

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Wednesday 17th February 2021

Present: Councillor Steve Hall (Chair)
Councillor Mahmood Akhtar
Councillor Nosheen Dad
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Aleks Lukic
Councillor Nigel Patrick
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mark Thompson
Councillor Graham Turner

1 Membership of the Sub-Committee

Councillor Thompson substituted for Councillor K Taylor.

Councillor Patrick substituted for Councillor J Taylor.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 4 November 2020 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Dad, Grainger-Mead, S Hall, Lukic, Patrick, Pervaiz, A Pinnock, Thompson and Turner indicated that they had been lobbied on Application 2019/91836.

Councillors Dad, Patrick, Scott, Grainger-Mead, S Hall, Lawson, Lukic, Pervaiz, A Pinnock, Thompson and Turner indicated that they had been lobbied on Application 2020/91215.

Councillors Grainger-Mead, S Hall, Lawson, Lukic, Pervaiz, A Pinnock, Scott, Thompson and Turner indicated that they had been lobbied on Application 2020/91601.

Councillors S Hall, Pervaiz and Scott indicated that they had been lobbied on Application 2020/90084.

Councillors Dad, Grainger-Mead, S Hall, Pervaiz and Scott indicated that they had been lobbied on Application 2020/92661.

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Councillor Patrick declared an 'other' interest in Application 2019/91836 and advised that he would not participate in the discussion or vote on the item as the applicant was a supporter of his mayoral charity.

Councillor Lukic declared an 'other' interest in Application 2019/91836 on the grounds that members of his extended family lived near to the application site.

Councillor Thompson declared an 'other' interest in Application 2019/91836 on the grounds that he a representative on Kirklees Active Leisure Board of Trustees.

4 Admission of the Public

It was noted that no exempt agenda items were listed for consideration.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Review of Planning Appeal Decisions 2020

The Sub-Committee received a report which provided an overview of planning appeal decisions for the period January to December 2020. The report advised that there had been 31 appeals (including 3 tree work appeals) during this time, and that 77% had been dismissed.

It was noted that 30 of the decisions had been determined under delegated powers, and that 1 had been determined by Committee, all of which had been dismissed. A list of the appeals and decisions was attached at Appendix 1 to the report.

RESOLVED – That the report be noted.

8 Application (amended proposal) for Diversion Order - Public Footpath Spenborough 110 (part), near Spen Valley Leisure Centre, Bradford Road, Liversedge

The Sub-Committee gave consideration to a report which set out details of an amended proposal for an Order to divert part of public footpath Spenborough 110, under Section 119 of the Highways Act 1980, in order to facilitate the development of Spen Valley Leisure Centre. The report provided details regarding the amendments which included improvements to the surface, additional width and the removal of steps.

The Sub-Committee were advised that the Council had previously made a Section 119 Highways Act 1980 Diversion Order in March 2020, which had been subject to an objection at formal stage and that the amended proposal sought to address the points raised within the objection.

The report requested that authorisation be given to the amended Order and that it be noted that it is not intended to progress the original Order. The Sub-Committee

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were requested to authorise the Service Director to make and seek conformation of an Order, as set out in para 2.8 of the considered report.

RESOLVED - That the Service Director of Legal, Governance and Commissioning be authorised to make and seek confirmation of an Order under Section 119 of the Highways Act 1980 to divert Spenborough public footpath 110 (part) (Option 2).

9

Planning Application - Application No: 2019/91836

The Sub-Committee gave consideration to Application – Erection of 34 dwellings at land adjacent to Inkerman Court, Barnsley Road, Denby Dale.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Graham Brown, Joel Collins, Jim Keir and Julian Slater (local residents) and Stewart Brown (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;
 - three years to commence development
 - development to be carried out in accordance with approved plans and documents
 - submission of a Construction (Environmental) Management Plan
 - submission of details of temporary (construction-phase) surface water drainage arrangements
 - submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development)
 - provision of site entrance and visibility splays prior to works commencing
 - submission of details relating to internal adoptable roads
 - submission of details of surfacing and drainage of parking spaces
 - submission of details of highways structures
 - cycle parking provision prior to occupation
 - provision of electric vehicle charging points (one charging point per dwelling with dedicated parking)
 - submission of details of waste storage and collection
 - submission of details of any retaining walls
 - submission of an Arboricultural Method Statement and Tree Protection Plan
 - submission of a detailed drainage design for surface water and land drainage, and a detailed exceedance flow routing plan
 - no piped discharge of surface water from the development prior to the completion of surface water drainage works
 - submission of an intrusive site investigation report (phase II report)
 - submission of a remediation strategy
 - arrangements in the event that unexpected contamination is encountered
 - submission of a validation report
 - submission of details of sound insulation measures
 - submission of details of crime prevention measures

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- external materials (details and samples to be submitted)
 - submission of details of boundary treatments
 - submission of details of external lighting
 - submission of a full landscaping scheme, ecological design strategy and landscape and ecological management plan
 - submission of details of biodiversity enhancement and net gain
 - restriction on removal of trees and hedgerows during nesting season
 - removal of permitted development rights for extensions and outbuildings
- 2) That the Construction Management Plan makes provision for discussion of issues with local residents.
- 3) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) affordable housing – seven affordable housing units (1 bedroom starter homes to be provided in perpetuity) (ii) open space - £45,194 contribution towards off-site provision and an additional contribution payable in the event that development comes forward at the adjacent allocated site (HS136) and the cumulative impacts of the developments require mitigation (iii) education – contribution of £36,007 (iv) sustainable transport – measures to encourage the use of sustainable modes of transport (including a financial contribution of £30,017) and a contribution towards travel plan monitoring, payable in the event that development comes forward at the adjacent allocated site (HS136) such that a travel plan is required (v) biodiversity – contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain (vi) 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) and (vii) traffic regulation order – funding of consultation on, and implementation of (if deemed appropriate, following consultation) a traffic regulation order reducing the speed limit on Barnsley Road to 40mph.
- 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 mitigation and 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, Grainger-Mead, S Hall, Lawson, Lukic, Pervaiz, A Pinnock, Scott and Thompson (10 votes)

Against: (no votes)

Abstained: Councillor Turner

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10 **Planning Application - Application No: 2020/91215**

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

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Guy Loveridge, Barry Brook and Paula Kemp (local residents), Mark Eastwood MP and Paul Butler/Martin Whittaker (on behalf of the applicant).

RESOLVED –

1) That the application be deferred in order to enable information to be submitted to a future meeting regarding the status of a strip of land at the terminus of Wentworth Drive.

2) That the Reserved Matters Application, when received, be submitted to Committee for determination.

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

For: Councillors Akhtar, Dad, Grainger-Mead, S Hall, Lawson, Lukic, Patrick, Pervaiz, A Pinnock, Scott, Thompson and Turner (12 votes)

Against: (no votes)

11 **Planning Application - Application No: 2020/91601**

The Sub-Committee gave consideration to Application 2020/91601 – Change of use from agricultural land to A4 (drinking establishment) and erection of extensions and alternations at Dunkirk Inn, 231 Barnsley Road, Lower Denby, Huddersfield.

RESOLVED – That the application be deferred in order to enable an assessment of (i) the highway statement and (ii) a submitted document titled 'Report for submission to Committee'.

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

For: Councillors Akhtar, Dad, Grainger-Mead, S Hall, Lawson, Lukic, Patrick, Pervaiz, A Pinnock, Scott, Thompson and Turner (12 votes)

Against: (no votes)

12 **Planning Application - Application No: 2020/90084**

The Sub-Committee gave consideration to Application 2020/90084 – Demolition of existing house and barn and erection of office block/storage with canopy over parking area at Crossfield Farm, 17 Woodland Grove, Dewsbury Moor, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Zahid Ahmed and Raees Choudry (local residents), Antonio Caparelli (on behalf of local business) and Iyaz Ayub (applicant).

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RESOLVED – That the application be refused on the grounds that (i) the proposed development would result in the total loss of a non-designated heritage asset known as Crossfield Farm, 17 Woodland Grove, Dewsbury and that the harm resulting from the loss of the asset would not be outweighed by the potential socioeconomic benefits of the development, and to therefore permit the proposal in its current form would be contrary to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework and (ii) the layout of the proposed development would fail to provide satisfactory access for emergency vehicles, and the substandard visibility from the site access, coupled with the significant intensification of use would give rise to an unacceptable impact on highway safety and efficiency, therefore to permit this development in its current form would be contrary to Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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

For: Councillors Grainger-Mead, S Hall, Lawson, Lukic, Patrick, A Pinnock, Scott, Thompson and Turner (9 votes)

Against: (no votes)

Abstained: Councillors Akhtar, Dad and Pervaiz

13 **Planning Application - Application No: 2020/92661**

The Sub-Committee gave consideration to Application 2020/92661 – Change of use of public house to education centre and prayer room at the Nelson Inn, 145 Slaithwaite Road, Thornhill Lees, Dewsbury.

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

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;

- development to commence within three years
- development to be undertaken in accordance with the submitted plans and specifications
- the use of the site shall be limited to 15 students or 10 worshippers on site at any time
- submission and subsequent approval of a management plan, which shall include the timings of classes and prayers, an attendance register and monitoring regime, before the use is first implemented
- surfacing and drainage of the car park before the use is first implemented
- provision of an electric charging point before the use is first implemented

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

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

Against: Councillor Lukic (1 vote)