

**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:	2021/44/90744/E
Site Address:	Land off, Station Road, Skelmanthorpe, Huddersfield, HD8 9TT
Description:	Discharge of conditions 9 (cycle parking), 10 (electric vehicle charging), 11 (waste collection), 19 (noise), 21 (materials) and 22 (boundary treatments) of previous permission ref: 2019/90183 for erection of 14 dwellings and associated works
Recommending Officer:	Victor Grayson

DECISION – Discharge of Conditions- Approve

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

David Wordsworth

AUTHORISED OFFICER

Date: 27-Jan-2022

Officer Report

Discharge of conditions 9 (cycle parking), 10 (electric vehicle charging), 11 (waste collection), 19 (noise), 21 (materials) and 22 (boundary treatments) of previous permission ref: 2019/90183 for erection of 14 dwellings and associated works.

Decisions to date

2019/90183 – Planning permission granted 30/11/2020 for erection of 14 dwellings and associated works.

2021/90197 – Approvals issued (in letters dated 06/05/2021, 14/06/2021, 11/08/2021 and 27/09/2021) pursuant to conditions 3 (construction management), 4 (temporary drainage), 5 (visibility splays), 6 (internal roads), 13 (coal legacy), 14 (flood risk assessment), 15 (phase II site investigation), 16 (remediation strategy) and 27 (biodiversity net gain) of previous permission ref: 2019/90183.

Consultation responses

Comments from KC Environmental Health, KC Conservation and Design, and the West Yorkshire Police Designing Out Crime Officer are referred to below, where relevant.

Denby Dale Parish Council commented: *“Objections as the development was started unlawfully the developer should go back to the planning department to make the appropriate decision on this”.*

Condition 9 (cycle parking)

Condition 9 reads as follows:

9. Prior to the occupation of any part of the development hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.*

In an email dated 23/02/2021, the applicant confirmed that all units (except units 1-3) were to have garages providing space for cycle storage. A previously-submitted image of a shed was emailed on 23/08/2021, albeit now with a confirmation that these sheds would provide cycle storage for units 1-3.

Locations of the shed bases were shown on various versions of site plan SK-001.

The proposals raise no concerns in aesthetic or other planning terms, and on 05/10/2021 the West Yorkshire Police Designing Out Crime Officer agreed these details were acceptable in relation to crime prevention.

Given the above assessment, it is considered that the cycle parking details can be approved.

Condition 9 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 9 also includes an ongoing requirement for the approved cycle parking to be retained thereafter.

Condition 10 (electric vehicle charging)

Condition 10 reads as follows:

10. Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- *One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and*
- *One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces*

Dwellings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: *To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.*

The applicant initially submitted a Rolec Wallpod Homesmart EV product sheet and Rolec EV pedestal charger details. Locations of the charging points were shown on various versions of site plan SK-001.

In comments dated 07/04/2021, KC Environmental Health advised that the submitted details were acceptable. The officer additionally advised “I recommend this condition not be discharged until the charging points are

installed and operational and written evidence submitted to confirm this”, however such an additional requirement (for a further submission) cannot be introduced at this stage.

Given the above assessment, it is considered that the vehicle charging details can be approved.

Condition 10 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 10 also includes an ongoing requirement for the approved vehicle charging points to be retained thereafter.

Condition 11 (waste collection)

Condition 11 reads as follows:

*11 . Prior to the commencement of superstructure works, details of the management of the waste collection points shown on drawing 1926-SI-01 rev D shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures and measures to discourage flytipping. The waste collection points shown on drawing 1926-SI-01 rev D shall be provided and the management arrangements so approved shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority
Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.*

The applicant initially submitted site plan SK-001 rev C, which did not show adequate details of bin storage or collection.

As stated in the council’s letter of 27/09/2021 (re: application 2021/90197), the location of the bin collection point was approved pursuant to condition 6, subject to further details (re: appearance and management) being submitted and approved pursuant to conditions 11 and 22.

Under application 2019/90183, no bin collection point was shown at the site entrance, and the residents opposite have not been consulted on this aspect of the development, which makes it all the more necessary to ensure the collection point is well screened with an enclosure and planting, and well managed.

Under the current discharge of conditions application (2021/90744), the plans submitted on 23/08/2021 showed no enclosure to the street side of the collection point, and no space for planting in front of it. On 22/10/2021 the case officer advised the applicant that an enclosure to the bin collection point was indeed needed, and suggested that the enclosure should take the form of

a dry stone wall, similar to (but not as high as) that proposed to the rear garden of unit 1.

The applicant subsequently submitted (on 26/10/2021) an amended enclosures plan (SK-002 rev G) which showed a 600mm high coursed natural stone enclosure and shrub planting around the street frontage of the bin collection point. These details are considered acceptable.

Regarding the management of the bin collection point, on 22/10/2021 the case officer requested details confirming how the collection point would be managed (in particular, regular cleaning and tidying will be necessary, as are measures to discourage flytipping, and measures to ensure bins are not left there permanently).

In response, on 25/10/2021 the applicant stated: *"The bin collection point will be managed by the management company and will be cleaned, tidied and maintained on a regular basis. A legal requirement will be written into each plot document which requires each resident to return their bin to the plots following the collection of refuse"*. These arrangements and commitments are considered adequate.

Given the above assessment, it is recommended that the submitted waste collection management details be approved.

Condition 11 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 11 also includes an ongoing requirement for the approved management arrangements to be maintained thereafter.

Condition 19 (noise)

Condition 19 reads as follows:

Prior to the commencement of superstructure works, a report specifying the measures to be taken to protect the development from noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall refer to the site layout hereby approved and shall detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). Unless otherwise agreed in writing by the Local Planning Authority none of the dwellings hereby approved shall be occupied until all works specified in the approved report have been carried out in full. The approved works shall be retained thereafter.

Reason: *In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan.*

The applicant submitted a Noise Impact Assessment (ENS, ref: NIA/9523/20/9463/v1/Station Road, dated 03/02/2021).

In comments dated 07/04/2021, although KC Environmental Health accepted the findings of this report, they requested 1) further information on the mass of the materials and the type of construction for the solid fence to plots 1 to 3; and 2) written evidence to demonstrate that the noise levels from the works specified within the applicant's report have been completed and the levels within the relevant standard have been achieved, both internally and externally.

The case officer subsequently asked the applicant to provide further information regarding the materials and construction of the proposed boundary treatments. Regarding the second point made by KC Environmental Health, such an additional requirement (for a further submission) cannot be introduced at this stage.

An enclosures plan was submitted on 23/08/2021, and further specification for the fencing was submitted on 05/10/2021. On 15/11/2021 an updated version of the ENS report (v2, dated 29/04/2021 – see changes at paragraphs 5.11 and 5.12) was submitted under application ref: 2021/94304, however it is appropriate to consider this application in relation to condition 19.

In further comments dated 20/01/2022, KC Environmental Health advised that the submitted information meets with the requirements of the condition, and noted that discharge should be subject to implementation.

Given the above assessment, it is recommended that the submitted details relating to noise be approved.

Condition 19 will be fully discharged once the development has been completed in accordance with the details hereby approved, and no dwellings can be occupied until the measures set out in the approved report are fully implemented. Condition 19 also includes an ongoing requirement for the approved measures to be maintained thereafter.

Condition 21 (materials)

Condition 21 reads as follows:

21. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No external materials other than those approved in accordance with this condition shall be used.

Reason: *In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.*

On 24/06/2021 the case officer viewed a proposed materials palette on site, and advised (later that day, by email) that the proposed palette did not sufficiently reference the site's context (including the significant contextual element that is to be provided by the adjacent Yorkshire Country Properties

development), and that there was too much contrast between the proposed walling and roofing materials. The concrete tile originally proposed by the applicant ("Basalt Grey Causeway Roof Tile – North Stone") was particularly unacceptable.

There then followed exchanges regarding potential alternative materials. Red brick was considered, however the brick suggested by the applicant on 01/07/2021 was not reflective of those used opposite at 59-61 Station Road. In response to a suggestion from KC Conservation and Design, the applicant subsequently suggested using a "Country Weathered reproduction stone slate from Greys Roofing", which was considered acceptable.

The applicant then suggested using a natural slate. This was viewed on site on 04/11/2021, along with other materials. Later that day, an amended materials palette (SK-003 rev E) was submitted, which included the Siga 39 natural slate (confirmed by the applicant to be the paler slate viewed on site on 04/11/2021). An image of the materials was submitted on 08/11/2021.

Acceptable block paving materials were proposed on 02/07/2021.

The proposed external materials are now considered acceptable.

Condition 21 will be fully discharged once the development has been completed in accordance with the details hereby approved.

Condition 22 (boundary treatments)

Condition 22 reads as follows:

22. Prior to the commencement of superstructure works, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing to be submitted pursuant to condition 14 and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: *In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan.*

The applicant initially submitted enclosures plan (SK-002 rev A) pursuant to condition 22.

An amended enclosures plan (SK-002 rev D) was submitted on 23/08/2021. This was considered to be acceptable in aesthetic terms, and on 05/10/2021 the West Yorkshire Police Designing Out Crime Officer agreed these details were acceptable in relation to crime prevention. Amendments were, however,

requested to 1) address the West Yorkshire Police Designing Out Crime Officer's request re: the location of the side gate serving unit 3 (ref: his second email of 05/10/2021), and 2) address comments (re: condition 11) regarding enclosure of the bin collection point.

A further amended enclosures plan (SK-002 rev G) was submitted on 26/10/2021. This shows timber fencing of three different designs (1.8m in height), and a further design that incorporates trellis (with a total fence height of 1.7m). A coursed natural stone wall (1m in height, with a timber fence behind it) is proposed to the side of the rear garden of unit 1, facing Station Road. A 600mm high coursed natural stone enclosure and shrub planting is proposed around the street frontage of the bin collection point. Artificial stone retaining walls are proposed in rear gardens.

On 26/01/2021, the West Yorkshire Police Designing Out Crime Officer stated that the plan was acceptable in relation to crime prevention.

The applicant had also submitted drawing FE81_3, showing locations of hedgehog access gaps (to address the specific requirement of condition 22. A retaining wall details drawing (310 rev P3) was submitted by the applicant under application ref: 2021/94304, and it is appropriate to also consider that drawing in relation to condition 22.

Condition 22 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 22 also includes an ongoing requirement for the approved boundary treatments to be retained thereafter.

Recommendation

Approve details pursuant to conditions 9, 10, 11, 19, 21 and 22.

Decision Notice Text

I write with reference to your application to discharge the conditions for the above development (as submitted on 23/02/2021).

Condition 9 (cycle parking) – Information set out in the following documents is considered acceptable for the purposes of condition 9:

- Site Plan (SK-001 rev H).
- Image of shed (for units 1, 2 and 3).
- Email dated 23/02/2021 confirming that all units (except units 1, 2 and 3) were to have garages providing space for cycle storage.

Condition 9 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 9 also

includes an ongoing requirement for the approved cycle parking to be retained thereafter.

Condition 10 (electric vehicle charging) – Information set out in the following documents is considered acceptable for the purposes of condition 10:

- Site Plan (SK-001 rev H).
- Rolec Wallpod Homesmart EV product sheet.
- Rolec EV pedestal charger details.

Condition 10 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 10 also includes an ongoing requirement for the approved vehicle charging points to be retained thereafter.

Condition 11 (waste collection) – Information set out in the following documents is considered acceptable for the purposes of condition 11:

- Site Plan (SK-001 rev H).
- Bin store drawing (received 24/02/2021).
- Email dated 25/10/2021 confirming management arrangements for the bin collection point.

Condition 11 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 11 also includes an ongoing requirement for the approved management arrangements to be maintained thereafter.

Condition 19 (noise) – Information set out in the following documents is considered acceptable for the purposes of condition 19:

- Noise Impact Assessment (ENS, ref: NIA/9523/20/9463/v2/Station Road, dated 29/04/2021).
- Enclosures plan SK-002 rev G.
- Acoustic fence details (received 05/10/2021).

Condition 19 will be fully discharged once the development has been completed in accordance with the details hereby approved, and no dwellings can be occupied until the measures set out in the approved report are fully implemented. Condition 19 also includes an ongoing requirement for the approved measures to be maintained thereafter.

Condition 21 (materials) – Information set out in drawing SK-003 rev E and the materials viewed on site on 04/11/2021 are considered acceptable for the purposes of condition 21. The condition will be fully discharged once the development has been completed in accordance with the details hereby approved.

Condition 22 (boundary treatments) – Information set out in the following documents is considered acceptable for the purposes of condition 22:

- Enclosures plan SK-002 rev G.
- Figure 3 – Bird Box and Hedgehog Access Gap Locations drawing FE81_3.
- Retaining wall details drawing 310 rev P3.
- Acoustic fence details (received 05/10/2021).

Condition 22 will be fully discharged once the development has been completed in accordance with the details hereby approved. Condition 22 also includes an ongoing requirement for the approved boundary treatments to be retained thereafter.

Report Dated: 26/01/2022