

Contact Officer: Andrea Woodside

**KIRKLEES COUNCIL**  
**STRATEGIC PLANNING COMMITTEE**

**Thursday 11th July 2019**

Present: Councillor Steve Hall (Chair)  
Councillor Donald Firth  
Councillor Paul Kane  
Councillor Mohan Sokhal  
Councillor Carole Pattison  
Councillor Charlotte Goodwin  
Councillor Andrew Pinnock

**1 Membership of the Committee**

There were no substitutions of membership.

**2 Interests and Lobbying**

Councillor Kane advised that he would not participate in the consideration and determination of Agenda Item 12 (Application 2019/90616) on the grounds that he knew the applicant.

**3 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**4 Deputations/Petitions**

None received.

**5 Public Question Time**

None received.

**6 Site Visit - Application No: 2019/90661**

Site visit undertaken.

**7 Site Visit - Pre Application Enquiry: 2018/20078**

Site visit undertaken.

**8 Site Visit - Application No: 2019/91491**

Site visit undertaken.

**9 Planning Application - Application No: 2019/91491**

The Committee gave consideration to Application 2018/91491 – Demolition of existing fitness complex and erection of Spen Valley Leisure Centre at Spenborough Fitness Complex, Bradford Road, Littletown.

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

## Strategic Planning Committee - 11 July 2019

### RESOLVED -

(1) That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- development to commence within three years
- development to be built in accordance with approved plans
- samples of materials to be approved
- areas to be drained and surfaced
- travel plan to be submitted
- method of storage/access for waste
- construction access
- removal of PD rights to prevent enclosure of footpath
- noise restriction from fixed plant and equipment
- submission of phase 2 report
- submission of remediation strategy
- implementation of remediation strategy
- submission of validation report
- details of travel plan implemented
- electrical vehicle charging points
- submission of aboricultural impact assessment
- submission of aboricultural method statement
- submission of drainage details and attenuation
- submission of scheme for fats, oils and grease
- temporary drainage, pollution prevention and flood risk (construction phase)
- details of interceptors
- details of floor warning and evacuation plan
- details to protect public water supply
- details of satisfactory outfall for surface water
- submission of an ecological design strategy

(2) That authority be delegated to the Head of Strategic Investment to secure the signing of a Legal Agreement to provide a travel plan monitoring fee (£2k per annum).

(3) That, pursuant to (2) above, in circumstances where the Legal Agreement has not been completed within three months of this decision, 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, 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 D Firth, Goodwin, S Hall, Kane, Pattison, A Pinnock and Sokhal (7 votes)

Against: (no votes)

## Strategic Planning Committee - 11 July 2019

### 10 **Planning Application - Application No: 2019/90890**

The Committee gave consideration to Application 2019/90890 – Development of a synchronous gas-powered standby generation facility, plus ancillary infrastructure, equipment, and access at land off Bradford Road, Batley.

**RESOLVED** – That authority be delegated to the Head of Development and Master Planning, upon the expiration of the publicity period for the amended red line boundary plan, to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- standard 3 years to implement permission
- standard condition requiring development to accord with approved plans
- no plant to be installed until its colour has been approved
- development not to be brought into use until vehicle turning facilities have been implemented
- the implementation of measures to deal with unexpected contamination during construction including the submission, implementation of a site remediation strategy if required and subsequent validation
- finished floor levels of any buildings and sensitive equipment are set no lower than 49.89m AOD
- flood resilience and resistance measures will be incorporated into the proposed development as stated in the FRA
- submission of a drainage scheme
- hours of operation restricted to 07:00 to 23:00 on any day
- operation of generators restricted to no more than 2500 hours per year and the submission of annual report if required to verify
- submission of annual report of required to verify
- submission of a scheme indicating how the site will be artificially lit to protect local amenity and ensure the protection of local bat populations
- submission of a construction management plan
- noise mitigation condition

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

For: Councillors D Firth, Goodwin, S Hall, Pattison, A Pinnock and Sokhal (6 votes)  
Against: Councillor Kane (1 vote)

### 11 **Planning Application - Application No: 2018/93951**

The Committee gave consideration to Application 2018/93951 – Outline application for the erection of up to 54 dwellings with all matters reserved for future submission except for access which is to be taken from Kingsmead – Works to include the demolition of No 28 Kingsmead at land to the rear of Tolson Street, Kingsmead, Hazel Crescent and Deneside, Chickenley, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andy Rushby (applicant's agent).

**RESOLVED** –

- (1) That authority be delegated to the Head of Development and Master Planning to (i) refuse the application and issue the decision notice (ii)

## Strategic Planning Committee - 11 July 2019

communicate the decision of this Committee to Wakefield Council (iii) await the formal determination of the application by Wakefield Council and that, should it delegate decision making power to this Authority, to issue the decision notice taking into account the decisions of both Local Planning Authorities and (iv) return the matter to this Council, in circumstances whereby Wakefield Council resolve to approve the application.

- (2) That the application be refused on the grounds that (i) the site is allocated as safeguarded land on the Kirklees Local Plan and fails to comply with Policy LP6 of the Kirklees Local Plan and guidance within the National Planning Policy Framework and (ii) the development of the site would result in the loss of biodiversity for which no detailed assessment or mitigation measures had been provided and therefore would result in loss to biodiversity, contrary to Policy LP30 and Chapter 15 of the NPPF.

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

For: Councillors D Firth, Goodwin, S Hall, Kane, Pattison, A Pinnock and Sokhal (7 votes)

Against: (no votes)

### 12 **Planning Application - Application No: 2019/90616**

The Committee gave consideration to Application 2019/90616 – Importation of inert waste, conversion of existing sewerage tank to form meeting room, demolition of existing sewerage infrastructure and change of use of site to agricultural land at former Spensborough Wastewater Treatment Works at Smithies Lane, Heckmondwike.

#### **RESOLVED –**

- (1) That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
- development to be in accordance with approved plans
  - 3 years to implement permission
  - within 6 months of date of permission, import of waste shall cease
  - limitation on number of vehicles coming to and from the site (no more than 40 trips to and from the site per day)
  - prior cessation time period to restore land
  - sole means of vehicular access to and egress from shall be as shown on 19/40/A
  - no commercial vehicles on the highway unless wheels cleaned
  - HGVS – loads sheeted prior to delivery
  - protection of footpaths – scheme to be submitted
  - surface and drainage arrangements
  - landscaping plan
  - no use of medicinal processing equipment other than in connection with the demolition of the existing concrete filter bed

## Strategic Planning Committee - 11 July 2019

- provision of adequate arrangements for the storage of any fuel and oils stored on site
- removal of permitted development rights
- use of low frequency reversing alarms
- speed restriction requirement for vehicles on site
- provision of dust suppression measures
- restriction on hours of operation to 7.30am to 6.30pm Monday to Friday, 8.30am to 1.00pm on Saturday and no working on Sundays or Bank Holidays
- provision of an aftercare scheme for a period of five years following site restoration
- requirement to restore the site in accordance with restoration scheme submitted with the application
- requirement to allow LPA to inspect soil cultivation once completed on site
- soil cultivation requirements
- requirement to allow LPA the opportunity to inspect any imported soils or soil making materials
- requirement to allow LPA to inspect soil re-spreading once completed on site
- requirement to spread soils during favourable weather conditions
- restriction that only inert waste is imported to the site
- progressive backfilling and restoration requirements
- requirement for emergency access details to be provided (in case of flooding)

(2) That authority be delegated to the Head of Development and Master Planning to secure a Section 106 Agreement to ensure that this permission does not commence until all of the inert waste has been imported into the site under planning permission 2019/91277.

(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 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, 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 D Firth, Goodwin, S Hall, Pattison, A Pinnock and Sokhal (6 votes)

Against: (no votes)

Abstained: Councillor Kane

### 13 **Planning Application - Application No: 2019/90661**

The Committee gave consideration to Application 2019/90661 – Variation of conditions 3 (details of phasing) 5 (footway) and 37 (public open space) on previous application 2017/94336 for 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

## Strategic Planning Committee - 11 July 2019

ancillary facilities including café, shop and office space and formation of car parking areas (listed building) at Washpit Mills, Choppard Lane, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Roger Lee (applicant's agent). Under the provisions of Council Procedure Rule 36(1), the Committee received a representation from Cllr Patrick (Ward Member).

### **RESOLVED –**

- (1) That authority be delegated to the Head of Development and Master Planning to (i) approve a variation of conditions 3 and 37 as set out in the considered report (ii) refuse the proposed variation of condition 5 (to remain as originally imposed) (iii) secure a deed of variation to the original Section 106 Agreement and (iv) complete the list of conditions and issue the decision notice.
- (2) That, pursuant to (1) above, in circumstances where the S106/Legal Agreement has not been completed within three months of this decision, 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, 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 S Hall, Pattison, A Pinnock and Sokhal (4 votes)  
Against: Councillors D Firth and Goodwin (2 votes)  
Abstained: Councillor Kane

### **14 Pre Application: 2018/20078**

The Committee received a pre-application presentation and provided feedback, specifically regarding buffer space, local engagement, transport infrastructure, public open space and education provision.

It was noted that two outline planning applications for 180 residential units and mixed use development were expected to be submitted during autumn 2019.

Under the provisions of Council Procedure Rule 37, the Committee received a representations Ryan Groves and Nolan Tucker on behalf of the applicant.

**RESOLVED –** That the pre-application presentation, and the feedback and comments from the Committee, be received and noted.