

Contact Officer: Sheila Dykes

## KIRKLEES COUNCIL

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

**Thursday 21st September 2023**

Present: Councillor Eric Firth (Chair)  
Councillor Ammar Anwar  
Councillor Timothy Bamford  
Councillor Adam Gregg  
Councillor Steve Hall  
Councillor John Lawson  
Councillor Gwen Lowe  
Councillor Shabir Pandor  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Jackie Ramsay

Apologies: Councillor Joshua Sheard

**1 Membership of the Sub-Committee**

Apologies were received on behalf of Councillor Joshua Sheard.

**2 Minutes of Previous Meeting**

That, subject to the amendment below, the Minutes of the meeting of the Sub Committee held on 10 August 2023 be agreed as a correct record:

Item 10 – Application No: 2023/90349

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

For: Councillors Bamford, E Firth, Gregg, S Hall, J Lawson, Pervaiz, A Pinnock, Ramsay and Sokhal (9 votes)

Against: (no votes)

**3 Declaration of Interests and Lobbying**

All Councillors present advised that they had been lobbied in respect of Application 2023/92079.

During the meeting and in the interests of transparency, Councillor Bamford advised that the applicant for Application 2023/91145 was a ward colleague and he would therefore not participate in this item.

**4 Admission of the Public**

All items were considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

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### 6 Public Question Time

No questions were submitted.

### 7 Site Visit - Application No: 2023/92079

Site visit undertaken.

### 8 Planning Application - Application No: 2023/92079

The Sub-Committee considered Planning Application 2023/92079, an outline application for the erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls .

Under the provisions of Council Procedure Rule 36(3), the Sub-Committee received a representation from Councillor E Smaje (Ward Councillor).

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Charles Buchanan (objector).

### 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 and the update, as set out below:
    1. 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.
    2. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.
    3. 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.
    4. The Reserved Matters referred to in Condition 1 shall include a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic), to first be submitted to and approved in writing by the Local Planning Authority.
    5. The Reserved Matters referred to in Condition 1 shall include a Biodiversity Enhancement and Management Plan (BEMP), to be submitted and approved in writing by the Local Planning Authority.
    6. The Reserved Matters referred to in Condition 1 shall include an Arboricultural Impact Assessment, to first be submitted to and approved in writing by the Local Planning Authority.
    7. The Reserved Matters referred to in Condition 1 shall include a scheme detailing the full site and dwellinghouse safety and security measures to be implemented, to first be submitted to and approved in writing by the Local Planning Authority.

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8. Notwithstanding the approved plans, the Reserved Matters referred to in Condition 1 shall include a scheme of hard and soft landscape proposals, including a maintenance and management plan, to first be submitted to and approved in writing by the Local Planning Authority.

9. The Reserved Matters referred to in Condition 1 shall include a Landscape and Ecological Design Strategy (LEDS) to first be submitted to and approved in writing by the Local Planning Authority.

10. There shall be no commencement of the development hereby approved until (other than those required for a site investigation report) until a Phase II Intrusive Site Investigation Report by a suitably competent person has first been submitted to and approved in writing by the Local Planning Authority.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 10, there shall be no commencement of any further groundworks or development until a Remediation Strategy by a suitably competent person has first been submitted to and approved in writing by the Local Planning Authority.

12. Remediation of the site shall be carried out and completed in strict accordance with the Remediation Strategy approved pursuant to Condition 11.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report by a suitably competent person shall be submitted and approved in writing by the Local Planning Authority.

14. There shall be no commencement of the development hereby permitted until; a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

15. Prior to the first occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall first be submitted to and approved in writing by the Local Planning Authority.

16. There shall be no commencement of the development hereby permitted until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the Lead Local Flood Authority of 3.5l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 (+ climate change allowance) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has first been submitted to and approved in writing by the Local Planning Authority.

17. There shall be no commencement of the development hereby permitted until an assessment of the effects of 1 in 100 year storm events (+ climate change allowance), blockage scenarios and

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exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has first been submitted to and approved in writing by the Local Planning Authority.

18. 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 to and approved in writing by the Local Planning Authority.

19. There shall be no commencement of the development hereby permitted until full details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have first been submitted to and approved in writing by the Local Planning Authority.

20. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, full details of which will have first been submitted to and approved in writing by the Local Planning Authority.

21. There shall be no commencement of the development hereby permitted until a Construction Environmental Management Plan (CEMP) has first been submitted to and agreed in writing with the Local Planning Authority.

22. There shall be no commencement of the development hereby permitted until the wall to the site frontage has first been set back to the rear of the proposed visibility splays, as shown on approved plan ref: 18/412/SKH/001 Revision K (Proposed Access Layout with Tracking Manoeuvres Plan, dated 19/07/2023), and has been cleared of all obstructions to visibility and hard surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

23. There shall be no commencement of the development hereby permitted until a scheme detailing the proposed internal estate roads has first been submitted to and approved in writing by the Local Planning Authority.

24. There shall be no commencement of site access and internal highways works until full details of an acoustic barrier (as demonstrated in the approved plan (21942)10\_Access Road Elevations) have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier;
- The minimum height of the barrier relative to the adjacent ground level;
- Details of the appearance of the fencing, and
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

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The access hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

25. Prior to the first occupation of the development hereby approved, a scheme detailing the dedicated facilities to be provided at each dwelling house for charging electric vehicles and other ultra-low emission vehicles shall first be submitted to and approved in writing by the Local Planning Authority.

26. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units.

27. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

28. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of five (5) years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

29. The access hereby permitted shall not be brought into use until details of the bollards demonstrated on the approved plan "18/412/SKH/001 Rev.K", have been submitted to and approved in writing by the Local Planning Authority. The bollards shall then be constructed in accordance with the approved details and thereafter retained.

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

- (i) Off-site Biodiversity Net Gain contribution (£43,470)
- (ii) Incorporation of a Drainage Management Company
- (iii) Incorporation of a Highways Management Company
- (iv) Incorporation of a Public Open Space Management Company

(2) In the circumstances where the Section 106 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 be authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

## **Planning Sub-Committee (Heavy Woollen Area) - 21 September 2023**

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

For: Councillors Anwar, Bamford, E Firth, S Hall, Pandor, Pervaiz and Ramsay (7 votes)

Against: Councillors Gregg, Lawson and Pinnock (3 votes)

Abstain: Councillor Lowe

### **9 Planning Application - Application No: 2023/91145**

The Sub-Committee considered Planning Application 2023/91145 relating to the erection of a first floor extension over an existing single storey side extension and rear single storey extension at 49 Manorstead, Skelmanthorpe, Huddersfield.

#### **Resolved -**

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the report, as set out below:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. The external walls and roofing materials of the extensions to match those used in the construction of the existing building.

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

For: Councillors Anwar, E Firth, Gregg, Hall, Lawson, Lowe, Pandor, Pervaiz, Pinnock and Ramsay (10 votes)

Against: (no votes)