

**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:	2021/44/94022/E
Site Address:	adj, 31, Holdsworth Street, Cleckheaton, BD19 3DH
Description:	Discharge conditions 3, 6, 12 on previous permission 2015/93099 for erection of detached dwelling
Recommending Officer:	Ian Lunn

DECISION – DISCHARGE CONDITIONS 3, 6 & 12

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

Emma Thompson

AUTHORISED OFFICER

Date: 25-Jan-2022

Officer Report

Site Description

The land the subject of this application is an irregularly shaped plot of approximately 0.03 hectares in area. It is located due east of the junction of Holdsworth Street and Tennyson Place in a predominantly residential area. The site is currently occupied by a detached house (30 Holdsworth Street).

Description of Proposal

Planning permission was granted for the existing property on 20th January 2016 under planning approval number 2015/93099. Approval was given subject to a number of conditions including conditions 3, 6 and 12 which respectively required that details of the proposed materials of construction of the development, of the proposed treatment of the site boundaries and of the proposed means of draining the development be submitted to the Local Planning Authority for its written approval before any development commenced. In full these conditions read as follows:-

3. No development shall take place until samples of all facing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed of the approved materials.

Reason: *In the interests of visual amenity and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan. This is a pre-commencement condition to ensure that the dwelling is constructed of appropriate materials.*

6. Notwithstanding the submitted plans, a scheme detailing the boundary treatment of the whole site shall be submitted to the Local Planning Authority for approval in writing before development commences with regard to the construction of the dwelling. The development shall not be brought into use until the works comprising the approved scheme have been completed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), the approved boundary treatment shall be retained thereafter.

Reason: *In the interests of visual and residential amenity and to accord with Policies D2, D6, BE1 and BE2 of the Kirklees Unitary Development Plan 12. Development shall not commence until a scheme detailing foul, surface water and land drainage, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained throughout the lifetime of the development.*

Reason: *To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the National Planning Policy Framework. This is a pre-commencement condition to ensure that an adequate drainage layout is provided at the appropriate stage of the development.*

In order to formally discharge the requirements of these conditions the agent has submitted:-

- a) a letter and e-mail stating that the development has been completed and is constructed of Darlstone Buff/Black artificial stone by Eden Hall with the roof finished using Sandtoft Calderdale Dark Grey flat profile concrete tiles. The letter/e-mail also requests that the existing boundary treatment be allowed to remain.
- a) a plan (ref:-129/08) and an e-mail showing and describing the means of draining both foul and surface water from the developed site.

History of negotiations/amendments received

Clarified details of the materials of construction of the house, of the boundary treatment, and of the means of draining the development with the agent.

Relevant Planning History

2015/93099 – Erection of detached dwelling - Approved 20/01/16 (Built).

Representations

None. It is not necessary to advertise applications of this nature.

Consultation Responses

Environment Agency:- No observations received.

Yorkshire Water:- Originally objected to the drainage proposals for the following reasons. The applicant had not demonstrated that they had considered other means of surface water disposal before choosing to use the public sewer; the submitted details did not show the proposals for surface and foul water drainage both on and off the site; and the submitted details showed unrestricted discharge into the public sewer. The applicant has since responded to Yorkshire Water's concerns by way of an e-mail and a revised plan (see 'Assessment' section below) and as a result Yorkshire Water now raise no objections to the proposals.

KC Lead Local Flood Authority:- Consider that condition 12 can be discharged provided that Yorkshire Water raise no objections to the drainage proposals. Accept that a soakaway would not be a viable option for disposing of surface water in this instance.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (2019)

LP24 Design

LP28 Drainage

LP52 Protection and Improvement of Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter12 Achieving Well Designed Places

Chapter14 Meeting the Challenge of Climate Change, Flooding and Coastal

Change

Chapter15 Conserving and Enhancing the Natural Environment

Other

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Assessment

Condition 3:- The external walls of the house have been constructed using regular coursed Darlstone Buff/Black artificial stone by Edenhall, and the roof using Sandtoft Calderdale Dark Grey flat profile concrete tiles. These materials both match and reasonably harmonise with those used in the construction of the properties to the immediate south and are therefore considered to be acceptable. In view of this, and as the dwelling has been completed and is occupied, the terms of this condition have now been fully satisfied.

Condition 6:- The property is currently enclosed by the following boundary treatment:-

- a) a fence/hedge and stone retaining wall along the western site boundary,
- a) a low level wall with black railings on top along the southern boundary to the front of the property, and a timber fence along this boundary to the rear,

- b) a timber fence along the north eastern site boundary.

The applicant has requested that they be allowed to retain this treatment and this is considered acceptable in this instance. Provided therefore that this treatment is subsequently satisfactorily retained at all times the requirements of this condition will be deemed to have been fully satisfied.

Condition 12:- The applicant originally submitted a plan (129/08) showing both foul and surface water from the developed site discharged directly into a combined public sewer. These arrangements were considered by Yorkshire Water and the Council's Flood Management Team but both objected to them for the reasons given in the 'Consultation Responses' section above. Revised details have since been submitted in the form of a further plan (also referenced 129/08 but received on 7th January 2022) showing foul and surface water from the dwelling connected initially to an 'on-site' drain and thereafter to the same combined sewer. The agent has also submitted an e-mail dated 7th January 2022 indicating:-

- a) that a soakaway would not work satisfactorily in this instance because of the very limited size of this site,
- b) that there is no need for attenuation to limit drainage flows into the sewer in this instance because the catchment area of this site is less than 60 square metres, and
- c) that only roof water drains into the sewer with all remaining surface water discharging via the soft landscaped areas.

The revised details have been considered by Yorkshire Water who now consider them to be acceptable. Since it is understood that the house is already being drained in this way the terms of this condition have therefore now been largely satisfied. The condition will be deemed to have been fully satisfied provided that these arrangements are thereafter retained for the lifetime of the development.

Conclusion

The submitted details are considered acceptable for the reasons outlined above. Provided therefore that the approved boundary treatment and drainage measures are satisfactorily retained at all times the requirements of conditions 3, 6 and 12 of planning permission number 2015/93099 will be deemed to have been fully satisfied.

Recommendation: Approve

Decision Authorisation - Delegated Powers**Application Number:** 2021/94022**Officer Recommendation:** Approve**Conditions and Reasons:** None

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Supporting Letter			19/10/21
E-mail dated 7 th January 2022			07/01/22
Drainage Plan	129/08		07/01/22

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant and agent in dealing with the application. Discussions with the latter led to clarification of the materials of construction of the house, of the details of the boundary treatment and of the proposals for draining the site.

Report Dated:

20/01/22