

Contact Officer: Sheila Dykes or Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 8th December 2022

Present: Councillor Steve Hall (Chair)
Councillor Ammar Anwar
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Mark Thompson
Councillor Andrew Pinnock

Apologies: Councillor Paul Davies
Councillor Bill Armer

1 Membership of the Committee

Councillor Anwar substituted for Councillor P Davies and Councillor Gregg substituted for Councillor Armer.

2 Minutes of the Previous Meeting

Resolved – That the minutes of the meeting of the Committee held on 3rd November 2022 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Gregg, Hall, Pattison, Pinnock, Sokhal and Thompson advised that they had been lobbied in respect of Applications 2020/92331 and 2020/92350.

Councillors Hall, Pinnock and Sokhal advised that they had been lobbied in respect of Application 2020/92307.

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 Site Visit - Application No. 2020/92307

Site visit undertaken.

8 Planning Application - Application No. 2020/92331

The Committee considered Application 2020/92331, an outline planning application for the demolition of existing dwellings and development of a phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment

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development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure (amended and further information received) on land east of Leeds Road, Chidswell, Shaw Cross, Dewsbury.

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mark Eastwood MP, Duncan Smith, Sally Naylor, Duncan Mounsey and Sandy Mounsey (local residents/Chidswell Action Group) and Nolan Tucker (on behalf of the applicant).

Resolved -

- 1) That, subject to the Secretary of State not calling in the application, 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 and the update, as set out below:
 - 1) Standard outline condition (approval of reserved matters prior to commencement, including allowance for an infrastructure-only reserved matters application to be submitted).
 - 2) Standard outline condition (implementation in accordance with approved reserved matters).
 - 3) Standard outline condition (reserved matters submission time limits – first reserved matters application to be submitted within three years of outline approval, last to be submitted within 12 years).
 - 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) Details of phasing to be submitted.
 - 7) Floorspace of employment element to comprise a maximum of 65% B8 use and a maximum of 50% B1c and B2 uses, and all B1a floorspace to be ancillary to a B1c, B2 and/or B8 use.
 - 8) Floorspace of the local centre to include no more than 500sqm of A1 use.
 - 9) D1 floorspace within the local centre shall not be used as a museum or exhibition hall.
 - 10) Implementation of a traffic mitigation scheme at the Shaw Cross junction when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.
 - 11) Implementation of other junction improvement schemes when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.

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- 12) Submission of interim and final details of spine road (including road safety audits and arrangements for implementation under Section 38), and subsequent implementation.
- 13) Submission of interim and final details of Leeds Road and Chidswell Lane site entrances (including road safety audits and arrangements for implementation under Section 278), and subsequent implementation.
- 14) Primary school to be provided (or alternative provision made) prior to occupation of more than 700 dwellings.
- 15) Assessment of potential for decentralised energy scheme to be carried out prior to submission of Reserved Matters applications.
- 16) Flood risk and drainage – full site-wide scheme to be submitted.
- 17) Flood risk and drainage – detailed drainage proposals to be submitted for each parcel / phase.
- 18) Separate systems of foul and surface water drainage to be provided.
- 19) Ecological mitigation and enhancement details (including an Ecological Design Strategy, measures to address impacts on birds including ground-nesting farmland birds), and details of mitigation and delivery measures to be submitted.
- 20) Air quality mitigation measures to be submitted.
- 21) Further noise assessment and mitigation measures to be submitted.
- 22) Further odour assessment and mitigation measures to be submitted, and odour constraint on developable areas to be considered prior to submission of Reserved Matters applications.
- 23) Contaminated land – phase II intrusive site investigation report to be submitted.
- 24) Contaminated land – remediation strategy to be submitted.
- 25) Contaminated land – remediation strategy to be implemented.
- 26) Contaminated land – validation report to be submitted.
- 27) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
- 28) Archaeological site investigation.
- 29) Site-wide placemaking strategy to be submitted prior to Reserved Matters applications, and to include design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide Supplementary Planning Document.
- 30) Bus stop infrastructure audit and improvement plan to be submitted, with timeframes for implementation.
- 31) Construction (Environmental) Management Plan to be submitted.
- 32) Tree protection measures to be approved and implemented.
- 33) Temporary (construction phase) drainage measures to be approved and implemented.
- 34) Site-wide open space strategy to be submitted prior to Reserved Matters applications (or with the first Reserved Matters application), and to include proposals for on-site provision with reference to existing local provision and the six open space typologies of the Open Space Supplementary Planning Document.
- 35) M62 junction 28 monitoring strategy to be submitted, approved and implemented, and mitigation to be implemented if monitoring demonstrates the need (condition to be worded to allow for an

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- alternative scheme to be approved, for a contribution to be made via a Section 106 agreement, and for the developer to implement phase 1 of the scheme).
- 36) M1 junction 40 monitoring strategy to be submitted, approved and implemented, and mitigation to be implemented if monitoring demonstrates the need (condition to be worded to allow for an alternative scheme to be approved, and for a contribution to be made via a Section 106 agreement).
- b) secure a Section 106 agreement to cover the following matters (with all contributions being index-linked):
- (i) Highway capacity / improvement / other works:
- a) Contribution towards M62 junction 28 mitigation (if details submitted pursuant to condition 35 demonstrate this is appropriate).
 - b) Contribution towards M1 junction 40 mitigation (if details submitted pursuant to condition 36 demonstrate this is appropriate).
 - c) Monitoring of left-turn movements into Chidswell Lane from spine road, Traffic Regulation Order and implementation of works if signed restriction proves ineffective (contributions totalling £23,500).
 - d) Contributions towards junction improvement schemes (applicable should schemes secured by condition prove to be more appropriately delivered via a Section 106 provision).
- (ii) Sustainable transport:
- a) Pump-priming of a Dewsbury-Leeds bus route along spine road, triggered by occupation of 1,000 homes across both sites, contribution to be agreed, duration of pump-priming to be agreed, and provision for contributions to cease if bus service becomes self-financing.
 - b) Bus stop upgrade contribution (applicable if bus stop audit demonstrates the need).
 - c) Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).
- (iii) Education:
- a) £700,000 contribution towards interim primary provision to be paid in two tranches (£350,000 upon first occupation, £350,000 upon occupation of 119 homes).
 - b) Primary school (including early years and childcare) provision cascade:
 - i) Applicant / developer to decide on whether to build school on site or pay contribution no later than point of occupation of 200 homes;
 - ii) If the former, applicant / developer to provide land and build school on site to the Council's specification for use no earlier than when required and no later than point of occupation of 700 homes;
 - iii) If the latter, contribution amount to be reviewed at the time of payment, contribution to be paid in instalments between the occupation of 229 and 919 homes, Council to put contribution towards on-site school or alternative provision.
 - c) Secondary education contribution of £2,257,029.00
- (iv) Open space, including sports and recreation and playspaces – contribution based on Open Space Supplementary Planning Document methodology /

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formulae, taking into account on-site provision (to be confirmed at Reserved Matters stage). Site-wide strategy required to ensure provision across all phases / parcels / Reserved Matters applications is co-ordinated.

- (v) Affordable housing – 20% provision.
 - (vi) Local centre (including community facilities) – arrangements to ensure buildings / floorspace is provided, and details of size, timing, uses and location to be clarified.
 - (vii) Air quality – contribution (amount to be confirmed, and subject to applicant / developer measures which may render contribution unnecessary) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
 - (viii) Biodiversity
 - a) Contribution (amount to be confirmed) or off-site measures to achieve biodiversity net gain (only applicable if 10% can't be achieved on-site);
 - b) Securing other off-site measures (including buffers to ancient woodlands, and provision of skylark plots).
 - (ix) Management – the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure. May include street trees if not adopted.
 - (x) Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.
 - (xi) Ancient woodland – management plan (and works, if required) for public access to Dum Wood and Dogloitch Wood (outside application site, but within applicant's ownership).
 - (xii) Social value – requirement for applicant / developer, future developer partners and occupants of employment floorspace to provide package of training, apprenticeships and other social value measures.
 - (xiii) Masterplanning – No ransom scenarios to be created at points where new roads meet other development parcels / phases.
- 2) 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 will 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 and, 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 Anwar, Hall, Pattison and Sokhal (4 votes)

Against: Councillors Gregg, Pinnock and Thompson (3 votes)

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The Committee considered Application 2020/92350, an outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure (amended and further information received) on land south of Heybeck Lane, Chidswell, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mark Eastwood MP, Duncan Smith, Sally Naylor, Duncan Mounsey and Sandy Mounsey (local residents/Chidswell Action Group) and Nolan Tucker (on behalf of the applicant).

Resolved –

- 1) That, subject to the Secretary of State not calling in the application, 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 and the update, as set out below:
 - 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 limits – first reserved matters application to be submitted within three years of outline approval, last to be submitted within five years).
 - 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) Details of phasing to be submitted.
 - 7) Implementation of junction improvement schemes when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.
 - 8) Submission of interim and final details of Heybeck Lane site entrance (including road safety audits and arrangements for implementation under Section 278), and subsequent implementation.
 - 9) Assessment of potential for decentralised energy scheme to be carried out prior to submission of Reserved Matters applications.
 - 10) Flood risk and drainage – full site-wide scheme to be submitted.
 - 11) Flood risk and drainage – detailed drainage proposals to be submitted for each parcel / phase.
 - 12) Separate systems of foul and surface water drainage to be provided.
 - 13) Ecological mitigation and enhancement details (including an Ecological Design Strategy, measures to address impacts on birds including ground-nesting farmland birds), and details of mitigation and delivery measures to be submitted.
 - 14) Air quality mitigation measures to be submitted.
 - 15) Further noise assessment and mitigation measures to be submitted.
 - 16) Contaminated land – phase II intrusive site investigation report to be submitted.
 - 17) Contaminated land – remediation strategy to be submitted.

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- 18) Contaminated land – remediation strategy to be implemented.
 - 19) Contaminated land – validation report to be submitted.
 - 20) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
 - 21) Archaeological site investigation.
 - 22) Site-wide placemaking strategy to be submitted prior to Reserved Matters applications, and to include design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide Supplementary Planning Document.
 - 23) Bus stop infrastructure audit and improvement plan to be submitted, with timeframes for implementation.
 - 24) Construction (Environmental) Management Plan to be submitted.
 - 25) Tree protection measures to be approved and implemented.
 - 26) Temporary (construction phase) drainage measures to be approved and implemented.
 - 27) Site-wide open space strategy to be submitted prior to Reserved Matters applications (or with the first Reserved Matters application), and to include proposals for on-site provision with reference to existing local provision and the six open space typologies of the Open Space Supplementary Planning Document.
- b) secure a Section 106 agreement to cover the following matters (with all contributions being index-linked):
- (i) Highway capacity / improvement / other works:
 - a) contributions towards junction improvement schemes (applicable should schemes secured by condition prove to be more appropriately delivered via a Section 106 provision).
 - b) contribution towards Shaw Cross junction scheme.
 - (ii) Sustainable transport:
 - a) Bus stop upgrade contribution (applicable if bus stop audit demonstrates the need).
 - b) Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).
 - (iii) Education:
 - a) £300,000 contribution towards interim primary provision.
 - b) Secondary education contribution of £223, 957.
 - (iv) Open space, including sports and recreation and playspaces – contribution based on Open Space SPD methodology / formulae, taking into account on-site provision (to be confirmed at Reserved Matters stage). Site-wide strategy required to ensure provision across all phases / parcels / Reserved Matters applications is co-ordinated.
 - (v) Affordable housing – 20% provision.
 - (vii) Air quality – contribution (amount to be confirmed, and subject to applicant / developer measures which may render contribution unnecessary) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
 - (viii) Biodiversity:

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- a) Contribution (amount to be confirmed) or off-site measures to achieve biodiversity net gain (only applicable if 10% can't be achieved on-site);
 - b) Securing other off-site measures (including buffers to ancient woodlands, and provision of skylark plots).
- (ix) Management – the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure. May include street trees if not adopted.
 - (x) Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.
 - (xi) Ancient woodland – management plan (and works, if required) for public access to Dum Wood and Dogloitch Wood (outside application site, but within applicant's ownership).
 - (xii) Social value – requirement for applicant / developer, future developer partners and occupants of employment floorspace to provide package of training, apprenticeships and other social value measures.
 - (xiii) Masterplanning – No ransom scenarios to be created at points where new roads meet other development parcels / phases.
- 2) 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 will 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 and, 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 Anwar, Hall, Pattison and Sokhal (4 votes)

Against: Councillors Gregg, Pinnock and Thompson (3 votes)

10 **Planning Application - Application No. 2020/92307**

The Committee considered Application 2020/92307, an outline application, including the consideration of access, for the erection of residential development (up to 75 units) at Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield.

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Alison Munro and Gerald Newsome (local residents), Steve Noble (Green Alert in Lepton) and Chris Creighton (agent).

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RESOLVED –

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

1. Standard OL condition (submission of Reserved Matters)
2. Standard OL condition (implementation of Reserved Matters)
3. Standard OL condition (Reserved Matters submission time limit)
4. Standard OL condition (Reserved Matters implementation time limit)
5. Full technical details of the proposed access to be submitted, approved and implemented
6. Full technical details of the proposed footway along the southside of Rowley Lane to be submitted, approved and implemented
7. Full technical details of the proposed highway improvements to the Rowley Lane / Penistone Road junction to be submitted, approved and implemented
8. Full technical details of internal road to adoptable standard to be submitted, approved and implemented
9. Structural details provided for retaining walls adjacent to the highway
10. Archaeology investigation works to be undertaken and details of how the findings have informed the design, to be submitted with layout and/or landscape
11. Contaminated land investigation and appropriate remediation pre-commencement conditions
12. Full drainage scheme to be provided prior to commencement
13. Overland flow routing plan to be provided prior to commencement
14. Temporary surface water drainage plan to be provided prior to commencement
15. Noise mitigation measures to be submitted with layout and/or appearance
16. Details of secure cycling to be provided at layout
17. Construction Environmental Management Plan
18. Construction Environmental Management Plan: Ecology
19. Construction Management Plan
20. EV Charging Points to be provided
21. Arboricultural Survey, Impact and Methodology assessments to be submitted with layout and/or landscape
22. Ecological Impact Assessment, to include 10% net gain, to be submitted with layout and/or landscape
23. Repeat Ecological Surveys for the stand-alone tree and north boundary to be submitted with layout and/or landscape
24. Fully detailed Travel Plan to be provided
25. Public sewer easement
26. Tree protection

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) Affordable housing: 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing (inc. 25% First Homes) (ii) Open space: Contribution to off-site open space to be calculated at Reserved Matters stage based upon final number of units and the level of on-site provision at that time (iii) Education: additional places would be required at Rowley Lane Junior, Infant and Nursery School and King James's School with the contribution to be calculated at Reserved Matters stage based upon final number of

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units and the projected student numbers at that time (iv) Bio-diversity: Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site (v) Travel plan: Monitoring of £10,000 (£2,000 per year, for five years) (vi) Metro / Sustainable travel: £10,000 for Real Time Information display plus Residential Metro Cards (vii) Roundabout contribution: £285,000 with overage clause if the identifies cost is exceeded and (viii) Management and maintenance: POS, Drainage, and Ecological features.

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

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

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

Against: (no votes)

11 **Planning Application - Application No. 2021/90800**

The Committee considered Application 2021/90800 relating to the redevelopment and change of use of a former mill site to form 19 residential units (within a Conservation Area) at Hinchliffe Mill, Water Street, Holmbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Charles Pogson (in objection), Mark Lee and Alison Dumville (on behalf of the applicant)

RESOLVED -

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

1. TCPA Standard 3 Year Time Limit for Commencement;
2. Development in Accordance with Approved Document List;
3. Restrictions on occupation of the development to ensure Mill Conversion is completed;
4. Material Samples, Fenestration Detailing, Heritage Feature Retention Report (Prior to Commencement);
5. Archaeological Recording (Prior to Commencement);
6. Boundary Treatment Plan;
7. Obscure Glazing for Protection of Privacy of Water Street Residents;
8. Installation of Heritage Information Boards ;
9. Environment Agency Flood Risk Mitigation Measures;
10. Detailed Foul and Surface Water Drainage Design (Prior to Commencement);
11. Exceedance Event Assessment and Overland Flow Routing (Prior to Commencement);

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12. Temporary Drainage Design (Prior to Commencement);
13. Lighting Design Strategy for Biodiversity;
14. Submission of a Phase II Intrusive Site Investigation Report for Contaminated Land (Prior to Commencement);
15. Submission of a Remediation Strategy for Contaminated Land (Prior to Commencement);
16. Implementation of Site Remediation for Contaminated Land;
17. Submission of Validation Report for Contaminated Land;
18. Protection of Private Water Supplies (Prior to Commencement);
19. Electric Vehicle Charging Points;
20. Construction Management Plan (Prior to Commencement);
21. Submission of Structural Retaining Wall Details (Prior to Commencement);
22. Submission of Highway Structure Details within the Carriageway (manholes etc) (Prior to Commencement);
23. Submission of Retaining Wall Facing Materials;
24. Submission of Tree Protection Plan;
25. Submission of Waste Management Plan;
26. Submission of Temporary Waste Management Plan;
27. Submission of Pre and Post Development Highway Condition Survey (Prior to Commencement);
28. Private Access Road Surfacing Details (Prior to Commencement);
29. Submission of the details relating to the Parking Layby proposed on Spring Lane/Dam Head (Prior to Commencement);
30. Parking Area Surfacing;
31. Construction Environmental Management Plan: Biodiversity (Prior to Commencement);
32. Landscape Ecological Design Strategy (Prior to Commencement);
33. Public Open Space Details;
34. Removal of Invasive Plant Species;
35. Protected Species Licence (Prior to Commencement);
36. PROW Alignment, Construction and Safety Details.

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) financial contribution of £62,330 towards off-setting the loss of Biodiversity on the development site with supplementary management details in accordance with the Biodiversity Technical Advice Note (ii) the provision of management companies for the purpose of maintaining shared spaces and drainage infrastructure serving the site and (iii) to enter into a viability review no later than the point at which 75% of on-site units have been sold. The agreed developer profit is to be 15% of Gross Development Value and any profits in excess of this shall be paid to the council to meet identified planning policy contributions (Affordable Housing/Sustainable Travel/Public Open Space/ 10% BNG).

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

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

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

Against: (no votes)

12 **Planning Application - Application No. 2022/92718**

The Committee considered Application 2022/92718 in respect of the demolition of fire training building, extension and landscaping of RTC yard, including erection of fuel pump and tank, bin store and dog kennels, recladding of the BA building and erection of an enclosed link between BA and TRTC, provision of a new sub-station and new boundary treatments, retaining and landscaping works at Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Clare Plant (on behalf of the applicant).

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

- 1) In accordance with the approved plans
- 2) Commencement with 3 years
- 3) Development shall not commence until works to remediate shallow coal mine workings has been carried out.
- 4) Prior to the occupation of the development, a signed statement or declaration confirming that the site has been made safe shall be submitted.
- 5) Development in accordance with the submitted Flood Risk Assessment and foul and surface water drainage strategy
- 6) Prior to development commencing a Construction Environmental Management Plan (CEMP) to be submitted.
- 7) Development in accordance with the Arboricultural Method Statement contained within the arboricultural impact assessment
- 8) Submission of Remediation Strategy
- 9) Implementation of the Remediation Strategy
- 10) Submission of Verification Report relating to any site remediation prior to site being bought in to use (If applicable).
- 11) Noise from Fixed Plant & Equipment to be controlled to not exceed background sound level.
- 12) Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
- 13) In accordance with BNG design stage report.
- 14) In accordance with landscape plans
- 15) Brick to link for BA room to match existing BA & Command building

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

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

Against: (no votes)

13 **Planning Application - Application No. 2022/92651**

The Committee considered Application 2022/9261 for the use of land as a 'glamping site' with 6 glamping pods with decking, alterations to access to Moor Lane with formation of access road and parking areas, change of use of stables to form gym and Class E shop and café, and installation of package treatment system at Moorgate Farm, Moor Lane, Netherthong, Holmfirth.

RESOLVED – That the application be refused on the grounds that;

1. The proposed development is inappropriate in principle within the Green Belt since buildings for holiday or visitor accommodation do not fall within the definition of "appropriate facilities for outdoor recreation" nor any of the other categories listed in paragraphs 149-150 of the National Planning Policy Framework (NPPF). It is considered that the development would cause significant harm to the openness of the Green Belt and undermine the purpose of including land within it as set out in paragraph 138(c) of the NPPF in that it would represent an encroachment of built development into open countryside. Very special circumstances that clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness or other harm have not been demonstrated by the applicant. The development is therefore contrary to Chapter 13 of the NPPF, Policy 10 of the Kirklees Local Plan and Policy 7 of the Holme Valley Neighbourhood Development Plan.

2. The proposed visibility splay to the west crosses land that is outside the red line boundary and appears to be in third party ownership. It is therefore not possible to guarantee that a sufficient visibility splay to the west can be provided or retained in perpetuity. Consequently, the use of the access by the proposed development would give rise to a material increase in risks to highway users, and therefore due to impacts upon highway safety, the proposal is contrary to the aims of Policy LP21 of the Kirklees Local Plan and Policy 11(4&5) of the Holme Valley Neighbourhood Development Plan.

3. The application has not been supported by an Arboricultural Survey or Impact Assessment formally appraising the value of the trees on site, explaining how they would be affected and what mitigation or compensation could be undertaken. The provision of visibility splays as shown on drawing 220430-01-11 would appear to require the removal of a number of mature trees that are the subject an Area Tree Preservation Order, reference 66/92/g1. The development therefore does not accord with the aims of Policy LP33 the Kirklees Local Plan or those of Holme Valley Neighbourhood Development Plan Policy 2(3) which state that any significant trees should be retained.

4. The Kirklees Biodiversity Net Gain Technical Advice Note requires that a 10% net gain should be achieved on sites over 0.5ha. The proposal has not been supported by a baseline ecological survey or impact assessment. It is therefore not possible to assess the value of any existing semi-natural habitat that would be lost (including,

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but not restricted to, mature trees) nor establish how the appropriate biodiversity net gain would be achieved. The proposal therefore does not accord with the aims of Policy LP30(ii) of the Kirklees Local Plan and Policy 13 of the Holme Valley Neighbourhood Development Plan.

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

For: Councillors Anwar, Gregg, S Hall, Pattison, A Pinnock And Sokhal (6 votes)

Against: Councillor Thompson (1 vote)