

**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:	<b>2023/44/90035/E</b>
Site Address:	Land adj, 7, West Lane, Gomersal, BD19 4DL
Description:	Discharge conditions 3,4,5,10,12,13,14,15,16,18 on previous permission 2021/94165 for erection of four dwellings with ancillary garages and associated landscaping works (within a Conservation Area)
Recommending Officer:	Lee Stoney

**DECISION – Application to discharge conditions approved.**

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 21-Jul-2023**

## 2023/90035 – Land adjacent to 7 West Lane, Gomersal

### OFFICER REPORT

This application relates to full planning permission (2021/94165) for erection of four dwellings with ancillary garages and associated landscaping works. The application seeks to discharge the following conditions:

#### **Condition 3 – Materials**

*“Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwellings hereby approved. The development shall then be completed using the approved materials. Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.”*

#### Assessment

As part of this application, drawing number “101950.01 Rev” has been submitted. Read in conjunction with the application form for (201/94165) it shows the roofing materials will be that of natural Welsh slate and walling of the dwellings being *“Coursed, light coloured natural stone, with ashlar lintels and detailing”*.

These materials are considered acceptable and it is recommended that condition 3 is **part discharged** (pending the dwellings being constructed with these agreed facing and roofing materials.)

#### **Condition 4 – Electric vehicle charging**

*“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 providing a continuous supply of at least 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 interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework”*

#### Assessment

To discharge Condition 4, a Wallpod: EV Homesmart EV data sheet has been received. The document shows a Type 2, Mode 3 charging socket with either

3.6kW (16amp) (for the EVHS2010 model) or 7.2kW (32amp) (for the EVHS2020 model) charging speeds. Environmental Health have confirmed that this specification satisfies the technical requirements of Condition 4.

It is recommended that condition 4 is **part discharged** (pending the EVCP's being installed in each dwelling).

#### **Condition 5 – Phase 1 desk study**

*Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase 1 Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority. Reason: To identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwellings.*

#### Assessment

To discharge Condition 5, a Geo-environmental Ground Investigation Report by Haigh Huddleston Associates dated November 2022 (ref: E21/7885/R001) has been received. The report is in the format of a combined Phase 1 and Phase 2 report and includes geotechnical information, which is outside the remit of Environmental Health. Environmental Health's response therefore only relates to the land contamination aspects of the report. The Phase 1 aspect of the Geo-environmental Ground Investigation Report by Haigh Huddleston Associates dated November 2022 (ref: E21/7885/R001) is considered acceptable for the purpose of discharging Condition 5.

It is recommended that condition 5 can be **discharged**.

#### **Condition 10 - Footway**

*Prior to development commencing, a detailed scheme for the provision of a 2.0m wide footway to the full site frontage to both West Lane and Latham Lane with associated signing and white lining shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use. Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy LP 21 of the Kirklees Local Plan.*

#### Assessment

As part of the application, a kerbing plan (E21/7885/036A), a surface treatment plan (E21/885/035B) and a Road Safety Audit (MAL/WLGRSA1.2Rev2) have been submitted. Highways section 38 team have confirmed that these details are acceptable. It is recommended this condition can be **part discharged** pending the approved details being implemented and completed in accordance with these plans prior to any part of the development being brought into use.

### **Condition 12 – Boundary treatments**

*Notwithstanding the submitted plans and information, full details of all boundary treatments, including their height and material, stone type and construction, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained. Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 and LP35 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.*

#### Assessment

Boundary walls are to be constructed in natural stone with natural stone copings and further details submitted in an untitled document dated 16<sup>th</sup> March 2023 states “*the boundary wall is to be built 1100mm high from 215mm and 100mm coursed natural reclaimed stone 300mm wide overall complete with reclaimed natural stone rounded copings of radius 125mm*”.

These materials are considered acceptable and it is recommended that condition 12 is **part discharged** (pending the boundary walling being constructed in accordance with the approved details).

### **Conditions 13, 14 & 15 – Bat roosts survey & mitigation**

*“15. No development shall take place (including any demolition, or internal or external works to existing structures) until further roost characterisation surveys have taken place, as detailed in the PEA. All survey and reporting shall be undertaken following national good practice guidelines Reason: To ensure that protected species are considered prior to development, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to ensure the proposed development will not bring about impacts on protected species.”*

*“14. Where the survey approved pursuant to the above condition 13 confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and*

source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. Reason: To ensure that protected species are considered prior to development, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to ensure the proposed development will not bring about impacts on protected species.”

“15. Should the surveys identify the presence of bat roost(s), no development shall take place in any circumstances unless the Local Planning Authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; b) written confirmation of Site Registration under the Low Impact Bat Class Licence; c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence. Reason: To ensure that protected species are considered prior to development, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to ensure the proposed development will not bring about impacts on protected species”.

### Assessment

The document from Lobo Ecology submitted in support of the discharge of conditions 13, 14 and 15 details that no bat roosts are present within the site and therefore the proposed works will have no impacts on roosting bats.

It is recommended that these conditions can be **discharged**.

### **Condition 16 - Biodiversity Enhancement Management Plan (BEMP)**

No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development is submitted and agreed in writing by the Local Planning Authority. The BEMP shall accord with the enhancement measures details within the Preliminary Ecological Appraisal dated June 2022. The BEMP shall include the following: a) Description and evaluation of features to be managed and enhanced; b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans; c) Ecological trends and constraints on site that might influence management; d) Aims and Objectives of management; e) Appropriate management Actions for achieving Aims and Objectives; f) An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years); g) Details of the

*management body or organisation responsible for implementation of the BEMP; h) Ongoing monitoring programme and remedial measures; and i) The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years The BEMP shall include details of the legal and funding mechanisms by which the longterm implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details. Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This precommencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.*

#### Assessment

A revised BEMP received by email on the 4<sup>th</sup> July 2023 ref “2022001.2 revised June 2023” has been submitted to support the discharge of condition 16 and KC Ecology have confirmed the management plan is acceptable.

Therefore it is recommend that this condition be **part discharged** pending the BEMP being strictly adhered to.

#### **Condition 18 – Landscaping**

*Prior to the commencement of development, a scheme detailing landscaping, tree/shrub/hedge planting, including the species, number and size of the proposed planting along with details of all existing trees and hedgerows on and adjoining the site that are to be retained, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. Reason: To ensure that there is a well laid out scheme of healthy trees, shrubs and hedges in the interests of amenity and biodiversity and to accord with the policy LP30 and LP33 of the Kirklees Local Plan and Circular 06/2005 – Biodiversity and Geological Conservation - Statutory obligation and their impact within the planning system.*

#### Assessment

A revised soft landscaping specification (MR23-038/101 Rev A) has been submitted. KC Landscape have confirmed that the hedgerow and tree planting proposals have been satisfied. The additional English Oak tree planting mitigates the lose / cut back of the mature trees on the boundary, following KC Trees advice.

It is recommended that this condition is **part discharged** (pending the approved scheme being implemented and completed).

**Officer Name:** Lee Stoney

**Date of Report:** 19<sup>th</sup> July 2023