

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

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

Thursday 10th June 2021

Present: Councillor Mumtaz Hussain (Chair)  
Councillor Nosheen Dad  
Councillor Adam Gregg  
Councillor David Hall  
Councillor Steve Hall  
Councillor John Lawson  
Councillor Gwen Lowe  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Joshua Sheard  
Councillor Mohan Sokhal  
Councillor Melanie Stephen

Apologies: Councillor Cathy Scott

#### 1 Membership of the Sub-Committee

Councillor Sokhal substituted for Councillor Loonat.

Councillor D Hall substituted for Councillor K Taylor.

Apologies for absence were received on behalf of Councillor Scott.

#### 2 Minutes of Previous Meeting

**RESOLVED** – That the Minutes of the Meeting held on 14 April 2021 be approved as a correct record.

#### 3 Declaration of Interests and Lobbying

Councillors Dad, Gregg, M Hussain, S Hall, Lawson, Pervaiz, A Pinnock, Sheard, Sokhal and Stephen advised that they had been lobbied on Application 2020/91215.

Councillors S Hall and Pervaiz advised that they had been lobbied on Application 2019/92515.

Councillor M Hussain advised that he had been lobbied on Application 2021/91400.

Councillors Dad and Pervaiz advised that they had been lobbied on Application 2021/90209.

Councillor A Pinnock advised that he had been lobbied on Application 2021/90807.

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Councillors S Hall and A Pinnock advised that they had been lobbied on Application 2021/90090.

Councillors S Hall and A Pinnock advised that they had been lobbied on Application 2021/90212.

Councillor A Pinnock advised they he had been lobbied on Application 2021/90706. Councillor Lawson declared an 'other' interest in this application on the grounds that his partner works for the parent company of Arriva.

Councillor M Hussain declared a disclosable pecuniary interest in Application 2021/90708 on the grounds that his wife was the applicant and would therefore leave the meeting for the consideration of this application.

The Sub-Committee resolved that Application 2021/90708 would be chaired by Councillor S Hall.

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

It was noted that there was no exempt information for consideration.

### **5 Deputations/Petitions**

No deputations or petitions were received.

### **6 Public Question Time**

No questions were asked.

### **7 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.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mark Eastwood MP, Barry Brook, Mike Wood and James Martin (local residents), Paul Butler (applicant's agent) and Mike Whittaker (applicant's highways consultant).

### **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;

- standard outline condition (submission of reserved matters)
- standard outline condition (implementation of reserved matters)
- standard outline condition (reserved matters submission time limit)
- standard outline condition (reserved matters implementation time limit)
- development in accordance with plans and specifications
- flood risk and drainage – full scheme to be submitted
- separate systems of foul and surface water drainage to be provided
- details of access and internal adoptable roads

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- restricted access from Green Acres Close
  - section 278 works to public footpath
  - ecology and biodiversity net gain (including submission of an ecological design strategy)
  - tree protection measures to be implemented prior to commencement
  - restriction on timing of removal of hedgerows, trees and shrubs
  - landscaping – full details to be submitted
  - construction management plan to be submitted
  - electric vehicle charging points to be provided
  - contaminated land
  - coal mining legacy – details of intrusive site investigation to be submitted
  - details of ball strike risk mitigation to be submitted at reserved matters
  - details of management and maintenance of ball risk mitigation to be submitted pre-commencement
  - submission of details of crime prevention measures
  - submission of details of noise mitigation measures
- 2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) affordable housing – 20% of units, with a policy-compliant tenure and unit size mix, to be provided in perpetuity (ii) education – financial contribution to be calculated with reference to number of units proposed at reserved matters stage, unit sizes and projected pupil numbers (iii) highways and transport – measures to encourage the use of sustainable modes of transport, including a financial contribution to be calculated with reference to details and number of units proposed at reserved matters stage, the highway impacts of the proposed development, consultee responses and improvements to off-site public rights of way (iv) open space – financial contribution towards off-site provision, to be calculated with reference to details proposed at reserved matters stage (v) biodiversity – contribution towards off-site measures to achieve biodiversity net gain, to be calculated with reference to details proposed at reserved matters stage and opportunities for on-site and near site compensation (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 after consultation) a traffic regulation order to restrict parking at the Wentworth Drive/Beaumont Street junction.
- 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 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.

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

For: Councillors Dad, S Hall, Lawson, Pervaiz and Sokhal (5 votes)

Against: Councillors Gregg, D Hall, Sheard and Stephen (4 votes)

Abstained: Councillors M Hussain and A Pinnock

### 8 **Planning Application - Application No: 2019/92515**

The Sub-Committee gave consideration to Application 2019/92515 – Partial demolition of existing building and erection of first floor and two storey rear extensions at Mohaddis E Azam Education Centre and Masjid E Madani, 225c Ravenshouse Road, Dewsbury Moor.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Mohammad Iqbal (in support of the application)

**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;

- timescale for implementation
- development to be carried out in accordance with approved plans and specifications
- samples of external materials to be submitted
- call to prayer (control hours, length of time, sound level)
- electric vehicle charging points
- reporting of unexpected contamination
- intrusive site investigations (in relation to coal mining legacy)
- details of external artificial lighting

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Sokhal and Stephen (11 votes)

Against: (no votes)

### 9 **Planning Application - Application No: 2021/91400**

The Sub-Committee gave consideration to Application 2021/91400 – Erection of first floor side and rear extensions at 74-76 Pilgrim Crescent, Dewsbury Moor.

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

**RESOLVED** – That the application be refused on the grounds that (i) the proposed side extension, by reason of the design and scale, would result in the formation of an incongruous feature within the street scene which would not be subservient to the main house and to permit the proposed first floor side extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework (ii) the first floor extension, by reason of the roof design, would result in the formation of an incongruous feature within the street scene which would not be subservient to the main house and to permit the proposed

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first floor side rear extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework and (iii) the proposed first floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property and to permit the first floor extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

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

For: Councillors Dad, Gregg, D Hall, S Hall, Lawson, A Pinnock, Sheard, Sokhal and Stephen (9 votes)

Against: (no votes)

Abstained: Councillors M Hussain and Pervaiz

### 10 **Planning Application - Application No: 2021/90209**

The Sub-Committee gave consideration to Application 2021/90209 – Erection of detached dwelling adjacent to 18 Wells Road, Thornhill, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Ken Calvert and Mohammad Zaman (local residents), Hamish Gledhill (applicant's agent) and Fiesal Iqbal (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;

- timescales
- accordance with the plans
- external materials
- removal of permitted development rights for classes A – E
- parking area to be surfaced
- management plans for parking and appropriate safety audit
- details of the retaining walls/structures adjacent to highway
- details of bin storage
- provision of integral bat boxes
- electric vehicle parking points
- provision of phase 1 contaminated land report
- provision of phase 2 contaminated land report
- provision of a remediation strategy (in relation to contaminated land)
- validation report (in relation to contaminated land)

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

For: Councillors Gregg, D Hall, Lawson, A Pinnock, Sheard, Sokhal and Stephen (7 votes)

Against: (no votes)

Abstained: Councillors Dad, S Hall, M Hussain and Pervaiz

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### 11 **Planning Application - Application No: 2021/90807**

The Committee gave consideration to Application 2021/90807 – Use of land to rear for dog training and erection of a fence at Pasture Farm Barn, 8 West View, Scholes, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Martin Binns and Paula Jagger (local residents).

**RESOLVED** – That, contrary to the Officer’s recommendation, the application be refused on the grounds that the proposed development would be detrimental to the amenity of local residents due to noise disturbance.

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

For: Councillors Dad, D Hall, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Sokhal and Stephen (10 votes)

Against: Councillor Gregg

### 12 **Planning Application - Application No: 2021/90090**

The Sub-Committee gave consideration to Application 2021/90090 – Variation condition 2 (plans) on previous permission 2017/91596 for change of use of barn to 2 dwellings, erection of rear extension to existing cottage, demolition of existing cattle shed, erection of tractor and hay store and alterations to layout at Egypt Farm, Cliffe Lane, Gomersal.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Nick Ward (local resident), Emma Winter (applicant’s agent) and Andrew Ratcliffe (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;

- in accordance with plans
- vehicle charging points provided within three months of decision and retained
- parking provided including new hard surfacing for parking to be surfaced and drained and retained within 6 months of decision and retained (due to demolition of building required)
- obscurely glazed windows (as shown on plans) with restrictors to allow for window to only open 10cm to be fitted within three months of the decision and retained
- unauthorised roof lights to be removed within three months
- permitted development rights removed for classes A, B, C, D, E
- provision of black pressed metal guttering to barn and in accordance with plans within three months and retained
- existing windows and those hereby approved to be timber and retained as timber with a painted finish (except roof lights)
- roof lights hereby approved to have conservation style bar retained
- no new windows or doors other than those approved under this application unless submitted to in writing and approved by the LPA – any new windows

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or doors applied for shall be of timber with a painted finish with a minimum of 75mm from the face of the building

- any new facing brick used on the barn shall match the existing
- roof material match existing
- retention of bat box
- information regarding gas protection measures to be submitted to the Local Planning Authority within 1 month of the decision notice being issued – this is to be approved in writing by the Local Planning Authority – final wording of condition to be agreed with Environmental Health to secure any further works if necessary, to ensure end user safety

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Pervaiz, Sheard, Sokhal and Stephen (9 votes)

Against: (no votes)

Abstained: Councillors Lawson and Pinnock

### 13 **Planning Application - Application No: 2021/90212**

The Sub-Committee gave consideration to Application 2021/90212 – Variation condition 2 (plans) on previous permission 2017/91597 for Listed Building Consent for alterations to barn to 2 dwellings, erection of side and rear extensions to existing garage at Egypt Farm, Cliffe Lane, Gomersal.

**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;

- in accordance with plans
- unauthorised roof lights to be removed within three months
- provision of black pressed metal guttering to barn and in accordance with plans within three months and retained
- existing windows and those hereby approved to be timber and retained as timber with a painted finish (except roof lights)
- roof lights hereby approved to have a conservation style bar retained
- no new windows or doors other than those approved under this application unless submitted to in writing and approved by the local planning authority – any new windows or doors applied for shall be of timber with a painted finish with a minimum of 75mm from the face of the building
- any new facing brick used on the barn shall match the existing
- roof material match existing

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Pervaiz, Sheard, Sokhal and Stephen (9 votes)

Against: (no votes)

Abstained: Councillors Lawson and A Pinnock

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### 14 **Planning Application - Application No: 2021/90706**

The Sub-Committee gave consideration to Application 2021/90706 – Removal of condition 23, on previous permission 2013/93186, for demolition of a building and formation of additional coach and bus parking/storage area, with screen planting and amended vehicular access arrangements at Arriva Lodge Garage, Whitehall Road West, Hunsworth, Cleckheaton.

**RESOLVED** – That the consideration of the application be deferred in order to enable further information submitted from the new site owners regarding operations.

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Sokhal and Stephen (11 votes)

Against: (no votes)

### 15 **Planning Application - Application No: 2021/90708**

(Councillor S Hall in the Chair)

The Sub-Committee gave consideration to Application 2021/90708 – Change of use of clothes shop to hot and cold food dessert café and takeaway at 677 Huddersfield Road, Ravensthorpe, Dewsbury.

**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;

- timescale for the implementation of development (3 years)
- in accordance with the approved plans
- submission of a scheme of ventilation
- submission of a scheme for the removal of fats, oils and grease
- submission of a noise report
- restriction of hours of operation – 06:00 to 23:00 7 days per week

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

For: Councillors Dad, Gregg, D Hall, S Hall, Lawson, Pervaiz, A Pinnock, Sheard, Sokhal, Stephen (10 votes)

Against: (no votes)