

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 24th March 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 Liz Smaje

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 24 February 2022 were approved as a correct record.

3 Declaration of Interests and Lobbying

Cllr Pattison declared that she had been lobbied on application 2021/92486.

Cllr Hall declared that he had been lobbied on application 2021/93073.

Cllr Hall declared an "other interest" in application 2021/92486 on the grounds that he knew the applicant.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Planning Applications

The Committee considered the following applications.

7 Site Visit - Planning Application No: 2021/93645

Site visit undertaken.

8 Site Visit - Planning Application No: 2021/92486

Site visit undertaken.

9 Planning Application - Application No: 2021/92528

The Committee gave consideration to Planning Application 2021/92528 Erection of retail development, associated parking, servicing areas and landscaping. Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Chris Darley (on behalf of the applicant).

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

RESOLVED –

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

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

1. Time limit (3 years).
2. Development in accordance with the approved plans.
3. Restriction on the net sales area of the stores and the proportion of convenience and comparison floorspace to that proposed within the application.

Lidl store:

Net sales area of 1,414m²

80% convenience goods (equating to 1,131m²)

20% comparison goods (equating to 283m²)

Home Bargains store:

Net sales area of 2,014m² (plus the associated garden centre)

45% convenience goods (equating to 906m²)

55% comparison goods (equating to 1,108m²).

4. Restriction on the sub-division of the units.
5. Detailed junction design for points of access.
6. Detailed scheme for proposed change to the road priorities on Woodhead Road/Bankwood Way.
7. Scheme for highway directional signage.
8. Detailed drainage design including surface water attenuation and petrol interceptor for the car park.
9. Temporary drainage measures for construction.
10. Biodiversity Enhancement Management Plan (BEMP).
11. Construction Environmental Management Plan for biodiversity (CEMP.)
12. Contamination/remediation conditions.
13. Scheme of to address land instability arising from coal mining legacy (address Coal Authority comment).
13. Scheme for provision of electric vehicle recharging points.
14. Management plan for landscaped areas.
15. Detailed design of highway retaining walls.
16. Facing materials of the retaining wall to the south-eastern boundary alongside Bankwood Way.
17. Security measures for the delivery/loading area.

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18. Restriction on noise from fixed plant and equipment.
19. Construction management plan for amenity and highways.
20. Overland flow routing (drainage/flood risk).
21. Air quality mitigation.
22. External lighting scheme.

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

- i. £160,000 for a pedestrian improvement scheme on the neighbouring retail park which includes: - A signalised crossing on Gelderd Road - New and upgraded pedestrian crossing points within the immediate vicinity of the site.
- ii. Travel Plan Monitoring fee (£10,000).
- iii. Off-site contribution towards biodiversity enhancement (£38,180)
- iv. Arrangements for the future maintenance and management of the surface water drainage infrastructure within the site.

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 then the Head of Strategic Investment 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 Development and Master Planning 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: Greaves, Pattison, A Pinnock and Sokhal (4 votes)

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

10 **Planning Application - Application No: 2021/93645**

The Committee gave consideration to Planning Application 2021/93645 Installation of a new 3G synthetic turf pitch, upgraded and extended grass pitches, car-parking and additional landscape works YMCA, Lawrence Batley Recreational Complex, New Hey Road, Salendine Nook, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Stephen Graley (in support).

RESOLVED –

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

1. Development to be carried out in accordance with approved details.
2. Car Park Layout Details (Prior to development being brought into use).
3. Car Park Management Plan (Prior to development being brought into use).

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4. Car Park Surfacing (Prior to commencement of development of the car park).
5. Secure on-site Cycle Storage (Prior to the development being brought into use).
6. Development to be conducted in adherence to the recommendations made in the Preliminary Ecological Appraisal.
7. Artificial Pitch Shockpad Specification and Maintenance.
8. Artificial Pitch Markings Submission and Implementation (Prior to Completion).
9. Artificial Pitch Risk Assessment (Prior to the development being brought into use).
10. Submission of a Noise Assessment Report for proposed noise generating use close to existing noise sensitive premises (Prior to the Artificial Pitch and Pitch 3 being brought into use).
11. Hours of Use Restrictions for Customers.
12. Noise Management Plan (Prior to the Artificial Pitch and Pitch 3 being brought into use).
13. Ball Impact Sound Mitigation.
14. External Artificial Lighting Details (Prior to the operation of any new or re-sited luminaires on the site).
15. Electric Vehicle Charging Points (Prior to commencement of development of the car park).
16. Construction Environmental Management Plan (Prior to works to remove the protected trees).
17. Submission of an Arboricultural Method Statement (Prior to works to remove the protected trees).
18. Submission and implementation of full landscaping scheme (Prior to the development being brought into use).
19. Submission of a Biodiversity Net Gain Plan (Prior to works to remove protected trees).

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)

11 **Planning Application - Application No: 2021/93073**

The Committee gave consideration to Planning Application 2021/93073 Erection of energy storage facility contained within a fenced compound with associated landscaping and access works Land adj, Holme Bank Mills, Station Road, Mirfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Louise Leyland (Agent).

RESOLVED –

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

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1. Time limit (3 years).
2. Development in accordance with the approved plans.
3. Enhancement and monitoring management measures as set out in the Biodiversity Management Plan (BMP) to be adhered to.
4. Details of additional soft planting along southern boundary to submitted and approved.
5. Fencing details to be submitted and approved.
6. All construction shall be carried out in accordance with the approved Highways Traffic Management Plan (December 2021) throughout the period of construction.
7. No more than of 20 heavy vehicle movements (10 in 10 out) per day shall take place at the site in each working week (Monday – Saturday).
8. Prior to the development being brought into use, the proposed car park shown on Proposed Site Plan number GA/003 hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.
9. Proposals to be carried out in accordance with measures set out in the submitted 'Drainage Strategy Incorporating an Assessment of Flood Risk' and Planning Statement.
10. Access and maintenance within the site to be scheduled to avoid peak storm events.
11. Electric connections to be and associated control equipment to be set at a minimum height of 600mm above ground level.
12. Dealing with unexpected contamination.
13. Restricting construction working times.
14. Details of electric vehicle charging point/s to be provided and approved prior to installation of any electrical system on site.
15. Details of lighting scheme including luminance and location of poles to be provided and approved prior to installation.
16. Details of CCTV location of poles to be provided and approved prior to Installation.

An additional condition to provide details covering the decommissioning of the facility.

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).

12 **Planning Application - Application No: 2021/92486**

The Committee gave consideration to Planning Application 2021/92486 Erection of 5 buildings for a mixed use of educational, agricultural and community uses former Spenborough Wastewater Treatment Works, Smithies Lane, Heckmondwike.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Chris Slaven (in support), Alistair Flatman (Agent), and Adam Cook (on behalf of the applicant).

RESOLVED –

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

1. The proposed development of five new buildings on previously undeveloped land within the Green Belt would represent inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The buildings would result in significant impacts on openness and harm to the character and appearance of the Green Belt. The considerations that have been put forward by the applicant, individually or cumulatively do not outweigh the harm to the Green Belt and therefore, the very special circumstances that are necessary to justify this inappropriate development in the Green Belt do not exist. The development would therefore conflict within guidance at Chapter 13 of the National Planning Policy Framework.

2. The visual harm of the proposal buildings, via their scale, quantity, urban design and siting in a rural landscape is considered detrimental and unacceptable to the rural character with regard to visual amenity. The associated benefits are not considered to outweigh this harm. To permit the development would also be contrary to Local Plan policies LP24 and Chapter 12 of the National Planning Policy Framework.

3. The proposed development lies within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network, Insufficient information has been provided within the application to demonstrate that the proposal would minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist, or safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network. For this reason, it is considered to be contrary to Local Plan policy LP30 and Chapter 15 of the National Planning Policy Framework.

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

For: Councillors: Bellamy, Greaves, Pattison, A Pinnock and Thompson (5 votes).

Against: Councillor Sokhal (1 vote).