

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 22nd June 2023

Present: Councillor Steve Hall (Chair)
Councillor Ammar Anwar
Councillor Timothy Bamford
Councillor Adam Gregg
Councillor John Lawson
Councillor Paul Moore
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Jackie Ramsay
Councillor Mohan Sokhal
Councillor Mark Thompson

Apologies: Councillor Gwen Lowe (Chair)

1 Membership of the Sub-Committee

In the absence of Councillor Lowe, Councillor S Hall was appointed as Chair for this meeting of the Sub-Committee.

Councillor Sokhal substituted for Councillor E Firth.

Councillor Moore substituted for Councillor Scott.

Councillor Thompson substituted for Councillor Sheard.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting of the Sub-Committee held on 16 March 2023 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Anwar, Bamford, Gregg, Pervaiz, A Pinnock, Ramsay and Thompson advised that they been lobbied on Application 2022/94117.

Councillor Sokhal advised that he had been lobbied on Application 2021/90086.

Councillors Bamford, Gregg, S Hall, J Lawson, A Pinnock, Ramsay and Thompson advised that they had been lobbied on Application 2022/92100.

Councillors J Lawson and A Pinnock advised that they had been lobbied on Application 2022/93344.

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4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2022/93499

Site visit undertaken.

8 Site Visit - Application No: 2022/92100

Site visit undertaken.

9 Site Visit - Application No: 2022/93344

Site visit undertaken.

10 Planning Application - Application No: 2022/93344

The Sub-Committee gave consideration to Application 2022/93344 – Conversion and extension of existing building to form 10 one bedroom apartments and associated external works at School of Dance and Performing Arts at 61-63 Moor Lane, Gomersal, Cleckheaton.

Under the provision of Council Procedure Rule 36(3), the Sub-Committee received a representation from Councillor Smaje (local member).

Under the provision of Council Procedure Rule 37, the Sub-Committee received representations from Julian Farrar (local resident), Alan Powell (agent) and Charlotte McCue (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;

- Time limit (3 years)
- Development in accordance with the approved plans
- Approval of samples of facing materials
- Appropriate surfacing
- Submission of an Ecological Design Strategy to provide biodiversity netgain
- Works in accordance with Tree Protection Plan
- Implement agreed Noise Mitigation Measures
- Reporting of unexpected contaminated land
- Provision of electric vehicle charging points
- Verification of imported materials
- Details of any external artificial lighting
- Details of the management and maintenance of communal refuse storage issues

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

For: Councillors Anwar, S Hall, J Lawson, Moore, Pervaiz, A Pinnock, Ramsay and Sokhal (8 votes)

Against: Councillors Bamford, Gregg and Thompson (3 votes)

11 **Planning Application - Application No: 2022/92100**

The Sub-Committee gave consideration to Application 2022/92100 – Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls at rear of 23 to 43 Moor Lane, Gomersal, Cleckheaton.

Under the provision of Council Procedure Rule 36(3), the Sub-Committee received a representation from Councillor Smaje (local member).

Under the provision of Council Procedure Rule 37, the Sub-Committee received representations from Charles Buchanan (local resident), Nick Willock (agent) and Helen Davies (applicant).

RESOLVED – That, contrary to the Officer’s recommendation, the application be refused on the grounds that the proposed development would (i) result in the intensification in use of site (ii) be out of keeping with character of the area (iii) have a detrimental impact on the residential amenity of occupants of 25 and 27 Moor Lane due to location of site access and (iv) have inadequate visibility splays to the detriment of highway safety.

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

To delegate approval;

For: Councillors Anwar, S Hall, Moore, Ramsay and Sokhal (5 votes)

Against: Councillors Bamford, Gregg, J Lawson, A Pinnock, Pervaiz and Thompson (6 votes)

To refuse;

For: Councillors Bamford, Gregg, J Lawson, A Pinnock, Pervaiz and Thompson (6 votes)

Against: Councillors Anwar, S Hall, Moore, Ramsay and Sokhal (5 votes)

12 **Planning Application - Application No: 2021/90086**

The Sub-Committee gave consideration to Application 2021/90086 – Erection of 14 apartments in two blocks and change of use and alterations to convert existing restaurant to 6 apartments at Grameen Spice, 2 Bristfield Road, Grange Moor, Huddersfield.

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;

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- three years to commence development
- development to be carried out in accordance with approved plans and specifications
- details of faux infilled sections
- material samples, to include natural stone, to be provided
- landscaping strategy, including to the front of the Grameen Spice, to be provided
- boundary treatment details to be provided
- detailed elevations of the bin store to be provided, giving due regard to fire safety
- remove PD rights for side windows of new build
- unit 15 side windows obscure glazed
- noise impact assessment to be undertaken
- lighting strategy to be provided
- path to the north to be provided
- parking spaces to be provided
- full technical details of surface water drainage system to be provided
- surface water flood routing plan to be provided and implemented
- details of cycle storage system to be provided, and bikes provided – to include relocation of cycle spaces to serve the 10 unit building
- details of bin store to be provided and approved
- details of temporary surface water drainage to be provided
- provision of EVCP
- bat survey to be undertaken prior to works within or upon the roof taking place
- further contaminated land investigation and, if required, remediation/validation to be undertaken
- ecological design strategy to be undertaken
- clearance to be done outside of bird breeding season, unless site surveyed

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) affordable housing – 3 affordable dwellings (3 affordable rent) (ii) open space off-site contribution - £33,149 towards off-site public open space works within the area (iii) metro/sustainable travel - £25, 276 towards sustainable travel, consisting of £13k for bus stop improvements and £10,394 for resident bus passes (iv) bio-diversity - £11, 638 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified (v) management and maintenance – on site drainage features in perpetuity and ecological net gain elements for a minimum of 30 years (vi) public footpath – path along the site’s north edge to be kept open for the public.

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 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 Anwar, Bamford, Gregg, S Hall, J Lawson, Moore, Pervaiz, A Pinnock, Ramsay, Sokhal and Thompson (11 votes)

Against: (no votes)

13 **Planning Application - Application No: 2022/94117**

The Sub-Committee gave consideration to Application 2022/94117 – Change of use and alterations to convert existing building to garage MOT testing station as Crossfield Farm, 17 Woodland Grove, Dewsbury Moor.

Under the provision of Council Procedure Rule 37, the Sub Committee received representations from Nazia Shah (objection), Andy Keeling (agent) and I Ayub (applicant).

RESOLVED – That the application be refused on the grounds that;

- (i) the proposed use would have an adverse and detrimental impact on the residential amenity of the neighbouring occupants, specifically in relation to customers visiting the site, which is located directly adjacent to dwellings, resulting in views into gardens and habitable rooms, thus resulting in a detrimental and harmful loss of privacy for occupants of the neighbouring dwellings. To permit the development would be contrary to policy LP24 of the Kirklees Local and Paragraph Chapter 12 of the National Planning Policy Framework.
- (ii) the proposed development would intensify the use of the site, resulting in a significant increase in the number of vehicles entering and exiting the site. The single track access from Heckmondwike Road would not be sufficient for the additional vehicle use and the access would not allow for two vehicles to pass. This would result in vehicles having to reverse on to or off a classified B road. Access would also be difficult for service vehicles from Heckmondwike Road into the site given the width of the existing access. As such, the site access would be sub-standard and unsuitable for any further intensification in use. The scheme would neither ensure the safe and efficient flow of traffic within the development or on the surrounding highway network, thus having a detrimental impact upon highway safety. To permit the development would be contrary to LP21 of the Kirklees Local Plan and Paragraphs 110 and 111 of the National Planning Policy Framework

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

For: Councillors Anwar, Bamford, S Hall, J Lawson, Moore, A Pinnock, Ramsay and Sokhal (8 votes)

Against: (no votes)

Abstained: Councillors Gregg, Pervaiz and Thompson

14 **Planning Application - Application No: 2022/93499**

The Sub-Committee gave consideration to Application 2022/93499 – Outline application for erection of 15 dwellings with new highway access and parking at Healey Lane, Batley.

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Under the provision of Council Procedure Rule 37, the Sub-Committee received a representation from Damien Hartley (agent).

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;

- details of appearance, landscaping, layout, and scale (hereinafter called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority no later than 3 years
- the development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters
- the development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule
- the Reserved Matters referred to in Condition 1 shall include an Arboricultural Impact Assessment has first been submitted to and approved in writing by the Local Planning Authority
- there shall be no commencement of the development hereby permitted until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls and building retaining walls adjacent to the proposed/ existing highway has first been submitted to and approved in writing by the Local Planning Authority
- there shall be no commencement of the development hereby permitted until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading has first been submitted to and approved in writing by the Local Planning Authority
- there shall be no submission of any Reserved Matters application seeking approval of a detailed layout of development until a scheme of further intrusive site investigation to be completed
- notwithstanding the submitted details, any application seeking approval of a detailed layout of development, shall be accompanied by (i) the findings of the further intrusive site investigation (required by condition above) (ii) the submission of an updated plan which identifies the relationship of the mine entry and its zone of influence to the development layout; and (iii) any proposed remediation works and/or mitigation measures, as may be necessary, to address land instability arising from the recorded mine entry
- prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority
- details of temporary arrangements for the storage and collection of waste
- measures to protect the public water supply infrastructure that is laid within the site boundary
- the site shall be developed with separate systems of drainage for foul and surface water on and off site

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- no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have first been completed
- there shall be no commencement of the development hereby permitted until a detailed design scheme submitted
- there shall be no commencement of the development hereby permitted until an assessment of the effects of 1 in 100 year storm events has been submitted
- there shall be no commencement of the development hereby permitted until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has first been submitted
- details of external artificial lighting
- submission of a report specifying the measures to be taken to protect the future occupants of the development from noise
- there shall be no submission of any Reserved Matters application seeking approval of a detailed layout of development until the recommended further works measures in Section 10.0 of the approved Phase 1 Geo-Environmental Report (ref: H17075 Revision 0, dated May 2018) have first been carried out
- submission of a Phase II Intrusive where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to Condition 19
- submission of a remediation strategy where deemed required pursuant to Condition 20
- remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved
- submission of a Verification Report by a suitably competent person
- provision of electric vehicle charging points
- there shall be no commencement of the development hereby approved until a Construction Environmental Management Plan (CEMP)

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) public open space provisions including off site commuted sum - £33,604.42 (ii) off-site highway works for a Traffic Regulation Order - £7,500 (iii) contribution to traffic calming measures - £35,000 (iv) 20% of total number of dwellings to be affordable with a tenure split of 55% being social rented and 45% being submarket and one being a starter home (v) incorporation of a management company (drainage, highways, public open space).

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 benefits that would have been secured, and would therefore be permitted 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 Anwar, Bamford, Gregg, S Hall, J Lawson, Moore, Pervaiz, A Pinnock, Ramsay, Sokhal and Thompson (11 votes)

Against: (no votes)