

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 17th May 2018

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Rob Walker
Councillor Andrew Pinnock
Councillor Donald Firth

Apologies: Councillor Bernard McGuin
Councillor Sheikh Ullah

1 Membership of the Committee

Councillor Andrew Pinnock took the position of one of the Liberal Democrat Group Vacancies.

Cllr D Firth substituted for Cllr McGuin

2 Minutes of previous meeting

The Minutes of the meeting held on 29 March 2018 were approved as a correct record.

3 Interests and Lobbying

Councillors Bellamy and D Firth declared an 'other interest' in applications 2018/90192, 2017/94319 and 2018/90713 on the grounds that they were members of Holme Valley Parish Council.

Councillors D Firth and Sims declared that they had been lobbied on application 2018/90192.

Councillor Sims declared he had been lobbied on applications 2017/94319 and 2018/90713.

In relation to items 14 and 15 Councillor Sokhal declared he had previously commented on and supported local residents to maintain the public rights of way footpaths at Clayton Fields and would not participate in the Committee discussions.

Councillor Homewood declared he had been lobbied on applications 2017/91286 and 2018/90827.

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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**

The Committee received a question from Cllr Nigel Patrick on why the local planning authority was allowing developers to start work on site before planning conditions had been discharged.

The Development Management Group Leader responded on behalf of the Committee to the question.

7 **Site Visit - Application No: 2017/91286**

Site visit undertaken.

8 **Site Visit - Application No: 2018/90827**

Site visit undertaken.

9 **Site Visit - Application No: 2017/94302**

Site visit undertaken.

10 **Site Visit - Application No: 2017/93009**

Site visit undertaken.

11 **Site Visit - Application No: 2018/90713**

Site visit undertaken.

12 **Site Visit - Application No: 2018/90192**

Site visit undertaken.

13 **Local Planning Authority Appeals**

That the report be noted.

14 **Applications for a definitive map modification order to add public footpaths to the definitive map and statement, Clayton Fields, Edgerton. (Application references 30, 31, 184, 185 & 186). Application for a definitive map modification order to vary the recorded width of recorded public footpath Huddersfield 345 (part) (Application reference 187)**

The Committee considered a report that sought a decision on a number of applications for a definitive map modification order to add public footpaths to the definitive map and statement, Clayton Fields, Edgerton and an application for a definitive map modification order to vary the recorded width of recorded public footpath Huddersfield 345 (part).

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

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

RESOLVED – That consideration of the item be deferred to provide an opportunity for the Committee to receive a private briefing from officers to clarify matters relating to the applications prior to determination at a formal meeting of the Committee.

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

For: Councillors Bellamy, D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims and Walker. (8 votes).

Against: (0 votes).

Abstained: Councillor Sokhal

15 Amendments to the authority given by sub-committee in October 2017 for the extinguishment of claimed public footpaths at Clayton Fields, Edgerton Road, and provision of alternative routes. Town & Country Planning Act 1990, section 257

The Committee considered a report that sought a decision on amendments to the authorisation issued in October 2017 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.

RESOLVED – That consideration of the item be deferred to provide an opportunity for the Committee to receive a private briefing from officers to clarify matters relating to the amendments prior to determination at a formal meeting of the Committee.

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

For: Councillors Bellamy, D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims and Walker. (8 votes).

Against: (0 votes).

Abstained: Councillor Sokhal

16 Planning Application - Application No: 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, Huddersfield.

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Under the provisions of Council Procedure Rule 37 the Committee received representations from Andrew Marchington (objector) and Jonathan Ainley (Agent).

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 including:
 1. 3 years to commence development
 2. Approved plans
 3. Materials for external walls
 4. Render colour
 5. Roofing materials
 6. Boundary treatment Plan
 7. Remove PD rights for extensions and outbuildings
 8. Remove PD rights for openings in the eastern side elevation of Plot 1 and northern side elevation of Plot 19
 9. Scheme for adoptable internal estate roads
 10. Areas to be surfaced and drained
 11. Works to the site access
 12. Construction access
 13. Surface water drainage scheme
 14. Overland flow routing to be maintained
 15. Scheme for surface water disposal during the construction phase
 16. Details of SuDS features
 17. As-built drawings of SuDS features
 18. Provision of cricket fencing (including specification of the netting)
 19. Ecological Design Strategy
 20. Submission of Remediation Strategy
 21. Implementation of Remediation Strategy
 22. Submission of Validation Report
 23. Provision of charging points
 24. Undertaken in accordance with soft Landscaping Plan
- 2) An additional condition that plots 1 and 2 be faced in natural stone.
- 3) Secure a S106 agreement to cover the following matters:
 - i) The provision of affordable housing on-site (3 'Starter Homes')
 - ii) The provision and management of Public Open Space (POS) and natural play facility on-site
 - iii) Management/maintenance of the proposed cricket fencing
- 4) That, pursuant to (3) 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

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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, Lyons, Sarwar and Walker (4 votes).

Against: Bellamy and D Firth (2 votes).

Abstained: Councillors A Pinnock, Sims and Sokhal

17 **Planning Application - Application No: 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 including:
 1. 3 year time limit to commence development
 2. Development 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) 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
- 3) Secure a S106 agreement to cover the following matters:
 - i) Future maintenance responsibilities for drainage infrastructure
 - ii) 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.

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- 4) That, pursuant to (3) 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, A Pinnock, Sarwar, Sokhal and Walker. (5 votes).

Against: (3 votes). Bellamy, D Firth and Sims

Abstained: Councillor Lyons

- 18 Planning Application - Application No: 2017/94302**
The Sub Committee gave consideration to Planning Application 2017/94302
Erection of veterinary hospital Land at, Somerset Road, Almondbury, Huddersfield.

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

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

- 1) ensure that the surface water drainage scheme (soakaways) are acceptable to the Environment Agency. In the event that soakaways are not acceptable to the Environment Agency, then secure an alternative method of surface water disposal.
- 2) complete the list of conditions including those contained within the considered report including:
 1. 3 year time limit for commencement
 2. Development in accordance with approved plans
 3. Approval of samples of materials
 4. Site remediation and validation report (includes asbestos and Japanese knotweed)
 5. Detailed drainage design
 6. Restriction on hours of use to those set out within the considered report
 7. Details of fixed plant
 8. Restriction on outdoor animal exercise area (no unsupervised animals)
 9. Details of external lighting to protect residential amenity and biodiversity
 10. Electric vehicle charging scheme
 11. Arboricultural method statement
 12. Landscaping scheme to be provided
 13. Provision of visibility splay

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14. Surfacing of car park
15. Car park and servicing management plan
16. Construction management plan
17. Detailed scheme for improvement works to Kidroyd Lane (PROW HUD/115/20)
18. Detailed design for proposed access off the mini roundabout

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

For: Councillors Bellamy, D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims, Sokhal and Walker. (9 votes).

Against: (0 votes).

19 **Planning Application - Application No: 2018/90192**

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

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Stewart Brown (applicant) and Claire Parker-Hugill (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Nigel Patrick (Local Ward Member).

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

- 1) complete the list of conditions contained within the considered report and update list including:
 1. Three years to commence development
 2. Approved plans and documents
 3. Details and samples of materials
 4. Car and cycle parking to be provided prior to occupation
 5. Landscaping details (incorporating Ecological Design Strategy, ecological management plan and works around/to footpaths) to be provided and implemented. Planting to be replaced if any trees or shrubs fail within five years
 6. Tree planting
 7. Boundary treatments, retaining walls and gabions
 8. Lighting strategy
 9. Crime prevention (including details of windows overlooking footpaths)
 10. Removal of permitted development rights
 11. Site contamination
 12. Construction method statement (including controls on vehicle sizes and routes, times of movements (to avoid the start and end of the school day), signage, temporary drainage arrangements and road conditions surveys
 13. Structures adjacent to highways

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14. Retaining walls
15. Construction access
16. Sight lines / visibility splays
17. Road widening to Miry Lane
18. Internal adoptable roads
19. Provision of refuse collection arrangements prior to occupation
20. Electric/hybrid vehicle charging points
21. Surfacing and drainage of parking areas
22. Construction Management Plan
23. Flood risk / drainage

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

- i) Provision and maintenance of on-site Public Open Space.
- ii) Two Affordable Rent and two Intermediate units, or an alternative tenure mix including Starter Homes (subject to evidence and negotiation with officers).
- iii) Contribution of £10,000 towards road safety and sustainable travel initiatives for Netherthong, to be paid in phases.

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, D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims, Sokhal and Walker. (9 votes).

Against: (0 votes).

20 **Planning Application - Application No: 2017/94319**

The Sub Committee gave consideration to Planning Application 2017/94319
Erection of 3 dwellings Three Valleys, Cold Hill Lane, New Mill, Holmfirth.

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

- 1) complete the list of conditions contained within the considered report including:
 1. year time limit for commencement of the development
 2. In accordance with plans
 3. Material samples to be provided
 4. Visibility splays kept clear (Highways)

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5. Parking areas to be surfaced, drained and implemented (Highways)
6. Bin storage area to be provided prior to occupation (Highways)
7. Construction details for access (Highways)
8. Construction details for retaining walls next to HW (Highways)
9. Details on access for construction traffic (Highways)
10. Remove PD for garage conversions (Highways)
11. Charging Points (Environmental Health)
12. Boundary fence to be implemented and retained
13. Plot 1 gable side window obscure glazed
14. Arboricultural Method Statement to be provided and done in accordance with (Trees)
15. Remove PD for extensions and outbuildings
16. Works to be done in accordance with Biodiversity Mitigation and Enhancement Plan
17. Reporting of unexpected contamination
18. Drainage details

- 2) Await the expiration of the period of publicity and take into account any representations received during that period and if new material planning considerations are raised that the application to be brought back to the sub-committee for reconsideration.

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

For: Councillors Homewood, Lyons, A Pinnock, Sarwar, Sokhal and Walker. (6 votes).

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

21 **Planning Application - Application No: 2018/90713**

The Sub Committee gave consideration to Planning Application 2018/90713 Prior approval for change of use from office (B1) to 11 apartments (C3) Green Lane Mill, Green Lane, Holmfirth.

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

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Nigel Patrick (Local Ward Member).

RESOLVED – That contrary to the officers recommendations that the application be refused.

The Committee considered that due to the location of the site that residents of the development would be reliant on motor vehicles and the number of on-site car parking spaces was insufficient to meet the needs of residents. The Committee concluded that the inadequacy of the parking provision would not be in the best interests of highway safety.

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

For: Councillors Bellamy, D Firth, A Pinnock, Sarwar, Sims and Sokhal. (6 votes).

Against: Councillors Homewood, Lyons and Walker (3 votes).

22 Planning Application - Application No: 2018/90827

The Sub Committee gave consideration to Planning Application 2018/90827 Erection of detached dwelling adj 14, The Fairway, Fixby, Huddersfield.

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

RESOLVED – That consideration of the application be deferred to allow the applicants an opportunity to consider a redesign of the proposed dwelling that would be in keeping with the surrounding area.

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

For: Councillors Bellamy, D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims, Sokhal and Walker. (9 votes).

Against: (0 votes).

23 Planning Application - Application No: 2017/91286

The Sub Committee gave consideration to Planning Application 2017/91286 Change of use of land to domestic garden with formation of driveway adj to, 46, The Fairway, Fixby, Huddersfield.

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

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

The proposed change of use of an area of established protected woodland to domestic curtilage associated with no. 46 The Fairway, would cause harm to an important open green buffer along the rear of properties on The Fairway stretching down to Jilley Royd Lane. This would adversely impact on how the woodland functions at its eastern end and lessen its function as a green corridor. This would also be detrimental to visual amenity. Such a change to its operation is considered to be to the detriment of the local area and the local area's sense of place. To permit such a development would be contrary to Policies D2 (vi & vii), BE1 (i & ii) and BE2 (i) of the Kirklees Unitary Development Plan, Policy PLP24 (a) of the Kirklees Publication Draft Local Plan and Policies in Chapter 7 and the Core Planning Principles of the National Planning Policy Framework.

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

For: Councillors D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims and Walker. (7 votes).

Against: Councillor Sokhal (1 votes).

Abstained: Councillor Bellamy

24 **Planning Application - Application No: 2017/93009**

The Sub Committee gave consideration to Planning Application 2017/93009 Listed Building Consent to remove fire-damaged debris from interior of mill building and weaving shed Newsome Mills, Ruth Street, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Diane Sims (Newsome Mills Campaign).

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment to complete the list of conditions contained within the considered report including:

1)

- i) Time Limit for the commencement of the works
- ii) Development shall be implemented in accordance with the plans and details
- iii) No development to take place until a method statement for the removal of the debris, the creation of openings and the retention of material has been submitted and approved.

2) The discharge of the condition relating to the method statement be submitted to the Committee for determination.

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

For: Councillors Bellamy, D Firth, Homewood, Lyons, A Pinnock, Sarwar, Sims, Sokhal and Walker. (9 votes).

Against: (0 votes).