

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

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

Thursday 25th November 2021

Present: Councillor Mumtaz Hussain (Chair)  
Councillor Nosheen Dad  
Councillor Steve Hall  
Councillor Gwen Lowe  
Councillor Mussarat Pervaiz  
Councillor Adam Gregg  
Councillor Joshua Sheard  
Councillor John Lawson  
Councillor Andrew Pinnock  
Councillor Joshua Sheard  
Councillor Mohan Sokhal

Apologies: Councillor Fazila Loonat  
Councillor Melanie Stephen

#### 1 **Membership of the Sub-Committee**

Councillor Sokhal substituted for Councillor Ramsay.

Councillor D Hall substituted for Councillor K Taylor.

Apologies for absence were received on behalf of Councillors Loonat and Stephen.

#### 2 **Minutes of Previous Meeting**

(Minutes to be submitted to the next meeting of the Sub-Committee)

#### 3 **Declaration of Interests and Lobbying**

Councillors Gregg, D Hall, S Hall, M Hussain, Lawson, Lowe, Pervaiz, A Pinnock and Sheard advised that they had been lobbied on Application 2021/91871.

Councillors M Hussain and Pervaiz advised that they had been lobbied on Application 2019/94147.

Councillor M Hussain advised that he had been lobbied on Application 2021/90509.

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

It was noted that no exempt information had been submitted.

#### 5 **Deputations/Petitions**

No deputations or petitions were submitted.

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### 6 Public Question Time

The Sub Committee received the following questions;

(i) Question from Laura Shaw

“Should public consultation periods be allowed to expire before Officers produce any Committee report to which consultation may apply?”

A reponse was provided by the Development Management Group Leader.

(ii) Question from Stephen Crossley

“Should undertaken surveys be relevant to the actual site that’s being undertaken, should there be mitigating circumstances or is it just a survey?”

It was noted that a written response would be provided.

### 7 Planning Application - Application No: 2021/91871

The Sub-Committee gave consideration to Application 2021/91871 – Erection of residential development (55 dwellings) including access and associated infrastructure at land adjacent to High Street and Challenge Way, Hanging Heaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Laura Shaw, Alan Sargant, Derek Crossley and Stephen Crossley (local residents), Mark Eastwood MP, and Kester Horn, Chris Hodge, Bryan Wood and Dave Young (on behalf of the applicant).

Under the provision of Council Procedure Rule 36 (3), the Sub-Committee received a representation from Councillor Cathy Scott (Ward Member).

#### RESOLVED –

1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- three years to commence development
- development to be carried out in accordance with the approved plans and specifications
- material samples to be provided
- landscaping strategy (to include compensatory tree re-planting)
- boundary treatment details to be provided and implemented (including ginnels)
- stone boundary wall within the site to be retained
- noise and ventilation mitigation strategy, which does not rely on trickle ventilation, to include assessment of adjacent Working Men’s Club and post implementation review
- submission of construction environmental management plan
- development in accordance with aboricultural method statement

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- road to an adoptable standard
- submission of construction management plan
- road condition survey
- provision of waste collection areas
- construction phase waste collection strategy
- cycle storage facilities
- implementation of dropped kerb on Challenge Way (for cyclists)
- technical details of retaining walls
- scheme to improve PROW/BAT/45/20
- electric vehicle charging points
- contaminated land investigation
- submission of technical drainage strategy
- development to be in accordance with flood route plan or, notwithstanding flood route plan, updated version to be provided for review
- easements preventing building over sewerage infrastructure
- temporary drainage strategy during construction period
- lighting design strategy for ecology
- no vegetation clearance within the bird breeding season, without prior survey
- invasive non-native species removal strategy

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) public open space off site commuted sum of £84,233 (ii) contribution of £40,307 for off-site highway work junction improvements to Challenge Way/John Ormsby VC Way/Leeds Road (Shaw Cross) junction (iii) £28,132 towards metro travel cards and/or other substantial travel method improvements (iv) 20% of total number of dwellings to be affordable with a tenure split of 6 being affordable rent (social rent) and 5 being intermediate tenure (shared ownership) (v) £67,187 towards education requirements arising from the development and (vi) management and maintenance arrangements of on-site public open space in perpetuity and drainage features (prior to adoption).

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 Planning and Development 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 Dad, S Hall, M Hussain and Sokhal (4 votes)

Against: Councillors Gregg, D Hall and Sheard (3 votes)

Abstained: Councillors Lawson, Lowe, Pervaiz and A Pinnock

## 8

### **Planning Application - Application No: 2019/94147**

The Sub-Committee gave consideration to Application 2019/94147 – Demolition of shop and erection of community centre at Quality Food Store, Ravenshouse Road, Dewsbury.

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Under the provision of Council Procedure Rule 37, the Sub-Committee received representations from Mohammed Raz (in objection) and Iqbal Mohammed and Danyal Akhtar (in support).

**RESOLVED** – That the application be deferred in order to enable further discussions to take place with the applicant with regards to the provision of a retail aspect within the scheme.

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

To refuse;

For: Councillors Lawson and A Pinnock (2 votes)

Against: Councillors Dad, Gregg and Sheard (3 votes)

Abstained: Councillors D Hall, S Hall, M Hussain, Lowe, Pervaiz, Sokhal

To delegate approval;

For: Councillors Dad, Gregg and Sheard (3 votes)

Against: Councillors D Hall, Lawson, A Pinnock (3 votes)

Abstained: Councillors S Hall, Lowe, M Hussain, Pervaiz and Sokhal

To defer;

For: Councillors Gregg, D Hall, S Hall, M Hussain, Lawson, Lowe, Pervaiz, A Pinnock, Sheard and Sokhal (10 votes)

Against: (no votes)

Abstained: Councillor Dad

### **9 Planning Application - Application No: 2021/90509**

The Sub-Committee gave consideration to Application 2021/90509 – Erection of extensions and external alterations at 4 Hopton Hall Lane, Mirfield.

Under the provision of Council Procedure Rule 37, the Sub-Committee received representations from Amar Zarif (applicant) and Andrew Eyre (on behalf of the applicant).

**RESOLVED** – That the application be deferred to enable further discussions to take place with the applicant with regards to a reduction in the scale of the scheme and amended design.

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

For: Councillors S Hall, Gregg, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard and Sokhal (8 votes)

Against: Councillors Dad and D Hall (2 votes)

### **10 Planning Application - Application No: 2021/92279**

The Sub-Committee gave consideration to Application 2021/92279 – Siting of static caravan for agricultural worker for temporary 3 year period and livestock building at Upper Langley Farm, Langley Lane, Clayton West.

**RESOLVED –**

- 1) That the application be refused on the grounds that (i) the site is located upon land designated as Green Belt on the Kirklees Local Plan and has failed to demonstrate that there is an agricultural need for the temporary siting of the static caravan (ii) the proposed temporary siting of the static caravan is contrary to the purposes of granting a temporary permission and the purposes of Local Plan Policy LP55, as such, the proposal constitutes inappropriate development in the Green Belt for which there are no special circumstances that would justify allowing the proposal contrary to Green Belt policy (iii) it fails to comply with the aims of policies LP24 and LP55 of the Kirklees Local Plan, and the aims of Chapters 12 and 13 of the National Planning Policy Framework and would result in significant harm to the openness of the Green Belt and its rural character (iv) the proposed agricultural building, by virtue of the design, fails to respect the rural character of the green belt setting and does not constitute good design – the building would therefore materially detract from the Green Belt setting and character of the area, and to permit such development would be contrary to Local Plan Policies LP24 and LP54, and Chapter 12 of the National Planning Policy Framework and (v) the proposed intensification of the Public Right of Way, without any improvement, would not represent suitable access for vehicles nor ensure safe usage for pedestrians and due to insufficient information regarding the structure of the beck crossing there would be an unacceptable risk that an intensification of use could see the structure fail within the three year period, therefore to permit such development would be contrary to Local Plan Policies LP21 and LP22, and Chapter 9 of the National Planning Policy Framework.
- 2) That comments regarding enforcement action be noted and that Officers be asked to take action as appropriate.

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

For: Councillors Dad, D Hall, S Hall, Gregg, Lawson, M Hussain, Pervaiz, A Pinnock and Sheard (9 votes)

Against: (no votes)