

Contact Officer: Richard Dunne or Andrea Woodside

## **KIRKLEES COUNCIL**

### **STRATEGIC PLANNING COMMITTEE**

**Wednesday 24th June 2020**

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

Observers: Councillor Martyn Bolt  
Councillor Liz Smaje

Apologies: Councillor Cathy Scott

**1 Membership of the Committee**

Councillor Will Simpson substituted for Councillor Cathy Scott.

**2 Minutes of the Previous Meeting**

The minutes of the meeting held on 3 June 2020 were approved as a correct record.

**3 Interests and Lobbying**

Cllr Carole Pattison declared an 'other interest' in application 2019/91569 on the grounds that a close relative lived in close proximity to the site of the proposed development.

**4 Admission of the Public**

All items on the agenda were taken in public session.

**5 Questions by Members of the Public (written questions)**

The Committee received the following questions from members of the Public.

1. If the Planning Department proposes to dispose of a land asset which has significant financial value as part of a planning application, who is responsible for ensuring the maximum amount is received to benefit the public purse?

The Head of Planning and Development responded on behalf of the Committee to the question.

2. If a senior Planning Officer instructs a member of their staff to provide information to a member of the public in advance of a Planning Meeting and they fail to provide the information, do the Planning Officers and/or Committee

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acknowledge that the public have been disadvantaged and is this a breach of duty?

The Head of Planning and Development responded on behalf of the Committee to the question.

3. Can you tell me if details of consultations appear in a committee report, but not on the website page for the application, whether the report should be withdrawn, and the matter deferred?

The Head of Planning and Development responded on behalf of the Committee to the question.

4. Can you tell me if a professional report, commissioned by a group of residents, and sent to the council by the professional, should be given full and professional answers in response and the report brought to the committee's attention?

The Head of Planning and Development responded on behalf of the Committee to the question.

### 6 Deputations/Petitions

No deputations or petitions were received.

### 7 Planning Application - application no: 2019/92378

The Committee gave consideration to Planning Application 2019/92378 Outline application for erection of residential development at land east of 28 Northorpe Lane and associated off site layby works opposite the site entrance east of, 28, Northorpe Lane, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Stephen Ashen, Richard Gawthorpe, Janet Gawthorpe, Cheryl Tyler, Lucy Ashen, Stuart Parker, Jackie Ashen, Sarah Hirst (objectors) and Hamish Gledhill (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3), the Committee received a representation from Councillor Martyn Bolt (ward member).

### RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development to:

- i. Complete the list of conditions including those contained within the considered report and the planning update including:
  1. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.
  2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
  3. Application for Reserved Matters to be submitted within 3 years.

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4. Time limit for commencing development.
5. Development to be carried out in accordance with approved plans and specifications.
6. Programme of archaeological recording to be submitted by a qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation.
7. Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.
8. Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.
9. Provision of Electric Vehicle Charging Points.
10. Submission of a Phase 1 Preliminary Risk Assessment Report.
11. Submission of a Phase 2 Intrusive Site Investigation Report.
12. Submission of a Remediation Strategy.
13. Implementation of a Remediation Strategy.
14. Submission of a Validation Report.
15. Submission of a Noise report specifying measures to be taken to protect the future occupants of the development from noise from Humac Associates Supplies Ltd, Stoney Lane and Northorpe Working Mens Club, Eastfield Road.
16. Submission of an Ecological Impact Assessment.
17. Development to incorporate measures to minimise the risk of crime and meet the specific needs of the site and development.
18. Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.
19. Detailed plans and sections of layby to be submitted to and approved in writing by the LPA.
20. The proposed development will not commence until the layby which is adjacent to Northorpe Hall is completed.
21. Details of junction new estate road to be approved in writing and development shall not be occupied until these works complete.
22. Within first 3 months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.
23. Details of a pedestrian link between the application site and any future footpath/cycle path shall be incorporated into future layout of the housing development under 'layout'.

NOTE: This approval does not relate to the layout of the proposed development. Concerns have been raised in relation to this – see visual amenity section of the report.

NOTE: Guidance on crime prevention measures – boundary treatments and front boundaries of dwellings, rear gardens and access footpaths.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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NOTE: Guidance relating to the details to be included as part of the Construction Environmental Management Plan.

- ii. Secure a S106 agreement to cover the following matters:
  - 1. Affordable housing contribution;
  - 2. Education contribution;
  - 3. Public open space contribution;
  - 4. Contribution towards metro card provision and the provision of a bus shelter with real time information display and Travel Plan monitoring fee; and
  - 5. Drainage maintenance and management scheme.

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

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

Against: Councillors: Bellamy and D Firth (2 votes).

### 8 **Planning Application - Application no: 2019/91569**

The sub committee gave consideration to Planning Application 2019/91569 Erection of 31 dwellings Land southeast of Abbey Road North, Shepley, Huddersfield.

#### **RESOLVED –**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

- i. Complete the list of conditions including those contained within the considered report including:
  - 1. Three years to commence development.
  - 2. Development to be carried out in accordance with the approved plans and documents.
  - 3. Submission of a Construction (Environmental) Management Plan (including temporary surface water drainage arrangements).
  - 4. Provision of visibility splays.
  - 5. Submission of details relating to internal adoptable roads.
  - 6. Submission of details of surfacing and drainage of parking spaces.
  - 7. Submission of details of highways structures.
  - 8. Cycle parking provision prior to occupation.
  - 9. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
  - 10. Submission of details of waste storage and collection.
  - 11. Submission of details of any retaining walls.
  - 12. Submission of an Arboricultural Method Statement and Tree Protection Plan.
  - 13. Submission of soakaway test results a detailed drainage design for surface water and land drainage, and a detailed exceedance flow routing plan.

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14. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
15. Submission of an intrusive site investigation report (phase II report).
16. Submission of a remediation strategy.
17. Submission of a validation report.
18. Submission of details of sound insulation measures.
19. Submission of details of crime prevention measures.
20. External materials (details and samples to be submitted).
21. Submission of details of boundary treatments.
22. Submission of details of external lighting.
23. Submission of a full landscaping scheme and Landscape and Ecological Management Plan.
24. Submission of details of biodiversity enhancement and net gain.
25. Restriction on removal of trees and hedgerows during nesting season.
26. Removal of permitted development rights for extensions and outbuildings.

ii. Secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – Six affordable housing units (1-bedroom starter homes) to be provided in perpetuity.
- 2) Education – £31,027 contribution, and an additional contribution payable in the event that development comes forward at the adjacent land (within allocated site HS203) and the cumulative impacts of the developments require mitigation.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £38,515.50 financial contribution, and a contribution towards Travel Plan monitoring payable in the event that development comes forward at the adjacent land (within allocated site HS203) such that a Travel Plan is required.
- 4) Open space – £48,392 contribution towards off-site provision, and an additional contribution payable in the event that development comes forward at the adjacent land (within allocated site HS203) and the cumulative impacts of the developments require mitigation.
- 5) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance. Developer to retain ownership of part of the open space and part of the front garden of unit 7, and to allow provision of a vehicular connection through to land to the north as and when that land is developed. Following provision of this vehicle connection, developer to close vehicular access point between units 1 and 31 and make good.
- 8) Masterplanning – All affordable housing units to be provided, and no more than 85% of the private sale units to be sold, until full planning permission is secured for development of the majority of allocated site HS203 in accordance with a masterplan that includes provision for an internal vehicular connection to the current application site.

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- iii. In the circumstances where the Section 106 agreement has not been completed within three 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 mitigation and benefits that would have been secured; 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 A Pinnock, Simpson, Sokhal and S Hall (4 votes)

Against: Councillor D Firth (1 vote)

Abstained: Councillor Bellamy

### 9 **Planning Application - Application no: 2019/93616**

The Committee gave consideration to Planning Application 2019/93616 Erection of 46 dwellings Land south of Soureby Cross Way, East Bierley.

Under the provisions of Council Procedure Rule 37 the Committee received representations from David Storrie, on behalf of the East Bierley Community Sports Association and Ian Watson on behalf of the Bierley Village Preservation Society.

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Liz Smaje (ward member).

### **RESOLVED –**

That consideration of the application be deferred for the following reasons:

1. To undertake a further investigation into the feasibility of developing an access point via the strip of unregistered land located from the southwest of the site off Hunsworth Lane;
2. To request that further work is undertaken to explore the support that can be provided to East Bierley Community Sports Association to facilitate their plans to improve the sporting facilities.

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

For: Councillors Bellamy, D Firth, Pattison, A Pinnock, Simpson, Sokhal and S Hall (7 votes).

Against: (0 votes).

### 10 **Planning Application - Application No: 2019/90467**

The Committee gave consideration to Planning Application 2019/90467 Conversion of former college buildings into 33 apartments including demolition of link canopy, partial demolition of link building, erection of additional storey to link building, and

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internal and external alterations (Listed Building within a Conservation Area). Highfields Centre, New North Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Mear (applicant).

### **RESOLVED –**

That consideration of the application be deferred to allow the applicant an opportunity to provide further details on the financial viability of the development based on a rental model rather than sales.

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

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

Against: (0 votes).

### **11 Planning Application - Application no: 2019/91728**

The Committee gave consideration to Planning Application 2019/91728 Erection of industrial development and formation of new site access from Huddersfield Road and on site parking Spinksmire Mill, Huddersfield Road, Meltham, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Alastair Flatman (on behalf of the applicant).

### **RESOLVED –**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

i. Complete the list of conditions including those contained within the considered report including:

1. Standard 3 years for implementation.
2. Development to be carried out in accordance with approved plans.
3. The approval of facing and roofing materials.
4. Areas to be used by vehicles to be satisfactorily surfaced and drained.
5. Visibility splays along the site frontage to be cleared of obstructions.
6. The submission and agreement of waste storage and collection areas within the site.
7. The re-location of the bus stop adjacent to the proposed site access.
8. The re-location of the lighting column in the vicinity of the proposed site access.
9. The submission and agreement of a full Travel Plan.
10. A suite of conditions to deal with any on site contamination.
11. The submission and approval of an Arboricultural Method Statement and Tree Protection Plan.

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12. The submission and approval of a Construction Environmental Management Plan.
  13. The submission of a sound insulation scheme which indicates the measures to protect the closest residential properties.
  14. The submission of a full Air Quality Impact Assessment.
  15. The installation of suitable electrical vehicle charging points within the development.
  16. Finished floor levels of the building and the soffit level of the bridge over Meltham Dike to be no lower than those specified by the Environment Agency.
  17. The site to be developed by a separate system of drainage for foul and surface water.
  18. Detailed drainage design. No piped discharge of surface water until suitable outfall works have been completed.
  19. Details of future maintenance and management of the surface water drainage system.
  20. Surface water run-off from hardstanding areas to be passed through oil/petrol interceptors.
  21. Foul water from kitchens and food preparation areas to pass through suitable fat/grease traps.
  22. Approval of a flood evacuation emergency plan.
  23. Approval of temporary drainage scheme for construction phase.
  24. The submission and approval of landscaping proposals for the site.
  25. A condition requiring an archaeological survey to be carried out prior to development commencing at the site.
  26. Construction Environment Management Plan for biodiversity.
  27. Scheme for biodiversity enhancement measures.
- ii. Secure a Section 106 agreement to cover the following matters:
1. A financial contribution of £15,000 towards the cost of relocating the bus shelter in the vicinity of the junction with the proposed access road.
  2. A financial contribution of £10,000 towards travel plan monitoring.
  3. A financial contribution of £15,000 towards the provision of a cycle link to the Meltham Greenway.
- iii. In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; 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 Bellamy, D Firth, Pattison, A Pinnock, Simpson, Sokhal and S Hall (7 votes)

Against: (0 votes).

**12 Planning Application - Application No: 2019/91121**

The Committee gave consideration to Planning Application 2019/91121 Conversion and alterations to existing building to create 27 apartments (Formerly 33 apartments) (Listed Building) 23B, Bradford Road, Dewsbury.

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

**RESOLVED –**

Delegate approval of the application (full) and listed building consent under application reference: 2019/91120, the issuing of the decision notice to the Head of Planning and Development in order to:

- i. Complete the list of conditions including those contained within the considered report including:

Planning Application.

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Sample materials to be provided.
4. Measures to manage parking on Bradford Road between the viaduct to the south of the site and Carlton Road to the north and all associated works, together with appropriate Safety Audits.
5. Provision of cycle storage facilities prior to occupation.
6. Submission of a Travel Plan.
7. Submission of a Construction Management Plan.
8. Details of the management and maintenance of communal refuse storage areas by a designated private management company.
9. Provision of a flood warning system, arrangements for emergency access to the site and egress from the site to a place of safety.
10. Details of the management and maintenance schedule for the surface water drainage system.
11. Submission of a Noise Mitigation Strategy that has regard to the Listed Buildings and provides a suitable ventilation scheme.
12. Control of noise from any fixed mechanical services and external plant and equipment.
13. Submission of Land Contamination Remediation Strategy if any contamination is encountered that has not been previously identified.
14. Method statement for the creation of a swift colony.
15. Comprehensive and detailed hard and soft landscape scheme, including maintenance and management measures.

Listed Building Consent.

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.

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3. Full Schedule of Works, identifying all of the works inside and outside the buildings.
  4. Details of the extent and specification (including samples, where necessary) of masonry repair and cleaning.
  5. Replacement of doors and door frames to the front elevation shall be confined to those doors and door frames demonstrated to the Local Planning Authority to be incapable of repair.
  6. Taking-in doors to the south courtyard elevation of no.25 Bradford Road shall be confined to those doors demonstrated to the Local Planning Authority to be incapable of repair.
  7. replacement of windows to the front elevation shall be confined to those frames demonstrated to the Local Planning Authority to be incapable of repair.
  8. Existing window frames shall not be removed from the buildings until design and joinery details of the replacement frames (at 1/5 scale).
  9. letter box embossed 'SAMPLES' on the left hand front door of no.23 Bradford Road shall be retained in situ.
  10. Details of the relocation for the winch built into the third floor structure of no.25 Bradford Road.
  11. Rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black.
  12. Details of the conservation rooflights.
  13. Drawings and specifications for the replacement lime render.
  14. Level 3 archaeological building record.
  15. Chimney stacks and pots shall be retained in situ.
  16. A schedule showing the retention of internal features to the former office spaces.
  17. Details of all external soil and vent pipes, extractor vents, heater flues, meter boxes, burglar alarms, external lights.
- ii. Secure a S106 agreement to cover the following matters:
1. Public open space provisions including off site commuted sum (£30,779) and future maintenance and management responsibilities of open space within the site.
  2. Sustainable Travel Fund (£16,516.50).
  3. 15 affordable dwelling units ('Rent to Buy Initiative' operated by the Owner).
  4. (£19,769) towards Education requirements arising from the development
  5. (£10,000) towards Travel Plan Monitoring Fee, consisting of five payments of £2,000.
- iii. 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 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; 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:

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

Against: Councillors Bellamy and D Firth (2 votes)

### 13 **Planning Application - Application no: 2019/94145**

The Committee gave consideration to Planning Application 2019/94145 Partial demolition and adaptation of units 01 and 03, erection of 10 industrial units for B1c, B2 and B8 uses, formation of car park for 46 no. vehicles and alterations to access Units 01 and 03, Meltham Mills Industrial Estate, Knowle Lane, Meltham, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Nick Willock (on behalf of the applicant).

#### **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 for commencement (3 years).
2. Works to be done in accordance with approved plans.
3. Sightlines onto Knowle Lane to be cleared and retained.
4. New access lined and signed for highway safety.
5. Hard surfaced areas to be surfaced and drained.
6. No demolition / clearance during bird breeding season (unless surveyed).
7. Works and enhancement to be done in accordance with findings of the Ecological Reports.
8. Lighting Strategy to be provided and recommendations implemented, to prevent harmful light pollution upon neighbouring habitats.
9. Contaminated land condition set, to include site investigation, remediation and validation as required (Pre-commencement).
10. EV charging points to be provided within the new car park (10% of spaces, unless suitable high speed alternative proposed).
11. Drainage Strategy to be submitted for approval by the LPA and implemented (Pre-commencement).
12. Temporary drainage provision strategy to be (Pre-commencement).
13. Cycle storage details to be provided, approved and implemented.
14. Limit the hours for deliveries and dispatches.

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

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

Against: (0 votes).