

Contact Officer: Andrea Woodside

## **KIRKLEES COUNCIL**

### **PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)**

**Thursday 23rd August 2018**

Present: Councillor Steve Hall (Chair)  
Councillor Mahmood Akhtar  
Councillor Eric Firth  
Councillor Michelle Grainger-Mead  
Councillor Christine Iredale  
Councillor Fazila Loonat  
Councillor Naheed Mather  
Councillor Andrew Pinnock  
Councillor Mark Thompson  
Councillor Graham Turner

In attendance: Councillor John Taylor

Apologies: Councillor Kath Taylor

**1 Appointment of Chair**

In the absence of Councillor Kane, the Sub-Committee appointed Councillor S Hall as Chair for this meeting of the Sub-Committee.

**2 Membership of the Committee**

Apologies for absence were received on behalf of Councillor K Taylor.  
Councillor Mather substituted for Councillor Scott.  
Councillor E Firth substituted for Councillor Pervaiz.  
Councillor Iredale substituted for Councillor A Pinnock.

**3 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 12 July 2018 be approved as a correct record.

**4 Interests and Lobbying**

All Members present declared that they had been lobbied on Application 2018/90390.

Councillor A Pinnock also declared that he had been lobbied on Application 2014/93145.

**5 Admission of the Public**

It was noted that exempt information would be received in relation to Agenda Items 16 and 17, as set out on the Agenda at Items 19 and 20 (Minute No's 19 and 20 refer).

## **Planning Sub-Committee (Heavy Woollen Area) - 23 August 2018**

### **6 Deputations/Petitions**

No deputations or petitions were received.

### **7 Public Question Time**

No questions were asked.

### **8 Site Visit - Application 2015/90321**

Site visit undertaken.

### **9 Site Visit - Application 2018/91605**

Site visit undertaken.

### **10 Site Visit - Application 2018/91256**

Site visit undertaken.

### **11 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 of the Local Planning Authority.

**RESOLVED** – That the report be noted.

### **12 Planning Application - Application 2018/90390**

(Councillor Akhtar left the meeting during the consideration of this application).

The Committee gave consideration to Application 2018/90390 – Erection of extensions, creation of first floor terrace and external alterations at 11 Hollybank Avenue, Upper Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Andrew Royston, Pat Howden, Beverley Smith and Keith Pollard (local residents), Nick Wilock (on behalf of local residents), Mohammed Laher (applicant) and Ebrahim Daji (applicant's agent).

**RESOLVED** – That, contrary to the Officer's recommendation, the application be refused on the grounds of the bulk and massing of the proposal, and the detrimental impact upon residential and visual amenity.

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

For: Councillors E Firth, Grainger-Mead, C Iredale and A Pinnock (4 votes)

Against: Councillors Loonat, Mather and G Turner (3 votes)

Abstained: Councillors S Hall and Thompson

**13 Planning Application - Application 2018/91605**

The Committee gave consideration to Application 2018/91605 – Variation of conditions 2 and 27 on previous permission 2012/90558, variation of conditions 24 and 29 (D) on previous permission 2006/70/92787/EO and variation of condition 2 relating to IDO permission 426A, in order to allow changes to the approved phasing scheme at Sovereign Quarry, Carr Lane, Shepley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Michael Mannifield, Ann Van Haazel, Jessica Wilson (local residents) and Christopher Nicoll (agent).

Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor J Taylor.

**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;

- time limits
- plans
- access and vehicular movements
- protection of water courses
- preparatory works
- soil stripping
- working programme
- restoration
- soil replacement during restoration
- amenity
- aftercare

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

For: Councillors Akhtar, E Firth, Grainger-Mead, S Hall, Iredale, Loonat, Mather, A Pinnock, Thompson and G Turner (10 votes).

Against: (no votes)

**14 Planning Application - Application 2018/91256**

The Committee gave consideration to Application 2018/91256 – Demolition of existing bungalow and erection of residential development of 23 dwellings at Manor House Farm, Manor House, Flockton.

**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;

- timeframe of 3 years for implementing the development
- development to be carried out in accordance with the submitted plans and information.

## **Planning Sub-Committee (Heavy Woollen Area) - 23 August 2018**

- samples of facing and roofing materials.
- detail of all boundary treatments
- undertake an appropriate scheme of intrusive investigations (in relation to both coal mining legacy and land contamination).
- submission of report of findings arising from the intrusive site investigations (in relation to both coal mining legacy and land contamination)
- submission of a scheme of remedial works/mitigation (in relation to both coal mining legacy and land contamination).
- implementation of the above remedial works/mitigation (in relation to coal mining legacy and land contamination).
- development in accordance with recommendations contained in the Arboricultural Impact Assessment and Arboricultural Method Statement.
- method statement for the removal and replacement of existing barn owl box.
- submission of an Ecological Design Strategy prior to the formation of any building foundations.
- installation of one charging point per unit (dwelling with dedicated parking) or one charging point per 10 spaces (unallocated parking).
- no building/other obstruction to be located over or within 3 metres either side of the centre line of the water main.
- site to be developed with separate systems of drainage for foul and surface water on and off site.
- no piped discharge of surface water from the development prior to the completion of surface water drainage works.
- scheme for internal adoptable road.
- turning facilities to be provided.
- details of method of storage/access for waste.
- details of gradients for roads/access.
- parking/turning areas to be surfaced and drained.
- securing the implementation of a programme of archaeological recording
- the provision of three social rent affordable housing units on site

2) That 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, S Hall, Iredale, Loonat, Mather, A Pinnock, Thompson and G Turner (10 votes).

Against: (no votes)

**15 Planning Application - Application 2012/93803**

The Committee gave consideration to Application 2012/93803 – Discharge of conditions on previous 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 at Syke Ing Mills, 16, off Ossett Lane, Providence Street, Earlsheaton.

**RESOLVED** – That the application be deferred, due to the Sub-Committee's concerns with the application, and to enable a proposal of refusal to be submitted for the Sub-Committee's consideration.

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

For: Councillors E Firth, Grainger-Mead, S Hall, Iredale, Loonat, Mather, A Pinnock, Thompson and G Turner (9 votes).

Against: (no votes)

**16 Planning Application - Application 2015/90321**

The Committee gave consideration to Application 2015/90321 – Demolition of existing buildings and erection of 43 dwellings with associated access, parking, landscaping and open space at Park Farm, off Smithies Lane, Heckmondwike.

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

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application and issue the decision notice in order to await the receipt of an amended site layout plan, and that, provided no new material considerations are raised as a result of the amended plan, complete the list of conditions to include matters relating to;

- time limit to implement permission
- development in accordance with approved plans
- samples of materials
- internal adoptable estate roads
- surfacing of parking areas
- highway and footway improvements
- electric vehicle charging points
- development to be carried out in accordance with Coal Mining Risk Assessment
- phase II site investigation report
- site remediation
- validation report
- drainage
- temporary surface water drainage for construction report
- assessment of watercourse
- stand-off distance to watercourse
- arboricultural method statement
- landscaping scheme

## **Planning Sub-Committee (Heavy Woollen Area) - 23 August 2018**

- development to be carried out in accordance with bat mitigation/method statement
- biodiversity enhancement measures

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

For: Councillors E Firth, S Hall, Grainger-Mead, Iredale, Mather and G Turner (6 votes)

Against: Councillors A Pinnock and Thompson (2 votes)

Abstained: Councillor Loonat

(The Sub-Committee gave consideration to the exempt information at Agenda Item 19 prior to the determination of this application.)

**17**

### **Planning Application - Application 2014/93145**

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

#### **RESOLVED –**

1) That authority be delegated to the Head of Strategic Investment to modify the Section 106 Agreement in relation to previous application 2012/93062, issue the decision notice and secure a revised S106 Agreement to cover the provision of 5 affordable units.

2) That, 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 E Firth, Grainger-Mead, S Hall, Iredale A Pinnock (6 votes)

Against: Councillors Loonat, Thompson and G Turner (3 votes)

(The Sub-Committee gave consideration to the exempt information at Agenda Item 19 prior to the determination of this application.)

**18 Exclusion of the Public**

**RESOLVED** – That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minutes.

**19 Planning Application - Application 2015/90321**

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

The Committee gave consideration the exempt information prior to the determination of Agenda Item 16 (Minute No 16 refers.)

**20 Planning Application - Application 2014/93145**

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

The Committee gave consideration the exempt information prior to the determination of Agenda Item 17 (Minute No 17 refers.)