

Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

Thursday 27th January 2022

Present: Councillor Steve Hall (Chair)  
Councillor Carole Pattison  
Councillor Mohan Sokhal  
Councillor Donna Bellamy  
Councillor Mark Thompson  
Councillor Andrew Pinnock  
Councillor Charles Greaves

Observers: Councillor John Lawson  
Councillor Kath Pinnock

**1 Membership of the Committee**

All members were present.

**2 Minutes of the Previous Meeting**

The minutes of the meeting held on 16 December 2021 were approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillor Greaves, Bellamy, Thompson, Sokhal, A Pinnock, Patterson and S Hall Declared that they had been lobbied on application 2021/92801.

**4 Admission of the Public**

All items on the agenda were taken in public session.

**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 applications.

**8 Planning Application - Application No: 2021/92801**

The Committee gave consideration to Planning Application 2021/92801 Erection of 291 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive Land at, Merchant Fields Farm, off Hunsworth Lane, Cleckheaton.

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Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Mr Rankin (objector), Rachel Founders, Suzanne Mansfield, Jason Pritchard and Mark Beevers (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors John Lawson and Kath Pinnock (ward members).

### RESOLVED –

Subject to the Secretary of State not calling in the application, delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report and planning update including:

1. The development hereby permitted shall be begun within three years of 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 permitted shall be carried out in complete accordance with the plans and specifications schedule 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include pre-development road condition surveys (covering an area to be agreed beforehand with Local Planning Authority officers), a timetable of all works, and details of:

- any phasing of development;
- hours of works;
- point(s) of access for construction traffic (as stipulated by condition 4);
- construction vehicle sizes and routes;
- numbers and times of construction vehicle movements;
- locations of HGV waiting areas and details of their management;
- parking for construction workers;
- loading and unloading of plant and materials;
- storage of plant and materials;
- signage;
- measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- street sweeping;
- measures to control and monitor the emission of dust and dirt during construction;
- site waste management, including details of recycling/disposing of waste resulting from construction works;

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- mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- artificial lighting used in connection with all construction-related activities and security of the construction site;
- measures to minimise biodiversity impacts during construction;
- site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- engagement with local residents and occupants or their representatives; and
- engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom 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 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 and prior to the occupation of no more than 200 dwellings of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

4. Prior to the commencement of development (including ground works), a vehicular access into the site shall be created at Hunsworth Lane for use by construction traffic. This access shall be used by construction traffic for the duration of the construction phase, and no other access to or egress from the site for construction traffic shall be provided, enabled or used unless approved in writing by the Local Planning Authority.

**Reason:** In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

5. Prior to the first use of the approved vehicular access point at Hunsworth Lane (including use by construction traffic with the exception of construction traffic associated with the formation of the construction access point), vegetation and boundary treatments shall be set back to the rear of the proposed visibility splays as shown on approved plan ref: [to be inserted]. The visibility splays shall be cleared and kept clear of all obstructions to visibility above 0.6m measured from the ground thereafter.

**Reason:** To ensure adequate intervisibility is provided and maintained in the interests of pedestrian and highway safety and to accord with Policy LP21 of the

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Kirklees Local Plan. This pre-commencement condition is necessary to ensure that adequate visibility is provided to enable works vehicles to enter and exit the site.

6. Prior to the commencement of development (including ground works) a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be 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 details of how flooding of adjacent land is prevented; and
- Include methods of preventing contamination of watercourses once the new drainage has been installed.

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 is in place and functioning in accordance with written notification to the Local Planning Authority.

**Reason:** To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

7. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary arrangements so approved shall be implemented prior to the first occupation of those residential units and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

8. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site (excluding trees and vegetation that is subject to statutory protection and/or is to be retained as part of the development hereby approved) and undertaking initial enabling works) a scheme detailing the proposed internal adoptable roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of swept paths for a 11.85m refuse vehicle, full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of this work. No part of the development shall be brought into use until the internal adoptable roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

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**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. This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

9. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site (excluding trees and vegetation that is subject to statutory protection and/or is to be retained as part of the development hereby approved) and undertaking initial enabling works) full details of the permanent site entrance at Hunsworth Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of sight lines, road markings, construction specifications, details of surface finishes and any signage, an independent safety audit covering all aspects of this work, and details of the delivery of the scheme under an appropriate Section 278 approval. Unless otherwise agreed in writing by the Local Planning Authority, no more than 50 dwellings of the development hereby approved shall be occupied prior to the implementation of the approved scheme for use by residential traffic.

**Reason:** To ensure suitable vehicular access is provided for residents of the development hereby approved, to ensure existing residential streets are not subjected to unacceptable increases in traffic, in the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of the Hunsworth Lane entrance are agreed, and that the entrance is provided, at an appropriate stage of the development process.

10. Prior to the development commencing on the superstructure of any dwelling hereby approved, details of pedestrian connections between the site and adjacent land (namely, Links Avenue and Mazebrook Avenue) shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to levels, surface materials, construction methods, any handrails, splays to ensure adequate intervisibility for pedestrians and other road users, and measures to ensure opportunities for crime and anti-social behaviour are limited. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

**Reason:** In the interests of ensuring usable, convenient, safer and attractive pedestrian routes are provided, to contribute toward the creation of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, to mitigate the highway and air quality impacts of the development, and in the interests of minimising the risk of crime and anti-social behaviour in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

11. Prior to the first occupation of any specified dwelling hereby approved, the approved vehicle parking area(s) for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter be retained throughout the lifetime of the development.

**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.

12. Where highway retaining structures are necessary, prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any such structures (and any temporary highway retaining

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structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

**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.

13. Prior to the first occupation of any specified dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

14. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

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

Dwellings 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. The charging points installed shall be retained thereafter.

**Reason:** To ensure residents of the development are encouraged to use lower carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

15. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures (including measures to control odour and vermin) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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**Reason:** In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

16. Prior to the commencement of development (including ground works) a detailed design of surface water attenuation shall be submitted to and approved in writing by the Local Planning Authority. The design shall include flow control devices restricting the rate of surface water discharge from the site to a maximum of 17.5l/s to Nann Hall Beck and 3.5l/s to Yorkshire Water infrastructure leading to the River Spen. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events with a 30% allowance for climate change. 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 until such a time as it is adopted by the statutory undertaker.

**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 and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

17. Prior to the commencement of development (including ground works) a scheme detailing the management of residual risk of blockage scenarios after swales / ditches within the site have been constructed (for example, through the use of walling and landscape features and safe flood routing) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a detailed management plan (itinerary, schedule and access) for the swale / ditch to the northern boundary of the site. Following the completion of works comprising the approved scheme, 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 and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

18. Notwithstanding what is shown on the drawings hereby approved, no building or other obstruction including landscape features shall be located over or within an 8m wide protected strip crossing the site (5m and 3m either side of the centre line of the western section, and 3m and 5m either side of the centre line of the eastern section) along the public 800mm diameter syphon sewer located to the south of the site. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure within the site boundary have been implemented in full accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include but shall not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of any sewers crossing the site, the developer shall submit evidence in writing to the Local Planning Authority that the diversion or closure has

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been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

**Reason:** In the interests of ensuring water infrastructure is protected and can be inspected, maintained, adjusted, repaired and altered by the statutory undertaker without hindrance.

19. Prior to the commencement of development (including ground works) a further Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include ground gas monitoring data.

**Reason:** To ensure unacceptable risks to human health and the environment are identified, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified at an appropriate stage of the development process.

20. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 19, prior to the commencement of development (including ground works, other than those required to inform a site investigation report) a Remediation Strategy shall be 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

21. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 20. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all works on site (other than site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

22. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report 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



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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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

23. Prior to the commencement of development (including ground works but excluding works related to land stability remediation) remedial treatment works to address land instability arising from shallow coal mining legacy and recorded mine shafts 419426-001, 419426-002 and 419426-005 shall be carried out in full. Following completion of the remediation works referred to in this condition and prior to the first occupation of any specified dwelling hereby approved, a Coal Legacy Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

**Reason:** To ensure the site is made stable and to minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that remedial measures related to the site's coal mining legacy are carried out at an appropriate stage of the development process.

24. Prior to any part of the development hereby approved being brought into first use, a further Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- Determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments);
- Include a calculation of the monetary damages from the development; and
- Include a fully-costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures. The approved low emission mitigation measures shall be implemented before the development is brought into first use and shall be retained thereafter.

**Reason:** In the interests of amenity and to mitigate the air quality impacts of the development in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

25. Prior to the commencement of development (including ground works) a further Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall specify the measures to be taken to protect the development hereby approved from noise from all significant noise sources (including road traffic) that are likely to affect the development. The assessment shall:

- Determine the existing noise climate;
- Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time), and other habitable rooms of the development; and

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- Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new dwellings (including ventilation if required).

Prior to the first occupation of any specified dwelling hereby approved all works specified for that dwellings in the approved Noise Impact Assessment shall be carried out in full and such works shall thereafter be retained.

**Reason:** In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.

26. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

27. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

**Reason:** In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

28. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

29. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;

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- Planting plans, including additional tree planting notwithstanding what is shown in the drawings hereby approved;
- Details of tree pit sizes and soils;
- Species schedules;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials;
- Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;
- Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance;
- Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour; and
- Notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, corresponding with measures relating to flood routing and providing for the movement of hedgehogs.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

**Reason:** In the interests of local ecological value, visual amenity and highways safety, to ensure high quality open spaces are provided, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

30. Prior to the commencement of development (including ground works), an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the documents so approved.

**Reason:** To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of tree protection measures are agreed at an appropriate stage of the development process.

31. The translocation of the site's hedgerows shall be carried out in strict accordance with the Hedgerow Translocation Method Statement (FPCR, 08/09/2021) and no change therefrom shall take place without the prior written consent of the Local Planning Authority

**Reason:** To ensure the hedgerows are retained on-site, to ensure their viability and survival is not jeopardised and to accord with Policies LP30 and LP33 of the Kirklees Local Plan and the Hedgerows Regulations 1997.

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32. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

33. Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The BEMP shall ensure that no less than a 10% biodiversity net gain (i.e., 10% above the site's pre-development biodiversity value based on its habitat units baseline) is achieved post-development, and shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Details of the extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Details corresponding with landscaping details to be submitted pursuant to condition 31;
- Details of ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving the Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP; and
- Details of an ongoing monitoring programme and remedial measures.

The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully-functioning biodiversity objectives of the originally-approved BEMP. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

**Reason:** To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

34. Prior to the commencement of development (including ground works), a Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the Local Planning Authority. The BGP shall demonstrate a measurable biodiversity net gain and shall include:

- Details of the measures taken or to be taken to minimise the adverse effect

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of the development on the biodiversity of the on-site habitat and any other habitat;

- The pre-development biodiversity value of the onsite habitat, measured using the Biodiversity Metric 3.0 (or latest version, if available);
- The post-development biodiversity value of the on-site habitat, measured using the Biodiversity Metric 3.0 (or latest version, if available);
- Details of any off-site habitat enhancement required to achieve a biodiversity net gain, including pre-development and target biodiversity value.

The BGP shall inform the BEMP referred to under condition 35.

**Reason:** To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

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

- 1) Affordable housing – 58 affordable dwellings (55% affordable/social rent, 45% intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £424,546 to address shortfalls in specific open space typologies (with potential for significant reduction subject to the detailed design of the on-site provision, particularly with respect to the “parks and recreation” and “children and young people” open space typologies).
- 3) On-site open space inspection fee – £1,000.
- 4) Education – £1,176,189 contribution to be spent on upon priority admission area schools within the geographical vicinity of the site (vicinity to be determined).
- 5) Off-site highway works – £65,000 contribution (£50,000 towards new signal equipment at Whitehall Road / Hunsworth Lane junction, and £15,000 towards Bluetooth journey time monitoring equipment at Bradford Road / Hunsworth Lane / Whitechapel Road junction).
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £145,000 contribution towards sustainable travel measures, implementation of a Travel Plan, £15,000 towards Travel Plan monitoring, and a £10,000 contribution towards bus stop improvements.
- 7) Air quality mitigation – Contribution of circa £162,000.
- 8) Biodiversity – Contribution of circa £120,000 towards off-site measures to achieve biodiversity net gain.
- 9) Management and maintenance – The establishment of a management company for the management and maintenance of any land not within private curtilages or

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adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

3. Pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution (or of the date the Secretary of State for Levelling Up, Housing and Communities confirms that the application would not be called in) 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.
4. It was noted that the Committee requested that the application must be returned to the Committee should there be any changes to the S106 agreement or conditions as detailed in the considered committee report and planning update

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

For: Councillors: Greaves, Pattison, Sokhal and S Hall (4 votes)

Against: Councillors: Bellamy and A Pinnock (2 votes)

Abstained: Councillor Thompson

### 9 **Planning Application - Application No: 2021/91015**

The Committee gave consideration to Planning Application 2021/91015: Change of use of grazing land to dog exercise area at Blue Hills Farm, Whitehall Road West, Birkenshaw.

#### **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. Standard timeframe for commencement of development - 3 years.
2. In accordance with the approved plans.
3. Operations between 07:00-19:00 Monday to Sunday.
4. A maximum of three dogs using the exercise park at any one time.
5. No artificial lighting.
6. Reporting of unexpected contaminated land

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

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

Against: (0 votes).