

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No: 2018/44/92114/E

Site Address: Poplar Farm, Briestfield Road, Briestfield, WF12 0PA

Description: Discharge conditions 3, 4, 5, 13, 20, 24 on previous permission 2016/92041 for demolition of existing buildings and erection of 3 dwellings

Recommending Officer: John Ritchie

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

I hereby authorise the partial approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Oct-2018

2018/92114 - Officer Report

This application relates to planning permission for the demolition of existing buildings and erection of three dwellings at Poplar Farm, Bristfield Road, Dewsbury – 2016/92041. That application was determined by the Area Planning Sub-Committee due to the significant number of representations received. The application seeks to discharge planning conditions as follows:

3. Detailed plans indicating existing and proposed site, road and building levels related to Ordnance Datum or an identifiable temporary datum shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

Reason: *In the interests of visual amenity and so as to protect the amenity of neighbouring occupants and to accord with Policies BE1, and BE2 of the Kirklees Unitary Development Plan as well as the aims of Chapters 6 and 7 of the National Planning Policy Framework.*

Assessment

At application stage the Officer report noted that the two dwellings to the front of the site would have a similar ridge height to the adjacent 'Bank House'. However there were no indications of levels through the site or the relationship with the adjacent dwelling to the east, 'The Rhyddings'. The officer recommended that in order to ensure that the development is in keeping with surrounding development in terms of topography and scale, a condition is required regarding the submission of further details of levels.

The submitted details do not show proposed and existing ground or ridge heights and are therefore insufficient.

4. The dwellings shall be constructed of regular coursed natural stone, samples of which shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall then be completed using the approved materials.

Reason: *In the interests of visual amenity and to accord with Policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan as well as the aims of Chapters 7 and 9 of the National Planning Policy Framework.*

Assessment

A photograph of the laid stone has been submitted and is considered to be acceptable.

5. A sample of the roofing material shall be submitted to and approved in writing by the Local Planning Authority before development commences on

the superstructure of any dwelling hereby approved. The dwellings shall then be completed using the approved material.

Reason: *In the interests of visual amenity and to accord with Policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan as well as the aims of Chapters 7 and 9 of the National Planning Policy Framework.*

Assessment

At application stage the Update report to the Area Planning Sub-Committee noted that artificial stone would be acceptable. A photograph of the roof slates has been submitted and is considered to be acceptable.

13. Notwithstanding the submitted plans and information, full details, including the height, position, and material, of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first installed/erected/planted. The approved boundary treatments shall then be installed/erected/planted before the new dwelling hereby approved is first brought into use and thereafter retained.

Reason: *In the interest of visual amenity and so as to protect the residential amenity of surrounding occupants, to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of Chapters 7 and 9 of the National Planning Policy Framework.*

Assessment

The Officer's report to Sub-Committee noted the proximity of plot 3 to 'The Rhyddings' and the need for proposed boundary treatments to be dry stone walls as issues raised by local residents. However, the report did not identify any requirement for boundary treatment to address residential amenity. The report stated that boundary treatment should be dry stone walling.

The submitted details show 0.9 metre high dry stone walling to the road frontage and rear elevations. The side boundaries would be 1.8 metre high close boarded fence. This is acceptable in terms of the Committee report.

20. A Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority for approval in writing before development commences on the superstructure of any dwelling hereby approved. The plan shall detail how Bat foraging connectivity would be maintained through the site. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: *In the interests of the biodiversity of the site and in accordance with the aims of the National Planning Policy Framework. This is a pre-commencement condition that will allow for any ecological mitigation measures to be included in the development site at the appropriate stage.*

Assessment

A Landscape Management Plan has been submitted however, this makes no mention of ecological issues. The agent has been made aware of this and a response is awaited.

24. Notwithstanding the submitted information, before development commences on the foul water drainage system, details of the proposed packaged sewage treatment plant(s) shall be submitted to the Local Planning authority for approval in writing.

The details shall include the following information:

- *The location of the tank(s)*
- *The capacity and number of persons using the tank(s).*
- *Details of the proposed reed bed for the treatment of any effluent.*

The installation shall be carried out in accordance with the approved details and retained thereafter.

Reason: *To ensure that the site is properly drained and to accord with Policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework.*

Assessment

The condition was required by the KC Noise & Pollution Officer who has reviewed the submitted details. He requires details of the plant and porosity and percolation tests to establish the suitability of the land.

Decision text

Condition 3 (levels)

The purpose of condition 3 was to establish the height of the proposed dwellings relative to those of the adjacent dwellings. In particular the approved street view plan shows the ridge height of the proposed dwellings reasonably commensurate with those on adjacent dwellings. The submitted drawing 1081-13 rev C fails to show this adequately and revised details are required. These details can be submitted as part of the current application but are required within three weeks from the date of this letter.

Condition 4 (Walling)

The proposed regular coursed natural stone shown on the photographed sample submitted with this application is acceptable for the purposes of commencement of the superstructure. Condition 4 will be discharged upon completion of the approved development in these materials.

Condition 5 (Roof materials)

The proposed slate shown on the photographed sample submitted with this application is acceptable for the purposes of commencement of the superstructure. Condition 5 will be discharged upon completion of the approved development in these materials.

Condition 13 (Boundary treatment)

You have submitted the following:

- Drawing 1541_14_B landscaping Plan

These details are acceptable for the purposes of condition 13 subject to the following:

- Notwithstanding the sections shown on the above drawing the boundary walls shall be drystone with a traditional coping and of the same stone agreed under condition 4 above. If any other material is to be used this must be agreed with this Authority beforehand.
- The boundary treatment shall be erected maintaining the visibility splays required under condition 10 of the planning permission.

Condition 20 (landscape management Plan)

As noted in my e-mail of 22 August 2018 the submitted Landscape Management Plan does not address ecological issues. In such circumstances the condition cannot be discharged. These details can be submitted as part of the current application but are required within three weeks from the date of this letter.

Condition 24 (Drainage)

The submitted details have been reviewed by the Council's Pollution & Noise Officer. It is considered that the information is insufficient to discharge the condition. Details of the packaged sewage treatment plant to be installed or the capacity and number of people using the tanks are required. Also if the applicant is going to use a soakaway system such as a reed bed we would need a porosity and percolation test to be carried out to establish the suitability of the land for this. This information can be submitted as part of the current application but is required within three weeks of the date of this letter.

Report Dated: 23 - October- 2018

