

Contact Officer: Richard Dunne

## **KIRKLEES COUNCIL**

### **PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**

**Thursday 12th October 2017**

Present: Councillor Terry Lyons (Chair)  
Councillor Donna Bellamy  
Councillor James Homewood  
Councillor Bernard McGuin  
Councillor Mohammad Sarwar  
Councillor Ken Sims  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Rob Walker  
Councillor Linda Wilkinson  
Councillor Andrew Marchington

#### **1 Membership of the Committee**

All members of the Committee were present.

#### **2 Minutes of previous meeting**

The Minutes of the meeting held on 21 August 2017 be approved as a correct record.

#### **3 Interests and Lobbying**

Members declared interests and identified planning applications on which they had been lobbied as follows:

Councillor McGuin declared an 'other interest' in item 10 on the grounds that he had been involved in a local group that had wanted to establish a village green on the land at Clayton Fields.

Councillor Ullah declared an 'other interest' in item 10 on the grounds that he had been involved in facilitating a number of meetings between the developer and objectors.

Councillor Sokhal declared an 'other interest' in item 10 on the grounds that he had previously commented on and supported local residents to maintain the public rights of way footpath.

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Councillor Bellamy declared an 'other interest' in applications 2017/90516 and 2016/93243 on the grounds that she was a member of Holme Valley Parish Council.

Councillors Sims and Wilkinson declared that they had been lobbied on application 2016/93243.

Councillor Sims declared that he had been lobbied on application 2017/90516.

Councillor Sims declared that he had previously been involved in considering development on the Castle Hill site in his capacity as Cabinet Member for Regeneration and Planning.

Councillor Ullah declared that he lobbied on application 2015/91664 on application 2015/91664.

Councillor Sarwar declared that he had been lobbied on application 2017/91555.

Councillor Homewood declared that he had been lobbied on Item 10.

### **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 Site Visit - Application No: 2015/91664**

Site visit undertaken.

### **7 Site Visit - Application No: 2016/93243**

Site visit undertaken.

### **8 Site Visit - Application 2017/92220**

Site visit undertaken.

### **9 Local Planning Authority Appeals**

That the report be noted.

**10 Application for extinguishment of Claimed Footpaths at Clayton Fields, Edgerton Road, and Provision of Alternative Routes**

The Committee considered an application for an order to extinguish claimed public footpath rights over land at Clayton Fields and to provide alternative pedestrian routes.

The report outlined the context and background to the matter, information required to take a decision, next steps and officer recommendations and reasons.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jonathan Adamson, Bill McGee and Caroline Cole (Objectors) and Michael Johnson (speaking on behalf of the applicant).

**RESOLVED –**

Delegate authority to the Service Director, Legal, Governance and Commissioning to:

- 1) Determine the precise order alignment of the Woodland Walk path (indicatively shown Y-Z on plan 2 in the considered report) and;
- 2) Make and seek confirmation of an order under s257 of the Town & Country Planning Act 1990 in accordance with report Plans 1 and 2, and (1) above.

For: Councillors: Homewood, Lyons, Marchington, Sarwar, Sims, Walker and Wilkinson (7 votes)

Against: Councillor Bellamy (1 vote).

**11 Planning Application - Application No: 2017/90516**

The Sub-Committee gave consideration to Planning Application 2017/90516 Reserved matters pursuant to outline permission 2015/91726 for erection of 10 dwellings Land adjacent to 38, Broad Lane, Upperthong, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Windress (Agent).

**RESOLVED –**

That the application be refused.

Contrary to the Officer's recommendation, the Committee considered that the layout of the submitted scheme, together with the proposed scale and appearance of the dwellings would be an over development of the site and out of keeping with the character of the wider locality and streetscene.

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

For: Councillors: Bellamy, Lyons, Marchington, McGuin, Sims and Wilkinson (6 votes)

Against: Councillors: Homewood, Sawar, Sokhal, Ullah and Walker (5 votes)

**12 Planning Application - Application No: 2017/91555**

The Sub-Committee gave consideration to Planning Application 2017/91555 Formation of driveway through ground floor of 35/37, alterations to form flat above and change of use of land to form parking and turning area 35, Upper Mount Street, Lockwood, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Javid Hussain (Applicant).

**RESOLVED –**

That the application be refused in line with the following reasons that were included in the considered report:

1. The comings and goings associated with the use of the driveway and parking spaces would result in a level of disturbance that would not retain a good standard of amenity for existing occupiers of neighbouring dwellings, in particular those to the south east of the application site. This would be contrary to a core planning principle of the NPPF, Policy D2 (v) of the UDP and Policy PLP24 (b.) of the Publication Draft Local Plan.
2. 2. The formation of the driveway through the ground floor of the host dwelling would appear incongruous in the Upper Mount Street streetscene, disrupting the strong linear character of stepped terraced properties which presently exists. This would be detrimental to visual amenity and would not accord with Policies D2 (vi, vii) and BE1(i, ii) of the Unitary Development Plan, advice within paragraph 64 of the National Planning Policy Framework and Policy PLP 24 (a.) of the Publication Draft Local Plan.

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

A vote to approve the application.

For: Councillors: Sarwar, Sokhal and Ullah (3 votes)

Against: Councillors: Bellamy, Homewood, Lyons, Marchington, McGuin, Sims, Walker and Wilkinson (8 votes)

A vote to refuse the application in line with the officer's recommendation.

For: Councillors Bellamy, Homewood, Lyons, Marchington, McGuin, Sims, Walker and Wilkinson (8 votes)

Against: Councillors Sarwar, Sokhal and Ullah (3 votes)

**13 Planning Application - Application No: 2015/91664**

The Sub-Committee gave consideration to Planning Application 2015/91664 Outline application for residential development with details of access and provision of car parking and bin storage for previously approved adjacent apartments under application no. 17/90375 rear of 1A, St Johns Avenue, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Stewart Smith (Applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Julie Stewart-Tuner (Local Ward Member).

**RESOLVED -**

That consideration of the application be deferred to allow officers an opportunity to verify details of the access including meeting the required width of access from St John's Avenue to the proposed development site.

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

For: Councillors :Homewood, Lyons, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (8 votes)

Against: Councillors: Bellamy, McGuin and Sims (3 votes).

**14 Planning Application - Application No: 2016/93243**

The Sub-Committee gave consideration to Planning Application 2016/93243  
Erection of 17 dwellings (within a Conservation Area) Thirstin Mills, Thirstin Road, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Richard Slade (Objector) and Rachael Martin (Agent).

**RESOLVED -**

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:
  1. 3 year time limit condition to implement the permission.
  2. Development to be in accordance with approved plans.
  3. Approval of samples of materials.
  4. Landscape scheme to be implemented in accordance with submitted scheme and to be retained for 5 years.
  5. Development to be completed in accordance with sections provided showing relationship with neighbouring properties.
  6. Vehicle parking areas to be surfaced and drained in accordance with details to be submitted.
  7. A scheme detailing the footway to be provided along Thirstin Road.
  8. Bin storage area to be provided prior to occupation of development in accordance with revised plan.
  9. Highway works conditions.
  10. Details of drainage proposals to include proposed means of disposal of surface water drainage, the new watercourse within the site, any

balancing works and off-site works as suggested by the Council's LLFA.

11. Environment agency conditions.
  12. Yorkshire Water conditions.
  13. Details of regrading works to embankment along western boundary.
  14. Details of temporary and permanent retaining walls.
  15. Works to be carried out in accordance with submitted Phase I Geo-environmental investigation report.
  16. Details of remediation and validation strategy/reports.
  17. Provision of electric vehicle charging points.
  18. Removal of permitted development rights.
  19. Construction Management Plan
- 2) Secure a Section 106 Obligation (Unilateral Undertakings) to cover the following matters:
1. The long term maintenance and management of:
    - a) The watercourse including all associated ancillary structures (access chambers and trash screens) on site, and
    - b) The regraded embankment along the full western boundary,

Both of which shall be agreed to be set up through management companies on behalf of the future occupants of all the dwellings/plots. These are to be in accordance with details to be approved under conditions relating to all works associated to a and b above, implementation of these and prior to occupation of any of the dwellings.

- 3) That, pursuant to (2) above, In the circumstances where the signed and dated Unilateral Undertakings for both a and b above have not been received within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of suitable management and maintenance responsibilities being secured; if so, the Head of Strategic Investment is 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 Bellamy, Homewood, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (9 votes)  
Against: Councillor Lyons (1 vote)  
Abstained: Councillor Marchington

## **15 Planning Application - Application No: 2017/92220**

The Sub-Committee gave consideration to Planning Application 2017/92220 Reserved matters application pursuant to outline permission 2015/91640 for residential development (16 dwellings) Mill Moor Road, Meltham, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from David Storrie (agent).

**RESOLVED –**

Delegate approval of the reserved matters and the issuing of the decision notice to the Head of Strategic Investment in order to:

1. Obtain a detailed drainage design based on the proposed draft drainage layout to the satisfaction of Kirklees Lead Local Flood Authority and to satisfy condition 14 of the outline planning permission; secure a revised layout plan showing a minor amendment to the alignment of the internal access road to the satisfaction of Highways Development Management; and
2. ensure the reserved matter of 'layout' is acceptable and;
3. complete the list of conditions contained within the considered report including:
  1. Development to in accordance with the approved plans.
  2. Obscure glazing to bedroom windows in the western elevations of plots 5 and 6.
  3. Drystone wall constructed of natural stone and to re-use material from existing boundary wall.
  4. Garden Sheds to be provided for plots with sub-standard garages prior to first occupation.
  5. Details to show how plots 1-4 can be accessed from the rear

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

For: Councillors Bellamy, Lyons, Homewood, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (11 votes)

Against: (0 votes).

**16 Planning Permission No: 2016/91900**

The Committee received an update in respect of The Pink Link's adherence to the terms of the planning permission in respect of Planning Application 2016/91900 Change of use and alterations from B2 (general industrial) to B8 (storage or distribution) The Pink Link Ltd, Crosland Road, Oakes, Huddersfield.

**RESOLVED –**

That the actions outlined in the report and update list be noted.

**17 Pre Application - Enquiry for the erection Cafe/restaurant and associated facilities at Castle Hill site, Almondbury**

The Committee received a pre-application report and presentation in respect of a potential planning application for the erection of café/restaurant and associated facilities at Castle Hill Side, Almondbury, Huddersfield.

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Under the provisions of Council Procedure Rule 37, the Committee received the presentation from Malcolm Sizer and Kevin Drayton.

**RESOLVED –**

That the pre-application presentation be received and noted.