

Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

**Thursday 20th October 2022**

Present: Councillor Sheikh Ullah (Chair)  
Councillor Paul Davies  
Councillor Tyler Hawkins  
Councillor James Homewood  
Councillor Jo Lawson  
Councillor Donald Firth  
Councillor Bernard McGuin  
Councillor Andrew Marchington  
Councillor Susan Lee-Richards  
Councillor Ammar Anwar  
Councillor Aleks Lukic

Apologies: Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Tony McGrath  
Councillor Charles Greaves

#### **1 Membership of the Sub-Committee**

Councillor Ammar Anwar substituted for Councillor Mohan Sokhal

Councillor Aleks Lukic substituted for Councillor Charles Greaves

Apologies were received from Councillors Mohammad Sarwar, Mohan Sokhal, Tony McGrath and Charles Greaves.

#### **2 Minutes of previous meeting**

The minutes of the meeting held on the 21 July 2022 were approved as a correct record.

#### **3 Declaration of Interests and Lobbying**

Councillor D Firth declared an "other" interest in application 2021/94569 on the grounds that he had previously expressed concerns regarding a number of aspects of the scheme in his capacity as a ward councillor and felt that this could result in some people questioning his impartiality should he vote on the application.

It was noted that Councillor Firth did not participate in the Committee discussion or vote on the application.

Councillor Homewood declared that he had been lobbied on application 2022/91630.

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Councillor Ullah declared an “other interest” in application 2022/91676 on the grounds that he knew the applicant and did not feel it would be appropriate to participate in the Committee discussion or vote.

Cllr Homewood was elected to the Chair in place of Cllr Ullah for the Committee discussion and vote on 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 Site Visit - Application No: 2021/94569**

Site visit undertaken.

### **8 Site Visit - Application No: 2022/91620**

Site visit undertaken.

### **9 Site Visit - Application No: 2022/91154**

Site visit undertaken.

### **10 Site Visit - Application No: 2020/93800**

Site visit undertaken.

### **11 Site visit - Application No: 2022/91630**

Site visit undertaken.

### **12 Site Visit - Application No: 2022/91676**

Site visit undertaken.

### **13 Planning Application - Application No: 2021/94569**

The Sub Committee gave consideration to Planning Application 2021/94569 Demolition of existing outbuildings and erection of three detached dwellings adj, Cranborne, Clifton Avenue, Wooldale, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Nick Willock (Agent).

### **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 including:

1. Development shall be begun within three years of the date of the permission.

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2. Development to be in complete accordance with plans and specifications (unless specified otherwise).
3. Notwithstanding details provided, samples of stone for the external walls of the dwellings to be approved prior to the construction of dwellings above slab level.
4. Notwithstanding the details submitted, samples of the grey roof tiles of the dwelling to be approved prior to the construction of the dwellings above slab level.
5. Hard and soft surfacing of the site, including boundary treatments, in accordance with the Proposed Boundary Treatment Plan (064-21-PL08 Rev C) prior to the first occupation of the dwellings.
6. Notwithstanding the details submitted, full design details of the solar panels to be approved prior to the construction of the roof of any of the dwellings and provided in accordance with approved details prior to the first occupation of the dwellings.
7. Prior to construction of the dwellings above slab level, the existing outbuildings shall be demolished.
8. Ground works shall not commence until a Phase 1 report has been submitted to and approved in writing by the LPA.
9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the LPA.
10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report, groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the LPA.
11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy.
12. 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.
13. Development to be in accordance with the Drainage Strategy B24698- JNP-92-XX-RP-C-1000 (P02) prepared by JNP Group, dated 06/05/2022", unless otherwise approved in writing with the Local Planning Authority.
14. The electric vehicle recharging points shall be installed within the dedicated parking area of each of the approved dwellings prior to the first occupation of these dwellings and shall be a minimum output of 16A/3.5kW).
15. All external vehicle parking areas and hardstanding shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' before the dwellings to which they relate are first occupied.
16. Prior to development commencing above slab level, details of bin storage and collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with approved details prior to the first occupation of the dwellings.
17. One bat box and one bird box shall be incorporated into each dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground.
18. Removal of permitted development rights for future ground floor openings within the south eastern facing side elevation of plot 1.

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

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For: Councillors: Anwar, Davies, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: (0 votes).

### **14 Planning Application - Application No: 2022/91620**

The Sub Committee gave consideration to Planning Application 2022/91620 Erection of extensions creating first floor to existing bungalow, internal and external alterations 2, Town End Avenue, Wooldale, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Shauna Atkinson (applicant).

#### **RESOLVED –**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions contained within the considered report including:

1. Standard three year time frame for implementing the development.
2. Development to be completed in accordance with approved plans and specifications.
3. The external walls and roofing materials to match those use in the construction of the host property.
4. Garage to be rendered in an off white/cream.
5. Prior to the extensions first being brought into use, a bat box in the form of a Schwegler bat box Type 27 or similar, shall be created within the southern elevation of the side extension.

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

For: Councillors: Anwar, Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (11 votes).

Against: (0 votes).

### **15 Planning Application - Application No: 2020/93800**

The Sub Committee gave consideration to Planning Application 2020/93800 Outline application for one detached dwelling adj, 100, Birchencliffe Hill Road, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Matthew Robinson (Agent).

#### **RESOLVED –**

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

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1. Due to the constraints of the site, it is concluded that habitable room windows to the proposed development would be liable to experience severely limited light and outlook by reason of the constraints posed by the topography and dimensions of the site, the woodland to the south, and the presence of parked cars in close proximity to the new dwelling. It is therefore considered that the dwelling would fail to provide an acceptable standard of living for future occupants by reason of inadequate natural light and outlook, contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, paragraph 130(f) of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document (SPD).

2. Due to the constraints of the site, it is concluded that a new dwelling would overlap the root protection zone of a tree which forms part of a group of semi-mature trees deemed to be valuable to the biodiversity and visual amenity of the area and especially the visual amenity of the Urban Greenspace allocation (UGS1232), of which they form part. Replacing the existing workshop, a lightweight, single-storey building, with a two-storey permanent building, would give rise to the need for deeper foundations, leading to the risk of significant root damage to trees. It has not been demonstrated that the erection of a dwelling could be undertaken without serious harm to the health of the trees and their long-term viability. Furthermore, notwithstanding the conclusions of the submitted Arboricultural Impact Assessment, six of the seven trees identified therein are described as semi-mature, and as such they are likely to continue to grow, giving rise to long-term issues of shading and debris fall to future occupants of the new dwelling, leading to pressure to fell. The development would therefore conflict with the aims of Policy LP33 of the Kirklees Local Plan and Principles 2, 3 and 9 of the Housebuilders Design Guide SPD.

3. The application fails to demonstrate whether the development could be undertaken without causing unacceptable harm to protected species or that it would safeguard the function and connectivity of the Kirklees Wildlife Habitat Network. It would therefore conflict with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

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

For: Councillors: Anwar, Davies, D Firth, Lukic, Hawkins, Homewood, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: Councillor Jo Lawson (1 vote).

### 16 **Planning Application - Application No: 2022/91154**

The Sub Committee gave consideration to Planning Application 2022/91154 Demolition of existing dwelling and erection of detached dwelling including new landscaping and tennis court Old Biggin Farm, Cold Hill Lane, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Maria Dychala (Agent).

**RESOLVED –**

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

1. The development, consisting of a large replacement dwelling, tennis court and associated engineering works, would result in a materially larger building than the dwelling it is to replace, whilst also having a significantly greater impact upon the openness of the Green Belt compared to the existing development, therefore the development constitutes inappropriate development in the Green Belt with regard to Paragraphs 149 (b), (d) and (g) and 150 (b) of the National Planning Policy Framework. In addition to this, the development, including the tennis court and associated engineering works would cause greater harm to the openness of the Green Belt whilst also encroaching further into the open countryside thereby conflicting with one of the purposes of including land within Green Belts. There are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. The development is therefore contrary to Policies LP56, LP57 and LP59 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework, as well as Policy 6 of the Holme Valley Neighbourhood Development Plan.

2. The proposed dwelling, by reason of its overall large scale and massing, and incongruous design, including the proposed untraditional and bulky glazed gable projections and green oak canopy, as well as the extensive engineering works including tennis court, excavation and hard surfacing, would result in an overly dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. Therefore, the proposal would be contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13 and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

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

For: Councillors: Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: Councillor Anwar (1 vote).

**17 Planning Application - Application No: 2022/91630**

The Sub Committee gave consideration to Planning Application 2022/91630 Erection of two storey side and single storey rear extensions 15, Dorchester Road, Fixby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Gurpreet Sandhu (applicant).

**RESOLVED –**

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

The proposed two storey side extension combined with the single storey rear extension, by reason of their size, scale and design would appear discordant and incongruous within the application site and in the street scene. The extensions would not be subservient to or respect the host dwelling's original built form. The proposed scheme would be an unsympathetic form of development and would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Government Policy contained within Chapter 12 of the National Planning Policy Framework.

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

For: Councillors: Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: (0 votes).

Abstained: Councillor Ammar Anwar

### **18 Planning Application - Application No: 2022/91676**

The Sub Committee gave consideration to 2022/91676 Erection of first floor extension to rear and dormer window to front and rear 17, Mead Street, Fartown, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Zafar Ali (applicant).

### **RESOLVED –**

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

1. The development by reason of its size, scale, design and considered cumulatively with the existing rear extension, would appear overly prominent and incongruous within the application site, would fail to appear subservient to the original dwelling and would resultantly cause harm to the visual amenity of the host dwelling and the character and appearance of the wider area. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of detailed guidance on rear extensions and dormers within the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

2. The first floor rear extension, by reason of its scale and proximity to the boundary with no. 19 Mead Street, would cause demonstrable harm to the residential amenities of occupiers of this neighbouring dwelling by reason of overshadowing

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and overbearing impact. This is contrary to the aims of Policy LP24 (b and c) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

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

For: Councillors: Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington and McGuin (9 votes).

Against: Councillor Ammar Anwar (1 vote).