

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 13th October 2016

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Donna Bellamy
Councillor Nosheen Dad
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Marielle O'Neill
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Graham Turner
Councillor Kath Taylor
Councillor Bill Armer

Apologies: Councillor Richard Smith

1 Membership of the Committee

Councillor Armer substituted for Councillor Smith.

Councillor Akhtar was present at the site visits only.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the meeting of the Committee held on 1 September 2016 be approved as a correct record.

3 Interests and Lobbying

All Sub Committee Members indicated that they had been lobbied on Application 2015/91005.

Councillor Kane advised that he had been lobbied on Application 2016/91767.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Deputations/Petitions

Councillor Kane presented a petition submitted by residents within Dewsbury East regarding unauthorised use of a property at Bywell Road, Dewsbury.

6 Site Visit - Application 2016/91767

Site visit undertaken.

7 Site Visit - Application 2015/92627

Site visit cancelled (application withdrawn).

8 Site Visit - Heybeck Lane, Woodkirk

Site visit undertaken.

9 Local Planning Authority Appeals

The Sub Committee received a report which set out decisions which had been taken by the Planning Inspectorates in respect of decisions submitted against the decisions of the Local Planning Authority.

RESOLVED - That the report be noted.

10 Application for a definitive map modification order to delete public footpath Batley 49 (part) from the definitive map and statement, and to add a public footpath at Hey Beck Lane, Woodkirk, Dewsbury

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mr Dunlop (on behalf of Mr and Mrs Bragg) and Mr Storrie (on behalf of Mr and Mrs Lilley)

The Sub Committee gave consideration to a report which set out details of an application for a definitive map modification order to delete public footpath Batley 49 (part) from the definitive map and statement, and to add a public footpath at Hey Beck Lane, Woodkirk, Dewsbury.

The report advised that the land owners of a property on Hey Beck Lane asserted that the public footpath as shown in the definitive map and statement across their

property was not a public footpath and should not be shown in the legal record of public rights of way held by the Council. They considered that it had been diverted by the former Batley Borough Council and that an unrecorded route where it was diverted to had been used by the public and should therefore formerly be recorded across a neighbouring property.

The Sub Committee was asked to give consideration to the evidence, against the relevant legal criteria and guidance, and to determine whether to make an order to delete the footpath.

RESOLVED -

(1) That the making of an order to delete part of public footpath Batley 49 not be approved on the grounds that the available evidence does not demonstrate that, on the balance of probability, no public right of way exists over the application route.

(2) That the making of an order to add a footpath not be approved on the grounds that the available evidence does not support the making of an order for addition, whether on the basis that a public right of way subsists, or is reasonably alleged to subsist.

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

FOR: Councillors Armer, Dad, Kane, Lawson, O'Neil, A Pinnock and G Turner (7 votes)

AGAINST: Councillors Bellamy, Pervaiz, Scott and K Taylor (4 votes)

ABSTAINED: Councillor Grainger-Mead

11 Planning Applications

The Sub Committee considered the schedule of Planning Applications. Under the provisions of Council Procedure Rule 37, the Sub Committee heard representations from members of the public in respect of the following applications;

(a) Application 2015/91005 - Change of use from warehouse to a mixed use comprising warehouse, food processing, cash and carry and specialist retail foodstore and formation of car park at Wellington Mills, 7 Purlwell Lane, Batley – Shabbir Shaikh, Salma Rawat, Faizal Rawat, Sajid Rawat, Safiq Rawat and Safiya Rawat (local residents), Mr Mulla (applicant) and Nick Willock (applicant's agent)

Under provisions of Council Procedure Rule 36(1) the Committee also received representations on Application 2015/91005 from Councillors Stubbley and Fadia.

RESOLVED - That the Applications under the Planning Act included in the list submitted for consideration by the Sub Committee be determined as now indicated and that the schedule of decisions be circulated to Members.

