

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:	2022/44/93334/W
Site Address:	Land between 25 & 27, Grasmere Road, Meltham, Holmfirth, HD9 4HF
Description:	Discharge conditions 3 (materials), 9 (provision for contractors) on previous permission 2021/94720 for erection of detached dwelling
Recommending Officer:	Teresa Harlow

DECISION – DISCHARGE OF CONDITION 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.

John Holmes

AUTHORISED OFFICER

Date: 21-Dec-2022

Officer Report - Discharge of Conditions Application

The application seeks to discharge of conditions 3 (materials) and 9 (contractors plant and equipment etc) on permission no. 2021/94720 for erection of detached dwelling at land between 25 & 27, Grasmere Road, Meltham, Holmfirth, HD9 4HF. The permission was granted on 12th May 2022.

Representations

No representations have been received.

Consultations

Highways DM Object to the details submitted to discharge condition 9, see assessment.

Condition 3: Materials

Wording

Prior to the commencement of the development of the dwelling hereby approved above slab level, details of all external facing materials for the walls and roof of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed using the approved materials prior to the development being brought into use. The materials shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework

Officer Assessment

It is proposed to use natural stone for the walls and blue slates for the roof.

In detail:

Walls: Catcastle Grey course grained brown/grey/variegated natural sandstone

Roof: Brazilian Graphite natural blue slates.

Samples of the materials have been viewed on site by a planning officer and are considered to harmonise with the materials palette of surrounding development, compliant with Policy LP24 of the Local Plan, principles 2 & 13 of the Housebuilders Design Guide SPD and policies contained within Chapter 12 of the NPPF.

Given the above, such materials can be supported and it is recommended that Condition 3 will be satisfied provided the development is undertaken in accordance with the approved details.

Condition 9: Contractors' plant and equipment etc

Wording

Development shall not commence until, details of the provision to be made for the parking, loading and unloading of contractors' plant and equipment, the storage of building materials and the parking of the workforce within the site during construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme for the entirety of the construction phase.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Council's adopted House Builders Design Guide, the Council's adopted Highways Design Guide and Government guidance contained within Chapter 9 of the National Planning Policy Framework

The condition was imposed for reasons of highway safety. Access to the site (red line) is within a built-up residential area with limited parking. In addition, the line of a PROW runs along the south-western boundary of the site and along the southern boundary of blue edged land forming an unmade track. The only information submitted with the application was a simple plan LP01 indicating that access would be along the unmade track to the south of the site, (Royd Edge Road) with loading/unloading and parking for contractors taking place within blue edged land.

A planning officer has visited the site and noted that these arrangements were already in place and there had already been delivery of materials to the site. Indeed, the agent has more recently stated that the shell of the dwelling is complete, and the roof is on.

Consultation has taken place with Highways DM. They have objected to the proposed arrangements for the following reason:

'This application is for the discharge of conditions 3 (materials) and 9 (construction access management plan) for previous permission 21/94720 for the erection of a detached dwelling.

These comments address the discharge of condition 9 only.

Condition 9 states, [wording of the condition quoted].

The applicant has submitted sketch drawing No LP01 Location Plan in support of the discharge application and this shows access to the site to be taken from Royd Edge Road and materials storage will be in the existing garden for No 25.

Royd Edge Road is an unadopted and rough surfaced track of approximately 5.7m width with no footways or street lighting. The road hosts PROW MEL/43a/10 which also runs adjacent to the application site. The gardens are at a slightly higher level than the track and so access from the track to the gardens would not be expected to be achievable.

As the road is private and owned by the Mill at Royd Edge, the applicant may not have a vehicular right of access over it and we would recommend that they check with their solicitor to ensure they can legally drive along the route.

The Kirklees PROW team have been consulted and they are not in favour of the route being used for equipment and contractors and have stated that they would not allow any parking on the PROW or other obstructions by storing materials or equipment on the PROW, they also said they would not be willing to see any alterations to the PROW and this would include the formation of an access on to the land to the rear of No 25. Limited waiting for deliveries to the site would be acceptable from Royd Edge Road if the right of access was confirmed. The PROW is surfaced as a rough track and the PROW team are concerned that an increase in large delivery vehicles may cause damage to the surface of the track.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

With this we cannot accept the contractor parking on the PROW on Royd Edge Road and so cannot support the discharge of condition 9.

If the applicant submits further details with parking shown in an alternative but safe and suitable location, then we may be able to re-assess the application and may be able to come to a more positive conclusion.'

The developer has already used Royd Edge Road and the arrangements indicated on plan no. LP01 for plant, equipment and parking in the construction works in advance of this discharge of condition application being determined. The limited deliveries and parking required for the erection of one dwelling may have been preferable to the use of Grasmere Road and the surrounding residential roads as these are single track as a result of on street parking and which would have been difficult to manoeuvre for larger delivery vehicles. This might have also resulted in obstruction to the PROW at the point this emerges to Grasmere Road.

However, there are unanswered questions regarding the formation of an access into the blue land from Royd Edge Road; whether this has altered the PROW and/or whether damage to the surface of the PROW has occurred. On this basis and in the interests of highway safety, the details submitted in for the discharge of condition 9 cannot be supported.

Recommendation

Split decision: approve condition 3 and refuse condition 9

Letter Text

Condition 3 (materials)

You have submitted details of the following material samples, which have been viewed on site by a planning officer:

Walls: Catcastle Grey course grained brown/grey/variegated natural sandstone

Roof: Brazilian Graphite natural blue slates.

The completion of the dwelling in these materials would preserve the visual amenity of the area and are approved for use.

To fully comply with the requirements of condition 3, the development is required to be completed using the approved materials prior to the development being brought into use and the materials thereafter retained.

Condition 9: Contractors' plant and equipment etc

You have submitted:

Plan LP01 showing access to the site being taken from the unadopted, unmade and private Royd Edge Road and materials, parking and equipment being stored in blue edged land to the rear of no. 25 Grasmere Road.

Royd Edge Road is an unadopted and rough surfaced track of approximately 5.7m width with no footways or street lighting. The road hosts public rights of way (PROW) MEL/43a/10 which also runs adjacent to the application site. The gardens are at a slightly higher level than the track and so access from the track to the gardens would not be expected to be achievable.

As the road is private the developer may not have a vehicular right of access over it. I would recommend that legal advice is sought in this respect.

The Kirklees PROW team have been consulted and cannot support the route of the PROW along Royd Edge Road being used for equipment and contractors stating that they would not allow any parking on the PROW or other obstructions by storing materials or equipment on the PROW. In addition, they cannot support any alterations to the PROW; including the formation of any access on to the land to the rear of No 25 Grasmere Road. Limited waiting for deliveries to the site would be acceptable from Royd Edge Road if the right of access was confirmed. The PROW is surfaced as a rough track and the PROW team are concerned that an increase in large delivery vehicles may cause damage to the surface of the track.

(The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk)

To conclude, the LPA cannot accept the contractor access or parking on the PROW on Royd Edge Road indicated on plan ref LP01 and so cannot support

the discharge of condition 9, as this would be detrimental to highway safety, contrary to Policy LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.