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:	**2021/44/94424/W**
Site Address:	Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF
Description:	Discharge of conditions 5 (landscaping), 19 (surface water attenuation in highway), 21 (waste storage and collection), 22 (parking specifications), 23 (landscape and ecological management plan), 25 (electric vehicle charging), 26 (ventilation scheme), 27 (obscure glazing), 29 (open space) and 30 (temporary waste storage and collection) of previous permission 2019/93550 for erection of 250 dwellings
Recommending Officer:	John Ritchie

DECISION – Discharge of Conditions – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 28-Jan-2022

2021/94424 OFFICER REPORT

This application relates to full planning permission for the erection of 250 dwellings off Netherton Moor Road, Netherton, ref: 2019/93550. The application seeks to discharge conditions including the following:

22. The private vehicle parking areas shall be surfaced and drained before the dwelling to which they relate is first occupied and shall thereafter be retained as such.
***Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment
This condition does not require the submission of details for approval but is a requirement of the development.

25. Electric vehicle recharging points shall be provided in line with the approved layout and implemented before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps.
***Reason:** To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.*

Assessment
The submitted details have been reviewed by the Environmental Health Officer (EHO) and are considered acceptable.

26. A ventilation scheme for plot 250 shall be submitted to and approved in writing by the Local Planning Authority before works to construct that plot commence. The ventilation Scheme shall show how the habitable rooms of plot 250 shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to occupation of this dwelling and retained thereafter.
***Reason:** In the interests of the residential amenity of the occupiers of Plot 250 because this dwelling has the potential to be affected by road traffic noise when windows are open. This is to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

Assessment
The applicant states that the condition was imposed as their own Noise Impact Assessment (NIA) was based on an earlier layout showing plot 250 closer to the road than that subsequently approved. As such the applicant believes that this condition is no longer necessary.

In response the EHO has provided a detailed rebuttal of that argument and has stated that alternative ventilation is required. The condition cannot be discharged at this stage and the applicant has been asked to consider this.

27. The upper floor landing and en-suite/bathroom windows in the northwest facing side elevations of plots 19, 26, 48, 49, 68, 71, 84, 85, 202, 207 and 242 shall be first installed with obscure glazing that achieves a minimum privacy level 4. Such glazing shall thereafter be retained in these windows.
***Reason:** In the interests of the amenity of adjacent property and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

Assessment
This condition does not require the submission of details for approval but is a requirement of the development.

Decision Text

Condition 22 (Parking area surfacing)

This condition does not require the submission of details for approval but is a requirement of the development.

Condition 25 (Electric Vehicle Charging Points)

You have submitted the following:

- Rolec electric vehicle charging technical data sheet
- Drawing no NMH-2019-01K Sketch layout

These details show Mode 3, Type 2 charging sockets with a minimum output of 16A/3.6kW charging to each residential unit with a dedicated car parking space. This is acceptable for the purposes of condition 25. The condition requires the provision and retention of the sockets.

Condition 26 (Ventilation for plot 250)

Your comments are awaited to the Environmental Health Officer's consultation response e-mailed to you on 27th January 2022.

Condition 27 (Glazing)

This condition does not require the submission of details for approval but is a requirement of the development.

The remaining conditions which you have applied to discharge under this application remain under consideration and a separate response will be sent as soon as possible.

Report Dated 27th January 2022