

**KIRKLEES COUNCIL**

**PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)**

**Thursday 15th December 2016**

Present: Councillor Paul Kane (Chair)  
Councillor Mahmood Akhtar  
Councillor Donna Bellamy  
Councillor Nosheen Dad  
Councillor Michelle Grainger-Mead  
Councillor Marielle O'Neill  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Richard Smith  
Councillor Cathy Scott  
Councillor Kath Taylor

**1 Membership of the Committee**

Councillor Sokhal substituted for Councillor G Turner.  
Councillor Wilkinson substituted for Councillor Lawson.

**2 Minutes of Previous Meeting**

**RESOLVED –**

That the minutes of the meeting held on 13 October 2016 be approved as a correct record.

**3 Interests and Lobbying**

Councillor A Pinnock advised that he had been lobbied on Application 2015/90020.  
Councillor Smith advised that he had been lobbied on Application 2015/93261.

**4 Admission of the Public**

All matters were considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Site Visit - Application 2016/93272**

Site visit undertaken.

**7 Site Visit - Application 2015/91717**

Site visit undertaken.

**8 Site Visit - Application 2016/93056**

Site visit undertaken.

**9 Site Visit - Application 2015/93261**

Site visit undertaken.

**10 Site Visit - Application 2016/90093**

Site visit undertaken.

**11 Site Visit - Application 2016/90756**

Site visit undertaken.

**12 Site Visit - Application 2016/91777**

Site visit undertaken.

**13 Site Visit - Application 2016/93148**

Site visit undertaken.

**14 Site Visit - Application 2016/92811**

Site visit undertaken.

**15 Local Planning Authority Appeals**

The Sub-Committee received a report which set out decisions which had been taken by the planning inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

**RESOLVED –**

That the report be noted.

**16 Planning Application 2015/90020**

The Sub-Committee gave consideration to Application 2015/90020 – Demolition of existing hotel and erection of 15 dwellings at the Whitcliffe Hotel, Prospect Road, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Ben Weatherley and Andy Keeling (on behalf of the applicant) and Nick Wilock (on behalf of local residents).

**RESOLVED –**

- 1) That Conditional Full Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; the time limit for development, the development to be carried out in accordance with plans, samples of all facing and roofing materials, details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for dwellings, vehicle parking areas to be surfaced and drained, scheme detailing proposed improvements to the unmade road leading between Prospect Road and the application site including widening of the access, provision of a passing place and adjacent footways, Phase I Intrusive Site Investigation Report, Phase II Intrusive Site Investigation Report, Remediation Strategy, Reporting of any unexpected contamination, Validation Report, Scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate to the same outfall, development carried out in accordance with the recommendations of the noise report, details of charging plug-in points for electric vehicles, Arboricultural Method Statement, in accordance with BS 5837 to show how the development will be completed while avoiding damage to trees' and their roots, a Biodiversity Mitigation and Enhancement Plan, a landscape management plan and a scheme for the physical prevention of parking on the public right of way.
- 2) That, unless upon the receipt of further information the development is found to be incapable of sustaining any contributions, the Head of Development Management be delegated authority to secure a S106 agreement to cover a commuted sum in respect of public open space and for the developer to enter into the Metro Card Scheme.
- 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 Management 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 it would have 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 Akhtar, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, Scott, Smith, Sokhal (9 votes)

Against: Councillors Bellamy, A Pinnock, K Taylor and Wilkinson (4 votes)

**17 Planning Application 2015/93261**

The Sub-Committee gave consideration to Application 2015/93261 – Demolition of existing buildings and outline application for erection of residential development (15 dwellings) at Connection Seating Ltd, Dogley Mills, Penistone Road, Fenay Bridge.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Tim O’Sullivan (applicant) and David Storrie (on behalf of the applicant).

**RESOLVED –**

- 1) That Conditional Outline Planning Permission be granted subject to the re-advertisement of the application for a period of 7 days following the receipt of the revised layout, and provided that no new material considerations are raised that have not already been addressed, the Head of Development Management be authorised to approve the application and finalise conditions including matters relating to; standard reserved matters conditions, the development to be in accordance with the Flood Risk Assessment, a scheme to restrict the rate of surface water discharge, a scheme retailing fould, surface water, and land drainage, Phase II Intrusive Site Investiagtion Report, Site Remediation Strategy, site remediation, validation report, affordable housing, public open space, metro card provision, surfacing of vehicle parking areas, biodiversity mitigation and enhancement plan and provision of electric vehicle recharging points.
- 2) That the Head of Development Management be delegated authority to secure a S106 Agreement to cover the relocation of Connection Seating within the district.
- 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 Management 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 it would have 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 Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O’Neill, Pervaiz, A Pinnock, Scott, Smith, Sokhal, K Taylor and Wilkinson (13 votes)

Against: (No votes)

**18 Planning Application 2016/92811**

The Sub-Committee gave consideration to Application 2015/92811 – Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works at Flockton Hall Farm, Barnsley Road, Flockton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Lin Holroyd and Jimmy Paxton (Kirkburton Parish Council), John Pitts and Dave Coates (local residents) and Paul Thornton (applicant). Under the provsions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Armer (Local Member).

**RESOLVED –**

- 1) That Conditional Full Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; the standard time limit for implementation, the development to be in accordance with approved plans, samples of facing and roofing materials to be inspected and approved, the provision of electric charging plug-in, Biodiversity and Management Enhancement Plan, submission of a Phase II Intrusive Site Report, Remediation Strategy Report, remediation to be carried out in accordance with remediation strategy, validation report, development to be in accordance with the Flood Risk Assessment, and Construction Management Plan.
- 2) That, at the request of the Sub-Committee, an additional condition be included to require the provision of cross-hatching on Barnsley Road, across the farm field access.
- 3) That the Head of Development Management be delegated authority to secure a S106 agreement to cover (i) affordable housing of 9 affordable houses, 5 at social rent and 4 at intermediate (ii) off-site drainage works (iii) education (iv) an equipped public open space site off site within Flockton Village (v) bus shelter and (vi) metro card provision.
- 4) That, pursuant to (3) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Development Management 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 it would have secured, and would therefore be permitted to determine the application and impose appropriate reasons for refusal under delegated powers.

Recorded Votes were taken in accordance with Council Procedure Rule 42(5) as follows;

To Refuse;

For: Councillors Bellamy and Smith (2 votes)

Against: Councillors Akhtar, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, Scott, Sokhal, K Taylor and Wilkinson (11 votes)

To approve;

For: Councillors Akhtar, Dad, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Sokhal, K Taylor and Wilkinson (10 votes)

Against: Councillors Bellamy and Smith (2 votes)

Abstained: Councillor Grainger-Mead

**19 Planning Application 2016/91777**

The Sub-Committee gave consideration to Application 2016/91777 – Erection of 5 dwellings adjacent to 3 Field Head, Shepley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Jeremy Child (on behalf of the applicant).

**RESOLVED –**

That Conditional Full Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; the standard time limit for implementation, the development to be in accordance with approved plans, samples of facing and roofing materials to be inspected and approved, the removal of permitted development rights for extensions or outbuildings, provision of electric vehicle charging points, landscaping scheme, full detail boundary treatments and reporting of any unexpected contamination.

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Smith, Sokhal, K Taylor and Wilkinson (13 votes)

Against: (No votes)

**20 Planning Application 2016/93148**

The Sub-Committee gave consideration to Application 2016/93148 – Outline application for erection of 7 dwellings at Dry Hill Farm, Dry Hill Lane, Denby Dale.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Claire Parker-Hugill (on behalf of the applicant) and Simon Blyth (applicant).

**RESOLVED –**

That the application be refused on the grounds that (i) the application is located within designated Green Belt, and would constitute inappropriate development in the Green Belt (ii) the evidence submitted does not outweigh the harm that would result to the Green Belt and (iii) the proposal conflict with 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 Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Smith, Sokhal, K Taylor and Wilkinson (13 votes)

Against: (No votes)

**21 Planning Application 2015/91717**

The Sub-Committee gave consideration to Application 2015/91717 – Outline application for residential development (maximum 3 no. dwellings) at rear of 40 Church Road, Robertown.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Malcolm Sizer (on behalf of the applicant) and Julian Morton (local resident).

**RESOLVED -**

That Outline Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including matters

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relating to; the standard time limit for implementation, the development to be in accordance with approved plans, finished ground levels relating to ordnance datum (or an identifiable datum), facing material to be natural stone and samples to be provided for walls and roofing, removal of Permitted Development Rights for the erection of further extensions/outbuildings, laying out of areas to be used by vehicles, submission of a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water, a scheme for intrusive site investigations (in relation to Coal Mining), undertaking of the scheme of intrusive site investigations (in relation to coal mining), submission of a report of findings arising from the intrusive site investigations (in relation to coal mining), submission of a scheme of remedial works for approval (in relation to coal mining), implementation of remedial works (in relation to coal mining), scheme for provision of low emission charging points, ecological method statement, ecological design strategy, a scheme for the improvement works to be the access/bridleway (Spenborough 126) and drainage details.

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

For: Councillors Akhtar, Bellamy, Dad, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Smith, Sokhal, K Taylor and Wilkinson (12 votes)

Against: (No votes)

Abstained: Councillor Grainger-Mead

## **22 Planning Application 2016/90357**

The Sub-Committee gave consideration to Application 2016/90357 – Erection of 2 semi-detached houses with parking provision and a private drive adjacent to 64 Wharf Street, Savile Town, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Marcus Walsh (on behalf of the applicant) and Nick Wilock (on behalf of local residents).

### **RESOLVED –**

That Conditional Full Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; time limit for development to be three years, plans to be approved, finished grounds levels, materials to be natural stone walling and marley modern tile roof (samples to be provided), removal of Permitted Development Rights for extensions or insertion of windows, laying out of areas to be used by vehicles, removal of Permitted Development Rights for extensions, development to be carried out in accordance with Flood Risk Assessment and Mitigation, submission of preliminary risk assessment and scheme for provision of electric vehicle charging points.

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Smith, Sokhal, K Taylor and Wilkinson (13 votes)

Against: (No votes)

**23 Planning Application 2016/90756**

The Sub-Committee gave consideration to Application 2016/90756 – Erection of 2 detached dwellings at land to rear of 59 Far Bank, Shelley, Huddersfield.

**RESOLVED –**

That Conditional Full Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; time limit for development, development to be carried out in accordance with the plans and specifications, dwellings to be constructed of the approved facing and roofing materials, boundary treatment, appropriate surfacing of all areas indicated for vehicular access and turning area, no gates/barriers to be erected across the vehicular access from Far Bank, re-location of street lighting column and schedule of landscape maintenance.

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Sokhal, K Taylor and Wilkinson (12 votes)

Against: Councillor Smith (1 vote)

**24 Planning Application 2016/90093**

The Sub-Committee gave consideration to Application 2016/90093 – Demolition of existing single storey side extension and erection of two storey side extension (within a Conservation Area) at 16 Hall Lane, Highburton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Carol Crowther and Irene Battye (local residents), Andy Keeling (on behalf of local residents) and Nick Wilcock (on behalf of the applicant). Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Armer (Local Member).

**RESOLVED –**

That the application be refused.

(Contrary to the Officer's recommendation, the Sub-Committee resolved to refuse the application on the grounds that the proposed extension would by virtue of its size and siting, result in an overbearing and dominant impact upon neighbouring residents to the detriment of residential amenity, and contrary to Policy D2 of the Unitary Development Plan and the aims of the National Planning Policy Framework).

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, O'Neill, Pervaiz, A Pinnock, Scott, Sokhal, Smith, K Taylor and Wilkinson (12 votes)

Against: Councillor Kane (1 vote)



**25 Planning Application 2016/93056**

The Sub-Committee gave consideration to Application 2016/93056 – Change of use of land to cemetery and formation of access road at land adjacent to Liversedge Cemetery, Clough Lane, Hightown, Liversedge.

**RESOLVED –**

That Full Planning Permission be granted under Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; the time limit for implementation, the development to be carried out in accordance with the plans and specifications, and areas to be surfaced and drained.

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Sokhal, Smith, K Taylor and Wilkinson (13 votes)

Against: (No votes)

**26 Planning Application 2016/93198**

The Sub-Committee gave consideration to Application 2016/93198 – Change of use of vacant land to burial ground (within a Conservation area) at Batley Cemetery, Cemetery Road, Batley.

**RESOLVED –**

That Full Planning Permission be granted under Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the delegation of authority to the Head of Development Management to finalise conditions including matters relating to; the time limit for implementation, the development to be carried out in accordance with the plans and specifications, and a drainage pre-commencement condition relating to the submission and approval of a soakaway scheme.

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Sokhal, Smith, K Taylor and Wilkinson (13 votes)

Against: (No votes)

**27 Planning Application 2016/93272**

The Sub-Committee gave consideration to Application 2016/93272 – Erection of single storey rear extension with balcony over at 677 Huddersfield Road, Ravensthorpe.

**RESOLVED –**

That Conditional Full Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including

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matters relating to; time limit for development, plans to be approved and wall and roofing materials to match the existing building.

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

For: Councillors Akhtar, Bellamy, Dad, Grainger-Mead, Kane, O'Neill, Pervaiz, A Pinnock, Scott, Sokhal, Smith, K Taylor and Wilkinson (13 votes)

Against: (No votes)