

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 7th December 2023

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Moses Crook
Councillor Eric Firth
Councillor Carole Pattison
Councillor Andrew Pinnock

Apologies: Councillor Mohan Sokhal
Councillor Mark Thompson

1 Membership of the Committee

Apologies were received from Councillor Mohan Sokhal and Councillor Mark Thompson. Councillor Eric Firth substituted for Councillor Sokhal.

2 Minutes of the Previous Meeting

Resolved –

That the Minutes of the meeting of the Committee held on 2nd November 2023 be approved as a correct record.

3 Declaration of Interests and Lobbying

No interests were declared.

4 Admission of the Public

All items were 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. 2023/92187

Site visit undertaken.

8 Site Visit - Application No. 2021/93621

Site visit undertaken.

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9 Planning Application - 2022/93823

The Committee considered Application 2022/93823 in respect of the variation of Conditions 2 (plans and specifications) and 5 (soft landscaping scheme) on previous permission 2016/93243 for the erection of 17 dwellings (within a Conservation Area) at Thirstin Mills, Thirstin Road, Honley, Holmfirth.

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

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. Deleted
 2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
 3. The dwellings hereby approved shall be faced in 'natural coursed walling stone' and 'Sandtoft Cassius Antique Slate' in accordance with the details (ref: 16/D15) received on 27/09/2017. The development shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
 4. Notwithstanding the submitted information details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall be completed strictly in accordance with the details so approved prior to any of the dwellings being occupied and maintained as such thereafter.
 5. Deleted
 6. Prior to the occupation of the hereby approved dwellings, the approved vehicle parking areas shall be surfaced and drained in accordance with the Department for Communities and Local Government and Environment Agency's "Guidance on the permeable surfacing of front gardens" as amended or any successor guidance and made operational. The surfacing material must be of a type which does not carry debris onto the highway. Thereafter the parking areas shall be so retained, free of obstructions, and available for the use specified on the approved plans.
 7. Before development commences on the superstructure of any dwelling hereby approved, a detailed scheme for the provision of a road widening including the provision of a new 2 metre wide footway to be provided as shown on drawing no. 16/D15/03 Rev F entitled 'site layout' and all associated works shall be submitted to and approved in

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writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. The development shall be completed in accordance with all the approved details before any part of the development is first brought into use.

8. Prior to construction commencing a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include:
- The point of access for construction traffic,
 - Construction (including site preparation) traffic, timing and routing to and from the site,
 - Parking arrangement for site/construction staff,
 - Wheel washing on site and street cleaning arrangement,
 - Construction/build schedule, and
 - Details of how dust and emissions during the construction will be controlled/minimised.

The approved scheme/details shall be adhered to during and throughout the construction phase, until completion of the approved development.

9. The bin storage/collection areas as shown on drawing no. 16/D15/03 Rev F entitled 'site layout' shall be provided prior to the first occupation of the dwellings and shall be retained thereafter free of obstructions and available for storage/collection of bins only.
10. Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 (or any re-enactment with or without modification) all integral garages on all plots shall be used for the garaging of motor vehicles and no other purposes.
11. Before development commences on the superstructure of any dwelling hereby approved, the design and construction details of all temporary and permanent highway retaining structures including any modifications to the existing retaining walls and to the embankment along the western boundary of the site 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, a full slope stability analysis 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 retained as such thereafter.
12. No piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.
13. Before development commences on the superstructure of any dwelling hereby approved a scheme detailing finalised foul, surface water and

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land drainage (including private drainage layout, trash screen design, interface between diverted watercourse and existing infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall be in accordance with Site Layout 16/D15/03 Rev F, Flood Plan with Trash Screen Blockage 10991-01C and Bland and Swift addendum to FRA dated 11/09/2017. None of the dwellings hereby approved shall be occupied until the drainage scheme so approved has been provided on the site to serve the development or each agreed phase of the development to which the dwellings relate and thereafter be retained in accordance with the approved details.

14. The hereby approved dwellings shall only be occupied on completion of the maintenance and management plan for the approved on-site ordinary watercourse and all its associated ancillary structures which shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the maintenance and management of the approved watercourse including all associated ancillary structures shall be adhered to in accordance with the approved plan/schedule.
15. Remediation of the site shall be carried out and completed in accordance with the Phase I Geo-environmental Investigation report hereby approved. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 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.
16. 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 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.
17. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been

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submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

18. An electric vehicle recharging point shall be installed within the garage serving each dwelling during the construction phase and before occupation of the dwelling or in a location accessible from the dedicated parking area to each dwelling. The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
 19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification) no development falling within Part 1 Classes A, B, C, D, E or F or Part 2 Class A or B of Schedule 2 of the above Order shall be carried out within the red line boundary of the application site shown on the approved plans at any time, and
- (b) on completion of a deed of variation to the original Section 106 Agreement to confirm the existing obligations and to include an additional obligation to seek off-site contributions to secure the shortfall of biodiversity net gain to the previously approved landscaping scheme for the site, within the Holme Valley North Ward.
- (2) 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, Crook, E Firth, Hall, Pattison, A Pinnock (6 votes)

Against: (no votes)

10 Planning Application - 2021/93621

The Committee considered Application 2021/93621 in respect of the erection of 12 dwellings and associated works (within a Conservation Area) on land off Fullwood Drive, Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Hamish Gledhill (on behalf of the applicant).

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. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Sample of facing materials.
4. Samples of roofing materials.
5. Details of all new windows and doors.
6. Window frames and stonework for blind windows set back into reveal by 75-100mm.
7. Details of pedestrian connection.
8. Details of proposed internal adoptable roads.
9. Submission of a Construction Environmental Management Plan (CEMP).
10. Submission of road survey.
11. Permeable surfacing to all vehicle parking areas.
12. Removal of Permitted Development rights for the garages at Plots 2-7.
13. Submission of full drainage details.
14. Assessment of the effects of a 1 in 100 year storm event.
15. Submission of temporary drainage for surface water.
16. Submission of a Biodiversity Enhancement and Management Plan (BEMP).
17. Submission of a Construction Environmental Management Plan CEMP (for biodiversity).
18. Details of temporary waste arrangements.
19. Details of measures to deter crime and anti-social behaviour.
20. Submission of all hard and soft landscape materials.
21. Submission of an AIP for any new retaining walls/buildings adjacent to the adoptable highway.
22. An assessment of the adequacy of the steep embankment.
23. Details of any drainage within the highway.
24. Submission of a Phase 1 Report.
25. Submission of a Phase 2 Report.
26. Submission of a Remediation Strategy.
27. Development in accordance with approved Remediation Strategy.
28. Submission of a Validation Report.
29. Details of Electric Vehicle Charging Points (EVCP's).

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30. Removal of Permitted Development rights for ground floor openings within the western elevation of Plot 1.
 31. Details of renewable energy and/or energy efficiency measures
 32. Removal of Permitted Development rights within Part 1 and Class A of Part 2 of the General Permitted Development Order (GDPO).
 33. Details of finished floor levels.
 34. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.
 35. Submission of a revised Arboricultural Method Statement.
 36. Details of any additional tree works required during the construction process that are not identified within the revised Arboricultural Method Statement.
- (b) secure a S106 agreement to cover the following matters:
- (i) Affordable housing – Two affordable housing units (1 affordable or social rent and 1 first home) to be provided in perpetuity.
 - (ii) Open space – £26,883 off-site contribution.
 - (iii) Education – £21,276 contribution to be spent on priority admission area schools within the geographical vicinity of this site. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
 - (iv) Sustainable transport - £5,115 contribution towards measures to encourage the use of sustainable modes of transport.
 - (v) 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 (including surface water drainage until formally adopted by the statutory undertaker). Section 106 agreement to include a plan clearly defining all land which would be the responsibility of the management company.
 - (vi) Biodiversity – £15,640 contribution towards off-site provision to achieve a 10% biodiversity net gain.
- (2) 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, Crook, E Firth, Hall, Pattison, A Pinnock (6 votes)

Against: (no votes)

11 Planning Application - 2023/92187

The Committee considered Application 2023/92187 relating to the variation of Condition 1 (plans) on previous permission 2019/93068 for reserved matters, pursuant to outline permission 2018/91119, for the erection of residential development to the rear of 11 Holme Avenue, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Musarrat Khan (local resident).

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, and release the planning permission:

1. Works to be done in accordance with approved plans (to be varied; the wording of the condition would remain the same, but the plans table would be updated).
2. Material samples to be provided.
3. Details of retaining walls to PROW HUD/100/10.
4. Details of widening of PROW HUD/100/10.
5. Surface water details to be provided.
6. Surface water management and maintenance strategy to be provided.
7. Unexpected spring management strategy (if springs are identified).
8. Works to be done in accordance with Ecological Design Strategy.
9. Works to be done in accordance with Construction Management Plan.
10. Plot 22 west side elevation to include obscure glazed windows.
11. Removing Permitted Development Rights for side windows.
12. Land stability and retaining works details along southern boundary (new condition).

(b) secure a Section 106 Deed of Variation agreement to cover the following matters:

- (i) Affordable Housing: Four affordable dwellings, including two affordable rent and two intermediate units (20% of the total units)
- (ii) Management and Maintenance: of on-site drainage infrastructure (until adoption by statutory undertaker)

(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 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, Crook, E Firth, Hall, Pattison, A Pinnock (6 votes)

Against: (no votes)