

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 15th March 2018

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor John Taylor
Councillor Steve Hall

Apologies: Councillor Mussarat Pervaiz

1 Membership of the Committee

Councillor S Hall substituted for Councillor Pervaiz.

2 Minutes of Previous Meeting

The Minutes of the meeting held on 25 January 2018 were approved as a correct record.

3 Interests and Lobbying

Councillors Kane, Akhtar, Grainger-Mead, Lawson, S Hall, A Pinnock, Scott, K Taylor, Turner and J Taylor declared they had been lobbied on application 2017/93714.

Councillors Grainger-Mead, K Taylor, Akhtar and S Hall, declared they had been lobbied on application 2017/93674.

Councillors Turner and Kane declared they had been lobbied on application 2017/92504.

Councillor A Pinnock declared he had lobbied on application 2017/90312.

Councillor Turner declared he had been lobbied on applications 2016/93658 and 2017/93217.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

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No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2016/93882

Site visit undertaken.

8 Site Visit - Application No: 2017/90312

Site visit undertaken.

9 Site Visit - Application No: 2017/92504

Site visit undertaken.

10 Site Visit - Application No: 2016/93658

Site visit undertaken.

11 Site Visit - Application No: 2017/93217

Site visit undertaken.

12 Local Planning Authority Appeals

That the report be noted.

13 Tree Work Application 2017/94287

The Sub Committee considered a report that sought a decision on an application to fell and replant four trees within the garden of 3 Birdsedge Hill, Huddersfield.

The report outlined details of the proposal, the main issues, an appraisal of the application and the recommended conditions.

RESOLVED – Delegate approval for consent to tree works as specified in Tree Work Application 2017/94287 to include the recommended conditions detailed in the considered report.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 votes).

14 Application No: 2018/90714

The Sub Committee considered a report that sought a decision that the applicant be released from a Unilateral Obligation in connection with planning application 2015/93261 for demolition of existing buildings and erection of 14 dwellings at Dogley Mills, off Penistone Road, Fenay Bridge.

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Under the provisions of Council Procedure Rule 37 the Committee received representations from Tim O'Sullivan and David Storrie (Both speaking on behalf of the applicant).

RESOLVED – Contrary to the officer's recommendation that the applicants request to release them from the Unilateral Obligation that they must remain within the District be refused.

The Sub Committee felt that the decision to grant outline permission on application 2015/93261 had been based on the agreement that Connections Seating Limited would relocate within the district of Kirklees and wished to keep the business in Kirklees.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Scott, K Taylor and G Turner (7 votes)

Against: Councillors Lawson and A Pinnock (2 Votes)

Abstained Councillor J Taylor

15 Planning Application - Application No: 2017/93674

The Sub Committee gave consideration to Planning Application 2017/93674
Erection of class A1/A3 coffee shop with external seating area Land at, Northgate Retail Park, Albion Street, Heckmondwike.

RESOLVED – That consideration of the application be deferred to provide officers time to work with the applicant to look at further measures to mitigate the impact on the residential amenity of the neighbouring properties.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 Votes)

16 Planning Application - Application No: 2017/93714

The Sub Committee gave consideration to Planning Application 2017/93714
Change of use of hairdressers to self-contained flat and alterations 114, Brewery Lane, Thornhill Lees, Dewsbury.

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. 3 year time limit to commence development.

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2. Development to be carried out in accordance of approved plans.
3. Reporting of unexpected contamination.
4. Footnote re hours of construction.
5. Shower room window obscurely glazed.
6. Footnote re ownership/ legal issues.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor and G Turner (9 votes)

Against: (0 votes).

Abstained: Councillor J Taylor.

17 Planning Application - Application No: 2017/92504

The Sub Committee gave consideration to Planning Application 2017/92504
Erection of 5 dwellings with associated site road, parking and landscaping Land to rear of, 49/51, Huddersfield Road, Skelmanthorpe, Huddersfield.

RESOLVED – That consideration of the application be deferred. The Sub Committee felt that because the application site was part of a wider area of Provisional Open land, proposed as housing allocation (H502) in the Kirklees Publication Draft Local Plan that it would be beneficial to allow discussions in stage 4 of the Local Plan examination to be heard as it will cover issues relating to access to H502.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 Votes)

18 Planning Application - Application No: 2016/93658

The Sub Committee gave consideration to Planning Application 2016/93658
Formation of access road to serve existing quarry operations Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Ade Dickinson (on behalf of the applicant).

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

- 1) The standard condition requiring implementation within 3 years.

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- 2) An amended condition that officers negotiate a reduction in the time limit (originally 5 years) for the use of the access road to the site.
- 3) The submission of a traffic management plan prior to development commencing.
- 4) The submission, agreement and implementation of a scheme detailing road markings, warning signage and safety fencing prior to development commencing.
- 5) The surface of the access road to be repaired to a satisfactory standard prior to the export of mineral from the adjacent quarry and a requirement that the surface is maintained for the duration of operations.
- 6) The submission, agreement and implementation of a drainage scheme prior to the export of mineral from the adjacent quarry.
- 7) The submission, agreement and implementation of a drainage scheme prior to the export of mineral from the adjacent quarry.
- 8) The submission, agreement and implementation of wheel washing arrangements prior to the export of mineral from the adjacent quarry.
- 9) The submission, agreement and implementation of a noise management plan prior to the export of mineral from the adjacent quarry.
- 10) The submission, agreement and implementation of a dust suppression scheme prior to the export of mineral from the adjacent quarry.
- 11) An amended condition that the operation of the access track to be limited to 08:00 to 16:00 (originally 08:30 to 16:30) Monday to Friday.
- 12) All HGVs using this route to be fitted with white noise reversing beepers.
- 13) The submission, agreement and implementation of parapet protection measures prior to the use of the access.
- 14) A requirement to suspend operations if the bridge is damaged until it is deemed safe to continue.
- 15) The implementation of a 5 mph speed limit for all vehicles on the access track.
- 16) The maximum gross weight of vehicles using the track not to exceed 24 tonnes.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 Votes)

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The Sub Committee gave consideration to Planning Application 2017/90312
Erection of 3 dwellings 49, Brooke Street, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Nick Willock (on behalf of the applicant).

RESOLVED –

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

1. The standard time limit for implementing permission.
2. Development to be carried out in accordance with approved plans.
3. Samples of materials.
4. Surfacing of hardstanding areas.
5. Electric vehicle charging points.
6. Provision of turning facilities.
7. Protective fencing (trees).
8. Site investigation and remediation.
9. Noise Report.
10. Removal of permitted development rights for extensions and outbuildings to all plots.
11. Removal of permitted development rights for windows and openings within gable of Plot 3.

(2) An additional condition that brick is used in the construction of the dwellings.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 Votes)

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Planning Application - Application No: 2016/93882

The Sub Committee gave consideration to Planning Application 2016/93882
Erection of extensions and alterations 48, Latham Lane, Gomersal, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Brian Jenkins (objector) and Andrew Barrett (applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr David Hall (Local ward member).

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

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1. A 3 year time limit to commence development.
2. Development carried out in accordance of approved plans.
3. Obscurely glazed en suite openings.
4. Hedging (north western boundary) to be retained.
5. Ecology footnote.
6. Pre commencement condition for tree protection plan (to show protective fencing).
7. Removal of Permitted Development Rights for new openings at first floor level in rear elevation.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 Votes)

21 Planning Application - Application No: 2017/93217

The Sub Committee gave consideration to Planning Application 2017/93217 Conversion of redundant former storage building to form one dwelling Emley Lodge Farm, Off Langley Lane, Emley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Angus Ellis (on behalf of the applicant).

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

1. The proposed dwelling is sited in a rural location, outside the settlement boundary and is inaccessible to local shops and amenities thus being reliant on the private car. The applicant has failed to demonstrate any special circumstances as identified within Paragraph 55 of the National Planning Policy Framework which would outweigh the unsustainable location of the proposed dwelling. The proposal is therefore contrary to the National Planning Policy Framework in addition to Policies PLP1 and PLP20 of the Kirklees Publication Draft Local Plan.
2. The existing buildings are not of permanent and substantial construction and as such cannot be reused. The redevelopment of the site would be inappropriate development for which no special circumstance have been submitted and as such is contrary to Paragraph 90 of the National Planning Policy Framework in addition to Policy PLP60 of the Kirklees Publication Draft Local Plan.
3. The existing building is sited in a prominent location which is open to 3 sides to the countryside. The works required in order to create an acceptable level of outdoor amenity area for future occupiers would involve engineering operations and a change of use of adjoining land. The subsequent use of this land as a domestic garden, along with associated domestic paraphernalia, would be a form of encroachment which would fail to preserve the openness of the Green Belt. The application is therefore, considered to constitute inappropriate development in the Green Belt. There are no very special circumstances that

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would clearly outweigh the harm identified and the proposal is therefore contrary to the National Planning Policy Framework in addition to Kirklees Publication Draft Local Plan Policies PLP1, PLP3 and PLP57.

4. The access and egress would involve utilising an existing track which is also a Public Right of Way. The use of the building as a dwelling, coupled with the lack of adequate provision of access would lead to a conflict of users. The development is therefore, contrary to policies R13 and T10 of the Kirklees Unitary Development Plan and the National Planning Policy Framework in addition to Kirklees Publication Draft Local Plan Policy PLP21.
5. The development proposed provides insufficient parking and suitable access for a fire tender and refuse collection contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan in addition to Policy PLP21 of the Kirklees Publication Draft Local Plan.
6. The applicant has submitted ecological information that relates to bats and breeding birds only. The supporting evidence does not address the potential for impacts to Great Crested Newts, which are known to inhabit several ponds located to the south of the site. It has not been demonstrated that development could be carried out without impact to the local ecology and as such the development proposed is contrary to Chapter 11 of the National Planning Policy Framework as the Local Planning Authority is not able to discharge its duty, under regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, to have regard to the requirements of the Habitats Directive.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, A Pinnock, Scott, K Taylor, J Taylor and G Turner (10 votes)

Against: (0 Votes)