

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 28th April 2022

Present: Councillor Mumtaz Hussain (Chair)
Councillor Adam Gregg
Councillor Steve Hall
Councillor John Lawson
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Jackie Ramsay
Councillor Joshua Sheard
Councillor Melanie Stephen

Apologies: Councillor Nosheen Dad
Councillor Fazila Loonat
Councillor Gwen Lowe
Councillor Kath Taylor

1 Membership of the Sub-Committee

Apologies for absence were received on behalf of Councillors Dad, Loonat, Lowe and K Taylor.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 17 March 2022 be approved as a correct record.

3 Declaration of Interests and Lobbying

All Councillors present advised that they had been lobbied on Application 2021/93286.

Councillors Ramsay and M Hussain advised that they had been lobbied on Application 2021/93311.

Councillor M Hussain advised that he had been lobbied on Application 2021/92771.

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 Site Visit - Application No: 2021/92771

Site visit undertaken.

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7 Site Visit - Application No: 2021/93665

Site visit undertaken.

8 Planning Application - Application No: 2021/93311

The Sub-Committee gave consideration to Application 2021/93311 – Erection of new footbridge, ramps and stairs (within a Conservation Area) at land between Rutland Road, Howley Street, Primrose Hill, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Tim Hill and Phil Middlehurst (local residents) and Tony Rivero (on behalf of the applicant).

RESOLVED – 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 documents
- submission of a construction management plan (pre-commencement)
- suicide deterrent measures (pre-commencement of footbridge structure)
- security fence details including obscure fencing specification
- structural design details of footbridge, ramps, steps, drainage and associated works (pre-commencement)
- embankment/abutment safety measures for protection of the public highway (pre-commencement)
- drainage design (pre-commencement)
- full landscaping details
- environmental and social management plan (pre-commencement)
- crime impact assessment and prevention plan
- pilaster details for footbridge entrances on Rutland Road and Howley Street (pre-commencement of footbridge structure)
- details of the new section of wall to the railway to be constructed to replace the current level crossing gates on Rutland Road
- details of the new gate to be installed to allow access to the railway for maintenance at the corner of Rutland Road and Stoney Lane
- biodiversity new gain details and biodiversity enhancement management plan (pre-commencement)
- method statements for protected species (pre-commencement)
- no works shall affect PROW BAT 20/20/20 until a diversion/extinguishment Order is made and confirmed
- adherence to construction site working times

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

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

Against: (no votes)

9 Application to divert part of public footpath Batley 20 at Lady Anne Level Crossing, Batley

The Sub-Committee gave consideration to an application to divert part of public footpath Batley 20 at Lady Anne Level Crossing, Batley, under the Town and Country Planning Act 1990, Section 257.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Tim Hill and Phil Middlehurst (local residents) and Tony Rivero (on behalf of the applicant).

RESOLVED –

- 1) That approval be given to Option 4 (para. 2.27) of the report, giving authority to the Service Director (Legal, Governance and Commissioning) to make an Order under Section 257 of the Town and Country Planning Act 1990 to stop up Batley Footpath 20 (part) at the Lady Anne Level Crossing and provide an alternative footpath via a footbridge as shown at Appendix A of the report.
- 2) That (i) the Order be confirmed if unopposed, and (ii) that if it is opposed, the Order be submitted to the Secretary of State requesting confirmation, without actively supporting the confirmation of the opposed Order at a hearing or public inquiry.
- 3) That it be required, prior to making the Order, that the Council enter into formal agreement or agreements with Network Rail regarding division of maintenance responsibility, the offsetting of future increased liabilities and arrangements for lighting of the path, as set out at paras. 1.12-1.13 of the considered report.

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

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

Against: (no votes)

10 Planning Application - Application No: 2021/93665

The Committee gave consideration to Application 2021/93665 – Erection of front and rear dormers and roof alterations at 3 Shirley Villas, Cartwright Street, Rawfolds, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Andrew Filio (applicant).

RESOLVED – 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;

- timescale for implementing permission
- development to be carried out in accordance with the approved details
- materials

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

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Councillors Gregg, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (9 votes)
Against: (no votes)

11 **Planning Application - Application No: 2021/92771**

The Committee gave consideration to Application 2021/92771 – Erection of two business units (mixed Class E(g)(iii) and B8 uses) at Firths Yard, Mill Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Joyce Whitehead (local resident) and Alison Dumville (applicant's agent).

RESOLVED – 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;

- commencement of development within three years
- development to be in accordance with the approved plans
- provision of electric vehicle charging points
- surfacing and drainage of access road and parking areas
- recommendations within the approved noise report to be completed prior to occupation
- hours of operation

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

Councillors Gregg, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (9 votes)
Against: (no votes)

12 **Planning Application - Application No: 2021/93286**

The Committee gave consideration to Application 2021/93286 – Reserved matters application pursuant to outline permission 2020/91215 for the erection of 41 dwellings at land at Green Acres Close, Emley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Frank Spivey, Mike Wood and James Martin (local residents) and Mark Jones (on behalf of the applicant).

RESOLVED – That the consideration of the application be deferred for (i) a site visit to be undertaken and (ii) the submission of information in regards to crime prevention measures.

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

For: Councillors Gregg, M Hussain, Lawson, Pervaiz, A Pinnock, Stephen and Ramsay (7 votes)
Against: Councillors S Hall and Sheard (2 votes)

13 Planning Application - Application No: 2021/94364

The Committee gave consideration to Application 2021/94364 – Erection of 16 dwellings, access, landscaping and associated infrastructure at land to east of Long Lane, Earlsheaton, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Phil Roebuck (on behalf of the applicant).

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;

2) That authority be delegated to the Head of Planning and Development to secure a deed of variation to the S106 agreement attached to planning permission 2019/93423 to cover (i) public open space provisions including off-site commuted sum of £11, 238.00, including a £250 site inspection fee for future maintenance and management responsibilities of open space within the site (ii) off-site highway works for footpath improvements to Long Lane (£4,000) (iii) contribution towards a sustainable travel fund (£8,008.00) (iv) off-site financial contribution of £18,200 towards securing a biodiversity net gain and (v) 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)

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 Gregg, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (8 votes)

Against: Councillor S Hall (1 vote)