

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

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

**Thursday 2nd September 2021**

Present: Councillor Mumtaz Hussain (Chair)  
Councillor Nosheen Dad  
Councillor David Hall  
Councillor Steve Hall  
Councillor Cathy Scott  
Councillor Adam Gregg  
Councillor Andrew Marchington  
Councillor Jackie Ramsay  
Councillor Joshua Sheard  
Councillor Mohan Sokhal  
Councillor Melanie Stephen  
Councillor John Lawson

Apologies: Councillor Mussarat Pervaiz

**1 Membership of the Sub-Committee**

Councillor Sokhal substituted for Councillor Lowe.

Councillor Ramsay substituted for Councillor Loonat.

Councillor D Hall substituted for Councillor K Taylor.

Councillor Marchington substituted for Councillor A Pinnock.

Apologies for absence were received on behalf of Councillor Pervaiz.

**2 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Sub Committee held on 22 July 2021 be approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillor M Hussain advised that he had been lobbied on Application 2021/91940.

Councillor Ramsay declared an 'other' interest in Applications 2021/91052 and 2019/91053 on the grounds that she had made comment upon the applications and would not participate in the discussion or determination of the applications.

Councillor Dad advised that she had been lobbied on Applications 2020/94412, 2021/91052 and 2021/91053.

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Councillor D Hall advised that he had been lobbied on Application 2021/91170.

Councillor Gregg advised that he had been lobbied on Application 2021/91170.

Councillor Sheard advised that he had been lobbied on Application 2020/94345.

### **4 Admission of the Public**

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

### **5 Deputations/Petitions**

No deputations or petitions were received.

### **6 Public Question Time**

No questions were asked.

### **7 Proposed diversion of part of the public footpath Batley 40 and provision of alternative route at Howley Walk, Soothill, Batley**

The Sub-Committee gave consideration to a report which detailed an application to divert part of public footpath Batley 40. The application proposed the diversion of part of the public footpath and the provision of an alternative route at Howley Walk, Soothill, Batley, under the Town and Country Planning Act 1990, Section 257.

The Sub-Committee were asked to consider the option as set out at paras. 2.6-2.8 of the report, and it was noted that option 3, that would authorise the confirmation of the order to be progressed, was recommended for approval.

### **RESOLVED –**

- 1) That approval be given to Option 3, as set out at paragraph 2.8 of the report.
- 2) That the Service Director (Legal, Governance and Commissioning) be authorised to make and seek and order under Section 257 of the Town and Country Planning Act 1990 to divert Batley footpath 40 (part) and provide alternative public routes.

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Lawson, Marchington, Ramsay, Scott, Sheard, Sokhal and Stephen (12 votes)

Against: (no votes)

### **8 Proposed stopping-Up of non-definitive footpaths and the provision of alternative footpaths at Kenmore Drive, Milton Terrace and Rook Avenue, Cleckheaton**

The Sub-Committee gave consideration to a report which detailed an application to stop up non-definitive footpaths, and provide alternative footpaths at Kenmore Drive, Milton Terrace and Rook Avenue,

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Cleckheaton, under the Town and Country Planning Act 1990, Section 257.

The Sub-Committee were asked to consider the option as set out at paras. 2.5-2.7 of the report, and it was noted that option 3, that would authorise the confirmation of the order to be progressed, was recommended for approval.

### **RESOLVED –**

- 1) That approval be given to Option 3, as set out at paragraph 2.7 of the report.
- 2) That the Service Director (Legal, Governance and Commissioning) be authorised to make and seek and order under Section 257 of the Town and Country Planning Act 1990 to enable the stopping up of non-definitive footpaths and the provision of alternative footpaths at Kenmore Drive, Milton Terrace and Rook Avenue, Cleckheaton.

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Lawson, Marchington, Ramsay, Scott, Sheard, Sokhal and Stephen (12 votes)

Against: (no votes)

### **9 Planning Application - Application No: 2020/94345**

The Sub-Committee gave consideration to Application 2020/94345 – Erection of 5 dwellings at land at St Luke's, Bierley Marsh, East Bierley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Stephen Hill, Catherine Hill and Tom Owens (local residents) and Nigel Jacques (applicant's agent).

Under the provisions of Council Procedure Rule 36(3), the Sub-Committee receive a representation from Councillor Smaje (ward member).

**RESOLVED** – That, contrary to the Officer's recommendatoon, the application be refused on the grounds of (i) insufficient justification to demonstrate that the open space is no longer required and (ii) intensification of the site and the impact of that upon the character of the area,

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

For: Councillors Dad, Gregg, D Hall, S Hall, Lawson, Marchington, Scott, Sheard and Stephen (9 votes)

Against: Councillors M Hussain, Sokhal and Ramsay (3 votes)

### **10 Planning Application - Application No: 2020/94412**

The Sub-Committee gave consideration to Application 2020/94412 – Installation of replacement shop fronts at 8 Cowper Street, Savile Town, Dewsbury.

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Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mehruz Ahmed and Zahir Ditta (local residents) and Haris Kasuji (applicant's agent).

**RESOLVED** – That the consideration of the application be deferred to enable further information to be submitted in regards to the precise use of proposed retail units and negotiations to achieve off-street parking.

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

For: Councillors Gregg, D Hall, S Hall, Hussain, Lawson, Marchington, Scott, Sheard and Stephen (9 votes)

Against: Councillors Dad, Ramsay and Sokhal (3 votes)

### 11 **Planning Application - Application No: 2021/91052**

The Sub-Committee gave consideration to Application 2021/91052 – Use of premises for sale of used cars at 105 Warren Street, Savile Town, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Faheda Biraderi and Louisa Vladneov (in support of the application), Nasar Hussain (local resident) and Hamish Gledhill (applicant's agent)

**RESOLVED** – That the application be refused on the grounds that (i) the use of the application site for car sales would result in the intensification of use of the highway, by virtue of additional demand for on-street parking which would further exacerbate existing highway safety issues within the vicinity of the site (ii) the proposed development would fail to ensure a safe and efficient flow of the highway network contrary to Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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

For: Councillors Dad, Gregg, S Hall, M Hussain, Lawson, Marchington, Scott and Sheard (8 votes)

Against: (no votes)

Abstained: Councillors D Hall, Sokhal and Stephen

### 12 **Planning Application - Application No: 2021/91053**

The Sub-Committee gave consideration to Application 2021/91053 – Change of use to car sales premises at 105A Warren Street, Savile Town, Dewsbury.

**RESOLVED** – That the application be refused on the grounds that (i) the application site for car sales would result in the intensification of use of the highway, by virtue of additional demand for on-street parking which would exacerbate existing highway safety issues within the vicinity of the site and (ii) the proposed development would therefore fail to ensure a safe and efficient flow of the highway network contrary to Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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

For: Councillors Dad, Gregg, S Hall, M Hussain, Lawson, Marchington, Scott and Sokhal (8 votes)

Against: (no votes)

Abstained: Councillors D Hall, Sheard and Stephen

### 13 **Planning Application - Application No: 2021/91170**

The Sub-Committee were advised of a request from the applicant of Application 2021/91170 that the consideration of the matter be deferred.

**RESOLVED** – That the consideration of the application be deferred.

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

For: Councillors Dad, Gregg, D Hall, S Hall, M Hussain, Lawson, Marchington, Ramsay, Scott, Sheard, Sokhal and Stephen (12 votes)

Against: (no votes)

### 14 **Planning Application - Application No: 2021/91940**

The Sub-Committee gave consideration to Application 2021/91940 – Erection of single and two storey extensions and formation of vehicular access at 40 Beckett Crescent, Dewsbury Moor.

**RESOLVED** – That, contrary to the Officer's recommendation, the application be delegated to Officers to approve, subject to the removal of permitted development rights within the imposed conditions.

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

For: Councillors Dad, S Hall, M Hussain, Scott and Sokhal (5)

Against: Councillors D Hall, Gregg, Lawson, Sheard and Stephen (5 votes)

Abstained: Councillors Marchington and Ramsay

In accordance with Council Procedure Rule 24(2), the application was determined by the casting vote of Councillor M Hussain.