

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 27th October 2022

Present: Councillor Gwen Lowe (Chair)
Councillor Nosheen Dad
Councillor Adam Gregg
Councillor Steve Hall
Councillor John Lawson
Councillor Aleks Lukic
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Joshua Sheard
Councillor Melanie Stephen

Apologies: Councillor Fazila Loonat
Councillor Jackie Ramsay

1 Membership of the Sub-Committee

Apologies for absence were received from Councillors Loonat and Ramsey.

2 Minutes of Previous Meeting

RESOLVED – That the minutes of the meeting held on 4th August 2022 be agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillors Dad, Gregg, Hall, Lawson, Lowe, Lukic, Pervais, Pinnock, Sheard and Stephen advised that they had been lobbied on Application No. 2022/90175.

Councillors Dad, Lawson, Pervais and Pinnock advised that they had been lobbied on Application No.2022/91176.

Councillors Dad, Lowe and Pervais advised that they had been lobbied on Application No.2022/90825.

4 Admission of the Public

It was noted that all items would be considered 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: 2022/90175
Site visit undertaken.

8 Site Visit - Application No: 2022/91176
Site visit undertaken.

9 Site Visit - Application No: 2022/90825
Site visit undertaken.

10 Planning Application - Application No: 2022/90175

The Sub-Committee gave consideration to Application 2022/90175 - Erection of 4 stables/tackroom and equestrian use on land to the north of Stocks Moor Road, Stocksmoor, Huddersfield.

Under the provisions of Council Procedure Rule 36(3) the Sub-Committee received representations from Councillors Armer and John Taylor.

Under the provisions of Council Procedure Rule 37 the Sub-Committee received representations from Liz Turner and Andrew Hutchison (in objection).

RESOLVED –

That consideration of the application be deferred to allow officers to:

- (i) carry out further investigation of the highway safety aspects of the application; in particular the access arrangements for vehicles, including those using trailers or similar, and the issues associated with the parking of vehicles on the adopted highway,
- (ii) provide clarity on suggested conditions in relation to the use of materials, the process for when the site becomes redundant, the use of the area in blue on the location plan for the use of grazing of horses and personal use of the permission,
- (iii) Outline the risks of any suggested conditions.

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

For: Councillors Dad, Gregg, Hall, Lawson, Lowe, Lukic, Pervaiz, Pinnock, Sheard and Stephen (10 votes)

Against: no votes

11 Planning Application - Application No: 2022/91176

The Sub-Committee gave consideration to Application 2022/91176 - Erection of workshop/storage building at The Old Stone Yard, Near Bank, Shelley, Huddersfield.

Under the provisions of Council Procedure Rule 36(3) the Sub-Committee received a representation from Councillor John Taylor.

Under the provisions of Council Procedure Rule 37 the Sub-Committee received a representation from Mike Powell (the agent).

RESOLVED –

That the application be refused for the following reasons:

1. The previous and existing use as an external stone yard (now a tree / log storage yard) had/has an open-air character and the proposed workshop / storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. The very special circumstances put forward do not out-weigh the harm to the Green Belt. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.
2. The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.
3. The constructed purpose built industrial/business unit, together with associated parking, turning area and close boarded fencing, separating it from the remainder of the site, results in a spatial enclosure and fragmentation of the approved log storage yard into separate business units. It changes the permitted use of the land and significantly impacts upon openness of the Green Belt. This would be inappropriate development in the Green Belt. The very special circumstances put forward would not out-weigh the harm of the proposed building, (which is also part of an unauthorised business park emerging more widely), on the Green Belt and visual amenity of the area. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.

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

For: Councillors Hall, Lawson, Lowe, Lukic, Pervaiz and Pinnock (6 votes)

Against: Councillors Gregg and Sheard

Abstain: Councillors Dad and Stephen

12 Planning Application - Application No: 2022/90825

The Sub-Committee gave consideration to Application 2022/90825 - Erection of single storey extension with integral garage and raise roof heights at 1 Brunswick Drive, Westborough, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Sub-Committee received a representation from Abid Saleem (the applicant).

RESOLVED –

That the application be refused for the following reasons:

1. The proposed extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.
2. The proposed garage, by reason of its design, location and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.
3. The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful to the character of the host property and the wider street scene, contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.
4. The proposed extension, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadowing to the front bay window of the adjoining property, 3 Brunswick Drive. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.
5. The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. This would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension Supplementary Planning Document 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:

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For: Councillors Lawson, Lowe, Lukic, Pinnock and Stephen (5 votes)

Against: Councillors Dad, Hall, Pervaiz and Sheard (4 votes)

Abstain: Councillor Gregg

13 Planning Application - Application No: 2020/93777

The Sub-Committee gave consideration to Application 2022/93777 - Outline application for erection of residential development east of Mill Lane, and Heaton Grange, Hanging Heaton, Batley.

Under the provisions of Council Procedure Rule 37 the Sub-Committee received a representation from Nick Willock (the agent).

RESOLVED –

(1) That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to;

(a) complete the list of conditions, including those contained within the report, as set out below:

1. Standard OL condition 1 (submission of reserved matters)
2. Standard OL condition 2 (implementation of reserved matters)
3. Standard OL condition 3 (reserved matters submission time limit)
4. Standard OL condition 4 (reserved matters commencement time limit)
5. Standard Outline Permission – Accordance with Plans
6. Submission of internal adoptable highway details (pre-commencement)
7. Submission of details relating to existing and proposed retaining walls (pre-commencement)
8. Submission of details relating to supporting structures within the highway (pre-commencement)
9. Submission of a Construction Environmental Management Plan (pre-commencement)
10. Submission of detailed Noise Impact Assessment (pre-commencement)
11. Submission of Phase II Contaminated Land Intrusive Site Investigation Report (pre-commencement)
12. Submission of a Remediation Strategy (pre-commencement and subject to condition 11)
13. Site remediation in compliance with condition 12
14. Submission of validation report
15. Submission of Electric Vehicle Charging Point details
16. Submission of hard and soft landscaping scheme in accordance with reserved matters (pre-commencement)
17. Submission of foul, surface water and land drainage details (pre-commencement)
18. Submission of surface water drainage design within set parameters (pre-commencement)
19. Submission of storm event exceedance and flood routing scenarios (pre-commencement)
20. Submission of temporary drainage details during the construction period (pre-commencement)

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21. Submission of an Ecological Impact Assessment with supporting species surveys (submission at any reserved matters stage)
22. Submission of a Biodiversity Enhancement Management Plan (submission at any reserved matters stage)

(b) secure a Section 106 agreement to cover the following matters:

1. A Deed of Variation to the Section 106 Agreement made under planning application 97/61/90214/E1, to allow for removal of a bond for a landscape buffer and a reduction in the extent of the landscape buffer to reflect the provisional layout of the scheme and including:
2. Financial contribution towards off-site open space in the local area of £16,647 (subject to Reserved Matters) inclusive of administration and inspection fees in accordance with the Open Space Supplementary Planning Document. The figure is intended to be spent on play area upgrades in the immediate vicinity of the development site;
3. Sustainable Transport Contributions including a Bus Stop Improvement Contribution of £10,000.00 and an MCard Contribution of £9,207.00
4. 20% on-site affordable housing units delivered in line with the Interim Affordable Housing Policy;
5. Biodiversity Contribution of £4,380 delivered in line with the requirements of the adopted Biodiversity Technical Advice Note;
6. On-site Open Space, Surface Water Drainage & Highways Management & Maintenance Companies, prior to adoption.

(2) In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Sub-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 be 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 Dad, Gregg, Hall, Lawson, Lowe, Lukic, Pervaiz, Pinnock, Sheard and Stephen (10 votes)

Against: No votes