

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

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

Thursday 16th March 2023

Present: Councillor Gwen Lowe (Chair)  
Councillor Nosheen Dad  
Councillor Eric Firth  
Councillor Adam Gregg  
Councillor Steve Hall  
Councillor John Lawson  
Councillor Aleks Lukic  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Jackie Ramsay

Apologies: Councillor Fazila Loonat  
Councillor Joshua Sheard  
Councillor Melanie Stephen

**1 Membership of the Sub-Committee**

Councillor E Firth substituted for Councillor Anwar.

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

**2 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 9 February 2023 be approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillors Dad, Gregg, Lawson, Lowe, Lukic, Pervaiz, A Pinnock and Ramsay indicated that they had been lobbied on Application 2022/90175.

**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 Site Visit - Application No: 2022/90175**

Site visit undertaken.

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### 8 **Site Visit - Application No: 2022/90804**

Site visit undertaken.

### 9 **Planning Application - Application No: 2022/90175**

The Sub-Committee gave consideration to Application 2022/90175 – Erection of 4 stables/tackroom and equestrian use of land at land north of Stocks Moor Road, Stocksmoor.

Under the provision of Council Procedure Rule 36(3) the Sub-Committee received a representation from Councillor Armer (local member).

Under the provision of Council Procedure Rule 37 the Sub-Committee received representations from Elizabeth Turner (local resident) and Maria Ferguson (on behalf of a local resident).

**RESOLVED** – That, contrary to the Officer’s recommendation, the application be refused on the grounds of highway safety concerns, including safe vehicular movement, as the application would be harmful to highway safety and efficiency.

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

To delegate to officers to approve;

For: Councillors Lawson, Lukic and Ramsay (3 votes)

Against: Councillors Dad, E Firth, Gregg, S Hall, Lowe, Pervaiz and A Pinnock (7 votes)

To refuse;

For: Councillors Dad, E Firth, Gregg, S Hall, Lowe, Pervaiz and A Pinnock (7 votes)

Against: Councillors Lawson, Lukic and Ramsay (3 votes)

### 10 **Planning Application - Application No: 2022/90804**

The Sub-Committee gave consideration to Application 2022/90804 – Erection of dwelling, formation of access and other associated operations at Bell Cabin, Long Lane, Earlsheaton.

Under the provision of Council Procedure Rule 36(3) the Sub-Committee received a representation from Councillor Scott (local member).

Under the provision of Council Procedure Rule 37 the Sub-Committee received a representation from Lucy Buckley (applicant).

**RESOLVED** – That, contrary to the Officer’s recommendation, the application be delegated to officers to approve (i) on the grounds that very special circumstances existed to allow, what would otherwise be inappropriate development in the Green Belt by virtue of the provision of landscaping on the wider application site and subsequent wildlife enhancement and (ii) subject to the resolution of outstanding concerns relating to ecological impact of the development and coal mining legacy,

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and that, subject to these matters not being resolved, the application be referred back to the Sub-Committee.

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

For: Councillors Dad, E Firth, S Hall, Pervaiz and Ramsay (5 votes)

Against: Councillors Gregg, Lawson, Lukic and A Pinnock (4 votes)

Abstained: Councillor Lowe

### 11 **Planning Application - Application No: 2022/91911**

The Sub-Committee gave consideration to Application 2022/91911 – Erection of residential development consisting of 48 dwellings with associated highways and landscaping at land at Cliff Hill, Denby Dale.

Under the provision of Council Procedure Rule 37 the Sub-Committee received a representation from Nick Gould (applicant).

**RESOLVED** – That the application be refused on the grounds that;

- (i) Insufficient information has been provided to satisfy the Local Planning Authority that the risks arising from land contamination resulting on the site can be adequately mitigated under the proposed land remediation strategy. Likewise insufficient understanding of the residual impacts of the site remediation, inclusive of an incomplete understanding of the site's characterisation, do not provide sufficient comfort to allow the proposed site remediation to be undertaken subject to appropriately worded planning conditions. The current submission therefore incurs unacceptable risks that could cause harm to people and/or the environment contrary to Kirklees Local Plan Policy LP53 as well as NPPF Paragraph 183 (clauses a, b and c).
- (ii) It has not been demonstrated that the proposed development would be environmentally feasible or acceptable nor that the proposal would provide local or national benefits that would outweigh the resultant residual environmental impacts of developing the site for the purposes of winning and working minerals (coal) resulting from the site's remediation. Indeed the proposed site remediation strategy creates unknown residual environmental impacts that have not been adequately assessed. There are therefore significant concerns with the proposed development in respect of the potential for adverse impacts on water resources, ground gas pathways, human health (noise & air quality in particular) as well as residential amenity more broadly. No overriding community benefits are identified which would make the extraction of coal acceptable from the site. Overall the proposal is found to be contrary to mineral planning policy with particular regard to Kirklees Local Plan Policies LP36, LP51 and LP52 as well as National Planning Policy Paragraphs 211 (clauses b & c) and 217 (clauses a and b).
- (iii) The proposed development layout does not achieve a net density of 35 dwellings per hectare that would be sufficient to use allocated housing land efficiently for a residential purpose. As such the proposal is contrary

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to Policy LP7 of the Kirklees Local Plan and Paragraph 124 of the National Planning Policy Framework as it does not seek to maximise housing delivery and is not overridden by mitigating reasons with regard to development viability, compatibility with its surroundings or meeting local housing needs. The lack of a sufficient density would also further undermine the Local Planning Authority's housing delivery target, which is subject to a Housing Delivery Test Action Plan.

- (iv) Proposed plots 35 and 36 are at a topographical level and distance from existing properties at 2 and 3 Springhead Gardens whereby their rear windows and garden terraces would significantly overlook and reduce the privacy of the existing residential properties at significant detriment to residents' amenity. The identified impacts on privacy in respect of levels and separation distances are contrary to the Supplementary Planning Document – Housebuilders Design Guide (with particular regard to clauses 7.19 and 7.21) and Kirklees Local Plan Policy LP24 – Design.
- (v) It has not been demonstrated, through a lack of information, that the site's internal estate road is designed or is able to be designed to an acceptable layout/adoptable standard that would be safe for use by pedestrians and private vehicles or is operationally feasible to be serviced by a refuse collection vehicle. The proposed development is therefore contrary to the guidance contained within the Highways Design Guide SPD, as well as Policy LP21 – Highways and Access – of the Kirklees Local Plan (with specific regard to clauses a, d, e and f).
- (vi) Insufficient information has been provided to evidence that Plots 42, 43, 44, and 45 would not incur unacceptable privacy issues in relation to the northern elevation of Cruck Cottage, given that the proposed dwellinghouses are set at a higher topographical level and within the 21m facing separation distance from the rear of the existing dwellinghouse. The identified impacts on privacy in respect of levels and separation distances are contrary to the Supplementary Planning Document – Housebuilders Design Guide (with particular regard to clauses 7.19 and 7.21) and Kirklees Local Plan Policy LP24 – Design.
- (vii) Planning obligations directly related to the development have been identified by the Local Planning Authority as being necessary to make the development acceptable in planning terms. These obligations relate to delivery of on-site affordable housing provision, a financial contribution to provide educational capacity for increased school capacity in the local area, a financial contribution to off-set open space typology shortfalls, a financial contribution to offset biodiversity loss and provide a 10% biodiversity net gain, a financial contribution for the encouragement of sustainable travel alongside provision of requisite management of drainage infrastructure and shared spaces serving the proposed development. The terms of a legal agreement to secure these obligations has not been agreed and the weight of viability evidence provided by the applicant does not have full regard to the change in site circumstances (concerning the extraction of minerals) since the Kirklees Local Plan was adopted. By consequence the application is contrary to Policies LP11, LP20, LP28, LP30, LP49 and LP63 of the Kirklees Local Plan.

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

For: Councillors Dad, E Firth, Gregg, S Hall, Lawson, Lukic, Lowe, Pervaiz, A Pinnock and Ramsay (10 votes)

Against: (no votes)

### **12 Planning Application - Application No: 2023/90203**

The Sub-Committee gave consideration to Application 2023/90203 – Erection of two storey rear extension at Salt Pie Farm, Penistone Road, Birds Edge.

**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;

- development to commence within three years from the date of permission
- development to be completed in accordance with the approved plans
- facing and roofing materials to match the original building (natural stone facing and stone slate roofing)

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

For: Councillors Dad, E Firth, Gregg, S Hall, Lawson, Lukic, Lowe, Pervaiz, A Pinnock and Ramsay (10 votes)

Against: (no votes)