

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 18th May 2017

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Donna Bellamy
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Marielle O'Neill
Councillor Andrew Pinnock
Councillor Richard Smith
Councillor Cathy Scott
Councillor Kath Taylor

1 Membership of the Committee

Councillor S Hall substituted for Councillor Dad.
Councillor E Firth substituted for Councillor Pervaiz.
Councillor Sokhal substituted for Councillor G Turner.

2 Minutes of Previous Meeting

RESOLVED –

That the Minutes of the Meeting held on 6 April 2017 be approved as a correct record.

3 Interests and Lobbying

Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, Smith, Scott and K Taylor indicated that they had been lobbied on Application 2016/93910.

Councillor Grainger-Mead indicated that she had been lobbied on Application 2016/93496.

Councillor O'Neill indicated that she had been lobbied on Application 2016/93053.

Councillor S Hall indicated that he had been lobbied on Application 2017/90542 and left the meeting during the consideration and determination of this item.

Councillor Scott indicated that she had been lobbied on Agenda Item 14 (TPO) and Application 2016/93053.

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

Councillor Kane indicated that he had been lobbied on Applications 2016/93053, 2016/92558 and 2016/92553.

Councillor Smith indicated that he had been lobbied on Application 2016/93522.

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 Site Visit - Application No: 2016/92553

Site visit undertaken.

7 Site Visit - Application No: 2016/92558

Site visit undertaken.

8 Site Visit - Application No: 2016/93522

Site visit undertaken.

9 Site Visit - Application No: 2016/93053

Site visit undertaken.

10 Site Visit - Application No: 2017/90542

Site visit undertaken.

11 Site Visit - Application No: 2016/93496

Site visit undertaken.

12 Local Planning Authority Appeals

The Sub-Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

RESOLVED

That the report be noted.

13 Planning Appeals - Annual Review

The Sub-Committee received a report which provided an annual overview of the decisions of the Planning Inspectorate in respect of appeals submitted against the Local Planning Authority between 1 January 2016 and 31 December 2016. The Sub Committee noted that that 40 appeals had been submitted during this period, and that 87% had been dismissed. The appendix to the report provided a breakdown of the appeals and decisions taken.

RESOLVED

That the report be noted.

14 Tree Preservation Order 02/2017

The Sub-Committee received a report which asked that consideration be given to an objection against the making of Tree Preservation Order 02/2017 at Ravens Lodge Terrace, Huddersfield Road, Dewsbury. The report explained that the properties affected by the Tree Preservation Order were Nos. 2 to 8 Ravens Lodge Terrace, and that the trees were considered to add a high amenity value to the area, which has a limited number of mature trees.

The report advised that an objection to the Order had been received from the owner of No. 8 Ravens Lodge Terrace and set out the reasons for the objection. Under the provisions of Council Procedure Rule 37, a representation from objector Amireen Sabir.

RESOLVED

That authority be delegated to the Head of Development Management to confirm Tree Preservation Order 02/17 at Ravens Lodge Terrace, Huddersfield Road, Dewsbury.

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

For: Councillors Grainger-Mead, S Hall, Kane, Lawson, A Pinnock and Smith (6 votes)

Against: Councillor O'Neill (1 vote)

Abstained: Councillors Akhtar, Bellamy, E Firth, C Scott, Sokhal and K Taylor

15 Planning Application - Application No: 2016/93910

The Sub-Committee gave consideration to Application 2016/93910 – Change of use of shop to snooker and games room at Dual House, Wellington Street, Batley.

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Shazia Qayum and Shazia Rashid (local residents), Raza Ayoub (applicant) and Isteaq Sabir (in support of the application).

RESOLVED

That the application be refused on the grounds that (i) it has not been demonstrated that the proposed change of use to a snooker and games room (D2 use), particularly due to the lack of continuous management of the premises and its external area, would not result in an increase in the fear of crime and anti-social behaviour for the local community and (ii) that the increased fear of crime and anti-social behaviour would outweigh the benefits of the re-use of the vacant building and would fail to create a safe and accessible environment, which significantly undermines the quality of life of the local community and is contrary to the aims of Chapter 8 of the National Planning Policy Framework.

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

For: Councillors Akhtar, Bellamy, E Firth, S Hall, Kane, Lawson, O'Neill, A Pinnock, Smith, C Scott, Sokhal and K Taylor (12 votes)

Against: Councillor Grainger-Mead (1 vote)

16 Planning Application - Application No: 2015/90435

The Sub-Committee gave consideration to Application 2015/90435 – Erection of 14 dwellings with integral garages at former Parkham Foods site, 395 Halifax Road, Liversedge.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Andy Keeling (applicant's agent) and Michael Singh (applicant).

RESOLVED

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and complete the list of conditions including matters relating to; the standard time limit for implementation of development (3 years), the development to be carried out in accordance with approved plans, samples of all facing and roofing materials, details of boundary treatment, a scheme detailing the proposed internal adoptable estate roads, blocking up of the existing access, full drainage scheme, submission of a Preliminary Risk Assessment (Phase 1 report) to address land contamination and coal mining legacy, submission of an Intrusive Site Investigation Report (Phase II Report) to address land contamination and coal mining legacy, submission of Remediation Strategy to address land contamination and coal mining legacy, implementation of the Remediation Strategy to address land contamination and coal mining legacy, submission of validation report to address land contamination and coal

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

mining legacy, noise report or the provision of standard thermal double glazing and ventilation to the bedrooms of Plot 1, landscaping scheme based upon the use of native tree and shrub species, bat and bird boxes, electric charging points, removal of permitted development rights for extensions and new openings and details of storage and access for collection of wastes.

- 2) That authority be delegated to the Head of Development Management to secure a S106 agreement to cover (i) a financial contribution of £32,000 for off-site Public Open Space and (ii) a financial contribution of £6,600.50 for metro cards.
- 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 Development Management 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 it would have 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 Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, Smith, C Scott, Sokhal and K Taylor (13 votes)

Against: (no votes)

17 Planning Application - Application No: 2016/93053

The Sub-Committee gave consideration to Application 2016/93053 – Erection of extension to function hall and change of use of attached dwellings (C3) to ancillary prayer room and formation of additional parking at former Ravensthorpe WMC, Huddersfield Road, Ravensthorpe, and land opposite 486 Huddersfield Road.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Terry Prideaux (applicant's agent).

RESOLVED

- 1) That authority be delegated to the Head of Development Management, upon expiration on the publicity period on 2 June 2017, to approve the application, issue the decision notice and compete the list of conditions including matters relating to; development to be carried out in accordance with approved plans and details, car parking to be available at all times the business is operating and carried out in accordance with traffic and car park management plan, hours of use to be not before 7pm and not after 11pm Monday to Friday and not before 11am or after 11pm Saturday and Sunday with no openings on Bank Holidays except those which immediately follow after the month of Ramadan (between the hours of 11am to 11pm) with the detail of this to be agreed in writing with the Local Planning Authority within 3 months of the date of issue of the decision notice, management plan to be agreed to protect neighbours from noise for use of the car parking areas by visitors, guests and

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

staff, and the delivery management plan to be agreed in writing with the LPA within 3 months of the date of issue of the decision notice.

- 2) That, at the request of the Sub-Committee, a requirement be included within the S106 Agreement to ensure that any retained deposits collected as a result of breaches to management document are to be given to a local community organisation, and to be spent on improving amenity in the local area.

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

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Sokhal and K Taylor (12 votes)

Against: (no votes)

Abstained: Councillor Smith

18 Planning Application - Application No: 2016/92558

The Sub-Committee gave consideration to Application 2016/92558 – Temporary Permission for the erection of single storey linked modular units Masjid-E-Noor Education centre, Lees Hall Road, Thornhill Lees, Dewsbury.

RESOLVED

That the application be deferred to enable the submission of information regarding the numbers of students the buildings will accommodate, and to investigate additional parking areas in Charlesworth Street.

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

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Smith, Sokhal and K Taylor (13 votes)

Against: (no votes)

19 Planning Application - Application No: 2016/93522

The Sub-Committee gave consideration to Application 2016/93522 – Erection of two dwellings (within a Conservation Area) at 42-44 Low Town, Kirkburton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Claire Parker-Hugill (applicant's agent).

RESOLVED

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), development to be carried out in natural stone,

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

roofing material to be natural slate, boundary treatment to be in accordance with the submitted details, hard and soft landscaping to be in accordance with submitted details, full details of the window frames to be submitted for approval, surfacing of the driveways to be permeable, removal of permitted development for new openings in the southern gable elevation of plot 1, provision of bat boxes and provision of bird nesting opportunities.

- 2) That, at the request of the Sub Committee, additional conditions relating to (i) the removal of permitted development rights and (ii) bin storage, also be included.

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

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, Kane, Lawson, O'Neill, A Pinnock, C Scott, Sokhal and K Taylor (11 votes)

Against: Councillor S Hall (1 vote)

Abstained: Councillor Smith

20 Planning Application - Application No: 2016/93496

The Sub-Committee gave consideration to Application 2016/93496 – Erection of six starter units adjacent to California Inn, Oxford Road, Gomersal.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from John Robinson (applicant's agent).

RESOLVED

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), development to be carried out in accordance with the approved plans and specifications, boundary treatment to be erected in accordance with the submitted details, samples of facing and roofing materials to be submitted, areas of parking/access/turning to be surfaced, drained and marked out, scheme for 'keep clear' markings and information signage within the internal site access arrangement, submission of an ecological design strategy, scheme relating to the installation of low emission vehicle charging points, submission of a noise report with appropriate mitigation measures to protect the occupants of no.s 3 and 5 Brookers Field from noise from the development prior to first use of development, submission of a preliminary risk assessment (phase 1 report), submission of an Intrusive Site Investigation (phase II report), submission of a remediation strategy, implementation of the remediation strategy, submission of a validation report, hours of use of the development to be not before 07:00 am and not after 22:00 hours.
- 2) That additional conditions be included at the request of the Sub-Committee to require a Traffic Management Plan in order to ensure that deliveries of existing and proposed business units can co-exist, and that the hours of

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

use be restricted at weekends to between the hours of 08:00 to 17:00 on Saturdays, and 08:00 to midday on Sundays.

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

For: Councillors Akhtar, E Firth, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott and Sokhal (9 votes)

Against: Councillors Grainger-Mead and Smith (2 votes)

Abstained: Councillors Bellamy and K Taylor

21 Planning Application - Application No: 2016/92553

The Sub-Committee gave consideration to Application 2016/92553 – Erection of detached dwelling and reinstatement of access adjacent to the Mill, 116 Low Road, Earlsheaton,

RESOLVED

That authority be delegated to the Head of Development Management to approve the application, upon expiration of the publicity period on 2 June 2017, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), approval of plans, vehicle areas to be laid out, specifications and gradients for driveways and access, electric vehicle point, materials for new dwelling, removal of permitted development rights, intrusive investigation, report from site investigations, remediation strategy, remediation works, bat report, provision of turning facilities, provision of access from the southern section of Low Road, and retaining walls.

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

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Smith, Sokhal and K Taylor (13 votes)

Against: (no votes)

22 Planning Application - Application No: 2017/91074

The Sub-Committee gave consideration to Application 2017/91074 – Erection of detached dwelling (modified proposal) at plot 2, land to rear of 59 Far Bank, Shelley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Georgina Stead (applicant).

RESOLVED

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), development to be carried out in accordance with plans and specifications, facing and roofing materials to be inspected and approved, boundary treatment details,

Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017

appropriate re-surfacing of all areas indicated for vehicular access and turning area, no gates/barriers to be erected across the vehicular access from Far Bank, re-locating of street lighting column, landscaping scheme and schedule of landscape maintenance.

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

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Sokhal and K Taylor (12 votes)

Against: (no votes)

Abstained: Councillor Smith

23 Planning Application - Application No: 2017/90542

The Sub-Committee gave consideration to Application 2017/90542 – Erection of extensions at 19 Churchill Grove, Heckmondwike.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nazim Cheema (applicant).

RESOLVED

That the application be refused.

(Contrary to the Officer's Recommendation, the Sub-Committee resolved to refuse the application on the grounds that it was not in-keeping with the streetscene)

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

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Smith and K Taylor (12 votes)

Against: Councillor Sokhal (1 vote)