

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 30th August 2018

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Rob Walker

- 1 **Membership of the Committee**
All Committee Members were present.
- 2 **Minutes of the Previous Meeting**
RESOLVED – That the Minutes of the Meeting held on 30 August 2018 be approved as a correct record.
- 3 **Interests and Lobbying**
All Committee Members declared that they had been lobbied on Application 2018/91432.
- 4 **Admission of the Public**
It was noted that exempt information had been submitted in respect of Agenda Item 13 (Pre-application enquiry 2018/20339) (Minute No. 15 refers).
- 5 **Deputations/Petitions**
None received.
- 6 **Public Question Time**
No questions were asked.
- 7 **Site Visit - Application 2018/91713**
Application withdrawn.
- 8 **Site Visit - Application 2017/91851**
Site visit undertaken.
- 9 **Planning Application - Application: 2018/91432**
The Committee gave consideration to Application 2018/91432 – Erection of industrial unit (use classes B2 and B8), office, research and development building (use classes B1a and B1b) and associated internal roads, car park, service yard and landscaping at land adjacent to Bradley Business Park, Dyson Wood Way, Bradley.

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Under the provisions of Council Procedure Rule 37, the Committee received representations from Flora Harding, Keith Hunter and David Ashwell (local residents) and Jeremy Hudson (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(1), the Committee received representations from Councillors Uppal, Homewood and Cooper.

RESOLVED –

1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to those listed below and those recommended by the Coal Authority and Highways Development Management;

- time limit for implementation – 3 years
 - plans to be approved
 - details and samples of materials
 - archaeology
 - car parking
 - ecological design strategy
 - landscape and ecological management plan
 - landscaping details to be provided and implemented (planting to be replaced if any trees or shrubs fail within five years)
 - removal of hedgerows, trees
 - external lighting
 - tree planting
 - tree protection
 - boundary treatments and gabions
 - lighting strategy
 - crime prevention
 - control over processes carried out in B2/B8 building
 - times of HGV movements
 - noise
 - site contamination
 - mine capping details
 - mine gas monitoring
 - waste arisings
 - construction method statement
 - dust suppression
 - odour control measures
 - air quality measures
 - structures adjacent to highways
 - sight lines
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- electric/hybrid vehicle charging points
 - surfacing and drainage of parking areas
 - flood risk/drainage

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2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) apprenticeships and local employment initiatives (ii) travel plan implementation and monitoring fee (£15,000) and (iii) contribution towards off-site tree planting (to negotiate an increase from £6,000).

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 Strategic Investment 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 Bellamy, D Firth, S Hall, Kane, Pattison, A Pinnock and Walker (7 votes)

Against: (No votes)

10 **Planning Application - Application: 2018/90146**

The Committee gave consideration to Application 2018/90146 – Erection of 5 dwellings at land adjacent to 196 Wakefield Road, Earlsheaton, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Andy Keeling (applicant's agent).

RESOLVED -

That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to those listed below and a construction management plan condition that will not specify that construction access be taken from Wakefield Road only ;

- time limit for implementation – 3 years
- plans
- samples of materials (natural stone to front elevations of plots 1-3)
- removal of permitted development rights
- surfacing of parking areas
- electric vehicle charging points
- reporting of unexpected contamination
- ecological enhancement measures
- drainage
- landscaping scheme
- provision of footway
- construction management plan (with vehicular access and deliveries only from Wakefield Road)
- noise attenuation measures

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

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For: Councillors Bellamy, D Firth, S Hall, Kane, Pattison, A Pinnock and Walker (7 votes)

Against: (No votes)

11 **Planning Application - Application: 2017/91851**

The Committee gave consideration to Application 2017/91851– Erection of 84 dwellings and associated works including new access off Lady Ann Road, regrading works and landscaping land at Lady Ann Road, Soothill, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Simon Lunn (applicant's agent).

RESOLVED – That the application be refused on the grounds that the proposal would result in overdevelopment of the site and that;

(i) the proposal would entail residential development on a greenfield site which would significantly overwhelm the character and appearance of part of Lady Ann Road by virtue of the scale, massing and location of the proposed development. The prominent location in this case is emphasised by poor design, inconsistent roof designs and a lack of cohesion between the development and the existing urban grain. The development would represent a stand-alone design of inappropriate scale and appearance that would cause significant harm to the character and appearance of the area whilst failing to enhance the townscape. Accordingly, the proposal constitutes poor design and is considered unacceptable in terms of visual amenity, contrary to paragraph 13 of the National Planning Policy Framework, policies BE1 and BE2 of the Kirklees Unitary Development Plan and Kirklees Publication Draft Policy PLP 24.

(ii) the application potentially impacts on water voles which are a species of Principal Importance. There is insufficient information concerning the existing population of water voles, nor has it been demonstrated that the proposed development would contribute to, and enhance the natural environment having regard to the impact on the known water vole population. The proposal is therefore contrary to UDP policies NE5, BE2 (iv) of the Kirklees Unitary Development Plan and policy PLP30(i) (ii) of the Kirklees Publication Draft Local Plan and paragraph 175(a) of the National Planning Policy Framework.

(iii) there is insufficient information to demonstrate that the proposed development would direct development away from the areas of flooding, contrary to policy PLP27 of the Kirklees Publication Draft Local Plan and paragraph 155 of the National Planning Policy Framework.

(iv) insufficient information has been submitted to demonstrate that the proposed development would not result in unacceptable highways impacts as required by policy PLP32 of the Kirklees Publication Draft Local Plan and paragraph 109 of the National Planning Policy Framework.

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(v) there is insufficient information contained with the application to understand the potential impact of the proposed development on heritage assets, namely archaeology, based on the potential for the site to support historical findings, contrary to paragraph 199 of the National Planning Policy Framework.

(vi) there is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards affordable housing, education, Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of policy PLP4 of the Kirklees Publication Draft Local Plan.

(vii) the application would result in a significant impact on trees within the site which are subject to a Tree Preservation Order (TPO – 72/91). The proposal includes a retaining wall feature which would be positioned in between the protected trees potentially resulting in their loss. In addition, the proximity of proposed dwellings in close proximity of the protected trees would put undue pressure on the trees to be removed in future due to the impact the trees would have on the amenity of future occupiers of the properties. The application conflicts with policy NE9 of the Kirklees Unitary Development Plan and PLP33 of the Kirklees Publication Draft Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

To defer;

For: Councillors A Pinnock and Walker (2 votes)

Against: Councillors Bellamy, D Firth, S Hall, Kane and Pattison (5 votes)

To Refuse;

For: Councillors Bellamy, D Firth, S Hall, Kane, Pattison, A Pinnock and Walker (7 votes)

Against: (No votes)

12 **Planning Application - Application: 2018/91713**

The Committee were informed that Application 2018/91713 had been withdrawn.

13 **Pre - Application Enquiry: 2018/20339**

The Committee received information in relation to a Pre-Application Enquiry in respect of Application 2018/20339.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Vivienne Clements (on behalf of the applicant).

Discussion took place in relation to (i) the existing planning permission and proposed changes to the scheme (ii) site location and infrastructure (iii) cumulative impacts upon highways and education and (iv) viability information.

14 **Exclusion of the Public**

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RESOLVED – That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minutes.

15 Pre - Application Enquiry: 2018/ 20339

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

The Committee received exempt information in relation to Agenda Item 13 (Minute No. 13 refers).