

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 27th January 2021

Present: Councillor Steve Hall (Chair)
Councillor Nigel Patrick
Councillor Donna Bellamy
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Martyn Bolt
Councillor Eric Firth
Councillor Aleks Lukic
Councillor Bernard McGuin
Councillor Alison Munro
Councillor Cathy Scott

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

It was noted that Cllr Patrick made a request that the Committee should receive a comprehensive update report on planning complaints relating to the development Mirfield 25, Leeds Road, Mirfield.

The minutes of the meeting held on 16 December 2020 were approved as a correct record.

3 Declaration of Interests and Lobbying

All members of the Committee declared that they had been lobbied on application 2019/91467.

Cllrs Bellamy and Walker declared that they had been lobbied on application 2020/90710.

Cllrs Sokhal, A Pinnock, Pattison, Walker and S Hall declared that they had been lobbied on application 2019/93658.

Cllrs Pattison and Walker declared that they had been lobbied on application 2020/91813.

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4 **Admission of the Public**

All items on the agenda were taken in public

5 **Public Question Time**

No questions were asked.

6 **Deputations/Petitions**

No deputations or petitions were received.

7 **Planning Applications**

The Committee considered the following schedule of Planning Applications.

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

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

RESOLVED –

That consideration of the application be deferred for the following reasons outlined in the Planning Update:

The report to Strategic Committee in December 2019 in relation to this application advised that the proposed dwellings would meet the minimum unit size figures set out in the Government's nationally Described Space Standards (March 2015, updated 2016) (NDSS).

Whilst the NDSS are not adopted planning policy in Kirklees, they do provide useful guidance, which applicants are encouraged to meet and exceed. However, following a re-assessment of the scheme against these standards, it has subsequently emerged that the previously reported compliance was not correct and not all of the house types meet the NDSS.

For that reason, it is recommended that this application be deferred from this Committee. This will allow the applicant the opportunity to re-consider the development with specific regard to NDSS. Any material changes to the plans would also be likely to require further public consultation.

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

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes).

Against: 0 votes

9 Planning Application - Application No: 2019/92787

The committee gave consideration to Planning Application 2019/92787 Erection of 260 dwellings with open space, landscaping and associated infrastructure Land at Owl Lane, Chidswell, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Claire Thistleton, Mark Eastwood MP (objectors), Paul Butler and Mark Jones (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received representations from councillors Aleks Lukic and Eric Firth (ward members).

RESOLVED -

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

1. complete the list of conditions including those contained within the considered report and the Planning Update including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary drainage measures.
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development).
6. Provision of site entrance and visibility splays prior to works commencing.
7. Archaeological trial trenching prior to commencement.
8. Submission of interim and final details of spine road / Chidswell Lane junction.
9. Submission of details relating to internal adoptable roads, cycling provision and crossings.
10. Cycle parking provision to be provided within the site.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Coal Mining Legacy – development to be in accordance with the content and conclusions of the Geo-environmental Investigation Report.
14. Submission of trash screen details and related drainage information.
15. Submission of an Intrusive Site Investigation Report (Phase II Report).
16. Submission of Remediation Strategy.
17. Implementation of Remediation Strategy.
18. Submission of Validation Report.
19. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise
20. Submission of air quality assessment and details of mitigation measures.
21. Submission of details of crime prevention measures.
22. Submission of details of external materials.
23. Submission of details of boundary treatments.
24. Submission of details of external lighting.

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25. Submission of full landscaping scheme, including soft landscaping in front of units 103 to 114.
26. Submission of full details of open space and play space.
27. Biodiversity enhancement and net gain.
28. Submission and implementation of an Ecological Design Strategy / Landscape and Ecological Management Plan.
29. Removal of permitted development rights
30. Conditions relating to separate systems of drainage, surface water discharge, overland flow routing, and construction-phase drainage.
31. The completion of a roundabout at the junction with Owl Lane before the occupation of dwellings directly accessed from the spine road.
32. The involvement of residents in the Construction Management Plan.

2. Secure the signing of a Section 106 Agreement to cover the following matters:

- 1) Affordable housing – 52 affordable housing units (73% (38 units) Discounted Market Sale, 27% (14 units) affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £310,105 to address shortfalls in specific open space typologies.
- 3) Education – Contribution of £1,004,496.
- 4) Highway improvements – Contribution of £200,000 towards Shaw Cross junction improvements, and provision or funding of cycle lane linking the site to Challenge Way.
- 5) Chidswell Lane / spine road junction – Funding of future works to junction when development at site MXS7 is brought forward. No ransom scenario to be created. Northern section of Chidswell Lane to be stopped up and provided with a turning head. Signed restrictions on right and left turns to be provided. Contribution towards monitoring of effectiveness of signed restrictions, and later works if necessary.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of watercourse along southern boundary.
- 8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

3. Pursuant to (2) above, 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.

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

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

Against: Councillors: Bellamy and Patrick (2 votes).

10 **Planning Application - Application No: 2019/93658**

The Committee gave consideration to Planning Application 2019/93658 Erection of 124 dwellings, landscaping and associated infrastructure Land at, Whitechapel Road, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Paul Butler and Mark Jones (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received a representation from Councillor Martyn Bolt.

RESOLVED –

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

1. Further information be provided to understand the noise impact and the proposed detailed mitigation measures.
2. Further information be provided to understand the air quality impact and the proposed detailed mitigation measures.
3. That further details be provided in relation to the proposed relationship with the motorway including the existing and proposed landforms and any mitigation features, including landscaping.
4. That steps be taken to include community involvement in the development of a construction management plan.
5. That steps be taken to look at the retention of on-site trees and for the submission of further information on the proposed tree mitigation strategy
6. To allow officers and the applicant an opportunity to review the scheme with the aim of reducing the numbers of dwelling numbers to reflect the numbers and the heritage zones as outlined in the Local Plan.

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

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes).

Against: (0 votes).

11 **Planning Application - Application No: 2020/92800**

The Committee gave consideration to Planning Application 2020/92800 Demolition of existing warehouse and workshop unit and the erection of 3 units with reconfigured access, boundary treatment, landscaping and associated works Land at, Pennine View/Pheasant Drive, Birstall, Batley.

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Under the provisions of Council Procedure Rule 37 the Committee received a representation from Thomas O’Kane (on behalf of the applicant).

RESOLVED –

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

1. Complete the list of conditions, including those contained within the considered report and the Planning Update 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. Restriction of permitted employment uses
5. Implementation of agreed Air Quality Mitigation Measures
6. Implementation of agreed Dust Mitigation Scheme
7. Submission of a Phase 2 Intrusive Site Investigation Report
8. Submission of Remediation Strategy
9. Implementation of the Remediation Strategy
10. Submission of Validation Report
11. Noise from fixed plant & equipment shall not exceed background sound levels
12. Installation of the approved electric vehicle charging points (10 parking spaces)
13. Submission of an external artificial lighting scheme
14. Work to be carried out in accordance with the council’s set construction site working times
15. Implementation and future maintenance of the approved landscaping scheme
16. Separate systems of drainage for foul and surface water on and off site
17. Submission of an oil, petrol and grit interceptor/separator design
18. Submission of the measures to protect the public sewerage infrastructure
19. Accordance with the approved Biodiversity Management Plan
20. Remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy
21. Submission of a document confirming the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity
22. The proposed car parks and vehicle servicing areas shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved
23. Implementation of the closure of the existing access point and construction of the proposed new access points
24. Details of storage and access for collection of wastes from the premises
25. Submission of a construction management plan
26. Submission and implementation of a full travel plan
27. Drainage related conditions (comments awaiting from LLFA)
28. Submission of details regarding the proposed Surface Water Attenuation Tanks, including the necessary maintenance and management details.
29. Submission of details of temporary surface water drainage for the construction phase.

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2. Secure a Unilateral Undertaking Section 106 agreement to cover the following matters:
 - 1) Public Right of Way – Off-site contribution of £36,000 towards the improvement of the local Public Right of Way network.
3. Pursuant to (2) above, 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: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

12 **Planning Application - Application No: 2020/90710**

The Committee gave consideration to Planning Application 2020/90710 Partial demolition, partial re-build, erection of extensions and alterations to mill to form 63 apartments and erection of 64 dwellings (Within a Conservation Area) Westwood Mill, Lowestwood Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37 the committee received representations from George Spencer (objector), Mike Wilson (applicant) and Malcolm Sizer (Planning Agent).

RESOLVED –

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

1. Complete the list of conditions, including those contained within the considered report including:
 1. Time limit (3 years)
 2. Development in accordance with the approved plans
 3. Detailed scheme for the mill conversion works (scope of repair and refurbishment)
 4. Approval of samples of materials
 5. Detailed hard and soft landscaping scheme (soft landscaping to address biodiversity net gain and provide suitable replacement tree planting)
 6. Noise assessment and noise mitigation
 7. Detailed highway design (including internal road layout, highway retaining structures, proposed footway to site frontage)
 8. Construction method statement to mitigate the impacts of construction

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9. Provision of all of the proposed flood mitigation measures
 10. Flood evacuation plan
 11. Scheme for detailed drainage design
 12. Temporary drainage during construction
 13. Scheme to deliver a biodiversity net gain
 14. Risk assessment and method statement to protect the canal retaining embankment
 15. Suite of contaminated land conditions (Phase II site investigation, remediation and validation)
 16. Scheme for the provision of electric vehicle recharging points
 17. Submission of evidence/confirmation that the measures set out in the arboricultural method statement have been complied with
 18. Details of provision of heritage interpretation board or similar feature to aid public understanding of the importance of the mill site
 19. Garden waste bins to be provided for properties within block K that back onto the settling pond
2. Obtain confirmation from the Environment Agency that the amendment to the site layout, as referred to within the considered report, does not materially alter compensatory flood storage.
 3. Secure the signing of a Section 106 Agreement to cover the following matters:
 1. Arrangements for the future maintenance and management of the areas of public open space, mill pond, settling pond and other areas of land that do not fall within private curtilage.
 2. Arrangements for the future maintenance and management of drainage infrastructure within the site.
 3. Phasing of the development, including the restoration of the listed building within the first phase.
 4. Overage clause in relation to the cost of the conversion of the listed building.
 5. £17,000 contribution towards off-site highway improvements.
 6. £73,000 towards education provision.
 7. On-site open space inspection fee (£1,000).
 8. Secure the dedication of the proposed public right of way through the site.
 4. Pursuant to (3) above, 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: Pattison, A Pinnock, Walker and S Hall (4 votes).

Against: Councillors: Bellamy, Patrick and Sokhal (3 votes).

13 Planning Application - Application No: 2020/91813

The Committee gave consideration to Planning Application 2020/91813 Discharge of conditions 14(affordable housing), 15 (public open space) and 16 (education) of previous permission 2018/91119 for outline application for erection of residential development rear of, 11, Holme Avenue, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Steven Riddles (objector) and Kirsty O'Donnell (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Bernard McGuin and Alison Munro (ward members).

RESOLVED –

That consideration of the application be deferred to provide an opportunity for officers and the applicant to re-assess the viability of the scheme in order to provide a level of contribution towards affordable housing.

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

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

14 Planning Application - Application No: 2020/90450

The Committee gave consideration to Planning Application 2020/90450 Erection of restaurant with drivethru, car parking, landscaping, play frame, customer order displays and associated works. land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Claire Thistleton and Patrick Dooley (objectors), Phil Isherwood (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Cathy Scott, Eric Firth and Aleks Lukic (ward members).

RESOLVED –

That the application be refused (contrary to the officers recommendation to approve).

The Committee considered that the development would have an adverse impact in a number of areas that included: residential amenity due to noise disturbance; the potential to attract anti-social behaviour; the impact on highway safety and traffic

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management due to the additional volume of vehicles associated with drive-thru restaurants; and the potential negative impact on public health due to the restaurants close proximity to local schools.

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

1. A vote for deferral.

For: Councillors: Pattison, A Pinnock and Walker and (3 votes)

Against: Councillors: Bellamy, Patrick Sokhal and S Hall (4 votes)

2. A vote to refuse

For: Councillors: Bellamy, Patrick Sokhal, Walker and S Hall (5 votes)

Against: (0 votes).

Abstained: Councillors: Pattison and A Pinnock

15 **Planning Application - Application No: 2020/92384**

The Committee gave consideration to Planning Application 2020/92384 Erection of extension and alterations to Unit 4 for food and non-food retail with associated external works to reconfigure car park and servicing arrangements Unit 4, The Rishworth Centre, Railway Street, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Nick Pleasant (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from councillors Aleks Lukic and Martyn Bolt.

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 commence within 3 years
2. Undertaken in accordance with the plans/specifications
3. Details/samples of materials to be provided
4. Landscaping scheme/Biodiversity Enhancement and Management Plan to be submitted (visual amenity and ecology)
5. Provision of the pedestrian crossing
6. Submission of a Travel Plan
7. Marking out of the car park/servicing prior to first opening
8. Construction Access schedule to be submitted and approved in writing
9. Noise levels condition
10. Lighting scheme to be submitted

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11. Trees – work to be completed in accordance with submitted details
12. Drainage – development to be undertaken in accordance with the submitted drainage strategy
13. Contaminated/unstable land – suite of conditions relating to the submission for ground investigation reports/remediation/validation as necessary
14. Scheme of security measures in the interest of crime prevention
15. Scheme detailing vehicle charging points to be provided
16. Works carried out in accordance with the recommendations of the ecology report

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

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

16 Report to Note: Supplementary Update - Mirfield 25, Leeds Road, Mirfield - Planning Compliance & Conditions Monitoring

The report was noted.