

Contact Officer: Richard Dunne

## **KIRKLEES COUNCIL**

### **PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**

**Thursday 17th June 2021**

Present: Councillor Terry Lyons (Chair)  
Councillor Paul Davies  
Councillor James Homewood  
Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Harpreet Uppal  
Councillor Donna Bellamy  
Councillor Bernard McGuin  
Councillor Anthony Smith

Observers: Councillor Andrew Cooper  
Councillor Nigel Patrick

Apologies: Councillor Bill Armer  
Councillor Timothy Bamford  
Councillor Susan Lee-Richards

**1 Membership of the Sub-Committee**

Apologies were received from Councillors Bill Armer, Timothy Bamford and Susan Lee-Richards.

**2 Minutes of previous meeting**

The minutes of the meeting held on 21 April 2021 were approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillor Bellamy declared that she had been lobbied on application 2020/91820.

Councillors McGuin and Ullah declared that they had been lobbied on application 2021/90743.

**4 Admission of the Public**

All items were considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 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.

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 and Greg Cropper (objectors).

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

**RESOLVED -**

1. That the Council makes an order to modify the Definitive Map and Statement Modification 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. That 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: Davies, Homewood, Lyons, McGuin, Sarwar, A Smith, Sokhal, Ullah and Uppal (9 votes)

Against: Councillor Bellamy (1 vote)

**8 Planning Application - Application No: 2020/91820**

The Sub Committee gave consideration to Planning Application 2020/91820 Change of use and refurbishment of existing buildings to form outdoor learning facility with classrooms (F.1(a)) and ancillary overnight accommodation Land off, Manchester Road, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Caroline Tamworth (objector), James Robert and Leigh Ogden (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. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Limit use to 32 children (with 8 adults as chaperone).
4. Lighting strategy (for Green Belt and Ecological purposes).
5. Existing structure not to be demolished.
6. Material samples to be provided.
7. Details of window concealment system.
8. Parking bays not to be resurfaced or marked out.
9. Electric vehicle charging point details to be submitted.
10. Waste storage screening to be detailed.
11. To secure the retention of the stone posts around the site.
12. Removal of storage containers prior to use commencing.
13. Biodiversity Management Plan to secure 10% net biodiversity gain.
14. Submission of details of bat boxes and location within the site.
15. Canteen and kitchen to be ancillary use only.
16. Submission of cycle stand details.
17. Use limited to F.1(a) – Provision of education, only.
18. Construction Management Plan

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

For: Councillors: Davies, Homewood, Sarwar, A Smith, Sokhal, Ullah, Uppal and Lyons (8 votes).

Against: (0 votes)

Abstained: Councillors Bellamy and McGuin.

**9 Planning Application - Application No: 2021/90887**

The Sub Committee gave consideration to Planning Application 2021/90887 Outline application for erection of residential development Land west of, Lidget Street, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Nick Willock (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:

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1. Complete the list of conditions including those contained within the considered report including:

1. Approval of Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Development to be carried out in accordance with approved plans and specifications.
5. Submission of an Ecological Impact Assessment (EcIA) with demonstration how the proposals will deliver a measurable biodiversity net gain of at up to 10% and development in accordance with EiA recommendations.
6. Submission of a Phase 1 Preliminary Risk Assessment.
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 to inform the Reserved Matters of 'access' and 'layout'.
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. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
17. A scheme detailing the proposed internal road layout (to an adoptable standard).
18. Full detailed drainage design detailing foul, surface water and land drainage
9. Full details of the proposed means of managing surface water during the construction period including silt management to prevent blocking up of drainage systems.
20. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
21. Noise assessment report and mitigation scheme.
22. Submission of Travel Plan.
23. Tree survey and impact assessment and arboricultural method statement.
24. Measures to promote carbon reduction and enhance resilience to climate change.
25. Full details of an invasive species management plan.
26. Full details of a Construction Environmental Management Plan.

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 and to be spent within the vicinity of the site;
- 3) Education - additional places may be required to be spent on priority admission area schools within the geographical vicinity of this site, with the contribution to be calculated at Reserved Matters stage based upon the numbers of dwellings proposed at that time;
- 4) A contribution to sustainable transport methods, to be determined at Reserved Matters stage based upon the number of dwelling units;
- 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

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.

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

For: Councillors: Davies, Homewood, Sarwar, Sokhal, Ullah, Uppal and Lyons (7 votes).

Against: Councillors: Bellamy, McGuin and A Smith (3 votes).

**10 Planning Application - Application No: 2021/90743**

The Sub Committee gave consideration to Planning Application 2021/90743 Alterations to convert existing barns to café and seating area and formation of parking facilities Gledhill Farm, Kaye Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Stephen King (Objector) and Steven Griffiths (applicant).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received a representation from Councillor Andrew Cooper (ward members).

**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 and the update report including:

1. Development to commence within 3 years of permission.
2. Development to be undertaken in accordance with submitted plans/specifications.

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3. Internally, the café to be strictly contained to the red dashed area of the livery building as displayed in drawing No. TS112-2, and shall not exceed a floor area of 143m<sup>2</sup>.
4. Cooking odour impact assessment prior to the first use of the café to be submitted and approved.
5. Details of surface improvements and widening the first 30 metres of the access lane into site from Kaye Lane, widening in accordance with Drawing No. H3451/02, to be submitted and approved and the approved scheme completed prior to the first use of the café.
6. The car park laid out in with accordance with Drawing No. TS112-2 prior to the first use of the café.
7. A scheme detailing the boundary treatments (including acoustic fencing) between the site and the neighbouring residential properties of No.126 and 132 Kaye Lane to be submitted and approved prior to the first use of the café.
8. A method statement for enhancing biodiversity prior to the first use of the café.
9. No heat exchange unit, air conditioning unit or other plant installed until an acoustic report is submitted and approved.
10. Noise assessment to be submitted and approved prior to an outdoor seating area in connection with the café.
11. Artificial lighting scheme to be submitted and approved prior to the installation of any external artificial lighting.
12. Energy Statement to be submitted and approved prior to the first use of the café.
13. Details of bin/refuse collection and storage areas to be submitted and approved prior to the first use of the café.
14. Hours restricted to customers to 09:00 to 18:00 any day, as well as deliveries and no deliveries on Sundays or Bank Holidays.
15. Work to stop and Phase I survey to be submitted if unsuspected contamination encountered.
16. The menage area, included within the application site, shall be retained as such and shall not be used for customer or staff parking.

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

A vote for deferment.

For: Councillors: Bellamy, McGuin, A Smith and Lyons (4 votes)

Against: Councillors: Davies, Homewood, Sarwar, Sokhal, Ullah and Uppal (6 votes)

A vote to approve the application.

For: Councillors: Davies, Homewood, Sarwar, A Smith, Sokhal, Ullah, Uppal and Lyons (8 votes)

Against: Councillor Bellamy (1 vote)

Abstained: Councillor McGuin.