

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 9th March 2017

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Donald Firth
Councillor Eric Firth
Councillor James Homewood
Councillor Manisha Roma Kaushik
Councillor John Lawson
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson

Apologies: Councillor Jean Calvert
Councillor Bernard McGuin

In attendance:

Observers:

1 Membership of the Committee

Councillor Lawson substituted for Councillor Iredale.
Councillor E Firth substituted for Councillor Khan.

2 Minutes of previous meeting

That the minutes of the meeting of the Committee held on 19 January 2017 be approved as a correct record.

3 Interests and Lobbying

Members declared interests and identified planning applications on which they had been lobbied as follows:

Councillors Bellamy and Walker declared they had been lobbied on application 2016/91796.

Councillors D Firth and Sims declared they had been lobbied on application 2016/94001.

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Councillor Sims declared he had been lobbied on applications 2016/91356, 2016/91343 and 2016/91344.

Councillors Homewood, Lyons, Sarwar, Walker and Wilkinson declared they had been lobbied on application 2016/93923.

Councillors Bellamy and D Firth declared an 'other' interest in applications 2016/92812, 2016/91356, 2016/91343, 2016/91344, 2016/93923 and 2016/94001 on the grounds that they were members of the Holme Valley Parish Council.

4 Admission of the Public

All items on the agenda were taken in the public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2016/90951

Site visit undertaken.

8 Site Visit - Application No: 2016/92812

Site visit undertaken.

9 Site Visit - Application No: 2016/91356

Site visit undertaken.

10 Site Visit - Application No: 2016/91343

Site visit undertaken.

11 Site Visit - Application No: 2016/91344

Site visit undertaken.

12 Site Visit - Application No: 2016/93923

Site visit undertaken.

13 Site Visit - Application No: 2016/94001

Site visit undertaken.

14 Site Visit - Application No: 2015/91796

Site visit undertaken.

15 Local Planning Authority Appeals

That the report be noted.

16 Planning Application - Application No: 2016/90951

The Sub-Committee gave consideration to Planning Application 2016/90951 –
Erection of 27 dwellings and ancillary works Forest Road, Huddersfield.

RESOLVED –

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

1. A time limit condition.
2. Development to be completed in accordance with approved plans.
3. Approval of samples of facing materials.
4. A scheme for external boundary treatment.
5. A detailed drainage scheme.
6. Surfacing of parking spaces.
7. Details for construction of access road.
8. The provision of sightlines.
9. Biodiversity enhancement (bat and bird boxes).
10. Electric vehicle charging points

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sokhal, Ullah, Walker and Wilkinson. (12 Votes)

Against: (0 votes)

Abstained: Councillor Sims

17 Planning Application - Application No: 2016/92812

The Sub-Committee gave consideration to Planning Application 2016/92812 -
Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking, Victoria Works, Fisher Green, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Michael Eastwood (Applicant) and Andrew Keeling (Planning Agent).

RESOLVED -

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

1. A 3 year Time limit condition.
2. Development to be in accordance with approved plans.
3. The approval of samples of materials.
4. A landscape scheme.
5. Development to be completed in accordance with the sections provided that show the relationship with neighbouring properties.
6. Vehicle parking areas to be surfaced and drained in accordance with details to be submitted.
7. A scheme detailing the footway to be provided along Fisher green and a widened footway along Meltham Road.
9. Bin storage area to be provided prior to occupation of development in accordance with the revised plan.
10. Details of the drainage proposals to include the proposed means of disposal of surface water drainage, any balancing works and off-site works.
11. A pre commencement condition requiring an updated Phase 1 along with remediation and validation strategy /reports.
12. The provision of electric vehicle charging points

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (12 Votes)

Against: (0 votes)

Abstained: Councillor Lyons

18 Planning Application - Application No: 2016/93985

The Sub-Committee gave consideration to Planning Application 2016/93985 - Outline application for residential development Land at, Bank End Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Darrell Brook (Applicant) and Alison Dumville (Planning Agent).

RESOLVED -

Delegate approval of the application to the Head of Development Management in order to complete the list of conditions contained within the considered report and the update list including:

1. Approval of the details of the layout, scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance and the landscaping of the

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site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. A scheme detailing the location (including cross sectional information together with the proposed design and construction details) for all new retaining structures adjacent to existing/ proposed adoptable highways and details of all temporary and permanent highway retaining structures within the site.
6. Further ecological surveys, as specified in the Preliminary Ecological Site Appraisal dated 7th November 2016.
7. Details of landscape and layout submitted pursuant to conditions 1 and 2 shall include:
 - A landscape and ecological management plan (LEMP) in accordance with the advice of the Council's Ecology /Biodiversity Officer dated 10th February 2017.
 - A method statement for the protection of ecological features identified in the submitted Preliminary Ecological Site Appraisal and in further ecological surveys under condition no. 6 above, and
 - To show how the development shall incorporate facilities for recharging electric vehicles.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales which form part of the approved scheme, prior to occupation of the development and retained thereafter.

8. Details of sections, signing, street lighting, sight lines together with an independent Road Safety Audit covering all aspects of work.
9. Full drainage strategy/details to include the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (13 Votes)

Against: (0 votes)

19 Planning Application - Application No: 2016/91356

The Sub-Committee gave consideration to Planning Application 2016/91356 - Erection of 2 detached dwellings (within a Conservation Area) adj 141, Church Street, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Stephen Dorril (Objector), Helen Farmiloe (Applicant) and Michael Owens (Architect).

RESOLVED-

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions contained within the considered report including:
 1. The timeframe for development.
 2. Development to be in accordance with the approved plans.
 3. Surfacing and draining of the vehicle parking areas and driveways.
 4. No gates or barriers to be erected across the vehicular access from New Road.
 5. Sightlines of 2 metres x 33 metres along the site frontage onto New Road to be cleared of all obstructions to visibility exceeding 900mm in height above the level of the adjacent carriageway.
 6. Development to be carried out in accordance with the Arboricultural Impact Assessment and Method Statement.
 7. Details of any additional tree works not identified to be submitted for approval.
 8. Submission of written / photographic evidence to demonstrate that the arboricultural supervisions specified in 7.1 of the Arboricultural Method statement are undertaken.
 9. Samples of facing and roofing materials.
 10. Details of boundary treatments.
 11. Removal of PD rights for extensions.
 12. Removal of PD rights for ancillary curtilage buildings.
 13. Provision of charging plug in points.

- 2) An additional condition to investigate highway improvement measures at the junction of Church Street with New Road.

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

For: Councillors E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Ullah, Walker and Wilkinson. (10 Votes)

Against: Councillors Bellamy, D Firth and Sokhal (3 votes)

20 Planning Application - Application No: 2016/91343

The Sub-Committee gave consideration to Planning Application 2016/91343
Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building) 141A, Church Street, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Farmiloe (Applicant) and Michael Owens (Architect).

RESOLVED –

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

1. The time limit for development.
2. Development to be carried out in accordance with the approved plans.

3. Vehicle parking areas to be surfaced and drained.
4. No gates or barriers to be erected across the vehicular access.
5. Nothing to be planted or erected within a strip of land 2.0m deep from the carriageway edge of New Road and Church Street along the full frontage of the site which exceeds 0.9m in height above the adjoining highway.
6. Notwithstanding the details shown on the approved plan AL0006 rev A, a scheme detailing arrangements and specification for layout and parking including the widening of the proposed access onto Church Street to create a vehicular access from Church Street with egress onto New Road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the extension or attached dwelling commence. Thereafter the access shall be constructed in complete accordance with the approved details before first occupation of the extension and attached dwelling and be retained.
7. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates.
8. Specification of any structural support to be submitted and a method statement for installation.
9. Details of boundary treatments.
10. All ecological measures and/or works to be carried out in accordance with the Bat Survey Report.
11. Removal of PD rights.

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

For: Councillors E Firth, Kaushik, Lawson, Lyons, Sarwar, Sims, Walker and Wilkinson. (8 Votes)

Against: Councillors Bellamy, D Firth, Homewood, Sokhal and Ullah (5 votes)

21 Planning Application - Application No: 2016/91344

The Sub-Committee gave consideration to Planning Application 2016/91344 Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling 141 A, Church Street, Netherthong, Holmfirth.

RESOLVED –

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

1. The time limit for development.
2. Development to be carried out in accordance with the approved plans.
3. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates.
4. Windows and Doors shall be set in a reveal a minimum of 75mm and shall not be mounted flush with the face of the building.
5. All windows and external doors to the extensions shall be of timber construction with a painted finish.
6. All double glazing shall be of a slim profile and shall be no thicker than 12mm.
7. Guttering to be of timber or cast-aluminium construction and shall have a painted black finish.

8. Downpipes to be of a cast aluminium construction and have a painted black finish.
9. Specification of any structural support to be submitted required with a method statement.
10. All flues to have a factory applied black powder coated/painted finish where they externally project.
11. Details of boundary treatments.

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

For: Councillors E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Walker and Wilkinson. (9 Votes)

Against: Councillors Bellamy, D Firth and Ullah (3 votes)

Abstained: Councillor Sokhal

22 Planning Application - Application No: 2016/93871

The Sub-Committee gave consideration to Planning Application 2016/93871
Erection of detached dwelling (within the curtilage of a Listed Building) Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from David Hunter (Objector), Alison Dumville (speaking on behalf of local residents objecting to the application) and Michael Owens (Architect). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Judith Hughes (Local Ward Member).

RESOLVED –

That the application be refused in line with the following reasons that were included in the considered report:

The proposed development, by virtue of siting and scale, would fail to preserve the special interest and setting of the listed building (Fenay Lodge) by substantially reducing the rear garden area which is a component part of the assets' significance. The harm to the asset is less than substantial in accordance with paragraph 134 of the National Planning Policy Framework. Set against this, the public benefits associated with the development do not outweigh the harm. The development is therefore contrary to Policy BE2 of the Unitary Development Plan (UDP) 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 Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (13 Votes)

Against: (0 votes)

23 Planning Application - Application No: 2016/93923

The Sub-Committee gave consideration to Planning Application 2016/93923 Change of use of land to domestic for erection of two storey and link extension (Listed Building within a Conservation Area) Westroyd Farm, Fulstone, White Ley Bank, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Russell Earnshaw (architect) and Kate Hosker (applicant). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local Ward Member).

RESOLVED -

That the application be refused in line with the following reasons that were included in the considered report and the update list:

The site is within land designated as Green Belt within the Kirklees Unitary Development Plan where new buildings should be regarded as inappropriate development. One exception to this is the extension of a building provided it does not result in disproportionate additions to the original building. The property benefits from an extant permission to extend it. The cumulative impact of the existing permission and the proposed development would amount to disproportionate additions to the original building. Furthermore the proposed extension is sited beyond the curtilage of the dwelling in open land. This would conflict with one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The proposal would constitute inappropriate development in the Green Belt which is harmful to the Green Belt by definition. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. The extension would therefore fail to comply with Policy D11 of the Kirklees Unitary Development Plan and 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 Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (13 Votes)

Against: (0 votes)

24 Planning Application - Application No: 2016/94001

The Sub-Committee gave consideration to Planning Application 2016/94001 Erection of extension to and rebuilding of fire damaged winery building Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Brian Duckett (objector), Christine Smith (who submitted a statement objecting to the application read out on her behalf by the Committee Clerk), Steve Broughton (in support), David Storrie read out statements in support of the application from Sally Norton, Luke Tankard, Julie Tweedale and Teresa Millwood, David Storrie (planning agent) and Ian Sheveling (applicant). Under the

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provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local Ward Member).

RESOLVED –

1) Delegate approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions contained within the considered report and the update list including:

1. The 3 year standard condition for the commencement of development.
2. The Standard condition that the development is completed in accordance with approved plans.
3. Samples of materials to be agreed.
4. Noise a number of conditions required covering:
 - Restriction on the levels of amplified music within the function room;
 - No openings (doors windows) within the function room and ventilation to be provided through alternative means;
 - Hours of use restriction to both Function Room, and in connection with the Marquee if this is in use.
 - Noise attenuation details to be submitted for approval.
 - Verification that these levels have been achieved within prior to any functions being undertaken.
 - Preparations of a Noise Management Statement Plan.
5. Parking provision for cars and coaches to be set out and be made available at all times the site is in use.
6. Delivery Management plan.
7. The implementation and updating of a Travel Plan.
8. Number of guests able to visit the site at any one time to be agreed (as detailed in the recommended conditions that were included in update list shown in section 2 below).

2) The additional recommended conditions from the update list as follows:

Before the development approved is brought into use further details regarding the construction envelope of the function room building (walls and glazing) and how this will protect local residents from entertainment noise from within the structure shall be:

- submitted to and approved in writing by the local planning authority; and
- the approved details incorporated into the construction envelope of the function room building.

The approved details shall thereafter be retained.

No additional openings shall be inserted within the new structure, without the prior consent in writing of the Local Planning Authority.

The use hereby permitted shall not be open to customers outside the hours of 09.00 to 23.00 Monday to Sunday inclusive.

Prior to the development being brought into use a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- Times of operation(internally and externally);
- How and when staff will patrol external areas to ensure guests are not noisy, and that no excessive noise is escaping from the function room;
- Doors and windows to the function room remaining closed during regulated entertainment;

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- The placement of signage around the function room and external areas requesting that guests are quiet and respect neighbours;
- Arrangements with local taxi firms regarding being quiet on late night collections and no sounding of horns;
- Provision of Noise Limiter within the function room;
- Telephone numbers and names of those in charge on the night of functions (in case of complaint).

The development shall thereafter be undertaken in accordance with the approved Noise Management Plan.

There shall be no live amplified music or regulated entertainment within any temporary structure site on Holmfirth Vinery Land (plan to be provided to define this land) outside of the hours of 09.00 to 21.00 on any day.

No part of the development shall be brought into use, until a Full Travel Plan for all business activity at the site has been produced, submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non –car transport usage, including modal split targets;
- The provision of a Travel Plan Co-ordinator, including roles, responsibilities and annual monitoring;
- The provision of travel information;
- Implementation and review of time scales; and
- Enforcement, sanctions and corrective review mechanisms.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/ measures are necessary, in which case the revised details would be implemented.

This permission extends to the use of the building and entire site (Plan to be provided), for a maximum of 140 people (including staff) on site at any one time.

3) An additional condition that the application site shall only be operated in conjunction with the wider use of the site as a viniculture operation.

In addition it was also agreed that:

1. Holme Valley South Ward Members would be involved in a liaison group with the applicants which would include looking at the travel plan and any other issues arising from the operation of the site such as noise.
2. Officers would explore the feasibility of constructing a vehicle passing place.
3. Holme Valley South Ward Members would be involved in the discharge of conditions process following the granting of planning permission.

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

For: Councillors D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (12 Votes)

Against: (0 votes)

Abstained: Councillor Bellamy

25 Planning Application - Application No: 2016/91796

The Sub-Committee gave consideration to Planning Application 2015/91796 Engineering works relating to improvements and road widening to Lees Mill Lane (within a Conservation Area) Grosvenor Chemicals, Lees Mill Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Keith Saunders (objector), Tony Edwards and Malcolm Jones (who submitted statements objecting to the plan read out on their behalf by Keith Saunders).

RESOLVED –

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

1. The standard condition requiring development to be implemented within 3 years from date of permission.
2. A condition requiring the development to be carried out in complete accordance with the plans and specifications submitted.
3. A condition requiring that the design and construction details for the proposed embankment supporting Lees Mill Lane be approved prior to development commencing.
4. A condition requiring that the details of the measures to be employed to ensure that the site is adequately drained are approved prior to development commencing.
5. A condition requiring a scheme which indicates measures to plant/seed the external face of the retaining embankment is approved.

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

For: Councillors D Firth, Homewood, Lawson, Lyons, Sarwar, Sims, Sokhal, Walker and Wilkinson. (9 Votes)

Against: (0 votes)

Abstained: Councillor Walker

26 Planning Application - Application No: 2016/93680

The Sub-Committee gave consideration to Planning Application 2016/93680 Erection of two storey rear extension 40, Springwood Avenue, Springwood, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Michael Chow (Architect), Zafar Ali (who submitted a statement in support of the application read out on his behalf by Michael Chow) and Iqrar Hussain (applicant).

RESOLVED –

That the application be granted Conditional Full Permission.

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Contrary to the Officer's recommendation, the Committee considered that the proposed rear extension would not have an overbearing and oppressive impact upon the occupants of neighbouring properties and would not result in a loss of residential amenity.

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

For: Councillors D Firth, Homewood, Kaushik, Lyons, Sarwar, Sokhal and Walker (7 Votes)

Against: Councillors Lawson and Wilkinson (2 votes)

Abstained: Councillors Bellamy and Sims