

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Wednesday 4th November 2020

Present: Councillor Steve Hall (Chair)
Councillor Mahmood Akhtar
Councillor Charlotte Goodwin
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohal Sokhal
Councillor Graham Turner

Observers: Councillor Gwen Lowe

Apologies: Councillor Nosheen Dad
Councillor Fazila Loonat
Councillor Kath Taylor

1 Membership of the Committee

Apologies for absence were received from Councillor K Taylor.

Councillor Sokhal substituted for Councillor Pervaiz.

It was noted that Councillor Dad and Councillor Loonat were currently on maternity leave.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 13 February 2020 were approved as a correct record.

3 Interests and Lobbying

Councillor Scott advised that she had been lobbied on Applications 2020/91215, 2020/90350, 2019/92670, 2020/90652, 2020/91643 and 2018/94162.

Councillor Akhtar advised that he had been lobbied on Applications 2020/91215, 2020/90350 and 2018/94162.

Councillor Lawson advised that he had been lobbied on Applications 2020/90350, 2019/91534, 2019/92670 and 2020/90652.

Councillor Goodwin advised that she had been lobbied on Applications 2020/91215, 2020/90350 and 2020/90652.

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Councillor Grainger-Mead advised that she had been lobbied on Applications 2020/91215, 2020/90350, 2019/92670, 2020/90652, and 2020/91643.

Councillor Turner advised that he had been lobbied on Applications 2020/91215, 2020/90350, 2020/90652 and 2020/91643.

Councillor A Pinnock advised that he had been lobbied on Applications 2020/91215, 2020/90652 and 2020/91643.

Councillor S Hall advised that he had been lobbied on Applications 2020/91215, 2020/90350, 2020/92540, 2019/92670, 2020/90652, 2020/91643, 2018/94162 and 2019/94146.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Application - Application 2020/91215

The Committee gave consideration to Application 2020/91215 – Outline application for erection of residential development at land at Green Acres Close, Emley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Guy Loveridge, Paula Kemp, Nick Bean and Rachel Evans (local residents), Mark Eastwood MP and Paul Butler (applicant's agent).

RESOLVED - That the determination of the application be deferred to enable further information to be submitted regarding highways concerns, including parking provision and junction analysis.

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

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

Against: (no votes)

Abstained: Councillor Sokhal

8 Planning Application - Application 2020/90350

The Committee gave consideration to Application 2020/90350 – Demolition of existing buildings and erection of 7 dwellings and associated garages (within a conservation area) at Gomersal Hall, Oxford Road, Gomersal.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Ruth Wilcox, Brian Wilcox and Chris Wild (local residents) and David Storrie (applicant's agent).

RESOLVED –

- 1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
 - time limit for commencing development
 - in accordance with plans
 - materials shall be natural stone for the external walls and natural blue or stone tiles for the roof samples to be submitted
 - drainage in accordance with the plan submitted
 - electric vehicle charging points
 - development shall be carried out in accordance with woodland management plan and tree planting schedule
 - submission of ecological design strategy
 - removal of permitted development rights for extensions and outbuildings
 - permeable surfacing for hardstanding
 - written scheme of archaeological investigation to be submitted and approved by the local planning authority in writing
 - submission of phase 1 preliminary risk assessment
 - submission of phase 2 intrusive site investigation report
 - submission of remediation strategy
 - implementation of remediation strategy
 - submission of validation report
 - visibility splays to be provided prior to the commencement of the development
 - scheme detailing arrangements and specification for layout and parking
 - schedule for the means of access to the site for construction traffic
 - in accordance with recommendations within the arboricultural method statement

- 2) That an additional condition be added to remove permitted development rights for the erection of gates in order to preserve the character of the conservation area.

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

For: Councillors Akhtar, Goodwin, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (8 votes)

Against: (no votes)

Abstained: Councillor Grainger-Mead

9 Planning Application - Application 2020/92540

The Committee gave consideration to Application 2020/92540 – Erection of detached garage at land adjacent to 51-53 Park Croft, Staincliffe, Batley.

Under the provisions of Council Procedure Rule 36(3), the Sub-Committee received a representation from Councillor Lowe (ward member).

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

- Standard three year time frame
- Development to be completed in accordance with approved plans and specifications
- Colour of brickwork to be red/brown

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (9 votes)

Against: (no votes)

10 **Planning Application - Application 2019/91534**

The Committee gave consideration to Application 2019/91534 – Erection of 13 dwellings and associated works at land off Heathfield Lane, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Jake Hinchliffe and David Storrie (on behalf of the applicant).

RESOLVED –

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

- 3 year time period for implementation
- Development must be completed in accordance with the approved plans
- Submission of drainage maintenance and management scheme
- Programme of archaeological recording to be submitted by a qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation
- Submission of a construction environmental management plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties
- Provision of electric vehicle charging points (1 EVC per dwelling)
- Submission of a phase II intrusive site investigation report
- Submission of remediation strategy
- Implementation of remediation strategy
- Submission of validation report
- Reporting of unexpected contamination
- Noise report assessment (future occupiers of the development)
- Removal of permitted development rights for outbuildings and extensions within red line boundary
- Permeable surfacing for hardstanding and estate road
- Details of junction new estate road
- Internal adoptable standard roads
- Scheme detailing location and cross sectional information for all new retaining walls adjacent to existing/proposed adoptable highway

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- Scheme detailing location and cross sectional information for all new retaining walls adjacent to existing/proposed adoptable highway all new surface water attenuation culverts/tanks located within the proposed adoptable highway footprint
- Details of storage/access for waste
- Full landscape proposals to be submitted (including hard and soft landscaping, details relating to existing trees and vegetation and replacement tree planting)
- Samples of materials to be submitted and subsequently approved
- Construction phase temporary drainage, flood risk and pollution mitigation
- Bat/bird box provision on dwellings
- Obscure glazing some windows where necessary

2) That additional conditions also be included regarding (i) the inclusion of semi-mature trees within the landscaping scheme and (ii) the removal of permitted development rights for the erection of gates.

3) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) public open space provisions including off site commuted sum (£24,501) and future maintenance and management responsibilities of open space within the site (ii) 20% of a total number of dwellings to be affordable – 3 intermediate units to be provided on site and (iii) financial contribution towards ecology (£41,912).

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 Planning and Development 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, Goodwin, Grainger-Mead, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (9 votes)

Against: (no votes)

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Planning Application - Application 2019/92670

The Committee gave consideration to Application 2019/92670 – Erection of 13 dwellings at land at Peep Green Road, Hartshead, Liversedge.

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

RESOLVED –

1) That authority be delegated to the Head of Planning and Development to address outstanding drainage and ecology matters, complete consultation process with Calderdale Council, approve the application, issue the decision notice and complete the list of conditions including matters relating to;

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- three years to commence development
- approved plans and documents
- areas to be surfaced and drained in accordance with details to be approved
- visibility splays to be provided
- scheme of the junction and associated highway works
- scheme of proposed internal adoptable estate roads
- details of storage/access for waste
- scheme of retaining walls adjacent to adoptable highway
- scheme detailing surface water attenuation in highway footprint
- noise assessment report and mitigation scheme
- phase II intrusive site investigation report
- remediation strategy
- implementation of remediation strategy
- validation report
- electric vehicle charging points
- external materials
- boundary treatments
- landscaping details
- biodiversity enhancement, net gain, and ecological design strategy
- temporary surface water drainage
- drainage conditions
- removal of permitted development rights

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) affordable housing – three affordable housing units; two social/affordable rented dwellings and one intermediate dwelling to be provided on site and identified as plots 6, 11 and 12 (ii) open space – full off-site contribution (£24,501) and (iii) biodiversity net gain – secure off-site biodiversity improvement works to two parcels of land within a distance of approximately 1km from the application site.

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 Planning and Development 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, Lawson, A Pinnock, Scott, Sokhal and G Turner (6 votes)
Against: Councillors Goodwin and Grainger-Mead (2 votes)

- 12 Planning Application - Application 2020/90652**
The Committee gave consideration to Application 2020/90652 – Erection of extensions and alterations to existing disused building to form one dwelling at Lands Farm, Cliffe Lane, Gomersal, Cleckheaton.

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Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Ryan Gill, Trudie Wassell, Ben Cheetham and Geraldine Hickling (local residents) and Darren Bailey (applicant's agent).

RESOLVED – That the application be refused on the grounds of (i) concerns parking congestion and (ii) over-intensification of development on the site.

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (9 votes)

Against: (no votes)

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Planning Application - Application 2020/91643

The Committee gave consideration to Application 2020/91643 – Demolition of existing buildings and erection of 15 dwellings, formation of new access and associated works land at Old White Lee Colliery, Leeds Road, Heckmondwike.

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

RESOLVED – That the application be refused on the grounds that;

(i) by virtue of the proposed design, scale, layout and encroachment of development and the enclosure of land into gardens it would result in a greater impact on openness than the existing development which would materially detract from the Green Belt setting and represent inappropriate development, with no very special circumstances demonstrated and that to permit such development would be contrary to Policies LP24, LP32 and LP59 of the Kirklees Local Plan, as well as Chapters 12 and 13 of the National Planning Policy Framework (ii) it has not been demonstrated that an appropriate and safe access road can be achieved in line with the guidance set out in the Highways Design Guide Supplementary Planning Document, therefore, the development would create unacceptable risks to highway safety which is contrary to Policies LP21 and LP24 Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework (iii) the submitted information fails to demonstrate that the proposal would not result in a significant loss or harm to biodiversity and that the necessary mitigation can be employed to minimise biodiversity impacts and, furthermore, no information has been provided to demonstrate that the proposal would result in a biodiversity net gain, as such, the proposal would be contrary to Policies LP24 and LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework (iv) it has not been demonstrated that the site is safe, stable and suitable for the proposed residential development in an area with a coal mining legacy and that to permit such development would be contrary to Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework (v) the submitted information fails to demonstrate that the proposal would not acceptably remove, harm or undermine the archaeological significance of the site's coal mining legacy of the late 19th and early 20th century, without the necessary mitigation, which is contrary to Policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework (vi) it has not been demonstrated that the development can take place on the site, which is designated as a Minerals Safeguard Area for Surface

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Coal Resource Surface Coal Resource with Sandstone and/or Clay and Shale which is contrary to Policy LP38 of the Kirklees Local Plan and chapter 17 of the National Planning Policy Framework (vii) in the absence of a completed Section 106 agreement the development fails to provide for affordable housing, public open space, landscape maintenance and management, sustainable travel, flood risk and drainage management and maintenance, and biodiversity net gain, and that without such contribution, the proposal would fail to accord with Policies LP4, LP11, LP20, LP21, LP30, LP32 and LP63 of the Kirklees Local Plan, as well as chapters 4, 5, 9, 14 and 15 of the National Planning Policy Framework.

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (9 votes)

Against: (no votes)

14 **Planning Application - Application 2018/94162**

The Committee gave consideration to Application 2018/94162 – Erection of dwelling and three outbuildings and works to access Upper Langley Farm, Langley Lane, Clayton West.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Alan Powell (applicant's agent) and Edward Tipler (applicant).

RESOLVED – That the application be refused on the grounds that (i) the application site is located upon land designated as Green Belt on the Kirklees Local Plan, within which development is severely restricted (ii) the applicant has failed to demonstrate that there is an essential and permanent requirement for a new dwelling on this site (iii) such a proposal constitutes inappropriate development in the Green Belt for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy and (iv) the application fails to comply with the aims of Policies LP24 and LP55 of the Kirklees Local Plan as well as the aims of the Chapters 12 and 13 of the National Planning Policy Framework and would result in significant harm to the openness of the Green Belt and its rural character.

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (9 votes)

Against: (no votes)

15 **Planning Application - Application 2019/94146**

The Committee gave consideration to Application 2019/94146 – Erection of car showroom/office and MOT testing station at land at former 750 Bradford Road, Batley.

Under the provisions of Council Procedure Rule 36(3), the Sub-Committee received a representation from Councillor Lowe (ward member).

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RESOLVED – That the application be delegated to the Head of Planning and Development in order to allow officers to inform The Planning Inspectorate of the Council's intention to refuse the application for the following reason: The proposed development, by virtue of the engineering operations required, particularly in regard to the significant extent of hard surfacing and retaining features, would have a significantly harmful impact upon the visual amenity and character of the application site and wider street scene. This would be contrary to Policy LP24 of the Kirklees Local Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework which seeks to achieve well designed places and add to the overall quality of an area.

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, A Pinnock, Scott, Sokhal and Turner (9 votes)

Against: (no votes)