to Strategic Planning Committee.

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

1. A motion to refuse the application

For: Councillors Armer, D Firth and A Pinnock (3 votes)

Against: Councillors S Hall, Kane and Pattison (3 votes)

The Chair used his casting vote to defeat the motion.

2. A motion to accept the officer recommendation subject to amendments to the S106 (outlined above)

For: Councillors S Hall, Kane and Pattison (3 votes)

Against: Councillors Armer, D Firth and A Pinnock (3 votes)

The Chair used his casting vote to approve the officer recommendation.

12 **Planning Application - Application No: 2017/94337**

The Committee gave consideration to Planning Application 2017/94337 Listed Building Consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

RESOLVED –

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

1. Time limit to implement the permission
2. Development in accordance with approved plans
3. Archaeological recording
4. Scheme of works to principal listed building

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

For: Councillors S Hall, Kane, Pattison and A Pinnock (4 votes)

Against: (0 votes)

Abstained: Councillor Armer

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Planning Application - Application No: 2017/90620

The Committee gave consideration to Planning Application 2017/90620 Hybrid application – Planning application for demolition of existing buildings and erection of 2no workshop and ancillary office buildings (B1c/B8 use class) comprising a floor area of 880m² including mezzanine space, parking, access details and ancillary works. Outline planning application for the erection of up to 75no dwellings (Amended Description) Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations Nick Willock (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local ward members).

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to: ensure that the Environment Agency and LLFA are satisfied with the proposal; and to complete the list of conditions including those contained within the considered report and the update list including:

Outline Application

1. 3 year time limit to implement the permission.
2. Approved plans.
3. Reserved Matters.
4. Finished Floor Levels.
5. Boundary Treatments and details of materials.
6. Foul, surface and land drainage details to be submitted and agreed.
7. Overland flood routing details to be submitted and agreed.
8. Temporary flood routing details to be submitted and agreed.
9. Construction Method Statement.

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10. Remove PD rights for outbuildings and rear extensions to properties.
11. Habitat enhancement.
12. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
13. Crime prevention.
14. Electric charging points.
15. Parking spaces prior to occupation.
16. Lighting Strategy.
17. Ecological Enhancement Strategy and woodland strategy for pond area and across site.
18. Demolition method.
19. Phasing
20. Public Open Space details to be submitted at Reserved Matters

Full application

1. 3 year time limit to implement permission.
2. Approved plans.
3. Demolition Method Statement.
4. Parking areas to be provided prior to occupation.
5. Details of uses to be submitted and agreed.
6. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
8. Crime prevention.
9. Electric charging points.
10. Lighting Strategy.
11. Ecological Enhancement Strategy.
12. Opening/operating hours to be agreed.
13. Boundary Treatments.
14. Details of retaining elements and design.
15. Phasing to ensure employment units provided.
16. Natural local stone to be used in elevations of employment units.
17. Servicing arrangements to be submitted and agreed.

(2) Secure a Section 106 agreement to cover the following matters:

1. Education - £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School
2. Affordable Housing – to be finally calculated having regard to vacant building credit and depending on the quantum of development proposed by the reserved matters.
3. New Mill Junction Improvements - A contribution of £33,880 plus a further £33,750 (to be confirmed at reserved matters stage) originally allocated towards Residential Metro Cards
4. £10,000 for a 'live' bus information display

(3) That, pursuant to (2) above, In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment 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; if so, the Head of Strategic Investment is

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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 S Hall, Kane, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and D Firth (2 votes)

14 Planning Application - Application No: 2018/90074

The Committee gave consideration to Planning Application 2018/90074 Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow the Committee to undertake a site visit following the cancellation of the original site visit due to adverse weather conditions.

15 Planning Application - Application No: 2017/93925

The Committee gave consideration to Planning Application 2017/93925 Erection of 3 No. retail units and associated works (within a Conservation Area) Land at Junction of, Cemetery Road and Mayman Lane, Batley.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Brendan Flood (objector), Gary Swarbrick (in support) and Helen Davies (applicant).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including:

1. 3 years to commence development
2. Development in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Landscape scheme
6. Drainage conditions (surface water and foul)
7. De contamination, remediation and validation.
8. Highways conditions- parking provision and maintenance; deliveries and turning; production of Travel Plan
9. Lighting scheme
10. Noise attenuation (for neighbouring buildings possible hours of use restriction).
11. Crime prevention measures.
12. Eradication of Japanese Knotweed
13. Restrictions on the range of goods to be sold from each unit.

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14. The net retail sales area of unit 1 hereby permitted shall not exceed 1,858 sq m. The net sales area is defined as the sales area within the building (i.e. all internal areas accessible to the consumer) but excluding lobbies, restaurants/cafes, customer toilets and walkways behind the checkouts. Within the net sales area hereby permitted, no more than 372 sq m shall be used for the sale of convenience goods. The garden centre area shall not exceed 697 sq m. The net retail sales area of units 2 and 3 shall not exceed 743 sq m and 558 sq m respectively.

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

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (0 votes)

16 Planning Application - Application No: 2018/90242

The Committee gave consideration to Planning Application 2018/90242 Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow the Committee to undertake a site visit following the cancellation of the original site visit due to adverse weather conditions.