

Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 19th March 2020

Present:

Councillor Donna Bellamy  
Councillor James Homewood  
Councillor Andrew Marchington  
Councillor Bernard McGuin  
Councillor Mohammad Sarwar  
Councillor Anthony Smith  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Harpreet Uppal  
Councillor Mahmood Akhtar

Apologies:

Councillor Terry Lyons  
Councillor Paul Davies  
Councillor Donald Firth

#### 1 **Membership of the Committee**

Apologies were received from Councillors Lyons, Davies and D Firth.

#### **Resolved –**

In the absence of Councillor Terry Lyons that Councillor Sheikh Ullah be elected as Chair for the meeting.

#### 2 **Minutes of previous meeting**

The minutes of the meeting held on 30 January 2020 were approved as a correct record.

#### 3 **Interests and Lobbying**

Councillors Homewood, McGuin, A Smith, Sokhal and Uppal declared that they had been lobbied on application 2019/91083.

Councillor Sarwar declared that he had been lobbied on application 2019/93069.

Councillor Sokhal declared an 'other interest' in application 2019/93045 on the grounds that the applicant was a close family member.

Councillor Bellamy declared that she had been lobbied on applications 2019/93579 and 2018/90208.

Councillor Bellamy declared an 'other interest' in application 2019/94149 on the grounds that the applicant was a close friend.

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### 4 **Admission of the Public**

It was noted that exempt information had been submitted in respect of agenda item 19.

### 5 **Deputations/Petitions**

No deputations or petitions were received.

### 6 **Public Question Time**

No questions were asked.

### 7 **Site Visit - Application No: 2019/93045**

Due to the coronavirus outbreak no site visit took place.

### 8 **Site Visit - Application No: 2019/93579**

Due to the coronavirus outbreak no site visit took place.

### 9 **Site Visit - Application No: 2019/90925**

Due to the coronavirus outbreak no site visit took place.

### 10 **Site visit - Application No: 2019/94149**

Due to the coronavirus outbreak no site visit took place.

### 11 **Site Visit - Application No: 2019/93069**

Due to the coronavirus outbreak no site visit took place.

### 12 **Local Planning Authority Appeals**

The report was noted.

### 13 **Planning Application - Application No: 2019/91083**

The Committee gave consideration to Planning Application 2019/91083 Demolition of existing dwelling and erection of detached dwelling with detached garage//store 345, Bradley Road, Bradley, Huddersfield.

Under the provisions of Council Procedure rule 37, the Committee received representations from Shakeel Yousaf (applicant) and Malcolm Sizer (in support).

### **RESOLVED –**

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

1. Development to commence within 3 year.
2. Development to be undertaken in accordance with the approved plans and specifications.
3. Details of screen fencing to side boundaries to be submitted for approval.
4. Windows in the side elevations of the dwelling to be obscurely glazed.
5. Removal of permitted development rights for extensions, including within the roof, and outbuildings.

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6. Biodiversity enhancement during construction phase: bird nesting opportunities.
7. Provision of electric vehicle charging point within the site.
8. Details of walling and roofing materials to be submitted for approval.
9. Removal of permitted development rights for additional windows and or openings in the side elevations of the dwelling.

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

For: Councillors Akhtar, Bellamy, Homewood, Marchington, McGuin, Sarwar, A Smith, Sokhal, Ullah and Uppal (10 votes)

Against: (0 votes).

### **14 Planning Application - Application No: 2019/93045**

The Committee gave consideration to Planning Application 2019/93045 Erection of two storey front extension, rear dormer and exterior alterations 84A, Crosland Road, Oakes, Huddersfield.

#### **RESOLVED –**

That the application be refused in line with the following reasons outlined in the considered report:

1. The proposed extensions, by reason of their siting, scale and design would fail to respect the character and appearance of the host building or the surrounding area. The combined extensions would result in a disproportionate and overly prominent addition to the original dwelling. The front extension would form an incongruous feature in the wider street scene. To approve the development would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
2. The proposed extensions, by reason of their siting and scale, would result in an unacceptable overbearing and overshadowing impact to a habitable room window within the gable of no. 84 Crosland Road. This would not retain a good standard of amenity for the occupiers of this property contrary to Policy LP24(b) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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

For: Councillors: Homewood, Marchington, McGuin, Sarwar, A Smith and Uppal (6 votes)

Against: (0 votes)

Abstained: Councillors Akhtar, Bellamy and Ullah

**15 Planning Application - Application No: 2019/93579**

The Committee gave consideration to Planning Application 2019/93579 Outline application for erection of detached dwelling with integral garage adj, 7, Drummer Lane, Bolster Moor, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Dave Hepworth (applicant) and Andrew Keeling (Agent).

**RESOLVED –**

That the application be approved (contrary to the officers recommendation to refuse).

The Committee considered that the application site was located within a village due to the size of the settlement and taking account of the facilities that existed. In addition the Committee considered that the application site did represent infill development as it was largely surrounded by development and would only be capable of small scale development.

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

For: Councillors Akhtar, Bellamy, Homewood, Marchington, Sarwar, A Smith, and Sokhal (7 votes)

Against: Councillor McGuin, (1 vote).

Abstained: Councillors Ullah and Uppal

**16 Planning Application - Application No: 2019/90925**

The Committee gave consideration to Planning Application 2019/90925 Erection of 13 dwellings land south of, 5-25, Clay Well, Golcar, Huddersfield.

**RESOLVED -**

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report Including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction Management Plan (including temporary surface water drainage arrangements).
4. Drainage and surfacing of parking spaces.
5. Submission of details relating to internal adoptable roads.
6. Cycle parking provision prior to occupation.
7. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
8. Provision of waste storage and collection.

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9. Submission of an Arboricultural Method Statement.
  10. Submission of a Tree Protection Plan.
  11. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
  12. Submission of a preliminary risk assessment (phase I report).
  13. Submission of an intrusive site investigation report (phase II report).
  14. Submission of a remediation strategy.
  15. Implementation of remediation strategy.
  16. Submission of a validation report.
  17. Crime prevention measures.
  18. External materials (details and samples to be submitted).
  19. Boundary treatments.
  20. External lighting.
  21. Full landscaping scheme, to include replacement trees.
  22. Biodiversity assessment, enhancement and net gain (pre-commencement)
  23. Removal of permitted development rights for extensions and outbuildings.
2. Secure a Section 106 Agreement to cover the following matters:
- 1) Affordable housing – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
  - 2) Open space – £78,486 off-site contribution, and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
  - 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
  - 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
  - 5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
  - 6) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.
3. That, pursuant to (2) above, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development 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: Akhtar, Homewood, McGuin, Sarwar, Sokhal and Ullah (6 votes)

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Against: Councillors Marchington and A Smith (2 votes)

Abstained: Councillors Bellamy and Uppal

### **17 Planning Application - Application No: 2019/94149**

The Committee gave consideration to Planning Application 2019/94149 Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) 22, Ottiwells Terrace, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Donna Bellamy (in support) and a submission from Richard and Susan Haworth (applicants) read out by Donna Bellamy.

#### **RESOLVED -**

That the application be refused in line with the following reasons outlined in the considered report:

The proposed enclosure by reason of its scale, form, siting and materials would fail to preserve the character and appearance of the host building, the terraced row of dwellings of which it forms part and the wider Marsden Conservation Area causing harm to its significance and to the visual amenity of the area in general. The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the National Planning Policy Framework, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated to outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 (a and c) and LP35 of the Kirklees Local Plan and paragraphs 127, 130, 190, 193 and 196 of the National Planning Policy Framework.

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

For: Councillors Homewood, Ullah and Uppal (3 votes)

Against: Councillors McGuin and A Smith (2 votes)

Abstained: Councillors Akhtar, Marchington, Sarwar and Sokhal.

### **18 Planning Application - Application No: 2019/93069**

The Committee gave consideration to planning application Planning Application 2019/93069 Change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence Former Beaumont Park Garden Centre, 84A, Meltham Road, Lockwood, Huddersfield.

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

### **RESOLVED –**

That the application be refused in line with the following reasons outlined in the considered report:

1. The proposed use of the site as a hand car wash would cause harm to the openness and character of the Green Belt as a result of the erection of a 1.8 high close boarded acoustic screen, in addition to the regular presence of vehicles passing through the site and other paraphernalia associated with the site operations. It would result in the introduction of incongruous urban characteristics where the land is currently open. As such the proposal would constitute inappropriate development in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. As such the development is contrary to Paragraph 146 e) of the National Planning Policy Framework and Policy LP60 b) and c) of the Kirklees Local Plan.
2. The erection of a solid acoustic screen along the site frontage would result in an obtrusive feature that is considered harmful to the character and appearance of the area and contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. The proposed use, including the queuing of vehicles through the site and the operation of powered machinery, would result in harm to the visual and aural experience of users of the public right of way that runs to the north west of the site. In making this pedestrian route less attractive to users, the development would be contrary to the general ethos of Policy LP24 d) ii) of the Kirklees Local Plan.

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

For: Councillors Akhtar, Bellamy, Homewood, Marchington, McGuin, Sarwar, A Smith, Sokhal, Ullah and Uppal (10 votes)

Against: (0 votes).

### **19 Planning Application - Application No: 2018/90208**

The sub committee gave consideration to Planning Application 2018/90208 Erection of 18 dwellings (within a Conservation Area). Land at 172 Gillroyd Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Stephen Byram (applicant), Martin Huddleston and Dave Storrie (in support).

**RESOLVED –**

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:
  1. Three years to commence development.
  2. Development to be carried out in accordance with the approved plans and documents.
  3. Submission of a Construction Management Plan (including temporary surface water drainage arrangements).
  4. Provision of visibility splays.
  5. Submission of details relating to internal adoptable roads.
  6. Submission of details of surfacing and drainage of parking spaces.
  7. Cycle parking provision prior to occupation.
  8. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
  9. Provision of waste storage and collection.
  10. Provision of details of retaining walls.
  11. Submission of an Arboricultural Method Statement and Tree Protection Plan.
  12. Culverted watercourse watching brief.
  13. Submission of flood risk and drainage details, including details of flow routing.
  14. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
  15. Submission of an intrusive site investigation report (phase II report).
  16. Submission of a remediation strategy.
  17. Submission of a validation report.
  18. Crime prevention measures.
  19. External materials (details and samples to be submitted).
  20. Boundary treatments.
  21. External lighting.
  22. Full landscaping scheme.
  23. Biodiversity enhancement and net gain.
  24. Removal of permitted development rights for extensions and outbuildings
2. Secure a Section 106 agreement to cover the following matters:
  1. Affordable housing – Four affordable housing units (Discount Market Sale) to be provided in perpetuity.
  2. Sustainable transport – Measures to encourage the use of sustainable modes of transport.
  3. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
  4. Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent allocated land to the south without unreasonable hindrance.



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3. That, pursuant to (2) above in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development 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 Bellamy, Homewood, McGuin, A Smith, Sokhal and Ullah (6 votes)

Against: (0 votes).

Abstained: Councillors Marchington and Uppal

**20 Exclusion of the Public**  
Determined.

**21 Planning Application - Application No: 2018/9028**  
The Committee received exempt information in respect of Application 2018/9028