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:	**2022/44/93375/E**
Site Address:	Land at, Boggart Lane, off Station Road, Skelmanthorpe, Huddersfield, HD8 9AU
Description:	Discharge conditions 4 (bin storage/collection), 8 (Phase II Intrusive Site Investigation Report), 12 (Bat and Bird box plan) on previous 2022/90932 permission for erection of 2 semi-detached dwellings and associated works
Recommending Officer:	Nina Sayers

DECISION – APPROVE DISCHARGE OF CONDITIONS

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-Apr-2023

Officer Report

Site Description

Site address – Land at, Boggart Lane, off Station Road, Skelmanthorpe, Huddersfield, HD8 9AU

Proposal – Discharge conditions 4 (bin storage/collection), 8 (Phase II Intrusive Site Investigation Report), 12 (Bat and Bird box plan) on previous 2022/90932 permission for erection of 2 semi-detached dwellings and associated works

Assessment

Condition 4 – Bin storage/collection

Condition 4 is as follows:

4. Before development commences, details of suitable 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. The approved details shall be provided before first occupation and shall be so retained thereafter.
***Reason**: In the interest of highway safety and waste management and to accord with Policy LP24 of the Kirklees Local Plan*

The applicants have provided Site Plan referenced 'SK-010 rev. D'. This plan shows bin storage to the rear and side of the dwellings and collection points adjacent to Boggart Lane. There is adequate space for the bins to be dragged between the side of the property and the boundary treatment. The drag out distance between the bin storage area and collection point is within the recommended distance. This is considered acceptable bin storage and presentation points. Highways Development Management therefore had no objection to the discharge of this condition.

These details are deemed to be acceptable for the purposes of the condition and therefore condition 4 can be discharged. This is subject to the approved details being provided before first occupation and shall be retained thereafter.

Condition 8 - Phase II Intrusive Site Investigation Report

Condition 8 is as follows:

8. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
***Reason**: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.*

The applicant submitted:

- Stage 2 Geo Environmental Report by ARP Geotechnical Ltd, dated 26th February 2020 (ref: NET/02r1).
- Ground Gas Risk Assessment by ARP dated 26th November 2020 (ref: NET/02/AHnml8)
- Updated Ground Gas Risk Assessment by ARP dated 30th March 2021 (ref: NET/02/OGnml10)

These apply to the wider development at land at Boggart Lane that excludes part of the application site. However, these reports have demonstrated no contaminated land or ground gas issues at the adjacent site and as such for the purposes of this condition are considered acceptable.

Given the scale of the site under consideration, and the information presented, we are satisfied that Condition 8 can be discharged. This is subject to any made ground (if present/encountered) being reported in accordance with Condition 10.

Condition 12 – Bat and Bird box plan

Condition 12 is as follows:

12. Prior to the occupation of the property, a plan detailing the positioning and location of an integral bat box (Schwegler Bat Wall System 3FE or similar) and bird box (Schwegler 1B or similar) shall be submitted to and approved in writing to the local authority.
***Reason**: to provide an enhancement to biodiversity in line with LP30 (as modified) and the requirements of section 15 of the National Planning Policy Framework.*

The applicants have provided Site Plan referenced 'SK-010 rev. D'. This shows the location of 1x Schwegler bat wall system 3FE or similar and 1x Schwegler 1B or similar bird box. The submitted plan ensures that opportunities for protected species will be available post development and as such, KC Ecology support the discharge of condition 12.

These details are deemed to be acceptable for the purposes of the condition and therefore condition 12 can be discharged.

Summary
Conditions 4, 8 and 12 can be discharged at this time.

Decision notice text

Condition 4 – Bin storage/collection

The applicants have provided Site Plan referenced 'SK-010 rev. D'. This plan shows bin storage to the rear and side of the dwellings and collection points adjacent to Boggart Lane. There is adequate space for the bins to be dragged

between the side of the property and the boundary treatment. The drag out distance between the bin storage area and collection point is within the recommended distance. This is considered acceptable bin storage and presentation points. Highways Development Management therefore had no objection to the discharge of this condition.

These details are deemed to be acceptable for the purposes of the condition and therefore condition 4 can be discharged.

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These details are deemed to be acceptable for the purposes of the condition and therefore condition 12 can be discharged.