

Contact Officer: Sheila Dykes

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

Thursday 3rd November 2022

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Paul Davies  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Mohan Sokhal  
Councillor Mark Thompson

- 1 Membership of the Committee**  
All Members of the Committee were in attendance.
- 2 Minutes of the Previous Meeting Resolved –**  
That the minutes of the meeting of the Committee held on 6<sup>th</sup> October 2023 be agreed as a correct record.
- 3 Declaration of Interests and Lobbying**  
Councillors Hall and Pinnock advised that they had been lobbied in respect of Application No.2022/91849.
- 4 Admission of the Public**  
It was noted that all items were to be considered in public session.
- 5 Public Question Time**  
No questions were asked.
- 6 Deputations/Petitions**  
No deputations or petitions were received.
- 7 Planning Applications**
- 8 Site Visit - Application No. 2021/93689**  
Site visit undertaken.
- 9 Site Visit - Application No. 2022/92355**  
Site visit undertaken.

**10 Planning Application - Application No: 2021/93689**

The Committee considered Application No. 2021/93689, a hybrid application for full planning permission for engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works; and for outline permission for erection of residential development and mixed use development (including community facilities) with associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management) and sustainable urban drainage works drainage principles on land to the south of Ravensthorpe Road / Lees Hall Road, Dewsbury.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Jackie Ramsey.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mr Hussain, Mr Kadu and Mr Ismail (local residents and users of Lees Hall Community Centre) and representatives of Lees Hall Playgroup.

**Resolved –**

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the report, as set out below:

*Outline conditions*

1. Standard outline condition (approval of reserved matters prior to commencement).
2. Standard outline condition (implementation in accordance with approved reserved matters).
3. Standard outline condition (reserved matters submission time limit – within three years of outline approval).
4. Standard outline condition (reserved matters implementation time limit – within two years of reserved matters approval).
5. Development in accordance with plans and specifications.
6. Completion of a Section 106 prior to commencement, securing:
  - 20% affordable housing, and details including tenure split, locations, designs, unit size mix and delivery.
  - Off-site open space contribution to address shortfalls in specific open space typologies (if necessary).
  - Education and childcare contributions (to be reviewed at reserved matters stage when number of units is confirmed and full unit size mix is known).
  - Formula-based contribution towards off-site highway works at the Forge Lane / Station Road / Thornhill Road junction.
  - Contribution towards junction improvements at Calder Road / Huddersfield Road junction (£80,000).
  - Contribution towards monitoring of parking on Lees Hall Road and funding to enable additional “no waiting” restrictions (if necessary).
  - Sustainable Travel Fund contribution (£179,025).
  - Public transport improvement contribution.
  - Travel Plan monitoring contribution (£15,000).

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- Biodiversity net gain contribution (if necessary).
  - Drainage management and maintenance arrangements, and establishment of a HS61-wide drainage working group.
  - Agreement to enable adjacent development, and to not create and/or exploit ransom scenarios.
  - Arrangements for the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, including open space.
7. Travel Plan (including residential and non-residential components) to be submitted.
  8. Flood risk and drainage – full scheme to be submitted.
  9. Separate systems of foul and surface water drainage to be provided.
  10. Ecological mitigation and enhancement details (including an Ecological Design Strategy, and measures to address impacts on birds including ground-nesting farmland birds), revised biodiversity net gain assessment (including river assessment) and details of mitigation and delivery measures to be submitted.
  11. Air quality mitigation measures to be submitted.
  12. Further noise assessment and mitigation measures to be submitted.
  13. Contaminated land – phase II intrusive site investigation report to be submitted.
  14. Contaminated land – remediation strategy to be submitted.
  15. Contaminated land – remediation strategy to be implemented.
  16. Contaminated land – validation report to be submitted.
  17. Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted, including assessment of safety risks (and, where necessary, remediation) relating to coal mining legacy in Lady Wood.
  18. Archaeological site investigation.

### *Full conditions*

19. Development to commence within three years.
20. Development in accordance with plans and specifications.
21. Construction (Environmental) Management Plan to be submitted.
22. Temporary (construction phase) drainage measures to be submitted.
23. Provision of site entrance and visibility splays prior to works commencing.
24. Details of replacement community facilities to be approved prior to commencement. Forge Lane / Lees Hall Road junction to be completed and replacement community facilities to be provided prior to occupation of more than 150 dwellings.
25. Details (including road safety audits and arrangements for implementation under Section 278) of Forge Lane / Lees Hall Road junction works to be submitted.
26. Details (and arrangements for implementation under Section 278) of yellow box markings be provided at the Vicarage Road / Savile Road junction, and pedestrian refuge island on Ravensthorpe Road.
27. Details (including road safety audits and approval under Section 38) of internal highways to be submitted.
28. Details of design, implementation, maintenance and retention of works to public rights of way to be submitted.

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29. Arboricultural Impact Assessment and Method Statement to be submitted.
30. Tree protection measures to be submitted.
31. Restriction on timing of removal of hedgerows, trees and shrubs.
32. Details of landscaping to be submitted.
33. Ecological mitigation and enhancement details (including an Ecological Design Strategy, and measures to address impacts on birds including ground-nesting farmland birds), revised biodiversity net gain assessment (including river assessment) and details of mitigation and delivery measures to be submitted.
34. Contaminated land – phase II intrusive site investigation report to be submitted.
35. Contaminated land – remediation strategy to be submitted.
36. Contaminated land – remediation strategy to be implemented.
37. Contaminated land – validation report to be submitted.
38. Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
39. Archaeological site investigation.

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

For: Councillors Armer, Davies, Hall, Pattison, Pinnock, Sokhal and Thompson (7 votes)

Against: (0 votes)

### 11 **Planning Application - Application No: 2022/92355**

The Committee considered Application No.2022/92355 in respect of the erection of an enclosure of an existing ménage at Bradshaw Road Stables, Bradshaw Road, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Hamish Gledhill (agent) and Chris Charlesworth (in support).

#### **Resolved –**

That the application be refused for the following reasons:

The proposed development would constitute inappropriate development within the Green Belt since it would be the erection of a building which does not meet any of the exceptions in paragraph 149 of the National Planning Policy Framework. It would cause significant harm to the openness of the Green Belt and would undermine the purposes of including land within it, in particular paragraph 138(c), in that it would amount to an encroachment of built development into open countryside. It is considered that the benefits of the new building would not constitute “very special circumstances” that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to its openness.

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

For: Councillors Armer, P Davies, S Hall and A Pinnock (4 votes)

Against: Councillors Pattison, Sokhal and Thompson (3 votes)

**12 Planning Application - Application No: 2022/91849**

The Committee considered Application No.2022/91849 in respect of a variation of Condition 21 (highways and occupation) on previous outline permission 2016/92298 for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) at the former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from James Hicks (the agent).

**RESOLVED –**

- 1) That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:
  - a) complete the list of conditions, including those contained within the report, as set out below:
    1. Reserved matters to be submitted prior to commencement
    2. Reserved matters to be submitted to the Local Planning Authority and carried out per plans
    3. Reserved matters time limit for submission
    4. Reserved matters time limit to commence
    5. Phasing plan to be submitted
    6. Biodiversity Enhancement and Management Plan to be submitted
    7. Construction Ecology Management Plan to be submitted
    8. Construction Environment Management Plan to be submitted
    9. Lighting Design Strategy for Biodiversity to be submitted
    10. Sewer easement
    11. Access to Moorend combined sewer overflow and syphon sewer details
    12. Separate foul and surface water required
    13. Drainage details to be submitted
    14. Outfall details to be provided
    15. Development done in accordance with Flood Risk Assessment
    16. Coal working site investigations
    17. Layout and landscape reserved matters to include consideration of coal working investigations
    18. Layout and landscape reserved matters to include Arboricultural Survey and Method Statements
    19. Layout and landscape reserved matters to include treatment of PROW on site
    20. Limiting floorspace constructed to 17,642m<sup>2</sup> until given highway works are approved or Highway England works undertaken
    21. No more than 21,882m<sup>2</sup> of floorspace shall be occupied and come into use until either:
      - a. the highways works on the Bradford Road approach to M62 Junction 26 Chain Bar, identified in Condition 20) a) are implemented and open to traffic to Kirklees Council's approval in consultation with Highways England; or

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- b. the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by Highways England
  - 22. Development restricted to the areas shown on plateau plan
  - 23. Reserved matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk
  - 24. Reserved matters to include surface water disposal strategy
  - 25. Before occupation, SUDS features management, maintenance, and adoption to be submitted
  - 26. Temporary surface water details to be provided
  - 27. Prior to occupation, confirmation of highway works to be provided (improvements to Mill Carr Hill Road and Cliff Hollins Lane)
  - 28. Fixed mechanical services and plan to be noise controlled.
  - 29. Layout and landscape reserved matters to include noise attenuation
  - 30. Unexpected contamination procedure
  - 31. Layout and landscape reserved matters to include low emission and charging point details
  - 32. Limitation on B2 and total floor space
- b) secure a Section 106 agreement to cover the following matters:  
A deed of variation, which ties the Section 106 obligations from 2016/92298, the original consent, to the new Section 73 consent.  
(For reference, the original contributions were:  
A. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use  
B. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and  
C. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)
- 2) In the 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; if so, the Head of Planning and Development be 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 Armer, P Davies, S Hall, Pattison and Sokhal (5 votes)

Against: Councillors Pinnock and Thompson (2 votes)

**13 Planning Application - Application No: 2022/92308**

The Committee considered Application No.2022/92308 relating to the temporary siting of Dewsbury Market on Foundry Street/Market Place/ Longcauseway/Town Hall Way, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received representations from David Staniland (agent) and Karen Roche (Markets Manager).

**Resolved -**

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the report, as set out below:

1. In accordance with the approved plans.
2. Development to begin within 3 years.
3. Pre-commencement condition for the submission of hostile vehicle mitigation measures.
4. Hours of operation between 07:00 until 19:00.
5. Temporary permission for 3 years, beginning from when the Local Planning Authority are notified in writing.
6. Site to be reinstated as before development within 6 months from the use ceasing.
7. The development shall be carried out in accordance with the submitted flood risk assessment.
8. Details of the shutters and locks to secure the containers to be provided.
9. Details of the fencing to secure the rear of containers 23-26 and 31-35 to be provided.
10. Submission of waste management plan, including details of the bin storage.
11. Details of any modifications to the highway, including pavements to be submitted.

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

For: Councillors Armer, P Davies, S Hall, Pattison, Pinnock, Sokhal and Thompson (7 votes)