

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 1st November 2018

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Bernard McGuin
Councillor Eric Firth
Councillor Christine Iredale

1 Membership of the Committee

Councillor Christine Iredale substituted for Councillor Gemma Wilson.

Councillor Eric Firth substituted for Councillor Harpreet Uppal.

2 Minutes of previous meeting

The Minutes of the meeting held on 20 September 2018 were approved as a correct record.

3 Interests and Lobbying

Councillors McGuin, Bellamy, E Firth, Ullah, Griffiths, Homewood and Lyons declared that they had been lobbied on application 2018/91300.

Councillor Sims declared he had been lobbied on application 2018/90031.

Councillor Bellamy declared an 'other interest' in application 2018/90031 on the grounds that she was a member of Holme Valley Parish Council.

Councillor Bellamy declared that she had been lobbied on application 2016/91573.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

The Committee received a question from Mr Christoph Von Mickwitz regarding whether access and the safety of a public right of way was a planning matter.

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

The Kirklees Council Senior Legal Officer responded on behalf of the Committee to the question.

7 Site Visit - Application 2018/91300
Site visit undertaken.

8 Site Visit - Application 2018/92219
Site visit undertaken.

9 Site Visit - Application 2018/92565
Site visit undertaken.

10 Site Visit - Application 2018/90031
Site visit undertaken.

11 Local Planning Authority Appeals
That the report be noted.

Prior to the consideration of the Planning Applications the Senior Legal Officer highlighted from the Planning Update the matters arising from the Committee meeting 23 November 2017 in relation to the determination of public rights of way and their status at Huddersfield 231, Nether Moor, South Crosland, Huddersfield.

The Committee noted the interim action.

12 Planning Application - Application 2018/90031
The Committee gave consideration to Planning Application 2018/90031 Variation of condition 2 and deletion of condition 20i of previous application ref: 2012/90738 (demolition of redundant former industrial buildings and bridge, erection of 46 age-restricted apartments, 2 guest rooms, external residents' lounge, manager's office, residents' and visitor car parking, new bridge access, related engineering and landscape works with retention of former mill dam and formation of riverside walk) to enable changes to layout, elevations, materials, landscaping, boundary treatments, retaining structures and pond works, rerouting of riverside walk, repositioning of blocks, and other changes, and removal of requirement to provide a pedestrian crossing on Woodhead Road (within a Conservation Area) Prickleden Mills, Woodhead Road, Holmfirth.

Under the 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 (variation under condition 2, and deletion of part (i) of condition 20) to the Head of Strategic Investment in order to:

(2) Complete the list of conditions including those contained within the considered report including:

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

Condition 1 (three years to commence development) – As permission ref: 2012/90738 has been implemented (development commenced with the demolition of the site's existing buildings), this condition does not need to be re-applied.

Condition 2 (approved plans and documents) – Although the applicant proposes a variation under this condition, the wording of the condition would not change. The list of drawings and documents on the new decision letter would be varied to include the drawings and documents illustrating and supporting the proposals detailed in paragraph 3.1 of the report.

Condition 3 (flood risk assessment) – Compliance condition. To be re-applied.

Condition 4 (public sewer easement) – Compliance condition. To be re-applied.

Condition 5 (separate foul and surface water drainage) – Compliance condition. To be re-applied.

Condition 6 (surface water outfall) – Although this condition was discharged (subject to implementation) on 09/03/2017 under application ref: 2015/90323, given that the revisions proposed under the current application will have implications in relation to drainage and flood risk, it is appropriate to re-apply. Condition 6, and a further discharge will need to be sought by the applicant.

Condition 7 (phase II intrusive site investigation) – On 04/04/2014 under application ref: 2014/90183 the council confirmed this condition was discharged. Condition 7 can therefore be re-applied, but as a compliance condition.

Condition 8 (remediation strategy) – On 09/03/2017 under application ref: 2014/90183 the council confirmed this condition was discharged, subject to remediation being carried out. Condition 8 can therefore be re-applied, but as a compliance condition.

Condition 9 (revised remediation strategy) – Although information was submitted pursuant to this condition under application ref: 2014/90183, it remains undischarged. To be re-applied.

Condition 10 (validation report) – Although information was submitted pursuant to this condition under application ref: 2014/90183, it remains undischarged. To be re-applied.

Condition 11 (foul, surface water and land drainage) – Although this condition was discharged (subject to implementation) on 09/03/2017 under application ref: 2015/90323, given that the revisions proposed under the current application will have implications in relation to drainage and flood risk, it is appropriate to re-apply condition 11, and a further discharge will need to be sought by the applicant.

Condition 12 (revised flood risk assessment) – Although parts ii) and iii) of this condition were partially discharged (subject to further information being submitted) on 09/03/2017 under application ref: 2015/90323, given that the revisions proposed under the current application will have implications in relation to drainage and flood

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

risk, and given that only a partial discharge was confirmed by the council, it is appropriate to re-apply condition 12, and a further discharge will need to be sought by the applicant.

Condition 13 (materials samples) – On 23/04/2015 under application ref: 2014/94009 the council confirmed this condition was discharged, subject to the proposed materials being used. Condition 13 can therefore be re-applied, but as a compliance condition.

Condition 14 (boundary treatments) – On 23/04/2015 under application ref: 2014/94009 the council confirmed this condition was partly discharged (in relation to materials of boundary treatments, but not their positions and heights). As this condition was only partly discharged, and the approved details have been partly superseded by the details submitted under the current application, condition 14 will need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 15 (retaining structures) – Although this condition was discharged (subject to approval of technical specifications) on 09/03/2017 under application ref: 2015/90124, the approved details of retaining structures have been superseded by the details submitted under the current application. Condition 15 will therefore need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 16 (soft landscaping) – Although this condition was discharged (subject to implementation and maintenance) on 09/03/2017 under application ref: 2015/90124, the approved soft landscaping details have been superseded by the amended layout submitted under the current application. Condition 16 will therefore need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 17 (hard landscaping) – Although this condition was discharged on 23/04/2015 under application ref: 2014/94009, the approved hard landscaping details have been superseded by the amended layout submitted under the current application. Condition 17 will therefore need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 18 (turning facilities) – Compliance condition. To be re-applied.

Condition 19 (access, parking and turning areas) – Undischarged. To be re-applied.

Condition 20 (zebra crossing, road markings and amendment to Traffic Regulation Orders) – Undischarged. To be re-applied.

Condition 21 (adoptable access roads) – Undischarged. To be re-applied.

Condition 22 (use of residential parking) – Undischarged. To be re-applied.

Condition 23 (waste storage and collection) – On 12/01/2018 under application ref: 2018/90037 the council confirmed this condition was discharged, subject to implementation and retention. Condition 23 can therefore be re-applied, but as a compliance condition.

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

Condition 24 (construction plan) – As noted above, although the Huddersfield Planning Sub-Committee considered details submitted pursuant to this condition under application ref: 2014/90138 (and resolved to approve the details at the meeting of 12/05/2016), the necessary S106 agreement was never completed and signed. Condition 24 therefore remains undischarged, and needs to be re-applied. Some rewording of the condition may be necessary in light of the construction management obligations to be secured in a new S106 agreement.

(3) The following amendments be made to the conditions outlined above:

- (a) Condition 13 to require the use of local natural Yorkshire stone.
- (b) Condition 14 to require details of drystone walls.

(4) To secure a S106 agreement to cover the following matters:

1. Linking of this application to the S106 agreement (dated 19/12/2013) for planning permission 2012/90738.

2. Provision of public access along riverside walk and bridge in perpetuity.

3. Construction management provisions as per the draft S106 agreement prepared in connection with application 2014/90183 (secure a post-development survey of Lower Mill Lane, establish and engage with a residents' liaison group, and secure funding for a Traffic Regulation Order).

4. £25,000 contribution towards accessibility improvements in Holmfirth town centre (details subject to consultation with Highways officers and ward Members).

(5) That, pursuant to (4) above, in the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits being secured; if so, the Head of Strategic Investment is 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 E Firth, Griffiths, Homewood, Iredale, Lyons, Sarwar, Sims, Sokhal and Ullah (9 Votes)

Against: Councillor McGuin (1 vote)

Abstained: Councillor Bellamy

- 13 Planning Application - Application 2018/92378**
The Sub Committee gave consideration to Planning Application 2018/92378 Outline application for erection of residential development Oakmead, 1c Lidget Street, Lindley, Huddersfield.

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Nick Willock (Agent)

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

- (1) Standard Outline condition (submission of reserved matters).
- (2) Standard Outline condition (implementation of reserved matters).
- (3) Standard Outline condition (reserved matters submission time limit).
- (4) Standard Outline condition (reserved matters implementation time limit).
- (5) Details of access, internal roads, visibility and highways works.
- (6) Travel plan.
- (7) Details of works adjacent to footpath HUD/365/10.
- (8) Construction management.
- (9) Ecology.
- (10) Drainage.
- (11) Affordable Housing (if Reserved Matters is for more than 11 dwellings).
- (12) Public Open Space.
- (13) Education.
- (14) Transport measures.
- (15) Noise Report.
- (16) Contamination Reports.
- (17) Drainage and Yorkshire Water conditions.
- (18) Landscaping and ecological design strategy.
- (19) Construction environmental management plan.
- (20) The provision of charging points for electric/hybrid vehicles, in accordance with paragraph 10.33 of the considered report.

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

For: Councillors E Firth, Griffiths, Homewood, Iredale, Lyons, Sarwar, Sokhal and Ullah (8 Votes)

Against: Councillors Bellamy, McGuin and Sims (3 votes)

14 Planning Application - Application 2016/91573

The Sub Committee gave consideration to Planning Application 2016/91573 Demolition of existing redundant mill buildings and erection of 55 dwellings with associated parking and access from Manchester Road Cellars Clough Mill, Manchester Road, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from David Storrie (Agent).

RESOLVED – that consideration of the application be deferred to provide the Committee within an opportunity to see the relationship of the site access with Stubbin Road.

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

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

A motion to accept officers recommendation.

For: Councillors E Firth, Griffiths, Homewood, Iredale and Lyons (5 Votes)

Against: Councillors Bellamy, McGuin, Sarwar, Sims , Sokhal and Ullah (6 Votes)

A motion to defer the application

For: Councillors Bellamy, E Firth, Griffiths, McGuin, Sarwar, Sims, Sokhal and Ullah (8 Votes)

Against : Councillor Lyons (1 vote)

Abstained: Councillors Homewood and Iredale.

15 Planning Application - Application 2018/91300

The Sub Committee gave consideration to Planning Application 2018/91300 Change of use of dwelling to Class D1 (non-residential institution) and formation of parking and associated landscape works Newhouse Farm, New House Road, Sheepridge, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Christoph Von Mickwitz, Darrolynn Von Mickwitz, Janine Riley, Sheila Vince, Margaret Lees and Penny Weynberg (objectors) and Sukhvinder Singh, Jane Simpson, Ron Atwal and Malcolm Sizer (in support).

RESOLVED –

(1) That contrary to the officers recommendation to defer the application that , as outlined in the original report, the Head of Strategic investment be given delegated responsibility to approve the application including issuing the decision notice and to complete the list of conditions including those contained within the considered report including:

- (1) Works to commence within 3 years.
- (2) Works to be in accordance with the approved plans.
- (3) Areas for car parking surfaced and drained.
- (4) Turning facilities to be provided and retained.
- (5) Storage and access for collection of wastes to be submitted.
- (6) Condition opening hours.
- (7) Noise report to be submitted.
- (8) Lighting report to be submitted if external lighting is proposed.
- (9) Installation of 2 no. electric vehicle charging points
- (10) Arboricultural method statement to be submitted.
- (11) Landscaping scheme to be submitted.
- (12) Landscape maintenance condition.
- (13) Details of any additional tree works to be submitted.
- (14) Details of how fencing will allow movement of hedgehogs.

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

(15) Details of extract ventilation system.

(16) Scheme for CCTV.

(2) The following additional conditions:

(a) The reduction in height of the boundary fence to 5 foot.

(b) The widening of the access gate to a minimum 3.1 metres.

(c) Restrictions on the numbers of people that would normally attend worship and the measures required on those occasions where numbers exceed the restrictions.

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

A motion to defer the application.

For: Councillors E Firth, Homewood and Iredale (3 Votes)

Against: Councillors Bellamy, McGuin, Griffiths, Sarwar, Sims, Sokhal and Ullah (7 Votes)

Abstained: Councillor Lyons

A Motion to accept the officers recommendation outlined in the original report.

For: Councillors Bellamy, E Firth, Homewood, Iredale, Lyons, Griffiths, Sarwar, Sims, Sokhal and Ullah (10 Votes)

Against: Councillor McGuin (1 Vote)

16 **Planning Application - Application 2018/92565**

The Sub Committee gave consideration to Planning Application 2018/92565 Change of use from residential institution (C2) to printing business (B1) and dwelling (C3) and associated works (Listed Building) 80, Lascelles Hall Road, Lascelles Hall, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Susan Mellor (objector)

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

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

(1) Development in 3 years.

(2) In accordance with the plans.

(3) Roofing tiles to match existing.

(4) Making good of stonework to matching existing walling.

(5) Tying the use of business to the apartment.

Planning Sub-Committee (Huddersfield Area) - 1 November 2018

- (6) Hours of use for business, including deliveries, 8 am to 6pm Monday to Friday only.
- (7) Surfacing and marking out parking provision before use commencing.
- (8) Submission of traffic management plan before use commencing.
- (9) Submission of details for the installation of small scale directional signs for deliveries, including reference to the informal one-way system.
- (10) Provision of electric vehicle parking point.
- (11) Submission of details of noise from fans before installation.
- (12) Provision of bin storage before use commencing and being retained thereafter.
- (13) Submission of a noise report to demonstrate the amenity of the cottage is protected by the proposed use.

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

For: Councillors E Firth, Homewood, Lyons, Griffiths, Sarwar, Sims, Sokhal and Ullah (8 Votes)

Against: Councillor McGuin (1 Vote)

Abstained: Councillor Bellamy

17 Planning Application - Application 2018/92219

The Sub Committee gave consideration to Planning Application 2018/92219
Erection of single storey rear extension 20, Standiforth Road, Dalton, Huddersfield

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

RESOLVED – Conditional Full Approval (contrary to the officers recommendation).

The Committee considered that the application would not amount to overdevelopment and it would not have an undue impact on the amenities of the adjoining residential property.

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

For: Councillors Bellamy, Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal and Ullah (8 Votes)

Against: Councillor E Firth (1 Vote)

Abstained: Councillor Griffiths