

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Friday 1st June 2018

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor Mark Thompson
Councillor Michelle Grainger-Mead
Councillor Eric Firth
Councillor Mohan Sokhal
Councillor Alison Munro

1 Membership of the Committee

Councillor Sokhal substituted for Councillor Pervaiz.
Councillor E Firth substituted for Councillor Dad.
Councillor Munro substituted for Councillor Lawson.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the meeting held on 19 April 2018 be approved as a correct record.

3 Interests and Lobbying

Councillors Akhtar, E Firth, Grainger-Mead, Kane, A Pinnock, Scott, Sokhal, Turner and K Taylor declared that they had been lobbied on Applications 2014/91242 and 2014/93145.

Councillor Turner declared that he had been lobbied on Application 2017/93798.

4 Admission of the Public

It was noted that all Agenda Items would be considered in public session.

5 Deputations/Petitions

None received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/92291

Site visit undertaken.

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8 Site Visit - Application No: 2017/94129

Site visit undertaken.

9 Site Visit - Application No: 2018/90400

Site visit undertaken.

10 Site Visit - Application No: 2017/93294

Site visit undertaken.

11 Site Visit - Application No: 2017/93798

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 Application - Application No: 2014/91242

The Committee gave consideration to Application 2014/91242 – Reserved matters application for erection of 47 dwellings at land off Ashbourne Drive, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Brian Donaldson and Heather Freer (local residents).

RESOLVED - That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- samples of all facing and roofing materials
- details of boundary treatment
- electric charge points
- removal of permitted development rights for extensions and new openings
- construction management plan
- detailed road construction including flood water routing
- retention of 6.1m width for the public bridleway crossing the site
- details of levels of public open space areas
- garages to be used for storage of motor vehicles
- provision of secure covered and lockable cycle parking to house types T3, T5 and T6 to be provided outside of garages

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

For: Councillors Akhtar, E Firth, Grainger-Mead, Kane, Scott, Sokhal, Turner, K Taylor and Thompson (9 votes)

Against: Councillor A Pinnock (1 vote)

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Abstained: Councillor Munro

14 Planning Application - Application No: 2014/93145

The Committee gave consideration to Application 2014/93145 – Modification of Section 106 obligation relating to previous application 2012/93062 at land at Ashbourne Drive, Cleckheaton.

RESOLVED – That the application be deferred in order to request the submission of a full viability report to a future meeting.

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

For: Councillors Akhtar, E Firth, Munro, A Pinnock, Scott, Sokhal, Turner and K Taylor (8 votes)

Against: Councillors Grainger-Mead, Kane and Thompson (3 votes)

15 Planning Application - Application No: 2012/93803

The Committee gave consideration to Application 2012/93803 – Discharge of conditions on previous planning permission no. 2011/90359 for extension to time limit to previous application 2007/94743 for demolition of existing buildings and erection of 62 dwellings with garages and associated infrastructure Syke Ings Mills, 16 off Ossett Lane, Providence Street, Earlsheaton.

RESOLVED – That the application be deferred in order to request the submission of a full viability report to a future meeting.

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

For: Councillors Akhtar, Grainger-Mead, Munro, Kane, A Pinnock, Turner, K Taylor and Thompson (8 votes)

Against: Councillors E Firth, Scott and Sokhal (3 votes)

16 Planning Application - Application No: 2017/94129

The Committee gave consideration to Application 2017/94129 – Demolition of existing buildings and erection of 30 dwellings with associated garages and parking at Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw.

RESOLVED –

1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- 3 year timeframe for commencement of development
- development to be in accordance with approved plans
- samples of construction materials

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- wall to the site frontage to be set back to the rear of the visibility spays
- scheme for the provision of a right turn lane from Bradford Road
- scheme detailing the proposed internal adoptable estate roads
- approved vehicle parking areas to be surfaced and drained
- details of protecting the existing 6" water main laid within/adjacent to the site boundary
- site shall be developed with separate systems of drainage for foul and surface water on and off site
- remediation strategy to address contamination and coal mining legacy
- implementation of remediation strategy
- submission of validation report
- reporting of unexpected contamination
- no development to commence until an ecological design strategy has been submitted and approved
- a landscape and ecological management plan
- details of boundary treatments to address crime prevention issues
- details of the rear garden areas of plots 15-17 to include levels, boundary treatment and retaining walls to demonstrate how adjacent trees will be protected
- scheme detailing foul, surface water and land drainage
- scheme for temporary surface water drainage
- development to be undertaken in accordance with the submitted bat method statement (approved pursuant to prior notification 2017/94058)

2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space provisions including off site commuted sum of £102,374.07 and future maintenance and management responsibilities of open space within the site and £1000 inspection fee for the on-site public open space (ii) affordable on site housing provision of one affordable rent unit and one intermediate unit (iii) £127,322 towards education requirements arising from the development (iv) £10,000 for a bus shelter and (v) £14,850 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 Strategic Investment 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 would have been 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, E Firth, Grainger-Mead, Munro, Kane, A Pinnock, Scott, Sokhal, Turner, K Taylor and Thompson (11 votes)

Against: (no votes)

17 Planning Application - Application No: 2017/93798

The Committee gave consideration to Application 2017/93798 – Erection of 6 detached dwellings at land at Leak Hall Crescent, Denby Dale.

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Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Dan Heneghan (applicant's agent).

RESOLVED - That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- 3 year timeframe for commencement of development
- development in accordance with plans and specifications
- development to be constructed of natural tumbled stone (black eyed) and Sandcroft Calderdale concrete tile
- details of boundary treatment/retaining walls
- provision of 2 metre footway
- surfacing and draining of vehicle areas
- drainage scheme including a scheme for soakaways and treatment of the existing spring
- tree protection plan that also provides for protection of existing hedgerows
- removal of permitted development rights for extensions/outbuildings
- electrical vehicle charge points
- ecological design strategy
- lighting design strategy for biodiversity
- no removal of hedgerows, trees, shrubs or brambles to take place between 1 March and 31 August
- phase II contaminated land report
- remediation strategy
- development in accordance with the remediation strategy
- validation report
- roofing material to be natural slate

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

For: Councillors Akhtar, E Firth, Grainger-Mead, Munro, Kane, A Pinnock, Scott, Sokhal, K Taylor and Thompson (10 votes)

Against: Councillor Turner (1 vote)

18 **Planning Application - Application No: 2017/92291**

The Committee gave consideration to Application 2017/92291– Erection of 19 dwellings with associated infrastructure and landscaping at Rock Villa Development al land off Warwick Road, Batley.

RESOLVED – That the application be delegated to officers to impose conditions and approve, and authority be delegated to the Head of Strategic Investment to issue the decision notice, subject to the resolution of issues relating to highways matters, including highways safety and site access.

(The Sub-Committee resolved to approve the application contrary to the Officer's recommendation).

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

For: Councillors Akhtar, E Firth, Grainger-Mead, Munro, Kane, A Pinnock, Scott, Sokhal, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

19 **Planning Application - Application No: 2018/90400**

The Committee gave consideration to Application 2018/90400 – Change of use from retail (A1) to hot food takeaway (A5) at 169 Bradford Road, Cleckheaton.

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

RESOLVED – That the application be delegated to Officers to grant conditional full permission, and authority be delegated to the Head of Strategic Investment to issue the decision notice, with conditions to include personal permission, hours of delivery and occupation restriction on upper floor(s).

(The Sub-Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that the application would bring the vacant unit back into use, generating economic benefits, which outweighed any conflict with the emerging local plan and reasons for refusal.)

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

For: Councillors Akhtar, E Firth, Grainger-Mead, Munro, Kane, A Pinnock, Scott, Sokhal, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

20 **Planning Application - Application No: 2017/93294**

The Committee gave consideration to Application 2017/93294 – Erection of extensions to dwelling and patio at Cornmill Cottage, Corn Bottom Mill, Shelley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Ian Crouch (on behalf of local residents), Simon Gibson (applicant) and Jeremy Child (agent).

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- 3 year time limit permission
- development in accordance with approved plans
- removing permitted development rights for extensions, alterations to the roof, outbuilding, porches

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- area shown on the proposed site plan to the side of the side extensions to be surfaced in material suitable for parking cars and retained as such thereafter
- tree protection measures to be installed prior to construction commencing and retained during the duration of construction phase

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

For: Councillors E Firth, Kane, A Pinnock, Sokhal and Thompson (5 votes)

Against: Councillors Grainger-Mead, K Taylor, Turner, Scott and Sokhal (5 votes)

Abstained: Councillor Munro

The application was determined by the Chair's casting vote.