

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 20th July 2023

Present: Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Jo Lawson
Councillor Manisha Roma Kaushik
Councillor Imran Safdar
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Andrew Marchington
Councillor Steve Hall

Apologies: Councillor James Homewood
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Paola Antonia Davies
Councillor Susan Lee-Richards

1 **Membership of the Sub-Committee**

Apologies were received from Councillors James Homewood, Bernard McGuin, Paola Davies, Tony McGrath and Susan Lee-Richards.

Councillor Steve Hall substituted for Councillor James Homewood.

2 **Minutes of previous meeting**

The minutes of the meeting held on the 15 June 2023 were approved as a correct record.

3 **Declaration of Interests and Lobbying**

Councillors Bellamy, Sokhal and Ullah declared that they had been lobbied on application 2022/93096.

Councillor Paul Davies, Jo Lawson, S Hall and Ullah declared that they had been lobbied on application 2023/90714.

Councillors Paul Davies and Ullah declared that they have been lobbied on application 2022/94118.

Councillor Sokhal declared that he had been lobbied on application 2023/90346.

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 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2022/93096

Site visit undertaken.

8 Site visit - Application No: 2022/94118

Site visit undertaken.

9 Site visit - application No: 2023/90714

Site visit undertaken.

10 Site visit - Application No: 2023/90346

Site visit undertaken.

11 Planning Application - Application No: 2023/90714

The Sub Committee gave consideration to Planning Application 2023/90714 Reserved matters application pursuant to previous outline permission 2020/91146 for erection of residential development of 35 dwellings Land west of, Wesley Avenue, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from David Sykes, Neil MacLeod, Rachel Palmer and Stephen Dorril (objectors) and Andy Keeling (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Cllr 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 and the planning update, as set out below:

1. Development to be carried out in accordance with the approved plans and specifications.

2. Prior to their use, of all facing materials to include natural stone walling to be submitted to and approved in writing by the LPA.

3. Prior to their use, details of the proposed roofing material, to consist of natural slate unless otherwise agreed in writing by the LPA, to be submitted and approved in writing.

4. All new window frames shall be set back in the reveal by 75-100mm and shall not be fitted flush with the external wall.

5. Prior to the commencement of superstructure works, details for the repair works to the dry-stone wall to the northern edge of the site, along with the stone gate posts

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retained and re-set at the new pedestrian entrance onto Miry Lane, shall be submitted and approved in writing by the LPA.

6. Prior to the commencement of development (including ground works), the tree protection measures set out in the Arboricultural Method Statement (ref 230530a AMS) hereby approved shall be implemented in full and retained for the duration of the construction phase.

7. Prior to the commencement of superstructure works, details of measures to prevent and deter anti-social behaviour shall be submitted to and approved in writing by the LPA. These shall include lighting (including the pedestrian link to Miry Lane), window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

9. The temporary arrangements for bin storage as shown on site plan 2232 01 Rev E, shall be implemented prior to the first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to the commencement of superstructure works, full details of the bin stores to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height and materials of the bin store.

11. Notwithstanding the submitted plans, all first-floor openings within the southern elevation of plots 6, 13 and 14 shall be fitted with obscure glazing, minimum of Grade 4 and retained as such thereafter.

12. The development shall be carried out in accordance with the Construction Phase Plan dated 03/03/23 (2nd issue).

13. The development shall be carried out and retained in accordance with the Solar and Car Charging plan ref 2232 22 Rev A.

14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority.

15. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the LPA.

16. The development hereby approved shall not be occupied until the areas to be used by vehicles, as indicated on the approved plan, have been laid out with a hardened and drained surface in accordance with the Ministry of Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)

17. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity,

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increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife.

18. Prior to works commencing on the superstructure, details of all hard and soft landscape materials, including boundary treatments, garden fences/walls, new retaining walls and gabions and existing boundaries shall be submitted in writing and approved by the LPA. The details shall provide for the movement of hedgehogs.

19. Prior to works commencing on the superstructure, a management and maintenance plan for the landscaping scheme proposed shall be submitted and approved in writing by the LPA. This should also include any existing trees and vegetation retained on site, details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years from completion.

20. Prior to works commencing on the superstructure, a management and maintenance plan for the public open space shall be submitted to and approved in writing by the LPA. This should include the location and detailed design, details of any equipped area and playable space including safety surfacing, seats and litterbins.

21. The turning head to Wesley Avenue shall not be removed, until the new turning head within the development site is completed and open to use.

22. The development shall not commence until a joint survey with a Council engineer of the existing condition of the highway on Wesley Avenue (and the other surrounding highways to which construction traffic will take access pursuant to condition 9 on the outline application) has been approved in writing by the LPA. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway, shall be submitted to and approved in writing by the Local Planning Authority.

23. Prior to commencement of development, an updated botanical survey shall be undertaken at the site between June and August, to specifically identify the localities of English Bluebell (Wildlife and Countryside Act 1981, Schedule 8). The findings of the survey shall be provided in an updated report, suitable for planning purposes (EclA). The submitted report shall also detail a mitigation strategy, to ensure the continued survival of this species, within the development site.

2. The following additional conditions:

- The second set of stone gate posts to be retained and incorporated into the design.
- Hours of working to commence no earlier than 08:00 am.

3. Secure a section 106 agreement to cover the following matters:

1) Affordable housing – seven affordable housing units (four to be social rented three intermediate dwellings for affordable sale) to be provided in perpetuity.

2) Open space – A sum of £55,298 towards off site provision.

3) Education – £62,953 contribution to be spent on the additional spaces required at Netherthong Primary School and Holmfirth High School.

4) Management - The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted

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by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

5) Highways and transport - £14,833.50 towards a Sustainable Travel Fund.

6) Biodiversity - £71,990 contribution towards off-site provision to achieve a 10% biodiversity net gain.

4. In the circumstances where the Section 106 agreement has not been completed within three 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 mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be 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: Paul Davies, S Hall, Kaushik, Jo Lawson, Safdar, Sokhal and Ullah (7 votes).

Against: Councillor Bellamy (1 vote).

Abstained: Councillor Marchington

12 **Planning Application - Application No: 2023/90346**

The Sub Committee gave consideration Planning Application 2023/90346 Erection of two detached dwellings land at, Greenhill Bank Road, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Cllr 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 complete the list of conditions, including those contained within the considered report as set out below:

1. Development to commence within 3 years.
2. Development to be in full accordance with plans and specifications, except where conditions indicate otherwise.
3. Materials to be submitted and inspected prior to the construction of the superstructure of the dwellings
4. Full details of the height, materials, and position of all boundary treatments to be erected, including the use of dry-stone walling as a boundary treatment.
5. Landscaping and ecological enhancement scheme, to include future maintenance responsibilities.
6. Schedule for the means of access to the site for construction traffic, parking and unloading. (Construction Management Plan).

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7. A scheme detailing the provision of a 2.0m wide footway to the Greenhill Bank Road frontage, within the application site, with sight lines and visibility splays together with highway works. This is a pre-commencement condition as the requirement for the footway would impact on the wall retaining the highway.
8. Design and construction details of all highway retaining structures including any modifications to the existing (and a dilapidation survey thereof pre- and post-development). This is a pre-commencement condition (design and construction and dilapidation survey) as these works could have a material impact on land stability which needs to be thoroughly addressed before development commences.
9. Areas indicated to be used for parking on the approved drawing no. 1169-101C to be laid out with a hardened and drained surface and so retained.
10. Details of storage and access for collection of wastes (notwithstanding the submitted details).
11. Further details of measures to limit carbon emissions/energy performance
12. Permitted development rights withdrawn for new extensions or outbuildings.
13. An electric vehicle recharging point for each of the approved dwellings.
14. Scheme for the containment, control and removal of invasive species, including Himalayan balsam and Cotoneaster to be submitted. This is a pre-commencement condition to ensure that appropriate measures to remove invasive species are undertaken before other development commences.
15. Measures to be undertaken if unexpected contamination is found during development.
16. Privacy – rear windows other than the bedroom window to be obscurely-glazed and no additional windows formed.
17. Surface water drainage scheme, to demonstrate sustainable urban drainage. This is a pre-commencement condition to ensure that a suitable scheme is approved at an appropriate stage of the construction process.
18. No garage doors to be installed on the car ports, unless these are designed to slide or otherwise open within the footprint of the development.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors: Paul Davies, S Hall, Kaushik, Marchington, Safdar, Sokhal and Ullah (7 votes).

Against: Councillor Jo Lawson (1 vote).

Abstained: Councillor Bellamy.

13 **Planning Application - Application No: 2022/94118**

The Sub Committee gave consideration Planning Application 2022/94118 External and internal alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 4 from Lumb Lane. 2-4, Lumb Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Andrea Johnson and Paul Johnson (applicants).

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RESOLVED –

To defer the application to enable officers to negotiate with the applicants to secure parking to the rear of the properties and remove the proposal to park at the front of the property.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors Paul Davies, S Hall, Kaushik, Jo Lawson, Marchington, Safdar, Sokhal and Ullah (8 votes).

Against Councillor Bellamy (1 vote).

14 Planning Application - Application No: 2022/93096

The Sub Committee gave consideration Planning Application 2022/93096 Erection of extension and external staircase 57, Fixby Road, Fixby, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mr Uppal (applicant) and Malcolm Sizer (agent).

RESOLVED –

That conditional full permission be granted. This was contrary to the recommendation to refuse.

The Sub Committee felt that the enhancement of community facilities would outweigh the harm to visual and residential amenity, taking into account Policy LP48 of the Local Plan and paragraph 93d of the NPPF.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors: Paul Davies, S Hall, Kaushik, Jo Lawson, Marchington, Safdar, Sokhal and Ullah (8 votes).

Against: (0 votes).

Abstained: Councillor Bellamy