

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 20th December 2018

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Kath Taylor
Councillor Mark Thompson
Councillor Graham Turner
Councillor Eric Firth
Councillor Steve Hall

1 Membership of the Committee

Councillor E Firth substituted for Councillor Scott.
Councillor S Hall substituted for Councillor Loonat.

2 Minutes of Previous Meeting

RESOLVED - That the Minutes of the Meeting held on 15 November 2018 be approved as a correct record

3 Interests and Lobbying

Councillor Kane declared that he had been lobbied on Application 2014/94021.

Councillors Akhtar and Kane declared that they had been lobbied on Application 2017/94255.

4 Admission of the Public

It was noted that all Agenda Items would be considered in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2014/94021

Site visit undertaken.

8 Site Visit - Application No: 2018/93001

Site visit undertaken.

Planning Sub-Committee (Heavy Woollen Area) - 20 December 2018

9 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 of the Local Planning Authority.

RESOLVED - That the report be noted.

10 Planning Application - Application No: 2017/94255

The Committee gave consideration to Application 2017/94255 – Demolition of existing building and erection of Place of Worship/Faith Centre at Al Hikmah Centre, 28 Track Road, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mr Al Samarrie, Mr Mohamed Ali Lunat and Abdul Ravat (in support of the application), Cllr Loonat and Cllr Zaman.

RESOLVED – That (i) contrary to the Officer’s recommendation, the application be delegated to officers to approve subject to securing a Section 106 agreement to secure a financial contribution of £15,000 towards the monitoring of the Travel Plan and (ii) the conditions of the permission be circulated to the Sub-Committee prior to the issue of the decision notice.

(The Sub-Committee considered that, further to the previous deferral, the submitted proposal relating to highway concerns, and the mitigation measures regarding the loss of trees, were acceptable.)

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

For: Councillors Akhtar, E Firth, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, K Taylor and Turner (9 votes)

Against: Councillors A Pinnock and Thompson (2 votes)

11 Planning Application - Application No: 2014/94021

The Committee gave consideration to Application 2014/94021 – Erection of one dwelling (within a Conservation Area) at East Paddock, 3 Deer Croft, Farnley Tyas.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Jane Faulkner and Mary Palmerley (local residents) Tom Sykes (applicant’s agent) and Cllr Bill Armer.

RESOLVED – 1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation
- development in accordance with approved plans
- materials
- window details
- external joinery

Planning Sub-Committee (Heavy Woollen Area) - 20 December 2018

- gutters/rainwater goods
- landscaping plan
- boundary treatments
- removal of permitted development rights
- surfacing of parking and turning areas
- field land highway works
- unexpected contamination
- drainage
- construction management plan
- extent of residential curtilage

2) That additional conditions be included relating to (i) levels (the submitted section as a minimum) (ii) roofing material to be stone slates (iii) the dwelling cannot be occupied until the surfacing of Field Lane has been completed.

3) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to regarding the off-site contribution for affordable housing.

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 Strategic Investment 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 would have been 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, E Firth, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

12 **Planning Application - Application No: 2018/93001**

The Committee gave consideration to Application 2018/93001 – Outline application for erection of a residential development at 230 Cumberworth Lane, Denby Dale.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nick Willock (applicant's agent).

RESOLVED – 1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- standard conditions for submission of reserved matters, implementation of reserved matters, reserved matters submission time limit, reserved matters implementation time limit
- details of access, internal roads, visibility and highways works
- travel plan
- construction management
- ecology, landscaping and ecological design strategy

Planning Sub-Committee (Heavy Woollen Area) - 20 December 2018

- drainage
- affordable housing (if reserved matters is more than 11 dwellings)
- public open space
- education
- transport measures
- noise report
- contamination reports
- drainage and Yorkshire Water conditions
- construction environmental plan
- electric vehicle charging point

2) That the subsequent Reserved Matters application be referred back to the Sub Committee for determination.

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

For: Councillors Akhtar, E Firth, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

13 **Planning Application - Application No: 2018/91900**

The Committee gave consideration to Application 2018/91900 – Erection of 5 dwellings (modified proposal) at land off Barnsley Road, Flockton.

RESOLVED – 1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation – 3 years
- plans to be approved
- materials
- visibility splays
- internal roads
- footway widening
- construction arrangements
- remediation
- validation
- ecological design strategy
- POS
- vehicle charging points
- removal of PD rights
- no additional doors/windows
- drainage
- works for 1 in 100 year flood
- surface water drainage

2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) uplift in public open space provisions off site commuted sum of £2,645 (total for site £22,645) (ii) uplift in metro card contributions of £481.25

Planning Sub-Committee (Heavy Woollen Area) - 20 December 2018

(total for site £22,618.75) and (iii) uplift in education contributions of £26,894 (total for site £157,881).

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 Strategic Investment 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 would have been 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, E Firth, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

14 **Planning Application - Application No: 2018/92048**

Application approved (delegated).

The Committee gave consideration to Application 2018/92048 – Erection of 4 detached dwellings at land at Gregory Drive, Kirkburton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nick Willock (applicant's agent).

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- standard three year timeframe for the development to begin
- development to be in accordance with approved plans
- submission of details of building materials
- submission of report of unexpected land contamination
- submission of noise report
- electric vehicle charge points
- submission of ecological design strategy
- restriction of timescale for removal of hedgerows, trees, shrubs and brambles
- submission of a scheme for internal adoptable estate roads
- submission of a scheme detailing works to reconstruct unadopted section of Gregory Drive
- surfacing and drainage of areas to be used by vehicles and/or pedestrians
- restriction of PD rights for new openings within north elevation plots 1 and 4 and south elevations of plots 3 and 4
- submission of a full hard and soft landscaping scheme
- submission of details of boundary treatments
- submission of a construction management plan (specifically regarding times/avoidance of school times and the routing of construction traffic on Burton Acres Lane

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

Planning Sub-Committee (Heavy Woollen Area) - 20 December 2018

For: Councillors Akhtar, E Firth, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

15 Planning Application - Application No: 2018/93686

The Committee gave consideration to Application 2018/90390 – Erection of single storey front and two storey side and rear extensions and outbuilding at 7 Church Walk, Staincliffe, Batley.

RESOLVE – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- timescale for implementation
- development to be carried out in accordance with approved plans
- submission of details of building materials

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

For: Councillors Akhtar, E Firth, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)