

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 13th April 2023

Present: Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

Apologies: Councillor Mohan Sokhal

1 Membership of the Sub-Committee

Apologies were received from Councillor Mohan Sokhal.

Cllr Homewood was elected as Chair for item 9 (Planning Application 2022/93158) following Cllr Ullah's declaration of interest in the item and his decision not to participate in the Committee discussion or vote.

2 Minutes of previous meeting

The minutes of the meeting held on the 2 February 2023 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors McGuin, McGrath, Lee-Richards and Ullah declared that they had been lobbied on application 2022/93158.

Councillor Andrew Marchington declared an "other interest" in application 2022/90469 on the grounds that he knew the applicant. It was noted that Councillor Marchington did not participate in the Committee discussion and did not vote.

Councillor Sheikh Ullah declared an "other interest" in the application 2022/93158 on the grounds that he knew the applicant and had previously commented on the variation of a premises licence at a licensing panel meeting. It was noted that Councillor Ullah left the room during the Committee discussion and did not vote.

4 Admission of the Public

All items were taken in public session.

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5 Deputations/Petitions

No deputations or petitions were received.

6 Site Visit - Application No: 2022/90469

Site visit undertaken.

7 Site Visit - Application No: 2022/93158

Site visit undertaken.

8 Planning Application - Application No: 2022/90469

The Sub Committee gave consideration to Planning Application 2022/90469 Outline application for residential development for 7 dwellings, and associated infrastructure following the partial demolition of existing public house, including consideration of layout and access (within a Conservation Area) Rose and Crown Inn, 132, Knowl Road, Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Emma Hanks and Carl Pogson (in support).

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Andrew Marchington.

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 planning update as set out below:

1. Approval of Reserved Matters details of Appearance, Landscaping and Scale to be sought before development commences. This includes the retention of part of the existing public house.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Development to be carried out in accordance with approved plans and specifications.
5. Submission of a Nocturnal Bat Activity Survey as part of the Reserved Matters application for appearance/no development to be commenced (including demolition) until the European Protected Species Mitigation Licence (EPSML) has been sought/approved.
6. Submission of a Phase 1 Preliminary Risk Assessment.
7. Submission of a Phase 2 Intrusive Site Investigation Report.
8. Submission of a Remediation Strategy.
9. Implementation of a Remediation Strategy.
10. Submission of a Validation Report.
11. Bin store materials and presentation points

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12.Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.

13.Construction Environmental Management Plan to include:

- point(s) of access for construction traffic;
- construction vehicle sizes and routes;
- times of construction vehicle movements;
- parking for construction workers;
- signage;
- wheel washing facilities within the site;
- street sweeping;
- dust suppression measures;
- measures to control noise and vibration from construction-related activities;
- any artificial lighting to be used during construction;
- hours of works

14.Full detailed drainage design detailing foul, surface water and land drainage

15.Full details of the proposed means of managing surface water during the construction period (temporary arrangements).

16.Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.

17.A scheme detailing the location and cross sectional information together with the proposed design and construction details for any new retaining walls and building retaining walls adjacent to the proposed/ existing highway.

18.Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.

19. A scheme detailing the proposed internal road layout (to an adoptable standard)

20.Noise assessment report and mitigation scheme to be submitted with the reserved matters of appearance and scale so that this can consider the amenities of future occupiers and the continued operational flexibility of adjacent commercial uses.

21.Measures to promote carbon reduction and enhance resilience to climate change, including electric vehicle charging points

22.A scheme detailing the provision of a 2.0m wide footway along the front of the site, the re-siting of the existing bus shelter with associated signing and white lining prior to development commencing.

23.Submission of security measures for crime prevention.

24.Submission of a biodiversity enhancement plan

25.No demolition to take place until details of the section of the public house to be retained, which shall include that part designated as plots 1 and 2 on the approved site layout plan have been submitted and approved. Details to include method of support of that part of the building to be retained throughout the construction phase. No demolition to then take place until details of a legally binding contract to redevelop the site has been submitted to the local planning authority.

26.Details of the future management and maintenance of the green amenity spaces, as they are beyond the curtilage of dwellings

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

For: Councillors: P Davies, D Firth, Greaves, Hawkins, Homewood, Jo Lawson, Lee-Richards, McGrath, McGuin and Ullah (10 votes)

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Against: (0 votes)

9 **Planning Application - Application No: 2022/93158**

The Sub Committee gave consideration to Planning Application 2022/93158 Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit Former Homecare DIY, Westbourne Road, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Malcolm Sizer and Raj Handa (in support).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to permanently approve the variation of condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit and complete the list of conditions including those contained within the considered report as set out below:
 1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
 2. Car park to be retained surfaced and marked out.
 3. Car park management plan submitted with discharge of condition ref 202014/90523 to be adhered to.
 4. The use hereby permitted shall not be open to customers outside the hours of:
 - Friday 09:00 to 00:30 hours Saturday,
 - Saturday 09:00 to 00:30 hours Sunday,
 - Sunday to Thursday 09:00 to 23:15 hours on each day
 5. There shall be no deliveries to or dispatches from the premises outside the times of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 Saturdays. No deliveries or dispatches shall take place on Sundays or Bank Holidays.
 6. Noise from amplified music must be inaudible at noise-sensitive premises.
 7. Noise from fixed plant must be inaudible at noise-sensitive premises.
 8. No extract ventilation systems to be installed unless details have been submitted to and approved by the Local Planning Authority.
 9. No outdoor lighting shall be installed unless details have been submitted to and approved by the Local Planning Authority.
 10. No mezzanine floor shall be inserted in the building outlined in red on the hereby approved location plan.
 11. The bin storage for the hereby approved development shall only be located along the southern elevation of the application building as indicated on the floor plan submitted on 13 September 2013. The bins shall remain positioned in this location free of obstructions and available for storage throughout the lifetime of the development.
 12. Approved cycle storage spaces to be retained in accordance with details approved under discharge of condition no. 2014/90523.

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13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2 Parts 3 or 4 is permitted.
14. Use to be carried out in strict accordance with the Noise Management Plan by Malcolm Sizer submitted February 2023.

2. An additional condition to upgrade the external fire door to improve noise insulation.

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

A vote to approve the variation of condition to extend opening hours for a 6-month trial period:

For: Councillors: P Davies, Greaves and Hawkins (3 votes)

Against: Councillors D Firth, Homewood, Jo Lawson, Marchington, McGrath and McGuin (6 votes)

Abstained: Councillor Lee-Richards

A Vote to approve the variation of condition to extend opening hours on a permanent basis.

For: Councillors: D Firth, Hawkins, Homewood, Jo Lawson, Marchington, McGrath and McGuin (7 votes)

Against: Councillors P Davies, Greaves and Lee-Richards (3 votes)