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:	Richard Riggs

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.

David Wordsworth

AUTHORISED OFFICER

Date: 23-Feb-2023

OFFICER REPORT (DISCHARGE OF CONDITIONS)

Application: 2021/94424
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
Address: Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF
Ward: Crosland Moor and Netherton

Case Officer: R Riggs (Senior Planning Officer)

Recommendation: Split Decision

This application seeks to discharge 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 planning permission 2019/93550 for the erection of 250 dwellings at Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF.

The Local Planning Authority has received supporting documents in relation to the discharge of the above planning conditions. In addressing the information provided, consultations have been undertaken and, based on the responses received from these consultees, Officers are able to advise that the following decisions have been taken by the Local Planning Authority:

- Condition 21 (Waste Storage and Collection) – Has been Discharged.
- Condition 30 (Temporary Waste Storage and Collection) – Has been Discharged.

These conditions have been discharged after being considered to meet the requirements set out in the conditions of the original planning permission. The implementation of the details of the conditions hereby Discharged is to be fully complied with by the applicant, as per the requirements of the conditions.

The following conditions were previously discharged via a Split Decision in a Discharge of Conditions letter dated 28/01/2022 under this application:

- Condition 22 (Parking Specifications)
- Condition 25 (Electric Vehicle Charging)
- Condition 27 (Obscure Glazing)

The following conditions remain under consideration under this Discharge of Conditions application:

- Condition 5 (Landscaping)
- Condition 19 (Surface Water Attenuation in Highway)
- Condition 23 (Landscape and Ecological Management Plan)
- Condition 26 (Ventilation Scheme)
- Condition 29 (Open Space)

The full details of the required compliance with the abovementioned conditions are set out below.

Condition 21 (Waste Storage and Collection)

> ***21.*** *Details of bin storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The approved details shall be provided 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 visual amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.*

Officer Assessment

The following plans have been submitted in support of this application:

- Plan ref: DN-2011:100 (Bin Store), dated October 2011 and received by the Local Planning Authority on 25/11/2021.
- Plan ref: NHM-2019-01 Revision K (Proposed Sketch Layout (Overall)), dated March 2019 and received by the Local Planning Authority on 25/11/2021.

The applicant has submitted the following plans detailing the satisfactory provision of a refuse and waste storage and collection strategy for the completed development. KC Waste Strategy have reviewed the submitted information and consider it to be acceptable. As such, Officers consider that this condition can be discharged. The approved details shall be provided before the dwelling to which they relate is first occupied and shall hereafter be retained as such, as required by this condition.

Condition 30 (Temporary Waste Storage and Collection)

> ***30.*** *Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units and shall be so retained thereafter for the duration of the construction works.*

Reason: *To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, 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.*

Officer Assessment

The following plans have been submitted in support of this application:

- Plan ref: NMH-2022-010 (Temporary Waste Collection Locations), dated October 2022 and received by the Local Planning Authority on 11/10/2022.

The applicant has submitted the following plans detailing the satisfactory provision of a temporary refuse and waste storage and collection strategy during the construction phase of development. KC Waste Strategy have reviewed the submitted information and consider it to be acceptable. As such, Officers consider that this condition can be discharged. The temporary arrangements hereby approved shall be implemented prior to first occupation of those residential units which are to be occupied prior to the completion of the development, and that the approved temporary arrangements shall be retained hereafter for the duration of the construction works, as required by this condition.

DECISION NOTICE TEXT

Condition 21 (Waste Storage and Collection)

The following plans have been submitted in support of this application:

- Plan ref: DN-2011:100 (Bin Store), dated October 2011 and received by the Local Planning Authority on 25/11/2021.
- Plan ref: NHM-2019-01 Revision K (Proposed Sketch Layout (Overall)), dated March 2019 and received by the Local Planning Authority on 25/11/2021.

You have submitted the abovementioned plans to discharge the requirements of this condition. These plans are hereby approved. Please note that the approved details shall be provided before the dwelling to which they relate is first occupied and shall hereafter be retained as such, as required by this condition.

Condition 30 (Temporary Waste Storage and Collection)

The following plans have been submitted in support of this application:

- Plan ref: NMH-2022-010 (Temporary Waste Collection Locations), dated October 2022 and received by the Local Planning Authority on 11/10/2022.

You have submitted the abovementioned plan to discharge the requirements of this condition. This plan is hereby approved. Please note that the temporary

arrangements hereby approved shall be implemented prior to first occupation of those residential units which are to be occupied prior to the completion of the development, and that the approved temporary arrangements shall be retained hereafter for the duration of the construction works, as required by this condition.

Report Dated: 22 February 2023