

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 19th December 2019

Present: Councillor Steve Hall (Chair)
Councillor Carole Pattison
Councillor Donald Firth
Councillor Andrew Pinnock
Councillor Mahmood Akhtar

Apologies: Councillor Mohan Sokhal

1 Membership of the Committee

Councillor Mahmood Akhtar substituted for Councillor Mohan Sokhal.

2 Minutes of the Previous Meeting

That the minutes of the meeting held on 21st November 2019 be approved as a correct record.

3 Interests and Lobbying

Councillor Carole Pattison advised that she had been lobbied in relation to Applications 2019/90151, 2019/91467, 2019/91656 and 2019/91433.

Councillor Andrew Pinnock advised that he had been lobbied in relation to Applications 2019/90151, 2019/90902, 2019/91467, 2019/91656, 2019/91433, 2019/91633, 2019/91630 and 2019/91404.

Councillor Donald Firth advised that he had been lobbied in relation to Applications 2019/90151, 2019/91467 and 2019/91433.

Councillor Steve Hall advised that he had been lobbied in relation to Applications 2019/90151, 2019/90902, 2019/91467, 2019/91656, 2019/91433, 2019/90626, 2019/91633, 2019/91630, 2019/91404 and 2019/92462.

4 Admission of the Public

It was noted that exempt information had been submitted in respect of Agenda Items 15,17, 18 and 19.

5 Public Question Time

The Committee received questions from Councillor Martyn Bolt in respect of:

- (i) engagement with Town and Parish Councils, by applicants, associated with statements of community involvement.

The Development Management Group Leader explained that although the submission of statements of community involvement by applicants was encouraged and was considered to be good practice this was discretionary, rather than a legal

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requirement. The content was not scrutinised by officers but could be subject to challenge by objectors.

- (ii) the inclusion of environmental impact assessments in the Committee's reports.

The Development Management Group Leader explained that the Local Planning Authority, as an entity, had to make decisions on planning matters. Climate change was a relevant issue that was being responded to in a positive way by the planning system and going forward it was a matter for Members, in terms of protocol, if this was to be specifically addressed within the Committee's reports.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application Nos: 2019/91633, 2019/91630, 2019/91404

Site visit undertaken.

8 Site Visit - Application No: 2019/90902

Site visit undertaken.

9 Site Visit - Application No: 2019/90626

Site visit undertaken.

10 Site Visit - Application No: 2019/91467

Site visit undertaken.

11 Planning Application - Application No: 2019/90151

The Committee gave consideration to Planning Application 2019/90151 relating to the erection of 190 dwellings, with associated landscaping and infrastructure, on land to the north of Cumberworth Road, Skelmanthorpe, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from; Councillor Alison Munro, Councillor Martyn Bolt on behalf of Mark Eastwood MP, Tim Bamford, Tim Bamford on behalf of Garry Field, Mark Lee, Nick Ryden, Richard Capewell, Frank Dolan, Hazel Sharp, Hazel Sharp on behalf of Laura Wilamott, Helen France and Nigel Wilson (objectors) and Matthew Burrow (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(1), the Committee received representations from Councillors Will Simpson and Graham Turner (Ward Councillors).

RESOLVED:

That authority be delegated to the Head of Planning and Development to approve the application and issue the decision notice, subject to the response from the Ministry of Housing, Communities and Local Government in respect of call-in of the application by the Secretary of State for Housing, Communities and Local Government, in order to:

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- (i) Complete the list of conditions, including those contained within the considered report and the planning update:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of visual amenity, highway safety, the amenity of future residents and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Prior to the construction of any dwellings above footings levels details (and samples, where requested by the Local Planning Authority) of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity, to preserve and enhance the character and appearance of the settlement of Skelmanthorpe, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. No development shall commence until details of the phasing of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure the development is carried out in a comprehensive and controlled manner in order to accord with Policies LP5, LP24 and LP65 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

This is a pre-commencement condition to secure the necessary phasing plan at an appropriate stage of the development process.

5. No above ground works shall take place within each phase until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. Thereafter the works shall be so retained.

Reason: To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent land/property, so as to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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6. Development shall not commence until a scheme detailing both hard and soft landscaping is submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall have regard to the Biodiversity Management Plan and contain a full planting specification, including the layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates. The scheme shall provide an indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing and from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced in the next planting season with others of similar size and species

Reason: To ensure satisfactory landscape treatment of the site which will enhance the amenity, character and appearance of the site and the area in accordance with Policy LP65 (Site Allocation HS140), LP24 and LP32 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure the protection and implementation of key landscape features at an appropriate stage of the development process.

7. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless:

- (i) a competent ecologist has undertaken a survey of vegetation for active birds' nests immediately before the vegetation is cleared; and
- (ii) the ecologist has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
Reason: to ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.
This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.
9. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework
10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 9 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework
11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on the part of the site affected (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report which shall include verification/validation of any remedial measures set out in the Remediation Strategy shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To ensure that the approved remediation measures are completed before the development is occupied in the interests of the health and wellbeing of future residents and in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. No development shall take place, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Timetable of all works;
- b) Details of points of access for all construction traffic
- c) Pre-development road condition surveys of Cumberworth Road and Ponker Lane
- d) Vehicle sizes and routes, times of vehicle movements,
- e) Details and location of signage;
- f) The parking of vehicles of site operatives and visitors;
- g) Loading and unloading of plant and materials;
- h) Storage of plant and materials used in constructing the development;
- i) Wheel washing facilities within the site;
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- l) Noise & vibration arising from all construction related activities to. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- m) Site manager and resident liaison officer contact details (including their remit and responsibilities)
- n) Artificial lighting used in connection with all construction related activities and security of the construction site.

The development shall be carried out strictly in accordance with the approved CMP and no change there from shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule, and timetable, of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: In the interests of amenity and highway safety, to ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on-site surface water features, and to accord with policies LP21 and LP52 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure appropriate measures to protect amenity, maintain highways safety and reduce flood risk are agreed at an appropriate stage of the development process.

14. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been submitted to and approved by the Local Planning Authority and implemented thereafter. The details submitted shall include but not be exclusive to the means of ensuring that any planting of vegetation is of a suitable species, a description of the necessary measures

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to ensure that tree rooting systems shall not cause damage to the public water supply infrastructure and that access to the water main for the purposes of repair and maintenance by the statutory undertaker is retained at all times.

Reason: In order to allow sufficient access for maintenance and repair work at all times in the interest of public health and maintaining the public water supply, in line with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Policy Framework.

15. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned,) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and are retained thereafter.

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

This is a pre-commencement condition as the drainage scheme is fundamental to ensuring that the new houses and roads do not increase flood risk elsewhere.

16. Development shall not commence until a scheme detailing the piping of the watercourse, including ancillaries such as headwalls, grilles, overflow pipework, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate a minimum stand-off distance of 4 metres from buildings and a demonstration that it is not compromised by dead loading. A stand-off distance from adjacent attenuation structures shall be agreed with the Lead Local Flood Authority and taking Yorkshire Water comments into account. The scheme shall also include detailed maintenance and management regime for the piped watercourse and works. No part of the development shall be brought into use until the watercourse piping works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27, LP28 and LP34 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that drainage measures are designed and approved at an appropriate stage of the development process.

17. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3.5l/s to public combined sewer at Huddersfield Road and 6.3l/s to watercourse has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes generated greater than the 1 in 30 year critical storm up to and including the 1 in 100 year critical storm event with a 30% allowance for climate change

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shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that drainage measures, including works adjacent to and above the watercourse are designed and approved at an appropriate stage of the development process.

18. The development shall not commence until an assessment of site design (engineering layouts, detailed road contours, back of kerb levels, boundary treatments, gardens and finished flow levels) in relation to the effects of 1 in 100 year storm events with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that drainage measures are designed and approved at an appropriate stage of the development process.

19. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: - phasing of the development and phasing of temporary drainage provision. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system, approved pursuant to condition no.15 is in place and functioning in accordance with written notification to the Local Planning Authority

Reason: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental wellbeing and to accord with Policies LP24, LP27, LP28 and LP34 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

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This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highways safety at an appropriate stage of the development process.

20. Prior to the construction of any dwellings above footings level, a plan detailing the provision of electric charging points shall be submitted for the written approval of the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

21. No development shall take place until the wall to the site frontage has been set back to the rear of the proposed 2.4 x 43m visibility splays. The splays shall be clear of all obstructions to visibility and tarmac surfaced to adoptable standards, in accordance with details that have previously been approved (Reference: Transport Assessment, Appendix E, Drawing No, 17136/GA/01) in writing by the Local Planning Authority.

Reason: In the interest of the free and safe use of the highway in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

22. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The approved scheme shall be completed in accordance with the phasing plan approved pursuant to condition no. 4.

Reason: To ensure that suitable access is available for the development, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework. This is a pre-commencement condition to create a safe and accessible estate road network at an appropriate stage of the development process.

23. The buildings shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have been approved pursuant to condition nos. 15 and 18.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.

24. Before development commences details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

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Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highways safety in relation to waste storage and collection at an appropriate stage of the development process.

25. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highway have been submitted to and approved in writing by the Highways Authority. Thereafter the development shall not be brought into use until the approved works have been constructed. The said works shall be maintained throughout the life time of the development.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to secure the necessary retaining highway structures at an appropriate stage of the development process.

26. Before any dwelling is occupied a detailed scheme for the provision of the new relocation of the 30 mph speed limit and any additional traffic calming provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that a suitable, satisfactory arrangement can be provided and include all necessary aspects of public consultation and review. Prior to first occupation, the statutory advertisement of the works shall have been completed and the means by which any objections to the Speed Limit Order can be overcome, agreed.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.

27. Within the first 3 months of any part of the development being brought into use a travel plan shall be submitted to and approved in writing by the LPA. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the inclusion and funding of an appropriate highway safety consultant
- residential travel plan fund
- the provision of bus/train information;
- car sharing facilities
- the introduction of working practices to reduce travel demand and
- the provision of on-site cycle facilities and information.

The Travel Plan will include details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To comply with the Council's sustainability objectives and in the interests of highway safety and to allow for safe pedestrian access to and from the site, outlined in Policies LP1 and LP20 of the Kirklees Local Plan as well as Chapters 8 and 9 of the National Planning Policy Framework.

28. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation culverts/ tanks located within the proposed adoptable highway footprint shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be completed in accordance with the phasing plan approved pursuant to condition no. 4.

Reason: In the interests of highway safety and to achieve a satisfactory highway network that can serve the development in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that the proposed drainage features can be successfully integrated into the highway network at an appropriate stage of the development process.

29. Prior to occupation of the development hereby approved measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. Particular reference should be made to the Secured by Design Homes document (Version 2, March 2019). The development hereby approved shall be completed in accordance with the phasing plan approved pursuant to condition no. 4.

Reason: In the interests of preventing crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan Chapter 12 of the National Planning Policy Framework.

30. No development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure that archaeological remains and features of interest are recorded in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that any assets of archaeological interest are suitably recorded and investigated at an appropriate stage of the development process.

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31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, E or F of Part 1 and Class A Part 2 of Schedule 2 to that Order shall be made to plots 110 to 116 and plots 154 to 165, as shown on the approved Layout Plan, drawing no. CRSK-2018-001 Rev N hereby permitted, without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that further extensions or outbuildings do not result in harmful overlooking to occupants of neighbouring dwellings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

- (ii) Secure a Section 106 agreement to secure the provision of:
1. Public open space provisions including off site commuted sum (£194,481.00) and future maintenance and management responsibilities of open space within the site and off –site landscaping to the western boundary.
 2. Maintenance and management responsibilities of drainage within the site. Additionally contribution of £20,000 to fund upgrading/improvements of off-site drainage infrastructure.
 3. Contribution towards a residential travel plan fund (£95,095.00) and Travel Plan Monitoring Fee, consisting of five payments of £2,000.
 4. 20% (i.e. 38 dwellings) of total number of dwellings (i.e. 190 dwellings) to be affordable, with a tenure split of 45% (i.e. 17 dwellings) “affordable rented” and 55% (i.e. 21 dwellings) to be “shared ownership dwellings.”
 5. £520,570.00 towards Education requirements arising from the development, including:
Primary Provision – Skelmanthorpe Academy = £284, 761.00
Secondary Provision – Scissett Middle School = £235, 809.00
 6. Securing a Biodiversity Management Plan, including securing a Biodiversity Management Body and the necessary Biodiversity Management Legal and Funding Mechanisms.

In 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 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 M Akhtar, S Hall, C Pattison and A Pinnock (4 votes)

Against: Councillor D Firth (1 vote)

12 Planning Application - Application No: 2019/90902

The Committee gave consideration to Planning Application 2019/90902 relating to an outline application for the demolition of 1 dwelling and erection of 98 dwellings with consideration for access, landscaping and layout, to the rear of 271 Cliffe Lane, Gomersal, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Vernon Copley (objector) and Paul Leeming (on behalf of the applicant).

RESOLVED -

That authority be delegated to the Head of Planning and Development to approve the application and issue the decision notice, in order to:

- (i) Complete the list of conditions, including those contained within the report, as follows:
1. Three years to commence development
 2. Approved plans and documents
 3. Reserved matters
 4. Detailed Landscape Scheme
 5. Scheme detailing public rights of way
 6. Proposed site levels
 7. Arboricultural Method Statement and Tree Protection Plan
 8. Site investigation, remedial treatment and mitigation works for coal measures
 9. Construction Management Plan
 10. Temporary surface water drainage
 11. Flood risk and drainage details
 12. Surface water and foul water drainage discharge rates
 13. Drainage maintenance and management plan
 14. Submission of an Intrusive Site Investigation Report (Phase II Report)
 15. Submission of Remediation Strategy
 16. Implementation of the Remediation Strategy
 17. Submission of Validation Report
 18. Visibility splays and improvement works to access junction
 19. Internal adoptable roads
 20. External materials
 21. Boundary treatments
 22. Lighting design strategy for biodiversity
 23. Construction environmental management plan for biodiversity
 24. Biodiversity Net Gain Plan
 25. Removal of permitted development rights
 26. Cycle parking
 27. Electric vehicle charging points
 28. Travel Plan
 29. Waste storage and collection
 30. Crime prevention measures

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- (ii) Secure the signing of a Section 106 Agreement to secure the provision of:
1. Public open space provisions including off site commuted sum (£119,101.00) and future maintenance and management responsibilities of open space within the site.
 2. Implementation and maintenance of offsite drainage works. Maintenance and management responsibilities of drainage (including pumping station) within the site, until adoption.
 3. Contribution towards the provision of bus shelters at bus stops 23726 and 15480 (£26,000), a residential travel plan fund (£49,049.00) and Travel Plan Monitoring Fee, consisting of five payments of £2,000 (£10,000.00).
 4. 20% (i.e. 20 dwellings) of total number of dwellings (i.e. 98 dwellings) to be affordable, with a tenure split of 50% (i.e. 10 dwellings) “affordable rented” and 50% (i.e. 10 dwellings) to be “intermediate dwellings.”
 5. £262,948 towards Education requirements arising from the development, including: Primary Provision – Gomersal Primary (£26,946) and Gomersal St Mary’s (£62,247) = £89,193 Secondary Provision – Whitcliffe Mount = £173,754
 6. Implementation of the Phasing Plan

In 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 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 M Akhtar, D Firth, S Hall, C Pattison and A Pinnock (5 votes)

Against: (0 votes)

13 **Planning Application - Application No: 2019/91467**

The Committee gave consideration to Planning Application 2019/91467 relating to the erection of 67 dwellings, with associated access and parking, on land to the south of Granny Lane, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Councillor Martyn Bolt on behalf of Mark Eastwood MP and Mirfield Town Council, Christine Sykes on behalf of Cheryl Tyler, Leanne McConnell, Frances Thompson, Andrew Kirby, Ian Woolin, Veronica Maher (objectors) Kate Broadbank, Geoff Bowman and Ross Oakley (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(1), the Committee received representations from Councillor Martyn Bolt, who also read out a representation on behalf of Councillor Vivien Lees-Hamilton (as Ward Councillors).

RESOLVED -

That authority be delegated to the Head of Planning and Development to approve the application and issue the decision notice, in order to:

- (i) Complete the list of conditions, including those contained within the considered report and the planning update:
1. Three years to commence development
 2. Approved plans and documents
 3. Materials
 4. Construction Management Plan
 5. Tree protection measures
 6. Temporary surface water drainage measures
 7. Detailed Flood risk and drainage measures
 8. Highways:
 - surface & drainage/ water attenuation measures of highways
 - details of the adoptable estate roads
 - construction management plan
 - details of all new retaining walls adjacent to the public highways
 9. Site contamination: further intrusive investigations & any remediation
 10. Noise assessment
 11. Dust suppression measures
 12. Provision of electric vehicle charging points
 13. Crime prevention measures
 14. External materials
 15. Boundary treatments
 16. Landscaping details
 17. Ecological Design Strategy
 18. Archaeological survey
 19. Details of play area equipment
 20. Details of emergency flood access
- and a condition requiring finished floor levels of the dwellings as recommended by the Environment Agency.
- (ii) Secure a Section 106 agreement to cover the following matters:
1. The provision of 13 affordable houses (56% social affordable and 46% intermediate)
 2. An off-site contribution of £58,808.00 to address the shortfall in open space requirements
 3. An educational contribution of £157,992
 4. Measures to encourage sustainable modes of transport including
 - Travel Plan monitoring and arrangements and fees:
 - £33,533.50 for bus only Residential MCards.
 - £10,000 for a real time information display at bus stop 17564
 - £10,000 to fund the Travel PlanTotalling £53,533.50.
 5. Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals

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including a £3,000 financial contribution to contribute towards the future upgrade of a piped water course at the southern edge of the site.

In 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 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 42(5) as follows;

For: Councillors M Akhtar, C Pattison, A Pinnock (3 votes)

Against: Councillor D Firth (1 vote)

Abstain: Councillor S Hall

14 **Planning Application - Application No: 2019/91656**

The Committee gave consideration to Planning Application 2019/91656 Erection of A1 foodstore with car parking, landscaping and associated works - former Oakes Mill, New Hey Road, Oakes, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Ken Sims, Amanda Holmes and Inder Bhullar (in support), Will Brooke (on behalf of the applicant) and Jonathan Wallace (Objector).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:
 - i. Three years to commence development.
 - ii. Approved plans and documents.
 - iii. Development completed using stipulated materials.
 - iv. Construction Management Plan.
 - v. Temporary surface water drainage.
 - vi. Flood risk and drainage including further investigation into water courses on site.
 - vii. Highways conditions requiring details of proposed right turn lane from New Hey Road, details of onsite parking and construction management arrangements.
 - viii. Site contamination including further intrusive investigations following the demolition of site buildings.
 - ix. Noise and odour assessment regarding proposed extract ventilation equipment.
 - x. Provision of electric vehicle charging points.
 - xi. External materials.
 - xii. Boundary treatments.

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- xiii. External lighting.
 - xiv. Hours of use.
 - xv. Landscaping.
 - xvi. Ecological Design Strategy including bat mitigation
2. Secure a S106 agreement to cover the contribution towards provision of a bus shelter at bus stop 22494 (£13,000).
 3. That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of the date of the Committee's resolution, the Head of Planning and Development 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 Akhtar, S Hall, Pattison and A Pinnock (4 votes)

Against: Councillor D Firth (1 vote)

15 **Planning Application - Application No: 2019/91433**

The Committee gave consideration to Planning Application 2019/91433 Erection of an A1 foodstore with associated parking, servicing areas and landscaping - former Spotted Cow Pub, New Hey Road, Oakes, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Paul Stevens, Nigel Cussen, Inder Bhullar, Malcolm Sizer, Amanda Holmes (Objectors) and Jonathan Wallace (on behalf of the applicant).

RESOLVED -

That the application be refused for the following reasons outlined in the considered report:

1. The site comprises housing allocation HS38 in the Kirklees Local Plan. The proposed retail development is therefore contrary to the provisions of the development plan and the loss of the housing land would prejudice the council's ability to deliver the housing growth required over the lifetime of the plan.
2. The development would result in a significant adverse impact on the vitality of existing Local Centres when assessed cumulatively with planning application 2019/91556. This would be contrary to LP13 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

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3. The site lies within a predominantly residential area and the introduction of a large food store with prominent parking area to the frontage and associated signage would be at odds with the prevailing character of the area and would harm visual amenity, contrary to Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

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

1. A vote to approve the application.

For : Councillors D Firth and Pattison (2 votes)

Against: Councillors S Hall and A Pinnock (2 votes)

Abstained: Councillor Akhtar

2. A vote to refuse the application

For: Councillors Akhtar, S Hall and A Pinnock (3 votes)

Against: Councillors D Firth and Pattison (2 votes)

16 **Planning Application - Application No: 2019/91633**

The Committee gave consideration to Planning Application 2019/91633 Outline application for extension and alterations to existing mill remains to create 33 no. apartments with parking and services at ground floor level, and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space - 4a, Ruth Street, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Andrew Cooper (local ward member).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report and the update list including:
 - I. The Standard outline conditions (4): Reserved matters to be submitted within 3 years; Development to commence within 2 years of the last of the reserved matters; Reserved Matters to include - layout; scale and appearance; access and landscaping.
 - II. Highways conditions to include: access / visibility safeguard; provision of updated pavement/footpath for Hart Street frontage; surfacing and provision of car parking and servicing; provision of bin collection points; construction management plan; and Travel Plan.
 - III. Safeguarding public right of way along Hart Street during development.

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- IV. Environmental Health conditions; Decontamination and remediation; provision of Electric Vehicle Charging points Drainage conditions; Surface water and foul drainage details; Temporary drainage solution for construction period; Surface water flow reduction (at least 30%).
- V. Biodiversity enhancement scheme.
- VI. Removal of permitted development rights for extensions to any of the dwellings.

2. Secure a S106 agreement to cover the following matters:

- I. Following the submission of reserved matters applications on both 2019/91633, and 2019/91630, and the discharge of conditions on 2019/91404 a Viability reappraisal shall be undertaken.
 - II. Phasing of the development hereby approved and securing the implementation of the restoration of the existing mill, and
 - III. The subsequent provision and maintenance of the communal garden area.
3. That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of the date of the Committee's resolution, the Head of Planning and Development 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: Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

17 **Planning Application - Application No: 2019/90626**

The Committee gave consideration to Planning Application 2019/90626 Alterations to convert former building to 25 dwellings (Listed Building within a Conservation Area) - Thornpark House, 31, Station Road, Batley.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Philip Fletcher (agent).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:
 - I. Three years to commence development.
 - II. Development in accordance with approved plans.
 - III. Revised details of roller shutter door to side elevation and retention of doorway to front elevation.

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- IV. Scheme for surfacing, lighting and marking out of car park.
 - V. Reporting of unexpected contamination.
 - VI. Bat activity survey and mitigation if necessary.
 - VII. Scheme for electric vehicle charging points.
 - VIII. Noise report and mitigation.
 - IX. Odour report and mitigation
2. Secure a revised a layout plan for 22 units.
 3. Secure a S106 agreement to cover the following matter: Four of the units to be affordable with a tenure split of 2 being Social Rented and 2 being Sub Market.
 4. That, pursuant to (3) above, in circumstances where the S106 Agreement has not been completed within three months of the date of the Committee's resolution, the Head of Planning and Development 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 Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

18 **Planning Application - Application No: 2019/91630**

The Committee gave consideration to Planning Application 2019/91630 Outline application for erection of 30 dwellings and 12 apartments with ancillary works 4a, Ruth Street, Newsome, Huddersfield.

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report and the update list including:
 - I. The Standard outline conditions (4): Reserved matters to be submitted within 3 years; Development to commence within 2 years of the last of the reserved matters; Reserved Matters to include - layout; scale and appearance; access and landscaping.
 - II. Highways conditions : access / visibility safeguard; provision of updated pavement/ footpath for Hart Street frontage; surfacing and provision of car parking and servicing; provision of bin collection points; construction management plan: and Travel Plan.
 - III. Safeguarding public right of way along Hart Street during development.

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- IV. Environmental Health conditions; Decontamination and remediation; provision of Electric Vehicle Charging points.
 - V. Drainage conditions: Surface water and foul drainage details; Temporary drainage solution for construction period; Surface water flow reduction (at least 30%).
 - VI. Biodiversity enhancement scheme.
2. Secure a S106 agreement to cover the following matters:
 - I. Following the submission of Reserved matters applications on both 2019/91633, and 2019/91630, and the discharge of conditions on 2019/91404 a Viability reappraisal shall be undertaken;
 - II. Phasing of the development hereby approved and securing the implementation of the restoration of the existing mill.
 3. That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of the date of the Committee's resolution, the Head of Planning and Development 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: Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

19 **Planning Application - Application No: 2019/91404**

The Committee gave consideration to Planning Application 2019/91404 Listed Building Consent for internal and external alterations and works Newsome Mills, Ruth Street, Newsome, Huddersfield.

RESOLVED –

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

1. Time Limit of 3 years.
2. Development in accordance with the plans and details.
3. Method statement for the erection of any steel frame, the attachment of the remains of the mill building to the frame and the repair of the remains.
4. Method statement for the repair and conversion of the former mill and lodge buildings.
5. Structural survey including method of repairs for the clock tower.
6. Details of windows and doors.

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7. Sample of materials to be submitted and agreed.

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

For: Councillors: Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

20 **Planning Application - Application No: 2019/92462**

The Committee gave consideration to Planning Application 2019/92462 Erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping land at, Lady Ann Road, Soothill, Batley.

RESOLVED –

That the application be refused for the following reasons outlined in the considered report:

1. There is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards affordable housing, education, Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of policies LP4; LP11 and 49 of the Kirklees Local Plan.
2. The proposal fails to provide sufficient information to enable a meaningful assessment of the scheme in terms of ecological mitigation, impact on trees and landscape proposals. As such the scheme is contrary to policies LP30; LP32 and LP33 of the Kirklees Local Plan.
3. There is insufficient information to demonstrate that the proposed development would direct development away from the areas of flooding, contrary to policy LP27 of the Kirklees Local Plan and paragraph 155 of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate that the proposed development would not result in unacceptable highways impacts as required by policy LP32 of the Kirklees Local Plan and paragraph 109 of the National Planning Policy Framework.
5. There is insufficient information contained with the application to understand the potential impact of the proposed development on heritage assets, namely archaeology, based on the potential for the site to support historical findings, contrary to policy LP35 of the Kirklees Local Plan and paragraph 199 of the National Planning Policy Framework.

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

For: Councillors Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

21 Planning Application - Application No: 2019/92957

The Committee gave consideration to Planning Application 2019/92957 Demolition of existing children's play gym/out of school club and erection of children's play gym (D2), children's private day nursery (D1) and cafe (A3) and formation of 68 car parking spaces and associated landscaping Land at, Knowle Lane, Meltham, Holmfirth.

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

RESOLVED –

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

1. Development to be in full accordance with approved plans.
2. Submission of remediation strategy.
3. Implementation of remediation strategy.
4. Submission of validation report.
5. Access and parking conditions (including support stands or ground anchors for pedal cycles / motor cycles).
6. Electric vehicle charging points.
7. Landscape and ecological management plan.
8. Lighting design plan.
9. Drainage system plan.
10. Details of cladding and sheeting colours.
11. Condition on hours of use.

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

For: Councillors Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

22 Planning Application - Application No: 2019/93329

The Committee gave consideration to Planning Application 2019/93329 Demolition of 3 dwellings and barn and erection of 2 detached dwellings with car ports, parking and gardens - Land off, Sugden Street, Oakenshaw.

RESOLVED –

Devolve Kirklees Council's development control functions to Bradford Metropolitan District Council for determination of the application subject to a submission from the Committee outlining concerns relating to:

1. The surfacing of the access track.
2. Measures to control access to prevent conflict between users of the Greenway & users of the site.

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3. Construction Management Plan.

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

For: Councillors Akhtar, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (0 votes)

23 Exclusion of the Public
Determined.

24 Planning Application - Application No: 2019/91433
The Committee received exempt information in respect of Application 2019/91433

25 Planning Application - Application No: 2019/91633
The Committee received exempt information in respect of Application 2019/91633.

26 Planning Application - Application No: 2019/91630
The Committee received exempt information in respect of Application 2019/91630.

27 Planning Application - Application No: 2019/91404
The Committee received exempt information in respect of Application 2019/91404.