

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

**UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
STRATEGIC PLANNING COMMITTEE**

11 JUNE 2026

Planning Application 2025/92713

Item 10 Page 7

Reserved matters application pursuant to outline permission 2023/92079 for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls and discharge of details reserved by conditions 4 (noise), 5 (BEMP), 6 (Arboricultural Impact Assessment), 7 (safety and security), 8 (landscape), 9 (LEDS)

Rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF

Clarification of Change to Ward Boundaries

The committee report incorrectly states the application site is within Birstall and Birkenshaw ward. The correct ward is Liversedge and Gomersal.

At the time the application was submitted and validated, the site was in Birstall and Birkenshaw ward, however following the local government boundary review, the ward boundaries have changed during the course of this application.

In terms of Member notification, prior to the ward boundary changes, and in accordance with the usual protocol, Members of the Birstall and Birkenshaw Ward were notified of the application, and officers responded directly to queries raised by those Members.

In respect of subsequent notifications to Members, it is usual protocol to inform Members when an application has been accepted onto a committee agenda. Following the chair's briefing for this committee, officers initially incorrectly notified the Birstall and Birkenshaw ward members. It was quickly brought to officers' attention that this was incorrect, and the Liversedge and Gomersal members were notified on the 4th of June.

Request for postponement of the Strategic Planning Committee meeting

Councillor Jane Barraclough has made the following request via email:

I am requesting a postponement of the Strategic Planning Committee meeting on Thursday 11th June in order for recipients of the officers report to have had enough time to read, digest and fully understand the content of the report.

Officers note the request above which falls outside of the jurisdiction of officers and is a matter for the Strategic Planning Committee members to consider.

Officers can confirm that the agenda and officer report have been published online in accordance with the required timescales, specifically one week in advance of the meeting.

Additional Representations

Amended plans were advertised by a further round of publicity, expiring 4th June; the day the committee report was published. In addition to those identified within the committee report, three additional representations have been received since the publication of the committee report. A summary of the main concerns raised is as follows:

Noise Issues

- Reference is made to KC Environmental Health consultation response for corresponding discharge of condition application 2025/92737. Concern the proposed acoustic barrier can only achieve noise reductions at ground floor level. Noise reductions at first floor level could only be achieved by installing acoustic glazing. Welcome comments from KC Environmental Health and raise concern about the specification of the acoustic timber fence as a 5 decibel noise reduction will only reduce the sound level of a Diesel Truck from 84 dB to 79 dB. To provide any significant sound reduction requires an acoustic fence installation to achieve a reduction of 20 to 32 dB. Concern acoustic glazing has not been addressed, and this is a reserved matters issue inherited by developers and is difficult to resolve. Consider a new Planning Application should have been submitted as some of what they inherited is proving unworkable.

Officers Response – The matter of noise was considered at outline stage, and the concerns raised above relate to corresponding Discharge of Condition application ref 2025/92737 and specifically condition 24 (acoustic barrier) of the outline planning permission. Officers note these comments, however at this time, this discharge of condition application is yet to be determined.

Comments on the Committee Report

- Concern about the number of times Kirklees planners have not followed their own SPD's and LP to try and push this application through on behalf of this builder. It is not a justifiable reason to not follow their own rules and procedures by using the term "planners find this acceptable".

Officers Response –The applicant has been given the opportunity to address issues raised by both officers and third parties resulting in several iterations of the plans being submitted. The application has been assessed against National and Local Plan Policy.

- Planners have used terminology to justify why they are not adhering to procedures. The SPD does not differentiate between ground floor windows and 1st floor windows. If a window exists in a wall it should be taken into account as specified in Principle 6 of the Housebuilders Design Guide SPD. The planners have only taken into account the difference between ground and floor levels of the two houses. The difference in the height of the ridge tiles Plot 10 will overshadow 21 Summerdale. Just because window have obscure glazing does not mean the window does not open. Residents can look out of an open window into 21 Summerdale's window. This is why the SPD specify non habitable windows (i.e. bathroom windows) have minimum separation distances applied to them.

Officers Response – Officers have considered the impact of Plot 10 on 21 Summerdale. The SPD requires a distance of 12 metres between windows of habitable rooms that face onto windows of a non-habitable room. Plot 10 proposes no ground floor windows facing the ground floor openings of 21 Summerdale. At first floor, Plot 10's proposed bathroom/en-suite windows would not face onto windows in 21 Summerdale. Officers note the comment about windows being opened and occupants overlooking neighbouring property however the rooms include wc, bath and shower facilities only, and are not habitable. The matter of overshadowing has also been assessed and reported in the committee report.

- Plot 1 (HT04) is referred to as a 5 bed, 7 person at 3 storeys 125m² Proposal 225.21m². In 10.44 Plot 1 is referred to a 2 storey building. Planner's advise this plots' eaves will be higher, consequently the ridge tiles will be higher. This makes Plot 1 taller than a 2 storey building. Planning are bending the rules and not adhering to the principle (2 storey buildings only) on which the previous committee meeting passed the original outline planning permission for this site. This plan is placing a 3 storey building in the vicinity of a grade 2* listed building which contravenes previous planning concerns that were raised at outline planning committee meeting.

Officers Response – Plot 1 is proposed to have two storey elevations and has additional accommodation in the roof space which would be lit by roof lights. K.C Conservation and Design have considered the proposal and do not raise concerns about the impact of this plot, including its massing or height on the setting of the Grade II* Listed building.

- Bin Drag Distance- Concern how planners describe this excessive distance as "This is not an ideal situation, however the drag distance is not so significant to amount to significant material harm". In excess of 15 metres more than the maximum is significant especially when dragging a bin up an incline. Putting the onus on the developer to ensure future residents are aware, does not make this issue comply with Kirklees Housebuilders Design Guide SPD. What a blatant disregard of planning rules, for everyone to see.

Officers Response – This matter was discussed with K.C Waste Collection Authority. Officers actively sought amendments to reduce the drag distance in line with recommended guidance, however it has not been possible to achieve this, and extend the adoptable road further into the site due to restrictions of road adoption over attenuation features. The K.C Waste Collection Authority have been consulted on the plans and have confirmed that so long as the collection point is adjacent to the adoptable road, this would be sufficient for the purposes of Waste Collection.

- Visitors parking spaces - Concern general planning officers acknowledge K.C. Highways have shown concerns but planners feel they know better than the expert department and just accept the best option for the builder rather than recognise that the plans do not comply with planning regulations. In 10.4, here we have the term again "considered acceptable", even though K.C. Highways do not consider it acceptable.

Officers Response – Officers do acknowledge the concerns from K.C. Highways and have actively explored other layout and location options for the visitor parking spaces. A condition is recommended that the visitor spaces are signed (by signs or road markings), to boost their visibility to prospective visitors and to prevent the spaces being seen as additional parking for residents of the private drive.

- The site is within a radon-affected area, with no assessment of how radon gas may migrate towards properties once ground is disturbed. The remediation plan lists risks such as inhalation of contaminated dust, dermal contact with polluted soil, and ingestion of contaminated materials, but provides no protections for residents. The report gives no methods of how remediation is to be done. Arsenic and Lead contaminated topsoil will temporarily be piled-up and stacked at the boundary to neighbouring residential properties. The geo-environmental report confirms arsenic levels above safe limits in the topsoil. Kirklees planning should be acutely aware of this danger in view of the problems in the Cleckheaton area after plans were passed on a contaminated site by Kirklees planning. Local residents in Cleckheaton are now suffering from contamination entering their properties through windows, doors etc. On this site in Moor Lane there is arsenic; Kirklees have stated the level of arsenic is safe. There is no such thing as a safe level of arsenic. Arsenic is deadly poison. The issues at Corby and the contamination suffered in that area confirms that fact. There were cases of child birth defects and early miscarriages. If this happens at this site, will all the Kirklees planning management and officers find it acceptable.

Officers Response – This matter relates to corresponding Discharge of Condition application ref 2025/92737 and specifically contaminated land conditions of the outline planning permission. Officers note these comments, however at this time, this discharge of condition application is yet to be determined.

- Kirklees planners are not adhering to planning procedure and try to justify deviating from it by using the term "Planners find this acceptable. "What is "acceptable to planners" is not acceptable to Kirklees residents. Kirklees planners are more interested in providing homes but totally ignoring issues affecting at least 38 homes. Query why planners can't follow the original approved outline planning permission and rules about separation distances and flooding.

Officers Response – As above, the application has been assessed against National and Local Plan Policy. The principle of housing development and the means of access has previously been approved, and officers have assessed the Reserved Matters of Layout, Scale, Appearance and Landscape and recommend that they are acceptable.

- Why do planners find it acceptable to advise it is legal to direct flood exceedance into a private residents garden providing it does not enter the building. This is not true, it is illegal.

Officers Response: The outline planning permission includes conditions to secure a detailed design strategy including overland flood which is subject to a separate discharge of condition application. For the purposes of this reserved matter application, namely ensuring an appropriate layout that makes space for water, the Lead Local Flood Authority are satisfied that appropriate arrangements for, flood routing and mitigation measures (in this case, attenuation) have been considered and demonstrated.

Other Comments

- Support this prospective building works behind Number 25 Moor Lane. The builder has been communicative, helpful and promised to complete the works to 25 Moor Lane as soon as the planning has been approved. These include new gates and an acoustic fence. We are anxious this work is completed soon as the preliminary work has left our property exposed ,with no boundary for privacy or safety. Support this application.

Officers Response – Officers note the comments in support.

Planning Application 2023/91907

Item 11 Page 47

Demolition of dwelling to create access and erection of 10 dwellings

rear of, 18, Kingsley Avenue, Lockwood, Huddersfield, HD1 3SR

Receipt of final KC LLFA comments/conditions

Since the publication of the report final comments and conditions have been received from KC LLFA who note:

Documents reviewed by the LLFA:

AVIE:

- *P4827-AVE-XX-XX-D-C-001, Prop Foul & SW Drainage Strategy, Rev P02 dated 22/05/2026.*
- *P4827 SW Model to Sewer dated 02/06/2026*

Drainage Summary:

The LLFA confirms that discharge to sewer is preferable to infiltration at this site due to the risk of reemergence of groundwater from a soakaway causing destabilisation of the adjacent Network Rail embankment and tunnel.

Note that Yorkshire Water will need to confirm that the infiltration option is not viable and allow the proposed attenuated surface water to discharge to the Yorkshire Water 225mm diameter Combined Sewer in Church Street at a rate of 3.5l/s.

Kirklees Flood Management & Drainage as Lead Local Flood Authority SUPPORTS this application SUBJECT to the comments above and the recommended conditions set out below.

- *Submission and approved of detailed drainage strategy*
- *Submission and approved of overland flow routing*
- *Submission and approved of temporary surface water arrangements*
- *Section 106 obligation relating to management and maintenance of drainage infrastructure.*

The above formal comments align with the LLFA's informal advice provided to officers previously, that informed the committee report (as set out in paragraphs 10.76 – 10.81). The above recommended conditions are already included in the committee report's draft conditions (conditions 23, 24, and 25), with the Section 106 obligation also recommended to be secured.

Final comments from Yorkshire Water have not been received and therefore the recommendation remains as set out within the report.

Receipt of updated Highways plan

Discussed in paragraph 10.67 of the committee report ref: PRGN-2329-HGN-DR-CH-0002, Officers have now received Rev A of this report which now clearly outlines that the developer would be responsible for the maintenance of the private highway (shown in yellow on plan), and that the shared private drive (shown in blue on plan) would be maintained by future residents that utilise the private drive. This revision was requested from KC Highways.