

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 6th April 2023

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

Apologies: Councillor Mohan Sokhal

1 Membership of the Committee

Apologies were received from Councillor Mohan Sokhal.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 2 March 2023 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors A Pinnock, Armer and S Hall declared that they had been lobbied on application 2022/91735.

Councillors A Pinnock and S Hall declared that they had been lobbied on application 2021/93567.

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 Site Visit - Application No: 2021/93567

Site visit was not undertaken due to time constraints.

7 Site Visit - Application No: 2022/91735

Site visit undertaken.

8 Planning Applications

The following applications were considered.

9 Planning Application - Application No: 2022/91735

The Committee gave consideration to Planning Application 2022/91735 Outline application, with access and layout, for the erection of 80 dwellings and associated work Land off, Hermitage Park, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Steven Noble, David Ward, Maria Carthy (objectors) and Mark Johnson (on behalf of the applicant).

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

RESOLVED –

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 the planning update, as set out below:
 1. Reserved Matters submission and timeframes.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Notwithstanding submitted details, Reserved Matters of Landscape and Scale to include finished floor levels plan.
 4. Condition for Construction Environmental Management Plan (C(E)MP).
 5. foul water pumping station noise limited to background level.
 6. Penistone Road / Rowley Lane improvements to be provided.
 7. Rowley Lane / Hermitage Park improvements to be provided.
 8. Details of barrier / method of preventing through traffic to phase 3.
 9. Technical specifications of internal access road.
 10. Construction Management Plan (CMP).
 11. Cycle storage details per unit.
 12. Reserved Matter (Landscape) to include treatment of PROW KIR/85/10 details.
 13. Private drive communal bin stores to be provided.
 14. Phases waste collection strategy.
 15. Full technical details of the proposed swale to be provided.
 16. Full technical details of surface water drainage system to be provided.
 17. Surface water flood routing plan to be provided and implemented.
 18. Details of temporary surface water drainage to be provided.
 19. Development to be done in accordance with Tree Protection Plan.
 20. Ecological Design Strategy to be provided.
 21. Details of boundary treatment between site and Lepton Great Wood to be provided at Reserved Matters (landscape) stage.
 22. Construction Environmental Management Plan: Ecology (CEMP: Biodiversity) to be provided.
 23. Details of landscape to include lighting and crime mitigation strategy.
 24. EVCP, 1 per dwelling.
 25. Development done in accordance with proposed Dust Mitigation Strategies.

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26. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
27. Coal legacy mitigation works.
28. Landscape details to be in accordance with approved Public Open Space plan.

Planning update:

Following the outcome of a Stage 1 Road Safety Audit on the proposed Rowley Lane / Hermitage Park junction improvements, the proposal has been amended to include the provision of parking restrictions (yellow lining) on the junction radii. This would prevent vehicle parking affecting the sightlines. These proposals would be secured via condition but would also be subject to separate Traffic Regulation Order process that involves its own public consultation and assessment.

It has been raised by residents and ward members that the applicant's Ecological Impact Assessment does not include consideration of the impacts of the proposed highway improvement works at the Hermitage Park and Rowley Lane junction. To secure the required sightlines, the clearance of vegetation and regrading are proposed within a wooded area adjacent the highway.

It is proposed that the condition requiring the full technical details of the improvement works include an Ecological Impact Assessment. Ultimately, this will ensure the most up to date surveys (if required) are undertaken and inform the appropriate design features and/or mitigation. Given the small size of the area and its proximity to the highway, there is no reasonable grounds of prohibitive issues being raised.

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

- a) Affordable Housing: 16 units (20%) to consist of nine Affordable Rent (55%) and seven Intermediate Dwellings (45%), including four First Homes (25%).
- b) Open space off-site contribution: Delivery of on-site Public Open Space (amenity green space, natural and semi-natural green space, and parks and recreation) and an off-site contribution of £72,724, unless updated at Reserved Matters (Landscape) stage.
- c) Education: £225,821 towards education requirements arising from the development.
- d) Metro / sustainable travel: £50,920 towards Sustainable Travel measures (including £40,920 for MetroCard's and £10,000 towards Travel Plan Monitoring).
- e) Access to Masterplan Phase 3/4: £422,224 with overage clause if the identified cost is exceeded.
- f) Management and maintenance: Management and maintenance of on-site Public Open Space in perpetuity, drainage features in perpetuity (unless adopted by Yorkshire Water), and Biodiversity Net Gain measures for a minimum of 30 years.

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g) Footpath: Maintenance of public access to footpath along diverted claimed footpath route in perpetuity.

3. 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 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 Paul Davies, S Hall, Pattison and Thompson (4 votes)

Against: Councillors Armer and A Pinnock (2 votes).

- 10 Planning Application - Application No: 2021/93567**
The Committee gave consideration to Planning Application 2021/93567 Erection of 180 dwellings with associated works Land off, Westgate, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Matthew Heskith (on behalf of the applicant).

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

RESOLVED –

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 report and the planning update, as set out below:
 1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Material samples to be provided for approval.
 4. Notwithstanding submitted details, plots 1 – 4 and 179 – 180 to be faced in natural stone.
 5. Retaining wall materials to be submitted and approved.
 6. Full technical landscaping strategy to be provided, to include assessment of avoiding potential tree impacts upon subterranean water infrastructure.
 7. Technical details of street tree planting to be provided.
 8. Construction Environmental Management Plan (C(E)MP).
 9. Details of the Local Equipped Area of Play to be provided, approved, and implemented.
 10. Acoustic Mitigation Measures to be implemented.

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11. Details of Ventilation Systems, for units with acoustic mitigation, to be provided and implemented.
 12. Parking spaces, both dwelling and visitor, to be provided.
 13. Waste collection points for shared drives to be provided.
 14. Details and implementation of improvements to x2 Zebra Crossings on Westgate.
 15. Details of cycle storage, per unit, to be provided.
 16. Phased delivery waste management strategy.
 17. Construction Management Plan (CMP).
 18. Development done in accordance with FRA climate change mitigation measures.
 19. Watercourse assessment of Blacup Beck.
 20. Drainage strategy details to be submitted and approved.
 21. Flood routing details to be submitted and approved.
 22. Temporary drainage arrangements during construction.
 23. No development to commence until a strategy for the protection and/or diversion of public sewers, to include the provision of appropriate stand-off distances, has been submitted and
 24. Detail and provision of connection points onto PROW SPE/93/20 (Brick Street) and Quarry Road.
 25. 1 EVCP per dwelling.
 26. Development done in accordance with Dust Mitigation Measures.
 27. Details of acoustic fencing for gardens to be provided and implemented.
 28. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
 29. Ecological Design Strategy (EDS) to be provided.
 30. Construction Management Plan: Ecology (CMP: Ecology).
 31. Invasive Species Protocol.
2. Secure a section 106 agreement to cover the following matters:
- a) Affordable Housing: 9 First Homes and 3 Affordable Homes (6.6% of total units).
 - b) Open space off-site contribution: £59,770.28.
 - c) Metro enhancements: £33,000 towards bus stop improvements.
 - d) Sustainable Travel: £10,000 towards travel plan monitoring.
 - e) Biodiversity: £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
 - f) Management and maintenance: POS, drainage (including culverts), and ecological features.
 - g) Viability Review Mechanism: An updated viability report to be provided to the LPA at 50% occupation, with additional Section 106 obligation to be provided in the event that a higher-than-expected profit is achieved

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It was noted that the Committee requested that the funds allocated to obligations b, c and d above be redirected to Education Provision as per the relevant KC Education Consultation Response.

3. 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 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 Armer, Paul Davies, S Hall, Pattison, A Pinnock and Thompson (6 votes)

Against: (0 votes).