

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 5th December 2019

Present: Councillor Steve Hall (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Fazila Loonat
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Nosheen Dad
Councillor Cathy Scott
Councillor Charlotte Goodwin
Councillor Graham Turner

Apologies: Councillor Kath Taylor

Prior to the commencement of the meeting, the Sub-Committee held a minute of silence in remembrance of the Councillor Paul Kane.

- 1 Appointment of Chair**
RESOLVED - That Councillor S Hall be appointed as Chair of the Sub-Committee for the remainder of the 2019/20 municipal year.
- 2 Membership of the Committee**
Councillor Sokhal substituted for the Labour Group vacancy.

Apologies for absence were received on behalf of Councillor K Taylor.
- 3 Minutes of Previous Meeting**
RESOLVED - That the Minutes of the Meeting held on 17 October 2019 be approved as a correct record.
- 4 Interests and Lobbying**
It was noted that all Members had been lobbied on Applications 2019/92381 and 2019/92982.

Councillor Grainger-Mead advised that she had been lobbied on Application 2019/92734.

Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

Councillor S Hall advised that he had been lobbied on Applications 2019/90382 and 2019/92734.

Councillor Goodwin declared a Disclosable Pecuniary Interest in Application 2019/92739 on the grounds that she was the applicant, and left the meeting during the consideration and determination of the application.

5 Admission of the Public

It was noted that exempt information had been submitted in relation to Application 2019/92710 (Minute No. 19 refers).

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application 2019/92734

Site visit undertaken.

8 Site Visit - Application 2019/92381

Site visit undertaken.

9 Site Visit - Application 2019/90382

Site visit undertaken.

10 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.

11 Planning Application - Application No: 2017//92291

The Sub-Committee gave consideration to Application 2017/92291 – Erection of 19 dwellings with associated infrastructure and landscaping at Rock Villa Development at land off Warwick Road, Batley.

RESOLVED - That the position statement be noted and that approval be given for the grant of a further period of time to conclude negotiations on outstanding highways matters and s106 agreement.

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

For: Councillors Akhtar, Dad, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (12 votes)

Against: (no votes)

12 Planning Application - Application No: 2019/90382

The Sub-Committee gave consideration to Application 2019/90382 – Change of use from motorcycle showroom and sales to mixed use at Brookroyd Mills, 678 Bradford Road, Batley.

Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

RESOLVED - That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- in accordance with plans
- restricting the additional uses and their floorspace
- restricting hairdressers and tattoo parlour to appointment only basis
- restricting size of restaurant
- provision of parking spaces (including accessible spaces)
- car parking management plan
- measures to manage parking
- kitchen extraction system
- hours of delivery and dispatch (no deliveries to or dispatches from the premises outside the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday)
- opening of motorcycle sales 08:30 to 17:00 Monday to Saturday
- opening of the restaurant/bar element – shall not be open to customers outside the hours of 08:30 to 23:00 Monday to Sunday
- submission of flood evacuation plan

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, and Turner (10 votes)

Against: (no votes)

Abstained: Councillors Dad and Sokhal

13 **Planning Application - Application No: 2019/92381**

The Sub-Committee gave consideration to Application 2019/92381 – Change of use from retail/office to preparation and packaging of food, alterations to existing outbuilding and installation of vent at 52 Wellington Street, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mrs Whittaker and Mr Shaikh (local residents) and Khizar Hans (applicant).

RESOLVED - That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- the development shall be begun not later than the expiration of three years
- the development shall be carried out in complete accordance with the plans and specifications
- no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 07:00 to 17:30 Monday to Saturday and 08:00 to 17:00 Sundays
- details of the installation and/or erection of any kitchen extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions to be previously approved in writing by the Local Planning Authority

Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

- an electric charge point to be installed
- parking and bin storage/collection area to be provided in accordance with details shown on drawing no. 2019-52WS-02
- details of the external finish of the side extension on the outhouse to be submitted to and approved in writing by the Local Planning Authority

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

For: Councillors Grainger-Mead, Goodwin, S Hall, Lawson, A Pinnock, Scott and Turner (7 votes)

Against: Councillors Loonat and Sokhal (2 votes)

Abstained: Councillors Akhtar, Dad and Pervaiz

14 **Planning Application - Application No:2019/92734**

The Sub-Committee gave consideration to Application 2019/92734 – Erection of extensions and dormer windows to front of 9 Chapel Fold, Staincliffe, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Susan Wilkinson (local resident), Nadia Kauser (applicant) and David Storrie (applicant's agent).

Under the provisions of Council Procedure Rule 36(1), the Sub Committee received a representation from Councillor Lowe (ward member).

RESOLVED – That, contrary to the Officer's recommendation, the application be refused on the grounds that the proposed development would have an overbearing impact upon residential amenity and would not be in-keeping with the properties surrounding the site.

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

For: Councillors Goodwin, Grainger-Mead, S Hall, Lawson, Pervaiz, A Pinnock, Scott and G Turner (8 votes)

Against: Councillors Akhtar, Dad, Loonat and Sokhal (4 votes)

15 **Planning Application - Application No: 2019/92982**

The Sub-Committee gave consideration to Application 2019/92982 – Variation condition 2 (plans) on previous permission 2014/94021 for 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 a representations from Mary Palmerley and Frances Holmes (local residents).

Under the provisions of Council Procedure Rule 36(1), the Sub-Committee received a representation from Councillor Armer (local member).

RESOLVED –

- 1) That authority be delegated to the Head of Development and Master Planning to approve the application, secure a Supplemental S106 Agreement

Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

to cover an off-site contribution for affordable housing, issue the decision notice and complete the list of conditions including matters relating to;

- timescale for implementation (to commence by 27 August 2022)
- development in accordance with approved plans
- materials
- window details
- external joinery
- gutters/rainwater goods
- landscaping plan
- boundary treatments
- removal of permitted development rights
- surfacing of parking and turning areas
- Field Lane highway works
- unexpected contamination
- drainage
- construction management plan
- extent of residential curtilage
- site levels

2) That, pursuant to (1) above, in circumstance where the Section 106 Agreement has not been completed within three months of this decision, the Head of Development and Master Planning 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, Dad, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (12 votes)

Against: (no votes)

16 **Planning Application - Application No: 2019/92739**

The Sub-Committee gave consideration to Application 2019/92739 – Variation of conditions 2 (plans) and 4 (materials) on previous permission 2015/93715 for erection of detached dwelling, extension to existing dwelling and formation of parking area at 51 High Street, Hanging Heaton.

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

- development in accordance with approved plans
- sample of all facing and roofing materials
- artificial stone to front elevation and render (colour to be approved) to other elevations
- intrusive site investigation works
- one electric vehicle recharging point
- vehicle parking areas to be surfaced and drained

Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

- driveway gradient
- nothing to be planted/erected within 2 metres of the back of the carriageway
- details of footway crossings
- details of retaining walls
- removal of permitted development rights for extensions and out buildings within the curtilage of the new dwelling

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

For: Councillors Akhtar, Dad, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (11 votes)

Against: (no votes)

17 **Planning Application - Application No: 2019/92710**

The Sub-Committee gave consideration to Application 2019/92710 – Reserved matters application pursuant to outline permission 2017/93347 for erection of 32 dwellings at land off Fieldhead Lane, Birstall.

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

RESOLVED - That authority be delegated to the Head of Development and Master Planning in order to (i) secure the signing of a Section 106 Agreement to cover the provision and future maintenance of 32 affordable houses and provision and subsequent maintenance of the Public Open Space provided within the site and (ii) complete the list of all necessary and appropriate conditions including matters relating to;

- standard reserved matters
- in accordance with approved plans
- samples of materials
- protection of trees during development
- biodiversity enhancement opportunities
- highways – servicing, parking, maintaining visibility
- construction management plan
- travel plan
- details of pedestrian/cycle route to be agreed and implemented prior to the occupation of any approved dwellings

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

For: Councillors Akhtar, Dad, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (12 votes)

Against: (no votes)

18 **Exclusion of Public**

RESOLVED – That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

19 Planning Application - Application No: 2019/92710

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained within the report due to the need to maintain confidentiality regarding financial information relating to contracted authorities)

The Sub-Committee received exempt information in respect of Agenda Item 17 prior to the determination of that item (Minute No. 17 refers).