

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 5th December 2024

Present: Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Jo Lawson
Councillor Andrew Pinnock
Councillor Mohan Sokhal

Apologies: Councillor Mark Thompson

- 1 Membership of the Committee**
Apologies were received from Councillor Mark Thompson.
- 2 Minutes of the Previous Meeting**
RESOLVED –
That the minutes of the meeting of the Committee held on 5th September 2024 be approved as a correct record.
- 3 Declaration of Interests and Lobbying**
All Members of the Committee declared the receipt of an email from a fellow Councillor in respect of Application 2023/91116.
- 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 - Planning Application 2023/91116**
Site visit undertaken.
- 8 Site Visit - Planning Application 2023/91212**
Site visit undertaken.
- 9 Site Visit - Planning Application 2024/90357**
Site visit undertaken.

10 Planning Application - Application No: 2023/91116

The Committee considered Planning Application 2023/91116 in respect of the erection of 77 dwellings, with access from Darley Road and associated works, at land off Primrose Lane, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation on behalf of Councillor David Hall.

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

RESOLVED -

- (1) That approval of the application and the issuing 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 specifications.
 3. Material samples to be submitted and approved.
 4. Details of boundary treatment, not to include 'brick', to be submitted and approved.
 5. Construction Environmental Management Plan (CEMP), to include dust mitigation, to be submitted, approved, and implemented.
 6. Road condition survey to be submitted and approved.
 7. Details of preliminary street design details to be submitted and approved.
 8. Completion of Estate Street Phasing Plan to be submitted and approved.
 9. Details of management of waste to be submitted and approved.
 10. Construction phase waste collection strategy.
 11. Vehicle and pedestrian spaces to be laid out.
 12. Details of footpaths and Active Travel Links to be submitted and approved.
 13. Details travel plan to be submitted and approved.
 14. Details of highway retaining walls and structures to be submitted and approved.
 15. Details of cycle storage facilities to be provided and approved.
 16. Full technical details of the drainage strategy to be provided, approved and implemented.
 17. Flood routing strategy to be provided, approved, and implemented.
 18. Details of temporary surface water drainage arrangements, during construction, to be provided and adhered to.
 19. CEMP: Biodiversity to be submitted, approved, and implemented.
 20. Ecological Design Strategy to secure habitat units on site plus ecological mitigation measures and improvement to woodland.
 21. No site clearance within the bird breeding season (unless appropriate survey undertaken).
 22. Electric Vehicle Charging Points (EVCP) to be provided and retained.
 23. Dust mitigation measures to be implemented during construction.

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24. Landscape strategy, to include management and maintenance arrangements, to be provided and implemented.
 25. Coal legacy investigation and/or remediation to be undertaken (subject to review of further details).
 26. Contamination investigation and/or remediation to be undertaken (subject to review of further details).
- (b) secure a Section 106 agreement to cover the following matters:
- (i) Affordable Housing: 15 units (20%) to consist of 8 Affordable Rent (55%) and 7 Intermediate Dwellings (45%), including 5 First Homes (25%).
 - (ii) Ecological Net Gain (to secure 10% net gain off-site): £14,467 towards off-site ecological habitat enhancement.
 - (iii) Public Open space: Delivery of the on-site Public Open Space, a £1,000 inspection fee, and an off-site contribution to local public open space of £118,220.
 - (iv) Education: £118,791 towards education requirements arising from the development.
 - (v) Highways: £10,000 towards promoting a Traffic Regulation Order along Darley Road and Ripley Road, including at the Ripley Road / Halifax Road junction.
 - (vi) Sustainable travel: £69,385.50 towards Sustainable Travel measures (including £39,385.50 for sustainable travel fund (such as Metrocards), £20,000 towards bus stop improvements (on Halifax Road) and £10,000 towards travel plan monitoring).
 - (vii) 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.
- (2) That, on receipt of the Intrusive Ground Investigation Report with regard to legacy coal mining and contaminated land, the Head of Planning and Development re-consult with the Coal Authority and Kirklees Council Environmental Health and, thereafter, proceed as follows:
- a) In the scenario where the report concludes there is no conflict with plots 06, 07 and/or 10, determine the application as set out in (1) above.
 - b) In the scenario where the report concludes that there is a conflict with plots 06, 07 and/or 10, which cannot be remediated to the satisfaction of the Local Planning Authority (advised by the Coal Authority and/or Kirklees Council Environmental Health), amend the proposal to remove the plot(s) in conflict. Thereafter, complete the list of conditions, including those contained within this report as set out in (1) above, and secure a Section 106 agreement (with the contributions as set out in (1) above recalculated, pro-rata, to account for the reduced housing provision).

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- (3) That, 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 set out below:

For: Councillors Armer, Homewood, Lawson, Pinnock and Sokhal (5 votes)

Against: No votes

11 **Planning Application - Application No. 2023/91212**

The Committee considered Planning Application 2023/91212 in relation to the erection of 21 dwellings, with access from Laithe Avenue, at land off Bankfield Drive, Holmbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Ian Hodgkinson, Steve Elvidge, Rick Cocker, Angela Mitchell and Sally Emmett (in objection) and Candy Day (on behalf of the applicant).

RESOLVED –

- (1) That approval of the application and the issuing 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.
 3. Samples of walling and roofing materials.
 4. Details of windows and doors.
 5. All windows to be set back into the reveal by 100mm.
 6. Details of secure cycle storage.
 7. Submission of a highway condition survey and remediation measures.
 8. Details regarding the management of waste.
 9. Details of vehicle and pedestrian spaces.
 10. Means of access to and from the site shall be in accordance with the preliminary access arrangements shown on the approved plans.
 11. Details of the preliminary street and footpath design.
 12. Off-site highway works to be provided as shown on 22027/GA/01 Rev. D.
 13. Submission of a full structural dilapidation survey of the existing dry stone highway retaining wall adjacent to Dobb Top Road.
 14. Details for new retaining walls / building retaining walls/ attenuation tanks adjacent to the proposed adoptable / existing highway including any proposed modifications to the existing highway retaining wall adjacent to Dobb Top Road.

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15. Details of the design and construction details for all new surface water attenuation tanks / pipes/manholes located within the proposed highway footprint or influence zone of highway loading.
16. Reporting of unexpected land contamination.
17. Submission of a verification report.
18. Submission of a strategy for imported materials.
19. A scheme detailing the Electric Vehicle Charging Points (EVCPs).
20. Submission of a Construction Environmental Management Plan.
21. Details of measures to deter crime and anti-social behaviour.
22. Management and maintenance of landscaped areas.
23. Submission of a Biodiversity Enhancement and Management Plan.
24. Submission of a CEMP:Biodiversity.
25. Full details of boundary treatment (including the increased size of the hedge to the eastern boundary).
26. Submission of an informed by up-to-date ECIA to include additional surveys of invasive species during optimal growing season.
27. Submission of a revised Method Statement for the Retaining Wall (given the location of the attenuation tank).

- (b) secure a Section 106 agreement to cover the following matters:
- (i) Affordable Housing: Three affordable housing units (all First Homes, comprising 2x 2-bed and 1x 3-bed) to be provided in perpetuity.
 - (ii) Biodiversity: Contribution of £104,880 towards off-site measures to achieve biodiversity net gain, with authority being delegated to the Head of Planning and Development to amend the contribution amount, as necessary, further to the receipt of an amended bio-diversity metric calculation.
 - (iii) Public Open Space: An off-site contribution of £55,932.16.
 - (iv) Public Right of Way: A contribution of £10,000 for the connection onto the Public Right of Way (HOL/91/20).
 - (v) Management and maintenance: 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).

(2) That, 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 set out below:

For: Councillors Homewood, Lawson, Pinnock and Sokhal (4 votes)

Against: Councillor Armer (1 vote)

12 Planning Application - Application No. 2023/92490

The Committee considered Planning Application 2023/92490 relating to the erection of 35 dwellings with associated access and landscaping (within a Conservation Area) at the Former Dowker Works, Dowker Street, Milnsbridge, Huddersfield.

RESOLVED -

- (1) That approval of the application and the issuing 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 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 documents.
 3. Samples of all walling materials.
 4. Notwithstanding the submitted plans, plots 1-3 to be developed from natural stone to the front and gable elevations.
 5. Notwithstanding the submitted plans, the roofing materials to include artificial or natural blue slate, including samples.
 6. Details of windows and doors.
 7. All windows to be set back into the reveal by 100mm.
 8. Full details/locations of PV panels.
 9. Full details/locations of the air source heat pumps.
 10. Full details of boundary treatments.
 11. Details of measures to deter crime and anti-social behaviour.
 12. Submission of a CEMP.
 13. Management and maintenance of green space.
 14. Submission of full drainage details.
 15. Management and maintenance of drainage features (crate storage/attenuation).
 16. Bin store details.
 17. Details of temporary waste storage and collection (during construction).
 18. Submission of Phase 1.
 19. Submission of Phase 2.
 20. Submission of Remediation Strategy.
 21. Implementation of Remediation Strategy.
 22. Submission of Validation Report.
 23. Submission of a Noise Assessment and Mitigation Scheme.
 24. Details of EVCP's.
 25. Permeable surfacing to all vehicle parking areas.
 26. Details of any new retaining walls/ building retaining walls adjacent to the proposed adoptable highway.
 27. Proposed design and construction details for the reconstruction/strengthening of culverted section of Longwood Brook within the highway footprint.
 28. Details of any drainage in the highway.
 29. Submission of an up to date survey of Longwood Brook.
 30. Development in accordance with Affordable Housing Statement.

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31. Technical road specification, including point of access, to be provided, approved, and implemented.
32. Technical footpath specification (linking southern car parking court to George Street) to be provided, approved, and implemented.
33. Parking spaces as shown to be provided prior to occupation.
34. Details of cycle storage facilities to be provided, approved, and implemented.
35. Construction Management Plan to be provided, approved, and implemented.
36. Pre and post development road condition surveys to be undertaken.

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

- (i) Highways: £10,000 towards promoting a Traffic Regulation Order along Dowker Street.
- (ii) Management and Maintenance: The establishment of a management company for the purpose of maintaining the shared green open spaces (including ecological management), the private parking areas and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

- (2) That, 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 set out below:

For: Councillors Armer, Homewood, Lawson, Pinnock and Sokhal (5 votes)

Against: No votes

13 **Planning Application - Application No. 2024/90357**

The Committee considered Planning Application 2024/90357 in relation to the removal of Conditions 10, 12, 13, 14, 20, 33, 38, 39 and 40 and variation of Conditions 1, 19, 24, 29, 34, 36 and 37 of previous permission, 2019/90949, for variation of Condition 18 (crushing and screening operations) on previous permission, 2013/90793, for mineral extraction at land adjacent to Thewlis Lane, Crosland Hill, Huddersfield.

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

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RESOLVED -

- (1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:
 - (a) Allow the publicity period to expire.
 - (b) complete the list of conditions including those contained within the report, as set out below:
 1. Development to be completed by 31/12/2027.
 2. A copy of approved documents/plans to be retained on site at all times for inspection.
 3. Development to be carried out in accordance with approved plans/documents.
 4. Prior cessation measures to deal with restoration and aftercare in the event that mineral extraction is abandoned/ceases.
 5. Sole means of vehicular access to and egress site via Thewlis Lane.
 6. No commercial vehicles shall enter public highway from permitted site unless wheels and chassis cleaned.
 7. The heavy plant crossing point on Thewlis Lane approved under Discharge of Conditions Application 2014/90920 shall be retained.
 8. The total tonnage of material exported from and imported to the application site shall not exceed 2500 tonnes per day in total.
 9. The temporary bridleway as shown on drawings TL1181-D7 rev C and 10093/600 rev A, shall be retained.
 10. Previous condition deleted.
 11. The development shall be carried out in accordance with details approved under Discharge of Conditions application 2014/90920 with regard to geotechnical stability.
 12. The temporary screen mounds shall be respread back into the site as per submitted drawing TL1181-D7 rev C.
 13. Previous condition deleted.
 14. Previous condition deleted.
 15. No mineral extraction shall take place below the topographical levels previous approved under planning permissions regulating operations.
 16. No mineral extraction within the site shall take place below the topographical levels indicated on plan 10093/464 'Cross Sections Through Thewlis Lane Quarry'.
 17. All mobile crushing and screening operations shall be carried out in accordance with previously approved details.
 18. All mobile screening and crushing operations shall only use mineral extracted from Thewlis Lane, used for backfilling of Thewlis Lane and not export material from the site.
 19. The quarry void shall be backfilled in accordance with submitted details and drawing TL1181-D7 rev C.
 20. Previous condition deleted.
 21. From the date of this permission the operator shall maintain records of monthly production and mineral extraction.
 22. There shall be no discharge of foul or contaminated water from the site into either groundwater or any surface waters.

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23. Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls.
24. The development shall only be carried out in accordance with submitted Flood Risk Assessment.
25. Previous condition deleted.
26. The stripping, movement and replacement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions.
27. Previous condition deleted.
28. Previous condition deleted.
29. After the completion of mineral extraction, the site shall be progressively restored to grassland in accordance with the submitted details.
30. The final surface of backfilled quarry overburden shall be graded to provide an even surface 500mm lower than the agreed final contours.
31. The spreading of subsoil and topsoil shall only be carried out when the material is in a dry and friable condition.
32. Soils to be respread using a backhoe. All stones and any other object larger than 75mm shall be removed from the surface of the soil.
33. Topsoil shall be spread over the surface of the areas to be restored to grassland following completion of works in conditions 30 and 32.
34. Previous condition deleted.
35. If satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and reseeded, after the correction of any nutrient deficiencies in the soil.
36. Previous condition deleted.
37. Previous aftercare conditions (37-40) combined into one, as follows:

An outline aftercare scheme detailing the steps which may be necessary over the aftercare period of five years, to ensure a grass sward is established for the whole of the area edged red east of Thewlis Lane, shall be submitted to and approved in writing by the Mineral Planning Authority at least three months prior to the completion of the site restoration. The approved aftercare scheme shall provide details of:

 - a) The person responsible for implementing the aftercare scheme;
 - b) A plan showing the area subject to aftercare, with demarcation of any areas having different aftercare steps or management proposals; and
 - c) The steps to be carried out in each area during the aftercare period and their timing within the overall programme to ensure grassland is maintained.

Following compliance with above, a detailed annual aftercare programme shall be submitted to and approved in writing by the Mineral Planning Authority before 31 August in each year of aftercare of the site. The programme submitted shall amplify the aftercare scheme for works to be carried out in the following 12 months, including any modifications to the original proposals
38. Previous aftercare conditions (37-40).
39. Previous aftercare conditions (37-40).
40. Previous aftercare conditions (37-40).

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41. Hours for operation of the quarry in accordance with previous approved details.
42. Development to be carried out in accordance with previously approved Noise Impact Assessment/restrictions.
43. Exceptionally noisy operations shall only be carried out within previously approved details.
44. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times.
45. All vehicles on site shall operate using broad band reversing alarms only.
46. There shall be no blasting.
47. The development to be carried out in accordance with the noise monitoring scheme approved under Discharge of Conditions application 2014/90396.
48. The clean supply of water currently provided for the suppression of dust shall be maintained.
49. The development shall be carried out in accordance with previously approved dust suppression scheme.
50. The development shall be carried out in accordance with previously approved dust monitoring scheme.
51. There shall be no storage of waste skips or containers or other plant and equipment not directly associated with the operation of the quarry.
52. Removal of Permitted Development rights – No fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels.
53. Reporting of any artefact or feature of archaeological or geological interest encountered on the site

(c) secure a Deed of Variation to the original Section 106 agreement, dated 9-6-2006 associated with permission 2003/91691.

- (2) That, should the remaining publicity period raise issues that would result in substantive changes to the officer recommendation, the Head of Planning and Development, in consultation with the Chair, will decide whether the application should be re-submitted for consideration by the Committee.
- (3) That, in the circumstances where the Section 106 Deed of Variation 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 set out below:

For: Councillors Armer, Homewood, Lawson, Pinnock and Sokhal (5 votes)

Against: No votes