

**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:	2022/44/93398/E
Site Address:	Elmleigh Farm Cottage, 24 Stringer House Lane, Emley Moor, Huddersfield, HD8 9SU
Description:	Discharge conditions 3, 4, 6, 7, 9, 10, 13 on previous permission 2021/93165 for demolition of existing garage and erection of dwelling
Recommending Officer:	Elenya Jackson

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.**

Julia Steadman

AUTHORISED OFFICER

Date: 23-Aug-2023

Officer Report

The application seeks to discharge conditions Discharge conditions 3, 4, 6, 7, 9, 10, 13 on previous permission 2021/93165 for demolition of existing garage and erection of dwelling. The wording of the conditions and an assessment is as follows:

Condition 3 (materials) –

3. Samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the superstructure of the dwelling hereby permitted. Thereafter the development shall be carried out in accordance with the approved details. Reason: In the interests of visual amenity and to comply with Policies LP24 and LP59 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document as well as the aims of Chapters 12 and 13 of the National Planning Policy Framework. 4. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interests of visual and residential amenity and to preserve the character and openness of the Green Belt land in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

Assessment

Further information has been provided by the agent associated with this application which confirms that the stone associated with the building would be Delp walling stone, mixed 2” to 5” courses. Tumbled and varied dye. Supplier is PG stone in Milnsbridge and the cladding for the wall and roof of the property would be 13/3 profiled corrugated PVC (plastisol) coated steel cladding. The use of stone was requested to tie in with neighbouring dwellings in the vicinity and although the use of black corrugated coated steel cladding is a contemporary addition, it was assessed within the officer report that the proposed materials would reflect the agricultural nature of the site and prevent the proposal from having an overly domesticated appearance and integrating within the context of the area.

Condition 4 (boundary treatment) –

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by

the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained. **Reason:** In the interests of visual and residential amenity and to preserve the character and openness of the Green Belt land in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

Drawing reference (800)01 A has been submitted show that the existing drystone wall and timber fencing would be retained.

Assessment

As the scheme would not alter the existing boundary treatments on site, the proposed boundary treatment is considered acceptable in this instance.

Condition 6 (electric vehicle charging point) –

6. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output: -

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interests of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 9 and 15 of the National Planning Policy Framework.

Plan reference (800)01 Rev A has been submitted showing the location of the proposed electric vehicle charging point (EVCP). A technical data sheet for a Rolec Wallpod Homestart EV Socket has also been submitted.

Assessment

The Council's Environmental Health officer has been consulted as part of the application. The proposed information is considered to show the EVCP in an appropriate location and that it would meet at least the minimum output requirements required by the condition. The submitted details are therefore considered acceptable for the purposes of the condition. The condition requires that the dwelling and associated parking are not brought into use until the charging points are installed, operational and thereafter retained.

Condition 7 (waste storage and collection) –

7. Before development commences on the superstructure of the new dwelling, details of storage and access for collection of wastes from the premises 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, to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Principles 12 and 19 of Housebuilders Design Guide Supplementary Planning Document.

Plan reference (800)01 A has been submitted.

Assessment

The submitted plan shows a place for the storage of 3x 240L wheeled bins adjacent to the driveway. A collection point is shown adjacent to the driveway entrance on an existing area of block paving which is located next to the access lane. The submitted details are considered acceptable for the purposes of the condition. The condition requires the storage and collection points to be provided before the dwelling is first occupied and thereafter retained.

Conditions 9 (intrusive site investigations) –

9. No development shall commence (excluding demolition) until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

A Geotechnical Report reference J3501/16/E – Rev 2 dated 27th November 2019 has been submitted as part of the application.

Assessment

The Coal Authority have been consulted as part of the application. The Coal Authority have reviewed the report and are satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated. As such, they have raised no objections to condition 9 being discharged.

Condition 10 (site stability) –

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development is carried out in accordance with the approved details and that all necessary remediation measures are adopted in full before the development is brought into use. This is to ensure the safety and stability of the development in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

Assessment

Following the agreement of the Coal Authority to the findings of the Geotechnical Report reference J3501/16/E – Rev 2 dated 27th November 2019, officers contacted the Coal Authority to confirm that no further information would be required at a later date. As the report outlined there was no coal located, The Coal Authority agreed the discharging of this condition was acceptable.

Condition 13 (drainage) –

13. A scheme detailing foul, surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Plan reference (800)01 Rev A has been submitted along with a technical data sheet for a Klargester Bio Disk package treatment plant.

Assessment

The application proposes a package treatment plant and as such the Council's Environmental Health officer has been consulted. The plan clearly identified the location of the package treatment plant and clarifies that the unit will be installed to the standards set out within the current building regulations. The submitted information is considered to meet with the requirements of the condition for the purposes of the planning application. The applicant is reminded that approval under building regulations will also be required, and any other necessary consent must be obtained from the appropriate authority. The plan also shows the location of a soakaway within the redline boundary. The confirmed method of surface water drainage and submitted plan is considered sufficient for the requirements of the condition. Whilst no further details have been submitted, specific details would need to be considered under a separate building regulations submission and would therefore be addressed under a separate remit.

The submitted information is considered acceptable for the purposes of the condition. The condition requires that the dwelling is not occupied until the approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Recommendation:

Decision Notice Text

Condition 3 (materials) –

The following has been submitted:

- Application Form
- Email containing details of Delp Walling Stone and 13/3 profiled corrugated PVC (plastisol) coated steel cladding

It is considered that the materials would be appropriate given the context of the surrounding area and, subject to the development being completed using the approved materials, are acceptable for the purpose of discharging condition 3.

Condition 4 (boundary treatment) –

The following has been submitted:

- Drawing reference (800)01 A

The boundary treatment would retain the existing stone wall and timber fence on site; as there are no alterations, the details are considered acceptable and should be maintained for the lifetime of the development.

Condition 6 (electric vehicle charging point) –

The following has been submitted:

- plan reference (800)01 Rev A showing the location of the proposed electric vehicle charging point (EVCP). A technical data sheet for a Rolec Wallpod Homestart EV Socket has also been submitted.

In line with the comments received from KC Environmental Health, the submitted details are acceptable. However, to fully satisfy the requirements of the condition, the dwelling and parking spaces shall not be brought into use until the charging points are installed and made operational. The charging points shall be thereafter retained.

Condition 7 (waste storage and collection) –

The following has been submitted:

- plan reference (800)01 A.

The submitted information is considered to be acceptable. Provided that the agreed storage and collection points shown on the above drawing are provided before the dwelling is first occupied and thereafter retained, condition 7 is satisfied.

Conditions 9 (intrusive site investigations) –

The following has been submitted:

- a Geotechnical Report reference J3501/16/E – Rev 2 dated 27th November 2019.

In line with the comments received by The Coal Authority, the submitted information is accepted and the Coal Authority consider that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated. Condition 9 can therefore be discharged.

Condition 10 (site stability) –

The following has been submitted:

- a Geotechnical Report reference J3501/16/E – Rev 2 dated 27th November 2019.

The Coal Authority confirms that no further information is required to support condition 10 and therefore, the information provided is considered acceptable.

Condition 13 (drainage) –

The following has been submitted:

- plan reference (800)01 Rev A
- A technical data sheet for a Klargestor Bio Disk package treatment plant.

The submitted information is considered acceptable for the purposes of the condition. The condition requires that the dwelling is not occupied until the approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details. The applicant is advised that the package treatment plan and soakaways will be subject to further consideration under a building regulations application.

REPORT DATE:

22/8/2023