

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 23rd June 2022

Present: Councillor Gwen Lowe (Chair)
Councillor Ammar Anwar
Councillor Adam Gregg
Councillor Steve Hall
Councillor John Lawson
Councillor Fazila Loonat
Councillor Aleks Lukic
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Jackie Ramsay
Councillor Joshua Sheard
Councillor Melanie Stephen

Apologies: Councillor Nosheen Dad

1 Membership of the Sub-Committee

Apologies for absence were received from Councillor Nosheen Dad.

2 Minutes of Previous Meeting

RESOLVED – That the minutes of the meeting held on the 28 April 2022 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors S Hall, Loonat, Pervaiz, Anwar, Ramsay, Gregg, Sheard, Stephen, Lukic, A Pinnock, J Lawson and Lowe declared that they had been lobbied on application 2021/93286.

Councillor Pervaiz declared that she had been lobbied on application 2021/93109.

Councillor Lukic declared an 'other interest' in application 2021/90731 on the grounds that a family member lived near to the development site.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

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7 Site Visit - Application No: 2021/93286

Site visit undertaken.

8 Site Visit - Application No: 2021/93109

Site visit undertaken.

9 Site Visit - Application No: 2022/90501

Site visit undertaken.

10 Review of Planning Appeal Decisions

The report was noted.

11 Planning Application - Application No: 2021/93286

The Sub Committee gave consideration to Planning Application 2021/93286 Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings Land at, Green Acres Close, Emley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Mike Wood, Edward Snell, Janet Hodgson, Frank Spivey and James Martin (objectors) and Paul Butler (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 and the planning update including:
 1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion and in the interests of highway safety in accordance with Policies LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP11, LP20 LP21, LP22, LP23, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP34, LP35, LP38, LP47, LP48, LP49, LP50, LP51, LP52, LP53, LP63, LP65 of the Kirklees Local Plan and the aims of the Housebuilders Design Guide SPD and National Planning Policy Framework.

2. The crime prevention measures hereby approved, shall be carried out in complete accordance with dwg no. P21:5463:21 Rev A. The measures shall thereafter be retained.

Reason: In the interests of preventing crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.

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3. Before the occupation of any of the dwellings hereby approved, details of external lighting shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved works.

Reason: In the interests of amenity and to prevent crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.

4. Prior to works commencing on the superstructure, the detailed design of the ball-stop netting and associated support columns shall be submitted to and approved by the Local Planning Authority following consultation with Sport England. The agreed ball-stop netting design shall be installed prior to the occupation of any dwelling within the site that the Labosport report deemed at risk of ball strike, to the satisfaction of the Local Planning Authority.

Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.

5. Prior to works commencing on the superstructure, a management and maintenance plan in respect of the approved ball stop netting, will shall include provision for routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus, shall be submitted to and approved by the local planning authority following consultation with Sport England. The approved plan shall come into force upon the satisfactory installation of the approved ball-stop netting.

Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.

6. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, masterplan design, an assessment of Sustainable drainage including attenuation, water quality and amenity potential, outfalls, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

7. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has

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been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:- phasing of the development and phasing of temporary drainage provision.

- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha for temporary drainage, unless otherwise agreed with the LLFA. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

8. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference, Wharnccliffe Trees and Woodland Consultancy. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP 24 and LP 33 of the Local Plan.9.

9. Prior to works commencing on the superstructure, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

- (a) Means of enclosure around the site, including ball stop fencing, proposed hedgerows;
- (b) Landscape works at the access point with the Millennium Green;
- (c) Materials to be used for all hard surfaced areas including vehicle and other circulation areas;
- (d) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation, management and maintenance programme.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved

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details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the local planning authority

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

10. Prior to works commencing on the superstructure, a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with LP21 of the Kirklees Local Plan.

11. Prior to works commencing on the superstructure, a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation pipes/manhole located within the proposed highway footprint shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development

Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with LP21 of the Kirklees Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the northern facing side elevation of the plot 8 hereby approved.

Reason: So as not to detract from the amenity of the neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. Notwithstanding the information submitted within the Ecological Design Strategic, works for the superstructure shall not commence, until a plan detailing the position and location of the three bat boxes, 48 swift bricks and hedgehog friendly fence panels has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

2. The following additional conditions:

1. An additional condition to cover the removal of Permitted Development Rights on plots 41/34/33 and plots 14-20;
2. An additional condition to include a requirement to consult with local residents on the development of the Construction Environmental Management Plan.

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

- 1) Affordable housing – eight affordable housing units (either 6 social/affordable rent, two intermediate/discount market sale or four social/affordable rent, and four intermediate/discount market sale) to be provided in perpetuity.
- 2) Open space – A reduced sum of £44,006 towards off site provision.
- 3) Education – £78,891 contribution to be spent on priority admission area schools within the geographical vicinity of this site. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
- 4) Highways and transport - £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling)
- 5) 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).
- 6) Biodiversity - £77,970 contribution towards off-site provision to achieve biodiversity net gain.
- 7) Traffic Regulation Order – £7,000 contribution.

4. Pursuant to (3) above, in the circumstances where the Section 106 agreement has not been completed within three 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 mitigation and 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.

5. A request that should officers find any of the proposals pursuant to the discharge of the conditions relating to the ball stop netting unacceptable, the discharge of condition(s) application(s) be referred to the Sub Committee for decision.

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

For: Councillors: S Hall, J Lawson, Lowe, Lukic, Pervaiz, A Pinnock, and Ramsay (7 votes)

Against: Councillor: Anwar, Gregg, Loonat, Sheard and Stephen (5 votes)

12 Planning Application - Application No: 2022/91339

The Sub Committee gave consideration to Planning Application 2022/91339 Alterations from rendered finish to wood cladding finish on 2 walls Chellow House Cottage, Chellow Terrace, Birkenshaw.

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 time scales for the development.
2. development to be in accordance with the approved plan.

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

For: Councillors: Anwar, Gregg, S Hall, J Lawson, Loonat, Lowe, Lukic, Pervaiz, A Pinnock, Ramsay, Sheard and Stephen (12 votes)

Against: (0 votes)

13 Planning Application - Application No: 2022/90501

The Sub Committee gave consideration to Planning Application 2022/90501 Erection extensions and alterations to two dwellings 74-76, Pilgrim Crescent, Dewsbury Moor, Dewsbury.

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The proposed first floor 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. 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.
2. 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. To permit the first floor side extension would be contrary to policy LP24 of the

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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: Gregg, S Hall, J Lawson, Loonat, Lowe, Lukic, A Pinnock, Ramsay, Sheard and Stephen (10 votes).

Against: Councillor Anwar (1 vote).

Abstained: Councillor Pervaiz

14 Planning Application - Application No: 2021/93109

The Sub Committee gave consideration to Planning Application 2021/93109
Erection of single storey extension 9, Sackville Street, Ravensthorpe, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Mohammad Latif (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. Time scale for implementing permission.
2. Development to be carried out in accordance with the approved details.
3. Matching materials for the extension.
4. Submission of a noise report.
5. Hours of opening between 07.30 and 18:00 Monday to Saturday with no opening on Sundays.

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

For: Councillors: Anwar, Gregg, S Hall, J Lawson, Loonat, Lowe, Lukic, Pervaiz, A Pinnock, Ramsay, Sheard and Stephen (12 votes).

Against: (0 votes).

15 Planning Application - Application No: 2021/90731

The Sub Committee gave consideration to Planning Application 2021/90731
Erection of detached dwelling with parking and associated works adj, 7, Valley Road, Millbridge, Liversedge.

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

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including those contained within the considered report and the planning update including:

1. Time scale for implementing permission
2. Development to be carried out in accordance with approved details
3. Samples of external walling and roofing materials to be submitted (natural stone, artificial slate and stone coloured render)
4. No outbuilding or extensions to be erected within the redline boundary
5. Details of boundary treatment to be submitted
6. No additional openings at ground floor in the northern side elevation
7. Area indicated for parking to be surfaced and drained
8. Reporting of unexpected land contamination
9. Details of provision for electric vehicle charging points
10. Installation of a bird nesting feature
11. Installation of a bat roosting feature
12. Restriction of removal of vegetation
13. Provision of footway along Thomas Street

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

For: Councillors: Anwar, Gregg, S Hall, J Lawson, Loonat, Lowe, Lukic, Pervaiz, A Pinnock, Ramsay, Sheard and Stephen (12 votes).

Against: (0 votes)