

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 5th September 2019

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Fazila Loonat
Councillor Andrew Pinnock
Councillor Nosheen Dad
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor Mohan Sokhal

Apologies: Councillor Mussarat Pervaiz
Councillor Charlotte Goodwin

1 Membership of the Committee

Councillor Sokhal substituted for Councillor S Hall.

Apologies for absence were received on behalf of Councillors Goodwin and Pervaiz.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meetings held on 13 June 2019 and 25 July 2019 were approved as a correct record.

3 Interests and Lobbying

All Members advised that they had been lobbied on Applications 2019/91529 and 2019/90056.

Councillor Grainger-Mead declared an 'other' interest in Application 2019/91994 on the grounds that she is a customer of the premises.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2019/91994

Site visit undertaken.

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8 Site Visit - Application No: 2019/91529

Site visit undertaken.

9 Site Visit - Application No: 2019/90056

Site visit undertaken.

10 Local Planning Authority Appeals

That the report be noted.

11 Planning Application - Application No: 2019/91994

The Committee gave consideration to Application 2019/91994 – Proposed upgrade to existing telecoms site – F&L 25m slimline lattice tower on new concrete base within extended compound and associated works at Firths Garage, 158 Leeds Road, Heckmondwike.

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
- in accordance with submitted plans
- noise assessment report be submitted to and approved by the Local Planning Authority in writing before development commences; development to be carried out in accordance with the approved details and therefore retained
- submission of details of colour of mast (to ensure that the colour is in the interest of visual amenity, in accordance with the aims of Chapter 10 of the NPPF.)

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

For: Councillors Akhtar, Dad, Kane, Lawson, Loonat, A Pinnock, Scott, Sokhal, K Taylor and Turner (10 votes)

Against: (no votes)

Abstained: Councillor Grainger-Mead

12 Planning Application - Application No: 2019/91529

The Committee gave consideration to Application 2019/91529 – Outline application for erection of one detached dwelling at 99 Knowl Road, Mirfield.

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

RESOLVED – That the application be deferred in order to allow the submission of further information regarding the impact on the visual amenity of the streetscene resulting from the proposed reduction of the boundary wall on the frontage of Knowl Road.

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

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For: Councillors Akhtar, Dad, Grainger-Mead, Kane, Lawson, Loonat, A Pinnock, Scott, Sokhal, K Taylor and Turner (11 votes)

Against: (no votes)

13 **Planning Application - Application No: 2019/90056**

The Committee gave consideration to Application 2018/90056 – Change of use of A1 (retail) to Snooker Lounge and games room D2 (Assembly and Leisure) (within a conservation area) at Mina House, 47-51 Daisy Hill, Dewsbury.

RESOLVED –

- (1) That the application be refused on the grounds that the change of use to snooker and games room (D2) would result in an increase in the fear of crime and disorder for the local community, particularly due to a lack of continuous management of the premises and its immediate surroundings, and that the increased fear of crime and disorder would outweigh the benefit of the re-use of the unit and fail to create an inclusive and safe place, thereby significantly undermining the quality of life to the local community.
- (2) That to approve the application would be contrary to the aims of Chapter 8 of the National Planning Policy Framework, as well as Policy LP18 of the Kirklees Local Plan, which sets out that proposals in Dewsbury Town Centre should provide a safe welcoming inclusive destination for the district's residents of all ages, and Policy LP24(e) of the Kirklees Local Plan.

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

For: Councillors Akhtar, Dad, Grainger-Mead, Kane, Lawson, Loonat, A Pinnock, Scott, Sokhal, K Taylor and Turner (11 votes)

Against: (no votes)

14 **Planning Application - Application No: 2019/90190**

The Committee gave consideration to Application 2018/90190 – Erection of 3 dwellings at (within a conservation area) adjacent to 1 Lowgate, Kirkburton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from John Perriton and Ruth Holmes (local residents), Dale Hirst (applicant), Ken Philips (highways consultant) and Emma Hanks (applicant's agent).

Under the provisions of Council Procedure Rule 36(1), a representation was received from Councillor Armer (ward member).

RESOLVED – That the application be refused on the grounds that;

- (i) The application site currently forms a prominent and important space within the Kirkburton Conservation Area and that its development for residential purposes would subsequently result in its loss as open space.

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- (ii) The development, by reason of its scale, design and prominence would appear out of keeping with the established character of the street scene and Conservation Area.
- (iii) The development would offer no benefit to the public to outweigh such impact. As such, to permit the erection of 3 no. dwellings in this position would cause undue harm to the visual amenity and character of the Conservation Area, contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.
- (iv) The development, by reason of its scale, siting and design would result in significant overlooking of the occupants of the adjacent dwellings at nos. 8 to 18 Low Town, which would be unduly detrimental to their living conditions. To permit the proposal, which would not maintain appropriate distances between buildings and provide a high standard of amenity for future and neighbouring occupiers, would be unduly harmful to residential amenity, contrary to Policy LP24 (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
- (v) The development has failed to demonstrate the safe manoeuvre of vehicles in and out of Plots 1 and 2 from the junction of Low Gate and Low Town. Furthermore, it is not considered that safe and suitable access to each plot can be achieved due to inadequate visibility splays onto Low Town and Low Gate for the future occupants of the proposed dwellings, thereby giving rise to unacceptable harm to highway safety. In addition, a substandard footway has been proposed. To permit the proposal as submitted would severely prejudice highway and pedestrian safety, contrary to Policies LP21 and LP22 of the Kirklees Local Plan.

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

For: Councillors Akhtar, Dad, Grainger-Mead, Kane, Lawson, Loonat, A Pinnock, Sokhal, K Taylor and Turner (10 votes)

Against: (no votes)

Abstained: Councillor Scott