

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 30th January 2020

Present: Councillor Terry Lyons (Chair)
Councillor Paul Davies
Councillor Donna Bellamy
Councillor Donald Firth
Councillor James Homewood
Councillor Andrew Marchington
Councillor Bernard McGuin
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor John Lawson
Council Mahmood Akhtar

Apologies: Councillor Mohammad Sarwar
Councillor Anthony Smith

1 **Membership of the Committee**

Councillor Mahmood Akhtar substituted for Councillor Mohammad Sarwar.

Councillor John Lawson substituted for Councillor Anthony Smith.

2 **Minutes of previous meeting**

The minutes of the meeting held on 17 December 2019 were approved as a correct record.

3 **Interests and Lobbying**

Councillor McGuin declared that he had been lobbied on application 2019/92240.

Councillor Bellamy declared that she had been lobbied on application 2018/90208.

Councillors D Firth and Lyons declared that they had been lobbied on application 2019/93445.

4 **Admission of the Public**

It was noted that exempt information had been submitted in respect of agenda item 15.

5 **Deputations/Petitions**

No deputations or petitions were received.

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6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2019/92457

Site visit undertaken.

8 Site Visit - Application No: 2019/93445

Site visit undertaken.

9 Site Visit - Application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upper

Site visit undertaken.

10 Site Visit - Application No: 2018/90208

Site visit undertaken.

11 Local Planning Authority Appeals

The report was noted.

12 Application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong

The committee considered a report that outlined details of an application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong.

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

Under the provisions of Council Procedure Rule 37 the committee received representations from Christine Senior, Andy Leader, John Ingham, Helen Leitch, Tim Cock and Malcolm Sizer (objectors) and Greg Cropper and Noel Scanlon (in support).

RESOLVED –

That the application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong be refused.

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

For: Councillors Akhtar, Bellamy, P Davies, D Firth, Homewood, Lawson, Lyons, Marchington, Sokhal, Ullah and Uppal (11 Votes)

Against: Councillor McGuin (1 vote)

13 Planning Application - Application No: 2019/92164

The Sub Committee gave consideration to planning application 2019/92164 Erection of 17 dwellings Land off Parkwood Road, Golcar, Huddersfield.

RESOLVED –

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

- i. Complete the list of conditions, including those contained within the considered report and the update report including:
 1. Three years to commence development.
 2. Approved plans and documents.
 3. Construction Management Plan.
 4. Arboricultural Method Statement and Tree Protection Plan.
 5. Temporary surface water drainage.
 6. Flood risk and drainage.
 7. Site contamination.
 8. Internal adoptable roads.
 9. Refuse vehicle swept paths.
 10. Crime prevention.
 11. External materials.
 12. Boundary treatments.
 13. External lighting.
 14. Landscaping.
 15. Biodiversity enhancement, net gain and Ecological Design Strategy.
 16. Removal of permitted development rights.
 17. Cycle parking.
 18. Electric vehicle charging points.
 19. Waste storage and collection.
- ii. Secure the signing of a Section 106 Agreement to cover the following matters:
 - 1) Affordable housing – Three affordable housing units (social or affordable rent) to be provided in perpetuity.
 - 2) Open space – Off-site contribution of £7,727 to address shortfalls in specific open space typologies.
 - 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.
 - 4) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
 - 5) Biodiversity – Off-site provision of compensatory habitat, or a financial contribution towards off-site provision, to ensure a net biodiversity gain is achieved.
- iii. In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of

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Planning and Development shall 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, if so, the Head of Planning and Development 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 Akhtar, Bellamy, P Davies, D Firth, Homewood, Lyons, McGuin, Sokhal and Ullah (9 Votes)

Against: Councillors Lawson, Marchington and Uppal (3 votes).

14 Planning Application - Application No: 2019/92240

The sub committee gave consideration to application 2019/92240 Change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Melvyn Morrell, Amanda Elward (objectors), Gareth Davies (in support) and Donna Brayshaw (applicant)

RESOLVED –

1. That the application be refused in line with the following reasons outlined in the considered report:

The proposed pub garden and play area, by reason of its proximity to surrounding residential dwellings and the nature of the operation of the development, would lead to occupiers of these dwellings being subjected to unacceptably high levels of noise and disturbance for extended period of times throughout the day, to the detriment of residential amenity. To approve such an application would be contrary to Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework.

2. That the Head of Planning and Development be authorised to take enforcement action to cease the use of the land ancillary to the drinking establishment and remove associated garden furniture, tables, golf and play equipment.

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

For: Councillors P Davies, D Firth, Homewood, Lyons, Ullah and Uppal (6 Votes)

Against: Councillors Akhtar, Bellamy, Sokhal and (3 votes).

Abstained: Councillors Lawson, Marchington and McGuin.

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15 **Planning Application - Application No: 2018/90208**

The sub committee gave consideration to planning application 2018/90208 Erection of 18 dwellings (within a Conservation Area). Land at 172 Gillroyd Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Caroline Chapman, Robert Bamforth, Sonia Zoref (objectors) and Steve Byram (applicant).

Under the provisions of Council Procedure Rule 36 (1) the committee received a representation from Councillor Rob Walker (Local Ward Member).

RESOLVED-

That consideration of the application be deferred for the following reasons:

1. To allow for officers and the applicant to look at different option(s) for utilising the allocated funds in the S106 agreement for the delivery of affordable housing ;
2. To assess the suitability of the sites access point onto Gillroyd Lane taking into account the potential for further housing development within the site; and
3. To investigate further the implication for off-site drainage.

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

For: Councillors Akhtar, Bellamy, P Davies, D Firth, Homewood, Lawson, Lyons, Marchington, McGuin, Sokhal, Ullah and Uppal (12 Votes)

Against: (0 votes)

16 **Planning Application - Application No: 2019/92457**

The sub committee gave consideration to planning application 2019/92457 Erection of agricultural building (modified proposal) and cladding of existing building 20, Wellhouse Lane, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Mike Greetham, David Kerford (in support) and Gugsy Ahmed (applicant).

RESOLVED –

1. That the application be refused in line with the following reasons outlined in the considered report:
 - i. The proposed development is located within the designated Green Belt whereby, as set out in the National Planning Policy Framework, the construction of new buildings, save for certain exceptions, is inappropriate development. The construction of buildings for agriculture is one such exception. Policy LP54 of the Kirklees Local Plan qualifies this in requiring such buildings to be genuinely

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required for the purposes of agriculture. Information submitted with the application has failed to demonstrate that the building is genuinely required for the purpose of agriculture and therefore the proposal is contrary to policy LP54 a. of the Kirklees Local Plan.

- ii. The overall siting, design and scale of the proposed agricultural building would cause harm to the essentially open and rural character of the area introducing an urban form which would fail to enhance the character of the surrounding landscape. It would introduce a large and imposing building positioned on the edge of the cluster of existing buildings on the site which would have the effect of expanding the built form into the otherwise open and rural landscape. In this regard, the development does not accord with the aims of Policies LP24a and LP54d of the Kirklees Local Plan
2. That the Head of Planning and Development be authorised to proceed with enforcement action to wholly remove the unauthorised building.

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

For: Councillors P Davies, D Firth, Homewood, Lyons, Marchington, McGuin and Ullah (7 Votes)

Against: Councillors Akhtar, Bellamy, Sokhal and (3 votes).

Abstained: Councillors Lawson and Uppal

17 **Planning Application - Application No: 2019/93445**

The sub committee gave consideration to planning application 2019/93445 Demolition of existing bungalow and erection of 3 dwellings with gardens and parking 3, Marsh Gardens, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Jane Woodage, Alexander Woodage, John James (objectors), Jonathan Legge (in support) and Nicola Booth (applicant).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:
 1. Commencement of development within 3 years.
 2. Development to be in full accordance with plans and specifications.
 3. Samples of facing and roofing materials.
 4. Stone boundary wall along highway boundary elevations.
 5. Ecological enhancement (bird boxes).
 6. Parking spaces provided and surfaced.
 7. Visibility across site frontages maintained.

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8. Footways to be restored after development and not interrupted by kerbs.
 9. Refuse storage and collection.
 10. Side-facing windows ground floor north elevation obscure glazing.
 11. No additional windows on north-western elevation.
 12. Electric vehicle charge points.
 13. Removal of permitted development rights (Classes A, B, E of Part 1, Schedule 2 of the GPDO).
 14. Cycle storage.
 15. Installation of solar panel array.
2. An additional pre-commencement condition for a construction management plan.

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

For: Councillors P Davies, Homewood, Lawson, Marchington, Ullah and Uppal (6 Votes)

Against: Councillors Bellamy, D Firth, McGuin and Sokhal (4 votes).

Abstained: Councillor Lyons.

18 Exclusion of the Public
Determined.

19 Planning Application - Application No: 2018/90208
The Committee received exempt information in respect of Application 2018/90208.