

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

**Wednesday 14th April 2021**

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

Observers: Councillor Martyn Bolt  
Councillor Gwen Lowe  
Councillor Fazila Loonat  
Councillor Habiban Zaman

**1 Membership of the Sub-Committee**

There were no apologies for absence or substitutions of membership.

**2 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held of 17 February 2021 be approved as a correct record subject to amendment to reflect that Councillor Patrick substituted for Councillor J Taylor.

**3 Declaration of Interests and Lobbying**

Councillors Grainger-Mead, Lukic, J Taylor and Turner indicated that they had been lobbied on Application 2020/91601. Councillor J Taylor advised that he would not participate in the discussion or vote on this item on the grounds that he had previously provided planning advice to the applicant.

Councillors Grainger-Mead, S Hall and Lukic indicated that they had been lobbied on Application 2019/91239.

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

Councillors Grainger-Mead, S Hall, Scott and Turner indicated that they had been lobbied on Application 2020/92368.

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Councillors S Hall, Lawson, Lukic and Turner indicated that they had been lobbied on Application 2020/91747.

Councillors Lukic and Scott indicated that they had been lobbied on Application 2020/90501.

Councillors Dad, Lukic, Lawson, A Pinnock and Turner indicated that they had been lobbied on Application 2021/90302.

Councillor S Hall indicated that he had been lobbied on Application 2020/94233.

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

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

### **5 Deputations/Petitions**

No deputations or petitions were received.

### **6 Planning Application - Application No: 2020/91601**

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

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Mark Ronan (applicant).

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

**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;

- time limit for implementation – 3 years
- development in accordance with plans and specifications
- details/samples of roofing/walling materials including details of green roofs
- details of all boundary treatments including details of retaining walls
- phase 1 preliminary risk assessment report
- phase II intrusive site investigation report
- remediation strategy
- implementation of remediation strategy
- validation report
- noise from fixed plant and equipment
- kitchen extract scheme
- scheme for fats, oils and grease entering the drainage network
- construction site working times
- car parking condition
- details of waste/recycling facilities

## Planning Sub-Committee (Heavy Woollen Area) - 14 April 2021

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 and Scott (9 votes)

Against: Councillor Turner (1 vote)

### 7 **Planning Application - Application No: 2019/91239**

The Committee gave consideration to Application 2019/91239 – Demolition of existing public house and erection of four dwellings at The Shears, 201 Halifax Road, Hightown, Liversedge.

#### **RESOLVED –**

- 1) That the application be refused on the grounds that The Shears Inn dates from the late 18<sup>th</sup> century and makes an important contribution to the townscape of Hightown, has an important part in the history of the Luddite movement in Yorkshire and is a non-designated heritage asset and identified in the West Yorkshire Historic Environment Record, and that the proposed development would result in the complete loss of the building and that its replacement with a development that would not respect or enhance the local townscape, and deliver a minimal additional public benefit.
- 2) That the proposed development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and paras. 192 and 197 of the National Planning Policy Framework.

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, J Taylor and Turner (11 votes)

Against: (no votes)

### 8 **Planning Application - Application No: 2015/90321**

The Committee gave consideration to Application 2015/90321 – Demolition of existing buildings and erection of 43 dwellings with associated access, parking, landscaping and open space at Park Farm, off Smithies Lane, Heckmondwike.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Adam Cook (applicant).

**RESOLVED –** That the application be refused on the grounds that (i) significant highway improvement works are required in order to bring Smithies Lane up to adoptable standards in order to serve the proposed development (ii) the existing section of highway referred to as Phase I on the submitted plans is not suitable for adoption in its current form and as such it would not be possible for the remaining phasing of the works to be joined into this as required to serve the proposed development and (iii) without securing the required highway improvement works, to allow the intensification of use of this substandard access would be detrimental to highway safety and contrary to Policy LP21 of the Kirklees Local Plan.

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

For: Councillors Grainger-Mead, Lawson, Lukic, Pervaiz, A Pinnock, Scott and Turner (7 votes)

Against: (no votes)

Abstained: Councillors Akhtar, Dad, S Hall and J Taylor

### **9 Planning Application - Application No: 2020/91215**

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

**RESOLVED** – That, contrary to the Officer’s recommendation, the consideration of application be deferred at the request of local residents.

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

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

Against: Councillor Lukic (1 vote)

### **10 Planning Application - Application No: 2020/92368**

The Committee gave consideration to Application 2020/92368 – Erection of 14 dwellings with garages and formation of new access road at land south of Leeds Road, Mirfield.

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

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

**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 the approved plans and specifications
- facing and roofing materials details to be provided
- final site levels to be confirmed and agreed
- landscaping strategy to include details of green gabion wall
- notwithstanding submitted plans, boundary treatment and retaining walls (gabion baskets) details to be submitted
- gabion baskets management plan
- remove permitted development rights for alterations, extensions and outbuildings on all plots
- all side facing windows to be obscure glazed

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- implementation and retention of approved noise mitigation measures
- provision of cycle/walkway improvement details along frontage, and provision arrangements
- technical details of new road to adoptable standard
- parking spaces proposed to be provided and retained, including all garages to be retained for vehicle storage
- provision of bin-storage facilities
- construction management plan to detail construction vehicle arrangements and process to be submitted
- highway condition survey to be undertaken and maintained
- sightline to be provided and secured as shown on plans
- submission of cycle storage details, and implementation
- submission of technical drainage strategy
- temporary drainage strategy for during construction period
- provision of electric vehicle charging points (1 per dwelling)
- contaminated land (phase 1, phase 2, remediation and validation as required)
- aboricultural method statement
- removal strategy for invasive knotweed
- submission of ecological design strategy, to include securing hedgerow net gain
- in accordance with ecological impact assessment recommendations
- submission of lighting strategy for ecological preservation
- no interference with adjacent PROW
- retention of highway milestone

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) affordable housing – 3 units (20%) each as discounted market sales housing (ii) open space (offsite) - £21,753 contribution to off-site enhancements to local open space, to address shortfalls in specified open space typologies on site (iii) ecology - £40,020 contribution towards off site measures to achieve biodiversity net gain and (iv) management and maintenance (drainage and on-site POS) – the establishment of management and maintenance arrangements 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).

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, Dad, Grainger-Mead, S Hall, Lawson, Lukic, Pervaiz, A Pinnock, Scott, J Taylor and Turner (11 votes)

Against: (no votes)

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### 11 **Planning Application - Application No: 2020/91747**

The Committee gave consideration to Application 2020/91747 – Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units at land adjacent to 60 Northgate, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Colin Berry (local resident).

**RESOLVED** – That, contrary to the Officer’s recommendation, the consideration of the application be deferred in order to enable site visits to be undertaken.

Recorded Votes were taken in accordance with Council Procedure Rule 42 (5) as follows;

To approve;

For: Councillors Lukic, Pervaiz and Turner (3 votes)

Against: Councillors Dad, Grainger-Mead, Lawson, A Pinnock and Scott (5 votes)

Abstained: Councillors Akhtar, S Hall and J Taylor

To Defer;

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

Against: Councillors Lukic and Turner (2 votes)

Abstained: Councillor J Taylor

### 12 **Planning Application - Application No: 2020/90501**

The Committee gave consideration to Application 2020/90501 – Change of use and alterations to convert trade counter retails unit to function room and store at former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Hamish Gledhill (Applicant’s agent).

**RESOLVED** – That, contrary to the Officer’s recommendation, the application be refused on the grounds that the applicant has failed to demonstrate that the proposal would not have an unacceptable adverse impact on highway safety and the operation of the local highway network, and that the proposal is therefore considered to be contrary to the requirements of Policies LP16, LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 12 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, Lukic, A Pinnock, Scott, J Taylor and Turner (7 votes)

Against: (no votes)

Abstained: Councillors Akhtar, Dad, Lawson and Pervaiz

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### 13 **Planning Application - Application No: 2021/90302**

The Committee gave consideration to Application 2021/90302 – Erection of first floor extensions and alterations to form first floor accommodation at 1 Penn Drive, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Jon McLeod (local resident), Reece Jagger (applicant) and Mark Hellewell (applicant's agent).

**RESOLVED** – That, contrary to the Officer's recommendation, the application be refused on the grounds the detrimental impact which the proposal would have upon neighbour amenity and the character of the area.

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

To approve

For: Councillors Lukic and J Taylor (2 votes)

Against: Councillors Akhtar, Dad, Grainger-Mead, S Hall, Lawson, Pervaiz, A Pinnock, Scott and Turner (9 votes)

To refuse

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

Against: Councillors Lukic and J Taylor (2 votes)

### 14 **Planning Application - Application No: 2020/94233**

The Committee gave consideration to Application 2020/94233 – Change of use of car sales offices to hot food takeaway store at 491 Bradford Road, Batley.

Under the provisions of Council Procedure Rule 36(1), the Sub-Committee received representations from Councillors Zaman, Loonat and Lowe.

**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 implementation – 3 years
- in accordance with submitted plans
- kitchen extract scheme to be submitted for approval prior to occupation

2) That, pursuant to (1) above, the permission be granted for a temporary two year period and that conditions regarding bin storage, waste collection and opening hours be amended whereby opening hours (collection only) would be 12:00 to 20:00 on Sundays and Bank Holidays and 12:00 to 22:30 Monday to Saturday.

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

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

Against: Councillors Akhtar and Dad (2 votes)