

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 22nd February 2024

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Moses Crook
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

1 Membership of the Committee

All Members of the Committee were in attendance.

**2 Minutes of the Previous Meeting
Resolved –**

That the minutes of the meeting of the Committee held on 21st January 2024 be agreed as a correct record.

3 Declaration of Interests and Lobbying

No interests were declared.

4 Admission of the Public

All items were held in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were submitted.

7 Site Visit - Application 2021/94280

Site visit undertaken.

8 Planning Application - 2021/94280

The Committee considered Application 2021/94280 in respect of the erection of 65 dwellings, with associated works, on land at Lady Ann Road, Soothill, Batley.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Habiban Zaman.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Steven Potter (in objection, on behalf of Soothill Resident's Association) and Lee Machell (on behalf of the applicant).

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Resolved -

- (1) That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:
 - (a) Complete the list of conditions, including those contained within the report, as set out below, and subject to: the amendment of Condition 3*, to require all dwellings to be faced in natural stone; and an additional condition in respect of a scheme for archaeological investigation and recording.
 1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Walling and roofing material samples to be submitted and approved*. Render colour to be matching to elevation.
 4. Development to be done in accordance with level strategy.
 5. Details of proposed retaining wall materials to be provided.
 6. Detailed landscaping strategy to be provided and implemented, with management and maintenance details to be approved.
 7. Full details of boundary treatments to be submitted and approved.
 8. Arboricultural Method Statement to be submitted and approved. No unidentified tree-works to take place unless further Arboricultural Impact / Method Statement provided.
 9. Plot 36's side facing windows to be obscured.
 10. Remove Permitted Development rights for outbuildings and extensions (all units)
 11. Updated noise report to be undertaken and necessary mitigation implemented.
 12. Construction Environmental Management Plan (CMP) to be submitted, approved, and adhered to.
 13. Detailed plan for the equipment and design of the Local Equipped Area of Play (LEAP) to be submitted, approved, and implemented.
 14. Access sightlines to be implemented and secured.
 15. Technical design strategy for Lady Ann Road/Soothill Lane improvements and implementation (with flexibility if wider improvement scheme implemented).
 16. Full technical details of the internal road, access, and paths through Public Open Space (POS) areas, to adoptable standard to be provided, approved, and implemented.
 17. Full technical details of new retaining walls to be provided, approved and implemented.
 18. Bin stores to be provided.
 19. Highway condition survey to be undertaken.
 20. Travel Plan to be provided and implemented.
 21. Details of cycle storage per plot to be provided, approved, and implemented.
 22. Construction phase waste collection strategy to be submitted, approved, and adhered to.
 23. Contaminated land investigations to be undertaken and remediation /validation undertaken as required.

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24. Development to be undertaken in accordance with flood routing strategy.
25. Development to be undertaken in accordance with Flood Risk Assessment, including regrading works and Finished Floor Levels.
26. Full technical details of the drainage strategy to be provided, approved, and implemented.
27. Details of temporary surface water drainage arrangements, during construction, to be provided and adhered to.
28. Ecological Design Strategy to achieve 11.34 habitat units and 10% gain of hedgerow and river units on site plus ecological mitigation measures
29. CEMP: Biodiversity to be submitted, approved, and implemented.
30. Lighting strategy (amenity, ecology, and crime mitigation)
31. No site clearance within the bird breeding season (unless appropriate survey undertaken).

(b) secure a S106 agreement to cover the following matters:

- (i) Affordable Housing: 5 (7.7% of units) first homes (3xB3T1 and 2x B3T2)
- (ii) Education: £71,848
- (iii) Public Open Space (off-site): £62,058
- (iv) Net Gain (to secure 10% net gain off-site): £180,780
- (v) Sustainable Travel (Bus Pass): £33,248
- (vi) Sustainable Travel (Bus stop improvement): £10,500
- (vii) Sustainable Travel (PROW Improvement): £10,000
- (viii) Travel Plan monitoring: £10,000
- (ix) Management and maintenance: Public Open Space, drainage (including culverts) and ecological features.
- (x) Viability Review Mechanism: An updated viability report to be provided to the Local Planning Authority at (TBD%) occupation, with additional Section 106 obligation to be provided if a higher-than-expected profit is achieved.

- (2) In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall 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; if so, the Head of Planning and Development be authorised 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 Armer, Crook, Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

9 Applications for Definitive Map Modification Orders (DMMOs) to (1) upgrade the recorded status of FPs MEL/70 and MEL/38 to bridleway and (2) vary the particulars of FP MEL/70 to record limitations of a locked gate and squeeze stile.

The Committee considered applications for Definitive Map Modification Orders (DMMOs) to:

- (1) Upgrade the recorded status of footpaths Meltham 70 and Meltham 38 (part) from footpath to bridleway.
- (2) Vary the particulars for part of footpath Meltham 70 to record as limitations a squeeze stile 45cm wide next to a locked gate.

Under the provisions of Council Procedure Rule 37, the Committee heard representations from Andy Dunlop (on behalf of the owners of Wood Nook), Mark Corrigan (on behalf of the British Horse Society) and Andy Leader (on behalf of Peak and Northern Footpaths Society).

Application (1)

Resolved –

(1) That officers be authorised to make a Definitive Map Modification Order, under s53(2) of the Wildlife and Countryside Act 1981, to upgrade the recorded status of Meltham 70 (A-B on the plan included within the Planning Update) and part of Meltham 38 (B to C on the plan included within the Planning Update) from footpath to bridleway and to add to the Definitive Map a public bridleway between the currently recorded termination point of Meltham 38 and Wood Nook Lane (C and D on the plan included within the Planning Update).

(2) That, should the Order to upgrade to / add a bridleway be made and opposed, and the matter referred to the Secretary of State, the Council actively support the confirmation of the Order at any public inquiry or hearing.

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

For: Councillors Armer, Crook, Hall, Pattison, A Pinnock and Sokhal (6 votes)

Against: (no votes)

Application 2:

Resolved -

That the application for an Order to vary the particulars recorded in the Definitive Map and the Statement in respect of part of footpath Meltham 70, to record as limitations a squeeze stile 45cm wide next to a locked gate, be refused.

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

For: Councillors Armer, Crook, Hall, Pattison, A Pinnock and Sokhal (6 votes)

Against: (no votes)