

Contact Officer: Richard Dunne

## **KIRKLEES COUNCIL**

### **STRATEGIC PLANNING COMMITTEE**

**Thursday 21st November 2019**

Present: Councillor Steve Hall (Chair)  
Councillor Donald Firth  
Councillor Mohan Sokhal  
Councillor Carole Pattison  
Councillor Andrew Pinnock

The Committee held a one minute silence in memory of Councillor Paul Kane.

**1 Membership of the Committee**

No apologies for absence were received.

**2 Minutes of the Previous Meeting**

The minutes of the meeting held on 24 October 2019 was approved as a correct record.

**3 Interests and Lobbying**

Councillors Pattison, Sokhal, S Hall, A Pinnock and Firth declared that they had been lobbied on applications 2019/91656 and 2019/91433.

Councillors S Hall, Firth, and A Pinnock declared that they had been lobbied on application 2019/90151.

**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: 2019/91730**

Site visit undertaken.

**7 Site Visit - Application No: 2019/91433**

Site visit undertaken.

**8 Site Visit - Application No: 2019/91656**

Site visit undertaken.

**9 Planning Application - Application No: 2019/90151**

The Committee gave consideration to Planning Application 2019/90151 Erection of 190 dwellings and associated landscaping and infrastructure Land to the North of, Cumberworth Road, Skelmanthorpe, Huddersfield.

## Strategic Planning Committee - 21 November 2019

Under the provisions of Council Procedure Rule 37, the committee received representations from Ray Lawson, Helen France, Tim Bamford, Mark Lee, Claire Gould, Garry Field, Nick Ryden, Nigel Wilson and Paula Sherriff (objectors) and Matthew Burrow and Darren Linklater (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the committee received representations from Councillors Will Simpson and Graham Turner (local ward members).

**RESOLVED** – That consideration of the application be deferred to enable officers to prepare for consideration at the next committee meeting the following:

- (1) Fully drafted wording of the proposed conditions.
- (2) Further information on the matters outlined in the proposed section 106 Agreement.

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

A motion to approve officers recommendation:

For: Councillors S Hall and Pattison (2 votes)

Against: Councillors Firth, A Pinnock and Sokhal (3 votes)

A motion to defer a decision on the application:

For: Councillors S Hall, Pattison, A Pinnock and Sokhal (4 votes)

Against: Councillor Firth (1 vote)

**10**

### **Planning Application - Application No: 2019/92912**

The Committee gave consideration to Planning Application 2019/92912 Erection of single storey ancillary building Batley Girls High School Visual Arts College, Windmill Lane, Birstall, Batley.

Under the provisions of Council Procedure Rule 37, the committee received representations from Jim Grainger and Mark Limbert (on behalf of the applicant).

**RESOLVED** – Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report and the update list including:

- (1) Three years to commence development.
- (2) Approved plans and documents.
- (3) Building materials.

## Strategic Planning Committee - 21 November 2019

- (4) Landscaping.
- (5) Protection of trees.
- (6) Time limitations regarding the removal of vegetation.
- (7) Land contamination.
- (8) Drainage maintenance and management.
- (9) Flood risk and drainage.
- (10) Construction access and management plan.
- (11) Ancillary building use restriction.

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

For: Councillors S Hall, Firth, Pattison, A Pinnock and Sokhal (5 votes)

Against: (0 votes)

### 11 **Planning Application - Application No: 2019/90405**

The Committee gave consideration to Planning Application 2019/90405 Installation of artificial sports pitch, the erection of new floodlights, associated access works, and the formation and laying out of car and coach parking and landscaping YMCA, Lawrence Batley Recreational Complex, New Hey Road, Salendine Nook, Huddersfield.

**RESOLVED** – That the application be refused in line with the following reasons outlined in the considered report:

- (1) The site is designated in the Kirklees Local Plan as urban green space. There is insufficient information to justify the loss of urban green space and the loss of a rugby playing pitch. This is contrary to policies LP50 and LP61 of the Kirklees Local Plan, Sport England playing field policy exception E5 and Chapter 8 of the National Planning Policy Framework.
- (2) The applicant has failed to provide sufficient information to demonstrate that the proposed intensification of use in terms of noise and artificial lighting would not materially harm the amenity of neighbouring residents, particularly those residents adjacent to the car park and access points. This proposal is contrary to policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.
- (3) The development of the site will result in the unacceptable loss of protected trees for which no detailed assessment or mitigation measures have been provided. Therefore the development would be contrary to policies LP24 and LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

- (4) The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. The proposed development would not provide sufficient mitigation for the expected level of ecological impact, and a net biodiversity gain has not been demonstrated. This would be contrary to policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- (5) The submitted plans and information have not satisfactorily demonstrated that sufficient gradients of the proposed internal road can be constructed with consideration of the protected tree roots. The applicant has failed to provide a stage 1 safety audit of the junction arrangement with New Hey Road, along with more detailed drawing of the proposed highway layout. This would result in an unacceptable impact on highway safety, contrary to policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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

For: Councillors S Hall, Firth, Pattison, A Pinnock and Sokhal (5 votes)

Against: (0 votes)

**12 Planning Application - Application No: 2019/91730**

The Committee gave consideration to Planning Application 2019/91730 Erection of 95 dwellings (Amended description) Land north off, Scotgate Road, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37, the committee received a representation from Paul Butler (on behalf of the applicant).

**RESOLVED –**

- (1) Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within the considered report and the update list including:
1. Time limit (3 years).
  2. Development in accordance with approved plans.
  3. Approval of samples of materials.
  4. Investigation of mill infrastructure within the site (drainage).
  5. Detailed drainage design.
  6. Temporary drainage for construction.
  7. Contaminated land conditions and remediation.
  8. Construction management plans for amenity and highway safety.
  9. Tree protection measures.
  10. Ecological measures as identified in the Ecological Impact Assessment.

## Strategic Planning Committee - 21 November 2019

11. External lighting strategy for biodiversity.
12. Electric vehicle recharging.
13. Composter for plots 11-26.
14. Retention of existing hedgerow and provision of new section of hedgerow to Scotgate Road.
15. Boundary treatment for plots 60 and 70 to address the Secure by Design issues.

(2) Secure a S106 agreement to cover the following matters:

- (i) Public open space provisions including off site commuted sum (£87,849) and future maintenance and management responsibilities of open space within the site.
- (ii) Contribution towards off-site highway works for signalised junction improvements at the Woodhead Road junction within Honley village (£10,000).
- (iii) Contribution towards travel plan measures (£10,000).
- (iv) 19 dwellings to be affordable with a tenure split of 10 being Social Rented and 9 being Sub Market
- (v) £163,561 towards Education requirements arising from the development.
- (vi) Sustainable Travel Fund measures comprising of £45,545 for Metro Cards and £10,000 for the upgrade of a bus stop.
- (vii) Future maintenance and management responsibilities of the surface water drainage infrastructure.
- (viii) Secure the provision of the access road up to the western boundary.

(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 Development and Master Planning 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 S Hall, Pattison, A Pinnock and Sokhal (5 votes)

Against: Councillor Firth (1 vote)

### 13 **Planning Application - Application No: 2019/91656**

The Committee gave consideration to Planning Application 2019/91656 Erection of A1 foodstore with car parking, landscaping and associated works former Oakes Mill, New Hey Road, Oakes, Huddersfield.

Under the provisions of Council Procedure Rule 37, the committee received representations from Jonathan Wallace (who spoke in favour of a deferment), Alina Shiru (in support) and Will Brooke (on behalf of the applicant).

**RESOLVED** – That consideration of the application be deferred to allow for the submission of an updated retail analysis report in connection with planning application 2019/91433 and its implications on retail capacity for the area to be considered.

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

For: Councillors S Hall, Firth, Pattison, A Pinnock and Sokhal (5 votes)

Against: (0 votes)

**14 Planning Application - Application No: 2019/91433**

The Committee gave consideration to Planning Application 2019/91433 Erection of an A1 foodstore with associated parking, servicing areas and landscaping former Spotted Cow Pub, New Hey Road, Oakes, Huddersfield.

Under the provisions of Council Procedure Rule 37, the committee received representations from Inder Bhullar and Malcolm Sizer (objectors), Robert Sleight (in support) and Jonathan Wallace (on behalf of the applicant).

**RESOLVED** – That consideration of the application be deferred to allow:

- (1) For the submission of an updated retail analysis report and its implication on retail capacity for the area to be considered.
- (2) Officers an opportunity to demonstrate the impact that the loss of an allocated housing site would have on the council's ability to deliver the housing growth required over the lifetime of the Kirklees Local Plan.

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

For: Councillors S Hall, Firth, Pattison, A Pinnock and Sokhal (5 votes)

Against: (0 votes)

**15 Pre- Application Report 2019/20426**

The committee received a pre-application report and associated presentation for reserved matters and conditions associated with outline permission ref 2016/60/92298/E for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) North Bierley Wastewater Treatment Works, Bradford Road, Oakenshaw.

**RESOLVED** - The Committee noted the contents of the pre application report and made comments on the proposed development.