

**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:	2023/44/91251/E
Site Address:	adj, 18, Wells Road, Thornhill, Dewsbury, WF12 0LE
Description:	Discharge conditions 6 (parking), 7 (retaining walls/ structures), 8 (wastes), 9 (bat box) 10 (evc), 11 (Phase I Desk Study Report), 17 (drainage) on previous permission 2021/90209 for erection of detached dwelling
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 21-Jun-2023

Officer Report - Discharge of Conditions Application

The application seeks to discharge the following conditions:

- 6 (Parking)
- 7 (Retaining walls/structures)
- 8 (Waste/refuse)
- 9 (Bat Box)
- 10 (EVC)
- 11 (Phase 1)
- 17 (Drainage)

on previous permission no. 2021/90209 for the erection of a detached dwelling.

Wording of conditions

6. The development shall not commence until a scheme detailing measures to manage parking on the turning head on Wells Road to the east of the proposal site and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the scheme shall be brought into use until the approve scheme has been implemented.

7. No development shall take place until details of the siting, design and material to be used in the construction of retaining walls/ structures near or abutting highway have been approved in writing by the Highways Structures.

8. 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.

9. A bat box shall be provided on the new house.

10. 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.

11. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk

Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

17. Before the commencement of development, details of a scheme to show how surface water from the development will be disposed of shall be submitted to the Local Planning Authority for approval in writing. The scheme shall show that the applicant has explored sustainable methods of drainage according to the Hierarchy of Drainage and that a reduction in surface water run-off of 30% can be achieved where a positive surface water connection from the site can be proven. Where a new connection is required a maximum greenfield run-off rate of 5 litres per second per hectare is required. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.

Officer Assessment

Condition 6 – Parking

To discharge Condition 6, a vehicle tracking plan – ref ST13 showing the provision of two parking spaces, P1 and P2, has been submitted on 26/04/2023. This information has been assessed by the K.C. Highways DM team and as it is lacking a TRO or adequate information to enable full consideration. This condition cannot therefore be considered to be discharged at this time.

Condition 7 – Retaining walls/structures

To discharge Condition 7, a retaining wall plan – ST10 has been submitted on 26/04/2023. This information was assessed by the K.C. Highways DM team and is lacking as technical approval is required via the submission of an AIP. This condition cannot therefore be considered to be discharged.

Condition 8 – Waste

To discharge Condition 8, a vehicle tracking plan – ST13 showing the path of the refuse vehicle has been submitted on 26/04/2023. This information was assessed by the K.C. Highways DM team and is considered to be acceptable to discharge the condition.

Condition 9 – Bat Box

Details have not been submitted regarding the provision of a bat box. However, the wording of the condition does not specify that details are agreed through the LPA and provided the bat box is installed by the completion of the dwelling, then no further discharge would be required.

Condition 10 – Electric Vehicle Charging

To discharge Condition 10, a site plan ST-01 showing the charging point has been submitted on 26/04/2023. This information was assessed by the K.C.

Environmental Health Team and they confirm that providing the development is completed with the EVC point, the condition would then be considered to be discharged.

Condition 11 – Phase 1

To discharge Condition 11, a desk study date November 2022 (ref: YEX3503 Rev 1) has been submitted on 26/04/2023. This information was assessed by the K.C. Environmental Health team and is considered to be sufficient to discharge condition 11.

Condition 17 – Drainage

To discharge Condition 17, information has been submitted within the covering letter on 26/04/2023. The covering letter had explored alternatives to the public drains and has concluded that no other means are suitable. Based on the modest development of a single dwelling, the condition can be considered to be discharged.

Recommendation – split decision

Decision Text

Approve

We accept the information provided with respect to condition 8 (waste), condition 11 (Phase 1) and condition 17 (drainage) submitted 26/04/2023 and consider these conditions to have been satisfactorily discharged.

There is insufficient information and the appropriate additional submissions have not been made to Highways with regards to conditions 6 (parking – the provision of an agreed TRO) or 7 (retaining walls/structures – the provision of an agreed AIP),

Although no details regarding the bat box were provided and given the wording of the condition specifies the action must be carried out without a requirement for detail upfront, providing the bat box is installed upon completion, the requirements of the condition 9 (bat box) would be considered to have been met.

Condition 10 regarding the provision of EVC charging can only be considered to have been discharged when the development is completed with the EVC charge point in situ and retained thereafter.

Report Dated:

20/06/2023

