

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Wednesday 21st April 2021

Present: Councillor Terry Lyons (Chair)
Councillor Bill Armer
Councillor Paul Davies
Councillor Donna Bellamy
Councillor James Homewood
Councillor Andrew Marchington
Councillor Anthony Smith
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Susan Lee-Richards

Apologies: Councillor Bernard McGuin
Councillor Mohammad Sarwar
Councillor Harpreet Uppal

- 1 Membership of the Sub-Committee**
Apologies were received from Councillors McGuin, Sarwar and Uppal.
- 2 Minutes of previous meeting**
The minutes of the meeting held on 10 March 2021 were approved as a correct record.
- 3 Declaration of Interests and Lobbying**
Councillors Bellamy, Davies, Homewood, Lee-Richards, Marchington, A Smith, Sokhal, Ullah and Lyons declared that they had been lobbied in respect of Item 6 Application for a Definitive Map Modification Order (DMMO) to vary the particulars of public footpath Holmfirth 60 at Wolfstones Heights Farm, Netherthong.
- 4 Admission of the Public**
All items were considered in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Application for a Definitive Map Modification Order (DMMO) to vary the particulars of public footpath Holmfirth 60 at Wolfstones Heights Farm, Netherthong**
The Sub Committee considered a report that outlined details of an application for a Definitive Map Modification Order (DMMO) to vary the particulars of public footpath Holmfirth 60 at Wolfstones Heights Farm, Netherthong.

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The report outlined the context and background to the matter, information required to take a decision, next steps and officer recommendations and reasons.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Noel Scanlon, Greg Cropper (objectors) and Andy Leader (in support).

RESOLVED –

1. That the Council makes an Order to modify the Definitive Map and Statement to vary the particulars contained in the Map and Statement for footpath Holmfirth 60 to record a width for length A-E varying between 3 and 4 metres, between physical boundaries. With removal of reference to two stiles at points B and C, and a wicket gate at point D, and inclusion as a limitation a 1.2m gap alongside a gate at point B; and
2. Should the Order be opposed, and the matter referred to the Secretary of State, that the Council should actively support the confirmation of the Order at any public inquiry or hearing

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

For: Councillors: Armer, Davies, Homewood, Sokhal, Ullah and Lyons (6 votes)

Against: (0 votes)

Abstained: Councillors: Bellamy, Lee-Richards, Marchington and A Smith.

7 Planning Application - Application No: 2019/93335

The Sub Committee gave consideration to Planning Application 2019/93335 Outline application for erection of residential development Land adj Dathan Tools, Mean Lane, Meltham, Holmfirth.

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

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report including:
 1. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.
 2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
 3. Application for Reserved Matters to be submitted within three years.
 4. Time limit for commencement of development.

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5. Development to be carried out in accordance with approved plans and specifications.
6. Submission of an Ecological Impact Assessment (EclA) with demonstration how the proposals will deliver a measurable biodiversity net gain of at least 10% and development in accordance with EIA recommendations.
7. Submission of a Phase 2 Intrusive Site Investigation Report.
8. Submission of a Remediation Strategy.
9. Implementation of a Remediation Strategy.
10. Submission of a Validation Report.
11. Provision of Electric Vehicle Charging Points.
12. Work to be carried out in accordance with the council's set construction site working times
13. Details of storage, bin presentation points and access for collection of wastes from the dwellings.
14. Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
15. Construction Management Plan, including point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
16. Provision of details of retaining walls and features adjacent to the existing/proposed adoptable highways.
17. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
18. A scheme detailing the proposed internal road layout (to an adoptable standard)
19. Full detailed drainage design detailing foul, surface water and land drainage.
20. Full details of the proposed means of managing surface water during the construction period including silt management to prevent blocking up of drainage systems.
21. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
22. Submission of details securing land within the blue line boundary to facilitate the necessary drainage infrastructure for the application site (Grampian1 style condition)
23. Any additional drainage related conditions (taking into account final comments from the LLFA and Yorkshire Water)

2. Secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 20% of dwellings to be affordable with a preferred split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
- 3) Education - additional places may be required at Meltham Moor Primary School and Honley High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
- 4) Sustainable Travel - contribution to sustainable transport methods, including a contribution towards Meltham Greenway to be determined at Reserved Matters stage based upon the number of dwelling units;

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- 5) Biodiversity – Contribution (amount to be confirmed at the Reserved Matters stage) towards off-site measures to achieve biodiversity net gain.
 - 6) Arrangements to secure the long-term maintenance and management of on site public open space and the applicant's drainage proposals, including pumping station.
3. Pursuant to (2) above, in the circumstances where the S106 agreement has not been completed within 3 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 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.

It was noted that the Sub Committee made a request to consider any future Reserved Matters application associated with this development site.

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

For: Councillors: Armer, Bellamy, Davies, Homewood, Lee-Richards, Marchington, A Smith, Sokhal, Ullah and Lyons (10 votes).

Against: (0 votes)

8 **Planning Application - Application No: 2020/93654**

The Sub Committee gave consideration to Planning Application 2020/93654 Change of use of plant nursery and retail to garden centre and formation of new access and car parking Fenay Bridge Nurseries, Brewery Yard, Fenay Bridge, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Malcolm Sizer (on behalf of the applicant).

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 years of permission.
2. Development to be undertaken in accordance with submitted plans/specifications.
3. Restriction on the hours of operation/use to 10:00-18:00 on any day of the week.
4. Restriction on the use of the site to 'garden centre' and for no other purpose (including any other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987.
5. To restrict the ancillary retail sales areas/including café/toilets to the areas edged green on drawing no. MS1.
6. Scheme of highway works at site access road and the site access junction with Fenay Lane, including the footway along the site frontage (with reference to drawing

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no. 890/03) and all associated highway works to be undertaken in accordance with the submitted details⁷. Details of formal car park layout, service areas and waste storage within to be submitted and approved before the use is first commenced.

8. Visibility splays of 2.4 m x 43 m in both directions along Fenay Lane to be provided before the use is first commenced.

9. The existing access to be permanently closed and the new access to be constructed in accordance with approved details before the use is first commenced.

10. All temporary and permanent highway retaining structures within the site and off-site (retaining wall at Fenay Lane) to be undertaken in accordance with the submitted plans and specifications prior to the use being made operational and retained thereafter.

11. Permeable surfacing of the approved vehicle parking areas.

12. Development to be undertaken in accordance with the submitted Construction Management Plan.

13. The treatment of all surface water flows from parking areas and hard standings to be undertaken in accordance with the submitted plans and specifications before use of hard surfaces/parking areas commence.

14. Details of a landscaping scheme, including phasing, to be submitted before the use is commenced.

15. Approved landscaping scheme to be carried in accordance with approved timescales & maintained for a period of five years from the completion of planting works.

16. Provision of electric vehicle charging points.

18. Submission of Ecological Design Strategy addressing mitigation and enhancement.

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

For: Councillors: Armer, Bellamy, Davies, Homewood, Lee-Richards, Marchington, A Smith, Sokhal, Ullah and Lyons (10 votes)

Against: (0 votes)

9 **Planning Application - Application No: 2021/90774**

The Sub Committee gave consideration to Planning Application 2021/90774 Listed Building Consent for replacement roof tiles (within a Conservation Area) 74, Huddersfield Road, Holmfirth.

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. Standard 3-year timeframe for commencement of development.

2. Development to be completed in accordance with the submitted plans and specifications.

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3. The existing slates and ridge tiles to be retained on site for reinstatement in the event that the building is re-roofed, with the artificial vent slates and ridge tiles removed.

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

For: Councillors: Armer, Bellamy, Davies, Homewood, Lee-Richards, Marchington, A Smith, Sokhal, Ullah and Lyons (10 votes).

Against: (0 votes).