

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 29th March 2018

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

Apologies: Councillor Mohammad Sarwar

1 Membership of the Committee

There were no substitutions of membership.

2 Minutes of previous meeting

The Minutes of the meeting held on 22 February 2018 were approved as a correct record.

3 Interests and Lobbying

Councillor McGuin declared that he had been lobbied on applications 2017/91921, 2017/91922 and 2017/91618.

Councillors McGuin, Marchington, Homewood, Sokhal, Walker and Wilkinson declared that they had been lobbied on application 2017/93459

Councillor Sims declared that he had been lobbied on application 2017/90192

Councillor Marchington declared an 'other interest' in application 2017/93459 on the grounds that he had provided advice to local residents who objected to the application.

Cllr Lyons declared an 'other interest' in application 2017/93015 on the grounds that he was a member of Meltham Town Council.

Cllr Lyons declared that he had been lobbied on application 2017/93853.

Cllr Lyons and Homewood declared that they had been lobbied on application 2018/90336.

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Cllr Bellamy declared an 'other interest' in application 2018/90192 on the grounds that she was a member of Holme Valley Parish Council.

Cllr Homewood declared an 'other interest' in application 2018/90336 on the grounds that he was related to one of the objectors.

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 2017/93853

Site visit undertaken.

7 Site Visit - Application 2017/91921

Site visit undertaken.

8 Site Visit - Application 2017/91922

Site visit undertaken.

9 Site Visit - Application 2018/90192

Deferred.

10 Site Visit - Application 2017/93015

Site visit undertaken.

11 Site Visit - Application 2017/93459

Site visit undertaken.

12 Local Planning Authority Appeals

That the report be noted.

13 Planning Application - Application 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 6 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 – 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 of 3 years to commence development.
2. Development to be in accordance with approved plans.
3. Materials to match host property.
4. Boundary fence to extend full length of rear party boundaries with no.16 New Road along east boundary and provided before occupation.

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5. Proposed bin storage as shown on drawing no. AL 05 to be provided before occupation.
6. Reporting of unexpected contamination.
7. Car park to be laid out and made operational prior to occupation of the apartments and thereafter retained.

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

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

Against: (0 votes).

14 Planning Application - Application 2017/93015

The Sub Committee gave consideration to Planning Application 2017/93015 Erection of 19 dwellings (C3) with associated parking with vehicular access Rough Nook Farm, 112, Mill Moor Road, Meltham, Holmfirth.

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

- 1) complete the list of conditions contained within the considered report and update list including:
 1. Time limit for the commencement of the development.
 2. Development to be in accordance with approved plans.
 3. Approval of samples of materials.
 4. Details of retaining walls including facing materials.
 5. Detailed drainage scheme.
 6. Assessment of adjacent watercourses and imposition of appropriate standoff distances.
 7. Temporary drainage scheme.
 8. Design of surface water outfall.
 9. Details of access road.
 10. Surfacing of parking areas.
 11. Contaminated land investigation and site remediation as necessary.
 12. Electric vehicle charging points.
 13. Construction management plan.
- 2) an additional condition for the provision of sightlines and a footway on Mill Moor Road should the development to the south not come forward
- 3) To ensure that the applicant provides information to demonstrate the presence or absence of breeding birds that are qualifying features of the South Pennine Moors Special Protection Area and; for the LPA to subsequently undertake a Habitat Regulations Assessment and consult with Natural England.

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4) Secure a S106 agreement to cover the following matters:

1. £82,500 contribution towards off-site affordable housing.
2. Future maintenance responsibilities for drainage infrastructure.
3. An easement over the land edged blue on the location plan where it is adjacent to Meltham Dike in order to facilitate the provision of a continuous footpath (riverside walk) in the future.

5) That, pursuant to (4) 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 Homewood, Sokhal, Ullah, Walker and Wilkinson (5 votes).

Against: Councillors Bellamy, Marchington and Sims (3 votes)

Abstained: Lyons and McGuin.

15 Planning Application - Application 2018/90192

The Sub Committee gave consideration to Planning Application 2018/90192
Erection of 21 dwellings Land adjacent to 8 Miry Lane, Netherthong, Holmfirth.

RESOLVED –

That consideration of the application be deferred to allow the applicant an opportunity to resolve outstanding highway matters.

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

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

Against: (0 votes).

16 Planning Application - Application 2017/93459

The Sub Committee gave consideration to Planning Application 2017/93459
Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) Land south of, Swallow Lane, Golcar, and Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from John Thorpe and Graham Woodhead (Objectors) and Jonathan Ainley (on behalf of the applicant).

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

RESOLVED – That consideration of the application be deferred to allow officers to negotiate with the applicant the use of natural stone in the developments external facing materials and to allow time to provide more information regarding the risk to ecology through birds striking the proposed cricket mesh fencing.

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

For: Councillors Bellamy, McGuin, Sims, Sokhal, Ullah, Walker and Wilkinson (7 votes).

Against: Councillors Homewood and Lyons (2 votes).

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Planning Application - Application 2017/93853

The Sub Committee gave consideration to Planning Application 2017/93853
Erection of mixed use agricultural and educational building 20, Wellhouse Lane, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Roger Blackmore, Rizwana Kauser and Gulfaraz Ahmed (all in support).

RESOLVED –

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

1. The proposed development is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The proposed development would constitute inappropriate development in the green Belt, which is by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The information submitted by the applicant in support of the application does not clearly outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form. The isolated siting and detailed design of the building would consolidate its harmful impact on the openness of the Green Belt and, in turn the visual amenity of the area contrary to Policy PLP24 (a) of the Publication Draft Local Plan and D2 (vii) of the Unitary Development Plan. The overall design of the building and its intended use does not amount to the very special circumstances that are required to grant planning permission, and the proposals would conflict with Chapter 9 of the National Planning Policy Framework.

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- 2) That the Head of Strategic Investment be authorised to take enforcement action to wholly remove the building.

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

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

Against : (0 votes)

Abstained : Councillor Sokhal

18 Planning Application - Application 2017/91921

The Sub Committee gave consideration to Planning Application 2017/91921 Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Alison Dumville (on behalf of local residents objecting to the plan) and Andrew Keeling (on behalf of the applicant).

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

- (i) The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. Policy D13 of the Kirklees Unitary Development Plan and Paragraph 89 of the National Planning Policy Framework sets out when 'infill' development in the Green Belt may be acceptable. However, the site is not considered to be within an existing settlement as required by Policy D13 or within a village as required by the National Planning policy Framework. The proposed dwelling would therefore constitute inappropriate development in the Green Belt. Furthermore the dwelling would harm the openness of the Green Belt through the introduction of new built development. There are no very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm. The proposal is contrary to paragraph 89 of the National Planning Policy Framework and Policy D13 of the Kirklees Unitary Development Plan.
- (ii) The application has failed to demonstrate that the proposal would avoid significant harm or loss to biodiversity or that such harm/loss could be adequately mitigated or compensated for. No ecological surveys have been provided to assess the impact of the proposal on habitats or species of principal importance which have a reasonable likelihood of being affected by the development. This includes a known Great Crested Newt breeding pond being within 500m of the application site. To approve the development would be contrary to Policy PLP30 of the Kirklees

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Publication Draft Local Plan and the aims and objectives of Chapter 11 of the National Planning Policy Framework.

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

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

Against: (0 votes).

Abstained: Councillors Bellamy and McGuin.

- 19 Planning Application - Application 2017/91922**
The Sub Committee gave consideration to Planning Application 2017/91922 Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield.

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

- (i) The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. Policy D13 of the Kirklees Unitary Development Plan and Paragraph 89 of the National Planning Policy Framework sets out when 'infill' development in the Green Belt may be acceptable. However, the site is not considered to be within an existing settlement as required by Policy D13 or within a village as required by the National Planning Policy Framework. The proposed dwelling would therefore constitute inappropriate development in the Green Belt. Furthermore the dwelling would harm the openness of the Green Belt through the introduction of new built development. There are no very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm. The proposal is contrary to paragraph 89 of the National Planning Policy Framework and Policy D13 of the Kirklees Unitary Development Plan.
- (ii) The application has failed to demonstrate that the proposal would avoid significant harm or loss to biodiversity or that such harm/loss could be adequately mitigated or compensated for. No ecological surveys have been provided to assess the impact of the proposal on habitats or species of principal importance which have a reasonable likelihood of being affected by the development. This includes a known Great Crested Newt breeding pond being within 500m of the application site. To approve the development would be contrary to Policy PLP30 of the Kirklees Publication Draft Local Plan and the aims and objectives of Chapter 11 of the National Planning Policy Framework.

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- (iii) The application has failed to demonstrate that the proposed access is capable of serving two dwellings without harming the safe and efficient operation of the local highway network. This relates specifically to access width, sightlines and capacity for on-site turning. To approve the development without this would be contrary to Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

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

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

Against: (0 votes).

Abstained: Councillors Bellamy and McGuin.

20 Planning Application - Application 2018/90099
The Sub Committee gave consideration Planning Application 2018/90099 Erection of four storey building and landscaping details Joseph Priestley Building, University Of Huddersfield, Queensgate, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Colin Blair and Iain Bath (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. Time limit for the commencement of the development.
2. Development to be in accordance with plans.
3. Material samples (Design).
4. Reporting of unexpected contamination (Environmental Health).
5. Details of construction traffic (Highways).
6. External lighting plan (Public Safety).
7. Counter Terrorism Measures (Public Safety).
8. Conditions as required by the Lead Local Flood Authority (Drainage).
9. Conditions as required by Yorkshire Water (Drainage).
10. Swift enhancements (Ecology).
11. Ecological design and landscape plan and maintenance (Landscape/Ecology).

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

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

Against: (0 votes).

21 Planning Application - Application 2018/90336

The Sub Committee gave consideration to Planning Application 2018/90336
Installation of additional bay to existing modular building Fixby Junior and Infant
School, Lightridge Road, Fixby, Huddersfield.

Under the provisions of Council Procedure Rule 37 a representation was read out
on behalf of Jackie Donlon (objector).

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 commence within 3 years.
2. Development carried out in accordance with the plans.
3. Works carried out in accordance with the Delivery and Construction Plan.
4. Details of 3 parking spaces for staff.

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

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

Against: (0 votes).

22 Planning Application - Application 2018/90247

The Sub Committee gave consideration to Planning Application 2018/90247
Replacement roof St Bernadette Hall, 5 Copthorne Gardens, Bradley, 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. Development must commence within three years of any given permission.
2. Development carried out in accordance with the approved plans.

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

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

Against: (0 votes).