

Contact Officer: Andrea Woodside

## **KIRKLEES COUNCIL**

### **STRATEGIC PLANNING COMMITTEE**

**Wednesday 5th August 2020**

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

Observers: Councillor Bill Armer  
Councillor Elizabeth Smaje  
Councillor Richard Smith  
Councillor Graham Turner

**1 Minutes of the Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 15 July 2020 be approved as a correct record.

**2 Interests and Lobbying**

All Members of the Committee advised that they had been lobbied on Application 2019/91778.

Councillors S Hall and Scott advised that they had been lobbied on Application 2019/93423.

Councillors D Firth, S Hall, Pattison and A Pinnock advised that they had been lobbied on Applications 2019/91657 and 2019/90183.

Councillor S Hall indicated that he had been lobbied on Application 2019/93616.

**3 Membership of the Committee**

All Members of the Committee were present.

**4 Admission of the Public**

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

**5 Public Question Time**

No questions were asked.

**6 Deputations/Petitions**

No deputations or petitions were received.

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### 7 **Planning Application - Application no: 2020/91389**

The Committee gave consideration to Application 2020/91389 – Change of use of vacant land to burial ground (within a Conservation Area) at Batley Cemetery, Cemetery Road, Batley.

**RESOLVED** - That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation
- development carried out in accordance with plans and specifications
- restriction to the hours of operation of grave digging
- parking and turning areas to be permeable surface
- detailed landscape scheme to be submitted
- method statement for Japanese Knotweed
- no removal of hedgerows between 1 March and 31 August inclusive
- location and condition of mine entry

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

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

Against: (no votes)

### 8 **Planning Application - Application no: 2020/90761**

The Committee gave consideration to Application 2020/90761 – Demolition of existing workshop and erection of dwelling with garage/workshop at ground floor land between 12 and 14 Knowl Road, Mirfield.

Under the provision of Council Procedure Rule 37, the Committee received representations from John Stalmach, Anne Sharp and Joanne Grivil (local residents), Jason Evans (applicant) and Jake Hinchliffe (applicant's agent).

Under the provision of Council Procedure Rule 36(3), the Committee received a representation from Councillor Lees-Hamilton (ward member).

**RESOLVED** – That the application be refused on the grounds that (i) the proposed development would result in a large building located in very close proximity to the Public Right of Way to the south of the site which would result in an overbearing impact on the users of this footpath and that to approve the application would mean that the proposed development would fail to comply with policies LP23 and LP24(e) of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework which set out that public rights of way should be protected and enhanced and that the risk of crime should be minimised (ii) the proposed development would not promote good design, failing to respect the local character of the area and the context in which it would be located. The dwelling would detract from the area as a result of the fenestration details especially the large areas of glazing and the large side dormers to be faced in zinc cladding, none of which are evident in the surrounding dwellings which are predominately of a traditional appearance. As a result of the poor siting of the dwelling in a cramped site, the proposed development represents poor design and overdevelopment of the application site. The proposed

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development would be significantly harmful to visual amenity and would not promote good design, failing to comply with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework and (iii) by virtue of the proximity of the proposed dwelling to the existing dwellings surrounding the site and the positioning of openings to the front of the proposed dwelling, it would result in a detrimental overbearing and overlooking impact on nos 10, 14 and 16 Knowl Road, failing to ensure that the existing occupiers of the surrounding development would have a high standard of amenity which is required in Policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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

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

Against: Councillor D Firth (1 vote)

Abstained: Councillor Bellamy

### 9 **Planning Application - Application no: 2019/91778**

The Committee gave consideration to Application 2019/91778 – Erection of 30 dwellings and formation of new vehicular and pedestrian access from Tinker Lane at land north of Tinker Lane, Lepton, Huddersfield.

Under the provision of Council Procedure Rule 37, the Committee received representations from Graham and Sue Whitcroft, Gloria Humphries, Carol Atkin, Kathryn Smith, Robert Bates, Melvyn and Julie Booth, John Wimpenny, Andrew Spacey, Elizabeth Bann, Jean Armitage, Carlton Young, Marie Hodgson, Julie Mountford, Michael Adam, Mark Robinson, Mr and Mrs Kuleczo, Dave Henderson, Julie Beaumont, Yvonne Humphries, Sarah Young, Sharon Bryden and Graham Roebuck (local residents) and Tom Cook (applicant's agent).

Under the provision of Council Procedure Rule 36(3), the Committee received representations from Councillor Armer and Councillor R Smith (ward members).

#### **RESOLVED –**

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

- time limit for commencement of development (three years)
- development in accordance with the approved plans
- approval of samples of materials (natural stone and artificial slate)
- construction management plan for highway safety and amenity
- temporary surface water plan for construction
- scheme of archaeological investigation and recording
- detailed scheme for the proposed surface water drainage strategy
- detailed scheme for temporary surface water drainage during construction phase
- details of the internal adoptable estate road
- detailed scheme for provision of a footway from the site access to the existing footways on the eastern side of Pond Lane just past Far Croft
- private parking areas to be surfaced and drained

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- bin storage and collection points to be provided
- any unexpected contamination encountered during development to be reported to the LPA and remediated
- scheme of ecological mitigation and enhancement measures to be incorporated into the development
- details of internal and external boundary treatment and landscaping
- retention of the existing hedge to the northern and southern boundaries as indicated on the site plan
- obscure glazing to the upper floor bedroom window in side of plot 1
- provision of electric vehicle charging points
- development to be carried out in accordance with the submitted aboricultural method statement.

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) six affordable dwellings on site (three social rent and three starter homes) (ii) an education contribution (£53,190) (iii) an open space contribution (£56,541) (iv) a sustainable travel fund contribution (£15,000), (v) 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) and (vi) a Traffic Regulation Order at Wakefield Road and Pond Lane.

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 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 Pattison, Scott and Sokhal (3 votes)

Against: Councillors Bellamy and D Firth (2 votes)

Abstained: Councillors S Hall and A Pinnock

### 10 **Planning Application - Application no: 2019/91657**

The Committee gave consideration to Application 2019/91657 – Erection of 30 dwellings at land at Station Road, Skelmanthorpe, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Susan Stanbridge and Fay Woodcock (local residents) and Stewart Brown (applicant).

#### **RESOLVED –**

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

- three years to commence development

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- development to be carried out in accordance with the approved plans and specifications
- submission of a Construction Management Plan
- provision of visibility splays
- submission of details relating to internal adoptable roads
- cycle parking provision to be provided within the site
- provision of electric vehicle charging points (one charging point per dwelling with dedicated parking)
- provision of waste storage and collection
- submission of an Arboricultural Method Statement and Tree Protection Plan
- details of tree-related amendments (plots 23 and 24)
- Coal Mining Legacy – development to be in accordance with the content and conclusions of the geo-environmental investigation report
- submission of flood routing details
- site to be developed by separate systems of drainage for foul and surface water on and off site
- no piped discharge of surface water from the development prior to the completion of surface water drainage works
- submission of an Intrusive Site Investigation Report (Phase II Report)
- submission of Remediation Strategy
- implementation of Remediation Strategy
- submission of Validation Report
- submission of a noise report specifying measures to be taken to protect future occupants of the development from noise from the Kirklees Light Railway
- crime prevention measures
- external materials
- boundary treatments
- details of pedestrian connections
- external lighting
- undergrounding of services
- full landscaping scheme
- biodiversity enhancement, net gain and Ecological Design Strategy
- removal of permitted development rights.

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) six affordable housing units (starter homes) to be provided in perpetuity (ii) open space – off-site contribution of £56,541 to address shortfalls in specific open space typologies (iii) education contribution of £77,261 (iv) sustainable transport – measures to encourage the use of sustainable modes of transport including a £28,659 contribution and (v) 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).

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 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

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that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

4) That the concerns of the Committee regarding traffic management be noted, and that consideration be given to applying a Traffic Regulation Order at a future date, if appropriate.

5) That Officers be requested to seek an early payment of the open space 106 contribution.

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

For: Councillors Bellamy, D Hall, A Pinnock, Scott and Sokhal (5 votes)

Against: Councillors D Firth (1 vote)

### 11 **Planning Application - Application no 2019/90183**

The Committee gave consideration to Application 2019/90183 – Erection of 14 dwellings and associated works at land off Station Road, Skelmanthorpe, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Patrick Townsend and Peter Dixon (on behalf of the applicant).

#### **RESOLVED –**

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

- three years to commence development
- development to be carried out in accordance with the approved plans and specifications
- submission of a Construction Management Plan
- provision of visibility splays
- submission of details relating to internal road
- cycle parking provision to be provided within the site
- provision of electric vehicle charging points (one charging point per dwelling with dedicated parking)
- provision of waste storage and collection
- compliance with Arboricultural Method Statement and submission of Tree Protection Plan
- Coal Mining Legacy – site investigation and mitigation
- submission of flood risk and drainage details
- site to be developed by separate systems of drainage for foul and surface water on and off site
- no piped discharge of surface water from the development prior to the completion of surface water drainage works
- submission of an Intrusive Site Investigation Report (Phase II Report)
- submission of Remediation Strategy
- implementation of Remediation Strategy
- submission of Validation Report

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- submission of a noise report specifying measures to be taken to protect future occupants of the development from noise from the Kirklees Light Railway
- crime prevention measures
- external materials
- boundary treatments
- details of pedestrian connections
- external lighting
- undergrounding of services
- full landscaping scheme
- restriction on timing of removal of vegetation
- biodiversity enhancement, net gain and Ecological Design Strategy/Landscape and Ecological Management Plan
- removal of permitted development rights

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) three affordable housing units (two social/affordable rent, one intermediate) to be provided in perpetuity (ii) open space – off-site contribution of £31,364 to address shortfalls in specific open space typologies (iii) education contribution of £47,028 (iv) sustainable transport – measures to encourage the use of sustainable modes of transport including a £13,363 contribution and (v) 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).

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 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 Bellamy, S Hall, A Pinnock, Scott and Sokhal (5 votes)

Against: Councillor D Firth (1 vote)

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

The Committee gave consideration to Application 2019/93616 – Erection of 46 dwellings at land south of Soureby Cross way, East Bierley.

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

**RESOLVED** – That the determination of the application be deferred and that Officers be asked to consider reasons for the refusal of the application related to unregistered land issues.

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

To delegate to Officers to Approve;

For: Councillors A Pinnock, C Scott and Sokhal (3 votes)

Against: Councillors Bellamy, D Firth and S Hall (3 votes)

(Under the provision of Council Procedure Rule 24(2), the Chair of the Committee applied a casting vote, and the motion was not carried)

To Defer;

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

Against: (no votes)

### 13 **Planning Application - Application no: 2019/93423**

The Committee gave consideration to Application 2019/93423 – Erection of 16 dwellings and associated works at land east of Long Lane, Earlsheaton, Dewsbury.

Under the provision of Council Procedure Rule 37, the Committee received representations from Nick Clayton (local resident) and Jon Dunbavin (applicant's agent).

#### **RESOLVED –**

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

- three years to commence development
- development to be carried out in accordance with the approved plans and documents
- sample materials to be provided
- details of finished floor levels
- submission of boundary treatments
- hard and soft landscaping details, including management and maintenance
- submission of a schedule of the means of access to the site for construction traffic and a Construction Management Plan
- provision of sightlines of 2.4m x 43m north and 2.4 x 17.5m south at Long Lane that are free from obstructions, exceeding 1m in height
- approved vehicle parking areas shall be surfaced and drained in accordance with 'Guidance on the permeable surfacing of front gardens'
- submission of a scheme detailing the proposed internal adoptable estate roads
- submission of a detailed scheme for the provision of footway adjacent to Clough House
- submission of a detailed scheme for the provision of footway vehicular dropped crossings at the Woodburn Avenue junctions with Long Lane and edge of carriageway white line between the northern end of the proposed footway along Long Lane and the existing footway 30m to the north of the site with associated signing and white lining
- submission of a travel plan
- cycle parking provision prior to occupation



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- provision of electric vehicle charging points (one charging point per dwelling with dedicated parking)
- provision of details of retaining walls
- details of carriageway design and details, including drainage, street lighting, signing, surface finishes, sightlines and road audits
- suitable storage, bin presentation points and access for collection of wastes from the dwellings
- temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction
- provision of suitably located and designed grit bin facilities
- full detailed design for drainage including pipe and manhole schedule including assessment of requirements from an oil separator
- full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass
- full details of the proposed means of managing surface water during the construction including silt management to prevent blocking up of drainage systems
- the development shall be carried out in accordance with the mitigation measures of the submitted flood risk assessment
- separate systems of drainage for foul and surface water on and off site
- submission of Land Contamination Remediation Strategy
- implementation of Land Contamination Remediation Strategy
- submission of Land Contamination Validation Report
- details of a scheme to eradicate Japanese Knotweed and/or Himalayan Balsam
- submission of an external lighting scheme
- submission of a Construction Environmental Management Plan
- submission of an Ecological Design Strategy
- carried out in accordance with the mitigation measures of the submitted Arboricultural Impact Assessment and Method Statement
- removal of permitted development rights for extensions and outbuildings

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) public open space provisions including off site commuted sum of £11, 238.00 including a £250 site inspection fee for future maintenance and management responsibilities of open space within the site (ii) off-site highway works for footpath improvements to Long Lane (£4,000) (iii) contribution towards a Sustainable Travel Fund (£8,008.00) (iv) 20% of a total number of dwellings to be affordable with a tenure split of (66% social or affordable rent and 33% intermediate housing) (v) off-site financial contribution of £18,200 towards securing a biodiversity net gain (vi) 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).

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 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

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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 Bellamy, D Firth, S Hall, Scott and Sokhal (5 votes)

Against: Councillor A Pinnock (1 vote)