

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 20th June 2019

Present: Councillor Steve Hall (Chair)
Councillor Donald Firth
Councillor Mohan Sokhal
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Will Simpson

Apologies: Councillor Paul Kane

- 1 Membership of the Committee**
Councillor Will Simpson substituted for Councillor Paul Kane.
- 2 Minutes of the Previous Meeting**
The minutes of the meetings held on 9 May 2019 and 22 May 2019 were approved as a correct record.
- 3 Interests and Lobbying**
No interests or declarations of lobbying were made.
- 4 Admission of the Public**
It was noted that the appendices for items 17, 18 and 19 would be taken in private session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Public Question Time**
No questions were asked.
- 7 Site Visit - Application 2018/91277**
Site visit undertaken.
- 8 Site Visit - Application 2017/90322**
Site visit undertaken.
- 9 Site Visit - Application 2017/90324**
Site visit undertaken.
- 10 Site Visit - Application 2018/93949**
Site visit undertaken.
- 11 Site Visit - Application 2018/94189**
Site visit undertaken.

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12 Site Visit - Application 2018/92563

Site visit undertaken.

13 Site Visit - Application 2019/90527

Site visit undertaken.

14 Planning Application - Application 2018/94189

The Committee gave consideration to Planning Application 2018/94189 Outline application for residential development of up to 366 dwellings with details of access points only Land off Soothill Lane, Batley.

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

RESOLVED – Delegate approval of the application to the Head of Development and Master Planning to:

- 1) Secure the signing of a Section 106/Legal Agreement to provide:
 - Improvements to bus stops to provide shelter and real time passenger information display at bus stop no. 16141 (at a cost of £23,000) and a real time passenger information display at bus stop no. 16138 (at a cost of £10,000)
 - Travel Plan Monitoring fee (£TBC)
 - Long term maintenance and management of the drainage proposals through a management company, including contributions to upgrading works off site and taking into account of the period before which the Statutory Undertaker can adopt the system and in the event adoption of such system is not undertaken
- 2) Complete the list of conditions including those contained within the considered report and Issue the decision notice including:
 - (1) Standard Outline condition (submission of Reserved Matters)
 - (2) Standard Outline condition (implementation of Reserved Matters)
 - (3) Standard Outline condition (Reserved Matters submission time limit)
 - (4) Standard Outline condition (Reserved Matters implementation time limit)
 - (5) Phasing to programme works on site
 - (6) Noise report
 - (7) Affordable housing
 - (8) Education
 - (9) Open space
 - (10) Highways impacts – Works within highways at Soothill Lane / Leeds Road, Soothill Lane / Rouse Mill Lane to include:
 - Lane works
 - Signalization
 - Upgrade of bus stops
 - Footway links & Real time passenger information display
 - (11) Residential Travel plan – Residential Metro cards
 - (12) Details of access and internal highways
 - (13) Restricting nos. of units to be served off each access point
 - (14) Drainage- discharge rates of surface water attenuation on site
 - (15) Flood risk
 - (16) Scheme of works to retain, enhance/improve PROWs/Bridleway

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- (17) Ecological Impact Assessment
 - (18) Landscaping scheme
 - (19) Contaminated land conditions
 - (20) Coal mining legacy
 - (21) Construction Environmental Management Plan
 - (22) Electric vehicle charging Points
 - (23) West Yorkshire Archaeology evaluation
 - (24) Health Impact Assessment
 - (25) Secure by design measures
- 3) That, pursuant to (1) above, in the circumstances where the S106/legal agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development and Master Planning 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; if so, the Head of Development and Master Planning 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 D Firth, S Hall, Pattison, A Pinnock, Simpson and Sokhal (6 votes)

Against: (0 votes)

15 **Planning Application - Application 2018/92563**

The Committee gave consideration to Planning Application 2018/92563 Outline application for erection of retail units Centre 27 Business Park, Bankwood Way, Birstall, Batley.

Under the provisions of Council Procedure Rule 36(1), the Committee received representations from Councillor Liz Smaje (Local Ward Member).

RESOLVED – Delegate approval of the application to the Head of Development and Master Planning to:

- 1) Refer the Committee decision to the Health and Safety Executive (HSE) in accordance with the NPPG;
- 2) Refer the application to the Secretary of State under the terms of Circular 02/2009 (Town and Country Planning Direction) 9 (England) Order 2009 because the application is retail development in excess of 5,000sq m and in an out of centre location;
- 3) Subject to the HSE not requesting a call-in and the Secretary of State not calling the application in on retail grounds, secure the signing of a Section 106 Agreement to provide:
 - £97,000 for a pedestrian improvement scheme on the neighbouring retail park which includes:
 - (i) New pedestrian crossing points
 - (ii) Upgrading of existing crossing points
 - (iii) New and upgraded pedestrian traffic islands
 - Travel Plan Monitoring fee (£10,000)

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- Arrangements for the future maintenance and management of the surface water drainage infrastructure within the site
- 4) Complete the list of conditions including those contained within the considered report and issue the decision notice including:
1. Standard conditions for outline permission (4 no.)
 2. Retail conditions:
 - (i) Restrict the gross floor space to that proposed within the application (including mezzanine level)
 - (ii) Restrict the use of the gross floorspace for convenience goods to 2,350 square metres.
 - (iii) Floorspace to be provided within four separate units with a maximum gross floorspace of 2,322 square metres in unit one and maximum gross floorspace of 1,858 square metres in the remaining units.
 - (iv) Limit the sale of convenience goods to a maximum of 30% of the gross floorspace
 3. Detailed junction design for points of access
 4. Detailed scheme for proposed change to the road priorities on Woodhead Road/Bankwood Way
 5. Scheme for highway signage
 6. Full Travel Plan
 7. Drainage conditions - Detailed drainage design, surface water attenuation, petrol interceptor for the car park and temporary drainage measures for construction.
 8. Intrusive site investigations and remediation to address the legacy of coal mining
 9. Remediation for contaminated land (based on submitted phase 1 and 2 reports)
 10. Reporting of unexpected contamination
 11. Scheme for provision of electric vehicle charging points
 12. Ecological design strategy
- 5) That, pursuant to (3) 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 Development and Master Planning 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 Development and Master Planning 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, S Hall, Pattison, Simpson and Sokhal (4 votes)

Against: Councillors D Firth and A Pinnock (2 votes)

16 **Planning Application - Application 2019/90527**

The Committee gave consideration to Planning Application 2019/90527 Outline application for the erection of up to 127 dwellings, with details of access Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw.

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

Under the provisions of Council Procedure Rule 36(1), the Committee received representations from Councillor Mark Thompson (Local Ward Member).

RESOLVED – Delegate authority to the Head of Development and Master Planning in order to:

- 1) Comply with the recommendation of Highways England to resolve outstanding drainage matters.
- 2) In the event that drainage matters are not resolved (or not resolved in a timely manner), consult with the Secretary of State in accordance with article 4 of the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018 and seek his/her direction.
- 3) In the absence of a direction from the Secretary of State preventing permission being granted, complete the list of conditions including those contained within the considered report and issue the decision notice including:
 1. Standard Outline condition (submission of Reserved Matters)
 2. Standard Outline condition (implementation of Reserved Matters)
 3. Standard Outline condition (Reserved Matters submission time limit)
 4. Standard Outline condition (Reserved Matters implementation time limit)
 5. Development in accordance with plans and specifications
 6. Affordable housing
 7. Education
 8. Open space
 9. Highways impacts
 - (i) Junction with existing roundabout
 - (ii) Detailed design
 10. Travel plan
 11. Drainage maintenance and management
 12. Flood risk and drainage
 13. Archaeology
 14. Details of access and internal highways
 15. Ecology
 16. Landscaping
 17. Construction management
 18. Electric vehicle charging
 19. Contaminated land
 20. Coal mining legacy
 21. Arboricultural impact

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

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

Against: Councillor D Firth (1 vote)

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17 Planning Application - Application 2017/90322

The Committee gave consideration to Planning Application 2017/90322 Erection of 7 town houses Land at, Warwick Road, Batley.

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

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within the considered report including:
 1. A 3 year time limit for implementation of the development.
 2. Plans to be approved.
 3. Materials (natural stone and slate to be submitted)
 4. Remove permitted development rights for new extensions / outbuildings
 5. Areas to be surfaced and drained
 6. Access sightlines to be provided
 7. Details of internal adoptable roads
 8. Details of the method of storage/access for waste
 9. Noise mitigation in accordance with submitted report
 10. Specification of acoustic barrier
 11. Ventilation scheme
 12. Scheme for provision of electric vehicle charging points
 13. Landscape/ecological mitigation and enhancement plan
 14. Finished floor levels
 15. Boundary treatments
 16. Separate systems for drainage
 17. Surface water disposal
- 2) Secure a S106 agreement to cover the following matters:
 - (i) Public open space off site contribution £52,151
 - (ii) 4x affordable intermediate houses (3x on-site and off-site contribution equivalent to 1 unit)
- 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 Development and Master Planning 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 Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

It should be noted that this resolution covers the following three applications 2017/90322, 2017/90324 and 2018/93949.

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

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

Against: (0 votes)

18 Planning Application - Application 2017/90324

The Committee gave consideration to Planning Application 2017/90324 Erection of 10 semi-detached houses Land at, Warwick Road, Batley.

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within the considered report including:
 1. A 3 year time limit for implementation of the development.
 2. Plans to be approved.
 3. Materials (natural stone and slate to be submitted)
 4. Remove permitted development rights for new extensions / outbuildings
 5. Areas to be surfaced and drained
 6. Access sightlines to be provided
 7. Details of internal adoptable roads
 8. Details of the method of storage/access for waste
 9. Noise mitigation in accordance with submitted report
 10. Specification of acoustic barrier
 11. Ventilation scheme
 12. Scheme for provision of electric vehicle charging points
 13. Landscape/ecological mitigation and enhancement plan
 14. Finished floor levels
 15. Boundary treatments
 16. Separate systems for drainage
 17. Surface water disposal
- 2) Secure a S106 agreement to cover the following matters:
 - (i) Public open space off site contribution £52,151
 - (ii) 4x affordable intermediate houses (3x on-site and off-site contribution equivalent to 1 unit)
- 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 Development and Master Planning 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 Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

It should be noted that this resolution covers the following three applications 2017/90322, 2017/90324 and 2018/93949.

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

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

Against: (0 votes)

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19 Planning Application - Application 2018/93949

The Committee gave consideration to Planning Application 2018/93949 Erection of 5 town houses Land at, Warwick Road, Batley Carr, Batley.

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within the considered report including:
 1. A 3 year time limit for implementation of the development.
 2. Plans to be approved.
 3. Materials (natural stone and slate to be submitted)
 4. Remove permitted development rights for new extensions / outbuildings
 5. Areas to be surfaced and drained
 6. Access sightlines to be provided
 7. Details of internal adoptable roads
 8. Details of the method of storage/access for waste
 9. Noise mitigation in accordance with submitted report
 10. Specification of acoustic barrier
 11. Ventilation scheme
 12. Scheme for provision of electric vehicle charging points
 13. Landscape/ecological mitigation and enhancement plan
 14. Finished floor levels
 15. Boundary treatments
 16. Separate systems for drainage
 17. Surface water disposal
- 2) Secure a S106 agreement to cover the following matters:
 - (i) Public open space off site contribution £52,151
 - (ii) 4x affordable intermediate houses (3x on-site and off-site contribution equivalent to 1 unit)
- 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 Development and Master Planning 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 Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

It should be noted that this resolution covers the following three applications 2017/90322, 2017/90324 and 2018/93949.

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

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

Against: (0 votes)

20 Planning Application - Application 2018/93568

The Committee gave consideration to Planning Application 2018/93568 Change of use of existing unit in a mixed Class A1/A2/A3 retail development to form a mixed A1/A2/A3/A4/D2 retail and leisure development, internal alterations and reconstruction of upper level, with extension, external slide and formation of roof terrace for use as sky bar Kingsgate Centre, Store 1, King Street, Huddersfield.

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions contained within the considered report including:
 1. Time limit (3 years commencement)
 2. In accordance with plans
 3. Facing materials to be provided
 4. Construction management plan
 5. Ecological enhancements (swift colony)
 6. Crime and counter terrorism measures
 7. Cooking Odour Impact Assessment
 8. Charging point scheme
 9. Turning area / drop off point to be provided
 10. Scheme for management of turning area / drop off point
 11. Traffic survey to be undertaken
 12. Sky bar noise management
 13. Details of slide to be provided
 14. Sky bar hours of use
 15. Restaurant hours of use
 16. Cinema inaudibility
 17. Associated plant noise control
- 2) Secure a S106 agreement to cover the following matters:
 - (i) To secure a financial contribution for the improvement of the local highway network (£25,000)
- 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 Development and Master Planning 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 Development and Master Planning 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 D Firth, S Hall, Pattison, A Pinnock, Simpson and Sokhal (6 votes)

Against: (0 votes)

21 Planning Application - Application 2018/91277

The Committee gave consideration to Planning Application 2018/91277 Infill of former quarry Ponderosa Rtc Park Farm, Smithies Lane, Heckmondwike

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

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

- 1) Standard 3 year implementation deadline
- 2) Condition requiring development in accordance with approved Plans
- 3) Time limit for completion of development – 6 months from commencement
- 4) Prior cessation arrangements should works cease on site for more than 6 months
- 5) Vehicular access restriction to that indicated on approved plans
- 6) Wheel cleaning requirement
- 7) Vehicle sheeting requirement
- 8) Measures to protect the users of PROW SPE/141/30
- 9) Restriction on the numbers of HGVs visiting the site to no more than 50 per day (25 in 25 out)
- 10) Soils storage arrangements on site including position of any screening mounds
- 11) Progressive backfilling and restoration requirements
- 12) Restriction that only inert waste is imported to the site
- 13) Requirement to spread soils during favourable weather conditions
- 14) Requirement to allow LPA to inspect soil re-spreading once completed on site
- 15) Requirement to allow LPA the opportunity to inspect any imported soils or soil making materials
- 16) Soil cultivation requirements
- 17) Requirement to allow LPA to inspect soil cultivation once completed on site
- 18) Requirement to restore the site in accordance with restoration scheme submitted with the application
- 19) Requirement to replace any damaged or dead trees and shrubs following site restoration for a period of 5 years
- 20) Provision of a land drainage details for the restored site
- 21) Provision of an aftercare scheme for a period of five years following site restoration
- 22) Restriction on hours of operation 7.30am-6.30pm Monday to Friday 8.30am to 1pm on Saturdays with no working on Sunday or Bank Holidays
- 23) Provision of dust suppression measures
- 24) Speed restriction requirement for vehicles on site
- 25) Use of low frequency reversing alarms
- 26) Removal of permitted development rights
- 27) Provision of adequate arrangements for the storage of any fuel and oils stored on site
- 28) No use of mechanical processing equipment

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

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

Against: (0 votes)

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22 Exclusion of the Public

That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

23 Planning Application - Application 2017/90322

The Committee received exempt information in respect of Application 2017/90322 (Agenda Item 17).

24 Planning Application - Application 2017/90324

The Committee received exempt information in respect of Application 2017/90324 (Agenda Item 18).

25 Planning Application - Application 2018/93949

The Committee received exempt information in respect of Application 2018/93949 (Agenda Item 19).