

Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 16th September 2021

Present: Councillor Terry Lyons (Chair)  
Councillor Paul Davies  
Councillor James Homewood  
Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Harpreet Uppal  
Councillor Bill Armer  
Councillor Timothy Bamford  
Councillor Donna Bellamy  
Councillor Bernard McGuin  
Councillor Anthony Smith  
Councillor Susan Lee-Richards  
Councillor Steve Hall

Observers: Councillor Donald Firth  
Councillor Andrew Cooper

Apologies: Councillor Sheikh Ullah

**1 Membership of the Sub-Committee**

Councillor Steve Hall substituted for Councillor Sheikh Ullah.

**2 Minutes of previous meeting**

The minutes of the meeting held on 5 August 2021 were approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillors S Hall, Bamford, McGuin, Homewood, A Smith, Davies and Armer declared that they had been lobbied on application 2020/91055.

Councillor Sokhal declared an "other interest" in application 2021/91823 on the grounds that he had already expressed an opinion on the merits of the application.

**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 Public Question Time**

No questions were asked.

**7 Planning Application - Application No: 2021/91384**

The Sub Committee gave consideration to Planning Application 2021/91384 Erection of 13 dwellings (resubmission) land south of, 5-25, Clay Well, Golcar, Huddersfield.

**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 including:
  1. Three years to commence development.
  2. Development to be carried out in accordance with the approved plans and documents.
  3. Submission of a Construction Management Plan.
  4. Submission of details of temporary (construction-phase) surface water drainage arrangements.
  5. Drainage and surfacing of parking spaces.
  6. Submission of details relating to internal adoptable roads.
  7. Submission of details of any highways retaining walls and structures.
  8. Submission of details of the internal road's pedestrian connection to the adjacent public right of way COL/56/40.
  9. Submission of details of cycle parking, and provision prior to occupation.
  10. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
  11. Submission of details of waste storage and collection, and provision prior to occupation.
  12. Temporary refuse storage and collection arrangements during construction
  13. Submission of detailed drainage scheme (including clarification regarding on-site attenuation volume of and annotations).
  14. Submission of flood routing details.
  15. Submission of details to allow for a surface water connection across the site from site ref: HS153.
  16. Submission of an intrusive site investigation report (phase II report).
  17. Submission of a remediation strategy.
  18. Implementation of remediation strategy.
  19. Submission of a validation report.
  20. Submission of details of crime prevention measures.
  21. Submission of details of the retention, making safe and maintenance of the site's derelict building.
  22. External materials (details and samples to be submitted).
  23. Submission of details of boundary treatments.
  24. Submission of details of external lighting.
  25. Implementation of tree protection measures.
  26. Submission of full details of a hard and soft landscaping scheme, to include replacement trees.
  27. Submission of details and implementation of bat mitigation measures.
  28. Submission of an Ecological Design Strategy.

## Planning Sub-Committee (Huddersfield Area) - 16 September 2021

29. Submission of an invasive species removal and eradication strategy, and implementation of measures.
  30. Removal of permitted development rights for extensions and outbuildings.
2. Include an additional condition to cover the provision of sustainable energy technologies.
  3. Secure a Section 106 agreement to cover the following matters:
    - 1) Affordable housing – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
    - 2) Open space – £22,948 off-site contribution and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
    - 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
    - 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
    - 5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties (including the application site's protected woodland), 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.
    - 6) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
    - 7) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.
  4. Pursuant to (3) above, in the circumstances where the S106 agreement has not been completed within 2 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; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.
  5. In addition, the Head of Planning and Development is authorised to refuse the application if the applicant is not willing to provide the affordable housing as set out in the considered report

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

For: Councillors: Bamford, Davies, Homewood, Sarwar, Sokhal, S Hall and Lyons (7 votes).

## Planning Sub-Committee (Huddersfield Area) - 16 September 2021

Against: Councillors: Bellamy and A Smith (2 votes).

Abstained: Councillors Armer, Lee-Richards, McGuin and Uppal (4 votes).

### 8 **Planning Application - Application No: 2021/91638**

The Sub Committee gave consideration to application 2021/91638 Reserved matters application pursuant to outline application no. 2016/91479 (appeal no. APP/Z4718/W/17/3173711) for erection of 22 dwellings Land at Hart Street, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Diane Sims (objector), Mark Henderson (agent) and Nick Gould (applicant).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received a representation from Councillor Andrew Cooper (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. Await the result of the crayfish survey. If none are found move the application forward to a decision in accordance with points 3 and 4 of the recommendation as outlined below.
2. If, in the unexpected circumstance that crayfish are identified within the mill ponds, undertake appropriate negotiation on the matter, and return the application to a subsequent Sub Committee meeting with an updated recommendation.
3. Complete the list of conditions including those contained within the considered report including:
  1. Development to be carried out in accordance with the approved plans and specifications.
  2. Material samples, to include proposed coursing etc.
  3. Implementation of boundary plan.
  4. Details on road built to an adoptable standard
  5. Details of works adjacent to retaining wall
  6. Secure cycle storage details.
  7. Further details on highway retaining works.
  8. Proposed driveways to be provided and retained.
  9. Removing Permitted Development rights for extensions and outbuildings for plots 6, 15 and 16.
  10. The provision of Electric Vehicle Charging Points
  11. Submission of Arboricultural Method Statement
  12. Landscaping to the provided in accordance with approved details.
  13. Submission of Landscape and Ecological Management Plan (LEMP)

## Planning Sub-Committee (Huddersfield Area) - 16 September 2021

14. Boundary treatment to be erected in accordance with plans, to be provided prior to occupation.
15. Finished floor levels as per flood routing plan.
16. Temporary surface water drainage details to be provided.
17. Submission of Construction Environmental Management Plan (CEMP).
18. Construction traffic Management Plan (CMP).

4. Secure a S106 agreement to cover the following matters:

- a) Public open space provisions including off site commuted sum (£23,798.15) and future maintenance and management responsibilities of the open space within the site.
- b) Contribution towards sustainable travel measures (£11,253)
- c) Four dwellings (20% of units) to be affordable, with all four to have a tenure of affordable rent.
- d) Management and maintenance of drainage and public open space.

5. Pursuant to (4) above, in the circumstances where the S106 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; if so, the Head of Planning and Development is 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: Davies, Homewood, Sarwar, Sokhal, Uppal, Lyons and S Hall (7 votes).

Against: Councillor Lee-Richards (1 vote).

Abstained: Councillors: Armer, Bamford, Bellamy, McGuin and A smith.

### 9 **Planning Application - Application No: 2021/91823**

The Sub Committee gave consideration to Application 2021/91823 Alterations to convert existing basement into two apartments (Listed Building within a Conservation Area) 132, Trinity Street, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Malcolm Sizer (on behalf of the applicant).

#### **RESOLVED –**

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

1. The habitable room windows within the proposed dwellings, especially the bedrooms and the front-facing living room, would, by reason of the relationship

## **Planning Sub-Committee (Huddersfield Area) - 16 September 2021**

between the proposed windows and existing ground levels, experience severely restricted natural light and outlook. The proposed development would therefore fail to provide an adequate level of amenity to future occupants of the dwellings, contrary to the aims of the National Planning Policy Framework paragraphs 125(c) and 130 (f), and Policy LP24(b) of the Kirklees Local Plan.

2. The removal of the existing steps would harm the significance of the Listed Building. Whilst the degree of harm would be less than substantial, it has not been justified by a demonstrable public benefit as required by paragraphs 200 and 202 of the of the National Planning Policy Framework, since it is considered that the creation of two new apartments with severely substandard levels of amenity would not be a public benefit.

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

For: Councillors: Armer, Davies, Homewood, Lee-Richards, Sarwar, A Smith, S Hall, Uppal and Lyons (9 votes).

Against: Councillors: Bamford and Bellamy (2 votes).

Abstained: Councillor McGuin.

### **10 Planning Application - Application No: 2020/91055**

The sub committee gave consideration to application 2020/91055 variation of conditions 2 and 6 and removal of condition 5 on previous permission 2019/93254 for provision of 3 parking spaces and landscaping works to provide amenity space 102, Dunford Road, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Joy Hewitson, Nikki Fahey (objectors) and Jeremy Childs (agent).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received a representation from Councillor Donald Firth (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 considered report including:
  1. Development to be in accordance with the approved plans
  2. Landscaping to accord with submitted details and retained for 5 years
  3. Parking areas to be surfaced
  4. Parking areas only to be used by the occupiers of nos. 100, 102 and 104 Dunford Road.
2. Approval of the variation of conditions 2 and 6.

## **Planning Sub-Committee (Huddersfield Area) - 16 September 2021**

3. That contrary to officer recommendation that the removal of condition 5 be refused. The sub Committee considered that the removal of the condition would lead to the parking spaces approved as part of application 2019/93524 having an intensification of use of a substandard access to the detriment of Highway Safety and would fail to accord with Policy LP21 of the Kirklees Local Plan.

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

For: Councillors: Armer, Bamford, Bellamy, Davies, Homewood, Lee-Richards, McGuin, Sarwar, A Smith, Sokhal, S Hall, Uppal and Lyons (13 votes).

Against: (0 votes).