

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 22nd February 2018

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 4 January 2018 were approved as a correct record.

3 Interests and Lobbying

Councillor McGuin declared an 'other interest' in item 17 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 17 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 17 on the grounds that he had previously commented on and supported local residents to maintain the public rights of way footpath

Cllrs McGuin and Sims declared that they had been lobbied on application 2017/93444.

Cllr McGuin declared that he had been lobbied on application 2017/93483.

Cllr Sims declared that he had been lobbied on applications 2017/94242.

Cllr Bellamy declared an 'other interest' in item 19 and application 2017/94242 on the grounds that she was a member of the Holme Valley Parish Council.

Cllr Marchington declared an 'other interest' in application 2017/93444 on the grounds that he was a student minister at Almondbury Methodist Mission.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

Cllr Marchington declared an 'other interest' in application 2017/93638 on the grounds that he knew the applicants.

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 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/93399

Site visit undertaken.

8 Site Visit - Application No: 2017/93444

Site visit undertaken.

9 Site Visit - Application No: 2017/91618

Site visit undertaken.

10 Site Visit - Clayton Fields, Edgerton

Site visit undertaken.

11 Site Visit - Application No: 2016/92466

Site visit undertaken.

12 Site Visit - Application No: 2017/93515

Site visit undertaken.

13 Site Visit - Application No: 2017/93638

Site visit undertaken.

14 Site Visit - Application No: 2017/93719

Site visit undertaken.

15 Site Visit - Application No: 2017/94242

Site visit undertaken.

16 Local Planning Authority Appeals

That the report be noted.

17 Application for a definitive map modification order to add a public footpath to the definitive map and statement, Clayton Fields, Edgerton. (Application reference 183)

The Committee considered a report that sought a decision on an application for a definitive map modification order to record a public footpath to the definitive map and statement, Clayton Fields, Edgerton (reference 183).

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

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jonathan Adamson, Bill Magee and Mike Woodward (Chair of the Marsh Community Forum).

RESOLVED – That the Service Director, Legal, Governance and Commissioning be authorised to:

- (1) make a definitive map modification order (“DMMO”) to record a public footpath between points A and B on appended plan App Y, under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.
- (2) Confirm the order or if opposed, to submit it to the Secretary of State at DEFRA to determine.

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

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

Against: (0 votes).

18 Application for a definitive map modification order to add a public footpath to the definitive map and statement, Cellars Clough, Marsden

The Committee considered a report that sought a decision on an application for a definitive map modification order to record a public footpath to the definitive map and statement, Cellars Clough, Marsden.

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

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Terry Norris (Peak and Northern Footpath Society).

RESOLVED – That the Service Director, Legal, Governance and Commissioning be authorised to:

- (1) make a definitive map modification order (“DMMO”) to record a public footpath under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 between points A-C-D and B-C on the appended Plan at App A1.
- (2) Confirm the order or if opposed, to submit it to the Secretary of State at DEFRA to determine.

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

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

Against: 0 Votes

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

19 Clarification of decision on item 13 of Planning sub-committee (Huddersfield area) of 4 January 2018. Bridge Lane to Sands recreation, Holmfirth. Application for a definitive map modification order to add a public bridleway to the definitive map and statement. (Application reference 169)

The Committee considered a report that sought clarification of decision on item 13 of Planning sub-committee (Huddersfield area) of 4 January 2018. Bridge Lane to Sands recreation, Holmfirth. Application for a definitive map modification order to add a public bridleway to the definitive map and statement. (Application reference 169).

The report outlined a summary of the previous decision, information required to take a decision, next steps and officer recommendations.

RESOLVED – That the Committee note the typographic errors in the previous report and confirm the 4 January 2018 sub-committee decision to make and seek confirmation of an order under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.

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

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

Against: 0 Votes

20 Planning Application - Application No: 2017/93483

The Sub Committee gave consideration to Planning Application 2017/93483 Erection of single storey rear extension and rear dormer windows 152, Ravensknowle Road, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Anthony Mahon and Susan Mahon (Objectors), Sharon Weavill (on behalf of the applicants) and Richard Smith (in support).

RESOLVED – 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) Development to be carried out in accordance with the approved plans
- 2) Removal of PD rights for extensions and outbuildings.

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

For: Councillors Homewood, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (7 votes).

Against: Councillors Sims and Lyons (2 votes).

Abstained: Councillors Bellamy and McGuin.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

21 Planning Application - Application No: 2017/93444

The Sub Committee gave consideration to Planning Application 2017/93444 Replacement roof (within a Conservation Area) Almondbury Methodist Church, Westgate, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Anne Firth (in support)

RESOLVED – Contrary to the officer's recommendation that the application be delegated to the Head of Strategic Investment for conditional full permission.

Contrary to the officer's recommendation, the Committee considered that the benefit to the community outweighed the harm to the Conservation Area and that the proposed roof covering would not in itself form a prominent feature in the Conservation Area as the majority of roofs in the area were of dark slate. In addition the Committee requested officers to investigate if the proposed covering could be ribbed in a similar fashion to the existing roof. However if this was not possible the Committee considered that the proposal would remain acceptable.

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

For: Councillors Bellamy, Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal and Ullah (8 votes).

Against: Councillors Walker and Wilkinson (2 votes)

22 Planning Application - Application No: 2017/93399

The Sub Committee gave consideration to Planning Application 2017/93399 Change of use and alterations, including erection of boundary fence, to former mill (B1 Business) to 30 student bedrooms (C4) Office, Britannia Mills, Colne Road, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Andrew France (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Julie Stewart-Turner (Local ward member).

RESOLVED – 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 and the update list including:

- 1) Time Limit to commence development.
- 2) Development to be in accordance with the submitted plans
- 3) Development to be in accordance with the Traffic Statement
- 4) Student accommodation
- 5) Flood evacuation plan
- 6) Flood mitigation measures
- 7) Crime prevention
- 8) Cycle spaces to be provided

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

- 9) Development to be in accordance with the noise plan
- 10) Ecology information
- 11) Contaminated land (Investigation Phase 1)
- 12) Contaminated land (Investigation Phase 2)
- 13) Contaminated land (Phase 2 Implemented)
- 14) Contaminated land (Remediation Strategy)
- 15) Contaminated land (Validation)
- 16) Works to be undertaken in accordance with the updated Flood Risk Assessment.

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

For: Councillors Homewood, Lyons, Sarwar, Sokhal and Ullah (5 votes).

Against: Councillors Bellamy, Marchington, McGuin, Sims and Wilkinson (5 votes).

Abstained: Councillor Walker

The Chair used his casting vote to accept the officer recommendation.

23 Planning Application - Application No: 2017/91618

The Sub Committee gave consideration to Planning Application 2017/91618 Change of use and erection of extension and alterations to former club/pub to form 7 apartments 14, New Road, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Malcolm Sizer (on behalf of the applicant).

RESOLVED – That consideration of the application be deferred to allow officers to negotiate a reduction to the scale of the development and to provide time to send information to the Health and Safety Executive for further consideration.

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

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

Against: 0 Votes

24 Planning Application - Application No: 2016/92466

The Sub Committee gave consideration to Planning Application 2016/92466 Erection of two dwellings adj 2, Romsey Close, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Mark Polzin (applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Cahal Burke (Local ward member).

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

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

- 1) The proposed scheme would result in a cramped form of development through the inclusion of dwelling no. 2 by reason of its plot size; the very limited amount of private amenity space that would be provided for this plot, its siting to the front of the existing dwelling and proximity to the public right of way to the east of the site. The proposals as such would fail to respect the character of surrounding development which consists of dwellings with reasonably sized private amenity areas. It would be harmful to visual amenity and contrary to the aims of Policies D2 (ii, vi & vii), BE1 (i) and BE2 (i) of the Kirklees Unitary Development Plan as well as the Core Planning Principles and Chapter 7 of the National Planning Policy Framework and Policy PLP24 (a) of the Kirklees Publication draft Local Plan.
- 2) The proposed dwelling no.2 to the front (north) of the site, by reason of its close relationship with the existing dwelling of no. 2 Romsey Close would adversely affect the outlook from this property, give rise to an overbearing impact upon it and would result in loss of privacy for occupiers of the existing property and proposed dwelling no. 2. To permit such a development would be contrary to the aims of Policies D2 (v) and BE12 (i & iv) of the Kirklees Unitary Development Plan as well as the Core Planning Principles and Chapter 7 of the National Planning Policy Framework and Policy PLP24 (b) of the Kirklees Publication draft Local Plan.

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

For: Councillors Bellamy, Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (10 votes).

Against: 0 Votes

Abstained: Councillor Marchington

25 Planning Application - Application No: 2017/93515

The Sub Committee gave consideration to Planning Application 2017/93515 Erection of 16 dwellings with associated access and parking facilities. Land adj, Lower Gate, Paddock, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Grant Stott (on behalf of the applicant).

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:
 - i) Three years to commence development.
 - ii) Development to be in accordance with approved plans and documents.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

- iii) Details and samples of materials (natural stone to be used).
- iv) Archaeology.
- v) Car and cycle parking to be provided prior to occupation.
- vi) Bats.
- vii) Nesting birds.
- viii) Landscaping details (incorporating ecological design strategy, ecological management plan and works around/to public footpath) to be provided and implemented. Planting to be replaced if any trees or shrubs fail within five years.
- ix) Tree planting.
- x) Boundary treatments and gabions.
- xi) Lighting strategy.
- xii) Crime prevention (including details of windows overlooking public footpath).
- xiii) Removal of permitted development rights.
- xiv) Evidence of noise levels.
- xv) Site contamination.
- xvi) Waste arisings.
- xvii) Construction method statement.
- xviii) Structures adjacent to highways.
- xix) Sight lines.
- xx) Provision of new pavement prior to occupation.
- xxi) Provision of refuse collection arrangements prior to occupation.
- xxii) Electric/hybrid vehicle charging points.
- xxiii) Surfacing and drainage of parking areas.
- xxiv) Flood risk / drainage (four conditions).
- xxv) Yorkshire Water condition re: surface water discharge rate and compliance with drainage strategy.

2) Secure a Section 106 agreement to cover the following matters:

- i) Public open space off site commuted sum of £84,350.
- ii) Two affordable rent and two intermediate units in the 2-bedroom maisonette block.
- iii) Provision of Metro cards for residents to a value of £8,349.553.

3) That, pursuant to (2) above, in the circumstances where the S106 agreement has not been completed 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 the benefits 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, Lyons, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (11 votes).

Against: 0 Votes

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

26 Planning Application - Application No: 2017/93638

The Sub Committee gave consideration to Planning Application 2017/93638 Outline application for residential development with details of point of access only (within a Conservation Area) Land off Fullwood Drive (West site), Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Hamish Gledhill (on behalf of the applicant).

RESOLVED – 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) Standard outline condition (submission of reserved matters).
- 2) Standard outline condition (implementation of reserved matters).
- 3) Standard outline condition (reserved matters submission time limit).
- 4) Standard outline condition (reserved matters implementation time limit).
- 5) Highways.
- 6) Ecology.
- 7) Drainage (site specific and standard development conditions).
- 8) Affordable Housing.
- 9) Public Open Space.
- 10) Education.
- 11) Noise Report.
- 12) Contamination Reports.

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

For: Councillors Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal, Ullah and Wilkinson (8 votes).

Against: 0 Votes

Abstained: Councillors Bellamy and Walker

27 Planning Application - Application No: 2017/93719

The Sub Committee gave consideration to Planning Application 2017/93719 Outline application for residential development with details of point of access only (within a Conservation Area) Land off Fullwood Drive (East site), Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Hamish Gledhill (on behalf of the applicant).

RESOLVED – 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) Standard outline condition (submission of reserved matters)
- 2) Standard outline condition (implementation of reserved matters)
- 3) Standard outline condition (reserved matters submission time limit)
- 4) Standard outline condition (reserved matters implementation time limit)
- 5) Highways

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

- 6) Ecology
- 7) Drainage (site specific and standard development conditions)
- 8) Affordable Housing
- 9) Public Open Space
- 10) Education
- 11) Noise Report
- 12) Contamination Reports

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

For: Councillors Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal, Ullah and Wilkinson (8 votes).

Against: Councillor Marchington (1 Vote)

Abstained: Councillors Bellamy and Walker

28 **Planning Application - Application No: 2017/94242**

The Sub Committee gave consideration to Planning Application 2017/94242 Erection of side extensions and dormer windows, raise roof and alterations Crow Wood, 17, Broad Lane, Upperthong, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Anne Davies (objector) and Angela Hudson (applicant).

RESOLVED – 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) Time limit to commence development
- 2) Development in accordance with the approved plans
- 3) Full bat survey during the peak season (May to August) to take place before the proposed development commences.

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

- 1) A vote to refuse the officer recommendation.

For: Councillors Bellamy and Sims (2 votes)

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

Abstained: Councillor McGuin

- 2) A vote to accept the officer recommendation

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

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

Against: Councillors Bellamy and Sims (2 votes)

Abstained: Councillor McGuin

29 Planning Application - Application No: 2017/93846

The Sub Committee gave consideration to Planning Application 2017/93846 Demolition of existing public house and erection of 32 residential dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield.

RESOLVED – 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 for commencing conditions.
- 2) Development to be in accordance approved plans
- 3) Landscape Scheme and maintenance (include scheme and future maintenance responsibility for the area between Plot 1 and New Hey Road).
- 4) Protection of trees during development
- 5) Submission of arboricultural method statement
- 6) Samples of materials (natural stone for some dwellings fronting New Hey Road);
- 7) Boundary Treatments, including retaining walls
- 8) Drainage conditions:-
 - a) In accordance with the FRA and Drainage strategy (subject to course of watercourse)
 - b) Run off rates
 - c) Surface water flood routing
 - d) Finished floor levels
- 9) Environmental Health:-
 - a) Noise attenuation
 - b) Remediation/ decontamination
 - c) provision of electric charging points
- 10) Highways conditions
 - a) Right turn lane;
 - b) Areas to be surfaced and drained
 - c) Internal adoptable road
 - d) Closure of existing access
 - e) Retention of PROW and retaining wall
 - f) Method of storage and access to waste
- 11) Construction Management Plan
- 12) Bio- diversity enhancement measures

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)

30

Planning Application - Application No: 2016/90524

The Sub Committee gave consideration to Planning Application 2016/90524 Outline application for erection of three dwellings (Within the curtilage of a Listed Building) Middle Burn Farm, Burn Road, Birchencliffe, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Tom Cook (on behalf of the applicant).

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment subject to the resolution of issues related to the assessment of a recorded mine entry close to the site to the satisfaction of the Coal Authority and in order to complete the list of conditions contained within the considered report including:

- 1) Standard conditions for outline applications including time limits for submission of reserved matters and commencement of development
- 2) Approval of samples of materials
- 3) Surfacing of parking places
- 4) Details of improvements to public byway HUD 396 including details to widen the byway to 6m opposite the points of access for plots 1 and 2 and formation of passing place
- 5) Re-use existing stone wall around proposed passing place
- 6) Electric vehicle charging points
- 7) Construction management plan
- 8) Any conditions to be imposed at the recommendation of The Coal Authority following intrusive site investigations
- 9) Biodiversity mitigation/enhancement measures.

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)