

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 4th October 2018

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Mark Thompson

In attendance: Councillor Steve Hall

Apologies: Councillor Fazila Loonat

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Loonat.

Councillor S Hall substituted for Councillor Turner.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 23 August 2018 be approved as a correct record.

3 Interests and Lobbying

All Members present declared that they had been lobbied on Application 2018/92102.

Councillor Akhtar declared that he had been lobbied on Applications 2017/94255 and 2017/90324.

Councillor Pervaiz declared that she had been lobbied on Application 2017/94255.

Councillor Scott declared that she had been lobbied on Application 2017/94255.

Councillor Kane declared that (i) he had been lobbied on Applications 2017/94255 and 2018/92294 and (ii) in relation to Application 2012/93803, he was previously employed by Connect Housing.

4 Admission of the Public

It was noted that exempt information had been received in relation to Agenda Item 18 (Minue No. 18 refers).

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5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application 2017/90324

Site visit undertaken.

8 Site Visit - Application 2017/94255

Site visit undertaken.

9 Site Visit - Application 2018/92102

Site visit undertaken.

10 Site Visit - Application 2018/92294

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 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 at Syke Ings Mills 16, off Ossett Lane, Providence Street, Earlsheaton.

RESOLVED – That authority be delegated to the Head of Strategic Investment to vary the terms of the existing S106 agreement (i) in accordance with the detail as set out within the considered report and (ii) that the applicant be required to match the discount as specified within the S106, and comply with the intentions of clause 3 of the S106, which allows 50% of the rent paid by a tenant in the first two years of occupation to be used as a deposit to purchase the property during that time, and that this be subject to clarification that it would apply to the first tenant only and is time limited to 24 months from the date of occupation.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, Scott, K Taylor and Thompson (10 votes)

Against: (no votes)

13 Planning Application - Application No: 2017/94255

The Committee gave consideration to Application 2017/94255 – Demolition of existing building and erection of Place of Worship/Faith Centre Al Hikmah Centre at 28 Track Road, Batley.

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(Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Abdul Ravat, Yunus Lunat, Hawa Laher (local residents) and Mr Al-Simarraie (applicant's agent).

RESOLVED – That the consideration of the application be deferred in order to enable further discussions to take place regarding tree loss on the site and traffic movement.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, Scott and K Taylor (9 votes)

Against: Councillor Thompson (1 vote)

14 Planning Application - Application No: 2018/91787

The Committee gave consideration to Application 2018/91787 – Outline application for demolition of existing buildings and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe.

(Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nick Wilock – applicant's agent).

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.
- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space provision - £100,000 and (ii) provision towards education improvements £68,260.
- (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, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, Scott, K Taylor and Thompson (10 votes)

Against: Cllr A Pinnock (1 vote)

15 Planning Application - Application No: 2018/92102

The Committee gave consideration to Application 2018/92102 – Installation of new retail unit at Morrisons Supermarket Plc, 17 Union Street, Heckmondwike.

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RESOLVED – That, contrary to the Officer's recommendation, the application be refused on (i) the grounds that the proposal would have a negative impact upon the vitality and viability of Heckmondwike Town Centre, and (ii) due to concerns regarding the outcome of the undertaken sequential test.

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

For: Councillors Akhtar, Grainger-Mead, Lawson, Pervaiz, A Pinnock, Scott, K Taylor and Thompson (8 votes)

Against: Councillor Kane (1 vote)

Abstained: Councillor S Hall

16 Planning Application - Application No: 2018/92294

The Committee gave consideration to Application 2018/92294 – Erection of two storey and single storey rear extension and single storey front extension at 6 Churchbank Way, Thornhill Lees, Dewsbury.

(Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Mr Neki, applicant's agent).

RESOLVED – That the application be refused on the grounds that (i) the proposed extension, by reason of its scale, bulk and massing, and taking into account the land level difference between the host property and the dwelling to the rear of no.57 Ashfield, would have an overbearing and oppressive impact upon the residential amenity of the occupiers of the dwelling to the rear, and that to permit the extension would be contrary to Policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework, and (ii) the proposed rear extension, by reason of its proximity, scale, bulk and massing along the common boundary with the adjoining no.4 Churchbank Way together with the land level difference, would result in an overbearing and oppressive impact upon the occupiers of the adjoining no. 4 Churchbank Way, and that to permit the extension would be contrary to Policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

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

For: Councillors Grainger-Mead, Lawson, A Pinnock, K Taylor and Thompson (5 votes)

Against: Councillors Akhtar, S Hall, Pervaiz and Scott (4 votes)

Abstained: Councillor Kane

17 Planning Application - Application No: 2018/92395

The Committee gave consideration to Application 2018/92395 – Erection of two storey and single storey extension and rear extension at Chellow House Cottage, Chellow Terrace, Birkenshaw.

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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 limit for implementation – 3 years
- development to be in accordance with submitted plans and specifications
- external walls and roofing materials to match those used on the existing dwelling

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, Scott, K Taylor and Thompson (10 votes)

Against: (no votes)

18 Planning Application - Application No: 2017/90324

The Committee gave consideration to Application 2017/90324 – Erection of 10 semi-detached houses at land at Warwick Road, Batley.

RESOLVED – That the consideration of the application be deferred in order to allow the housing density and viability of the scheme to be looked at further.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Pervaiz, A Pinnock, Scott, K Taylor and Thompson (10 votes)

Against: (no votes)

19 Exclusion of the Public

(Item not considered).

20 Planning Application - Application No: 2017/90324

(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 determination of Application 2017/90324 was deferred prior to this agenda item (Minute No. 18 refers). The exempt information was not therefore considered.