

**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:	2024/44/90245/W
Site Address:	adj, 84, Dalton Green Lane, Dalton, Huddersfield, HD5 9UQ
Description:	Discharge conditions 5 (Construction Management Plan), 6 (visibility splays), 7 (parking spaces), 8 (materials), 9 (boundary treatment), 10 (floor levels), 11 (biodiversity enhancement), 12 (doors and windows) on previous permission 2021/94645 for erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage
Recommending Officer:	Lucy Taylor

DECISION – PART DISCHARGE OF CONDITIONS

I hereby authorise the part discharge of conditions in relation to 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: 18-Apr-2024

Officer Report – Discharge of Conditions Application

adj, 84, Dalton Green Lane, Dalton, Huddersfield, HD5 9UQ.

The application seeks to discharge conditions 5 (Construction Management Plan), 6 (visibility splays), 7 (parking spaces), 8 (materials), 9 (boundary treatment), 10 (floor levels), 11 (biodiversity enhancement), 12 (doors and windows) on previous permission 2021/94645 for erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage.

Condition 5 – Construction Management Plan

Prior to development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall address: public safety and site security; site operating hours; construction methodology and programme; controls to be put in place to limit noise and vibration; proper management of air, dust, stormwater and site drainage/sediment; site waste management and materials re-use; traffic management, including access routes to and from the site; and site specific details which require detailed assessment including interface with adjacent owners. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: *This is a pre-commencement condition to ensure that an appropriate scheme is agreed before construction works commence in the interests of residential amenity and highway safety and to ensure that development accords with Policies LP21 and LP24 of the Kirklees Local Plan and policies within chapters 9 and 12 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Construction Management Plan, Rev A – 01.02.24

The condition was imposed as a result of the principle of development sought under planning application 2021/94645, which sought planning permission for the erection of a detached dwelling with parking and the division of existing garden to provide amenity parking and bin storage.

It was conditioned that a construction management plan be submitted which addresses public safety and site security, site operating hours, construction methodology and programme, controls to be put in place to limit noise and vibration, proper management of air and dust, stormwater and site drainage/sediment, site waste, management and materials re-use, traffic management and site-specific details which require detailed assessment including interface with adjacent owners.

The submitted document has been assessed in relation to the following area which are within the remit of Environmental Health by Environmental Health Officers:

- noise and vibration from construction activities and vehicle movements
- dust from construction activities

Environmental Health Officers concluded that hours of construction are in line with standard construction hours, which prevent noise and disturbance at unsocial times of day and that photographs in the plan demonstrate a boundary fence has been erected which will provide a barrier to dust transmission. Water suppression, wet cutting and the use of vacuum dust extraction will be used to control fugitive dust.

KC Environmental Health Officers remain the applicant that Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

For the reasons set out above, KC Environmental Health Officers recommend that the items within the remit of Environmental Health contained within the Construction Management Plan be discharged. However, recommend that condition 5 remains in place for the whole of the period in the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The only highways matter referenced in this condition is traffic management, including access routes to and from the site. The Council's Highways Officers were formally consulted and noted that, whilst a written statement has been submitted which refers to traffic management issues including on-site parking and access for delivery, no plans have been submitted to show where and how these facilities are to be provided. Also, no details have been provided of wheel washing facilities or details of any routes.

Therefore, KC Highways Development Management conclude that condition 5 should not be discharged.

As such, at this time, the Local Planning Authority are unable to discharge condition 5 of planning application 2021/94645. Should you wish to submit the further information in relation to the above, please do so, within 21 days, under this current application number (2024/90245) and no further fee will be required.

Condition 6 - Visibility Splays

Development shall not commence until visibility splays of 2.4m x 43m from the proposed vehicular access on Albany Road have been cleared of all obstructions and the walls adjacent to vehicular entrance/exit lowered to a height no taller than 0.9m, as shown on the approved layout plan (dwg no. AL02revB). Thereafter, visibility splays of 2.4m x 43m from the proposed vehicular access on Albany Road shall be retained.

Reason: *To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment:

The supporting information submitted by the applicant, including:

- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

Upon formal consultation with KC Highways Development Management, it was concluded that the proposed sight lines are contained within existing public highways and that as a result, KC Highways Development Management have no objection to the discharge of condition 6.

Therefore, based on this assessment, it is considered that the information within the Proposed Plan provides sufficient detail to allow the discharge of condition 6, provided this scheme be retained thereafter.

Condition 7 – Parking Spaces

The dwelling hereby approved shall not be brought into use until the driveway and parking spaces to serve the new dwelling and no. 84 Dalton Green Lane as indicated on the hereby approved block plan (dwg no. AL 03revB) have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance and the recommendations contained within the Arboricultural Method Statement. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for access and parking.

Reason: *In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to ensure that the proposed hardstanding area is appropriately drained to mitigate flood risk and in the interests of the long-term viability of trees in accordance with Policies LP21, LP22, LP28 and LP33 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

Upon formal consultation, KC Highways Development Management concluded that no photographic evidence has been provided to show that the driveway and parking to serve the new dwelling has been laid out with a hardened and drained surface. It is noted this condition does not require a scheme to be submitted to the LPA for written approval and needs to be complied with prior to the development being brought into use.

Condition 8 – Materials

Development above slab/foundation level shall not commence until details of all external facing and roofing materials have been left on site for the inspection and approval in writing of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.

Reason: *In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Photograph showing the proposed coursed stonework from Myers and
Photograph showing the proposed Marley Modern interlocking roof tiles, Rev A – 01.02.24

The photographed materials are considered to accord with those described to face the dwelling under application 2021/94645, including coursed natural stone and interlocking concrete tiles.

Therefore, based on this assessment, it is considered that the submitted photographs provide sufficient detail to allow the discharge of condition 8, provided that the development shall thereafter be undertaken in accordance with the details so approved.

Condition 9 – Boundary Treatment

Notwithstanding the details shown on the approved plans, the development shall not be brought into use until a scheme detailing the boundary treatment of the site, which shall include details of screen fencing of 2 metres in height above the finished floor level of the new dwelling along the northern boundary of the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the boundary treatment has been completed in accordance with the approved details. The scheme shall thereafter be retained.

Reason: *In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan,*

principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Assessment:

The supporting information submitted by the applicant, including:

- Photographs showing the 2m high close boarded fencing to the boundary of the site, Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The submitted details are not considered to fulfil the requirements of condition 9 of planning application 2021/94645. Specifically, the submitted details do not annotate any fencing along the northern boundary of the site, between the proposed dwelling and No. 18 Higson Court. The submitted plan annotates boundary fencing along the shared boundaries between the new dwelling and 9 Albany Road and No. 84 Dalton Green Lane.

Therefore, based on this assessment, at this time, the Local Planning Authority are unable to discharge condition 9 of planning application 2021/94645. Should you wish to submit the further information in relation to the above, please do so within 21 days under this current application number (2024/90245) and no further fee will be required.

Condition 10 – Floor Levels

Development shall not commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved together with corresponding existing and finished ground levels related to Ordnance Datum or an identifiable temporary datum has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall thereafter be carried out in accordance with the details so approved before the dwelling is first occupied and retained.

Reason: *In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the ensuing development is undertaken in the interests of residential amenity of adjacent land and buildings and visual amenity.*

Assessment:

The supporting information submitted by the applicant, including:

- Description within report Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The description within submitted report Rev A – 01.02.24 states that the proposed floor levels will comprise an insulated concrete solid floor and the

finish floor level will be 150mm higher than the existing external ground level as measured from the corner of the adjacent building – as indicated on drawing AL 05.

The finished floor level annotated on Drawing No. AL 05 Rev A shows 'F.F.L +65.150'.

The submitted details are accepted to provide appropriate details of finished floor levels. Therefore, provided that the construction of the dwelling be thereafter carried out in accordance with the details so as approved before the dwelling is first occupied and retain condition 10 would be satisfied.

Condition 11 – Biodiversity Enhancements

The new dwelling shall not be first occupied until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to the Local Planning Authority. The submitted scheme shall include details relating to:

- (i) Provision of bat tubes,*
- (i) (ii) provision of bird boxes,*
- (ii) (iii) provision of hedgehog holes within boundaries, and (iv) planting of native species across the site. The development shall not be brought into use until the approved scheme has been implemented. The scheme as implemented shall thereafter be retained.*

Reason: *In the interests of providing biodiversity net gain following the development to accord with Policies LP24(h) and LP30 of the Kirklees Local Plan, Principle 9 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Description within report Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

Upon formal consultation with KC Ecology, the Council's Ecology Officer concluded that the submitted information is not sufficient to support the discharge of condition 11. Submitted details should include the specification of the faunal provisions that are to be incorporated into the proposals (E.g. Verona Built-in Woodstone Bat Box or suitable alternative). Until this information has been received, the discharge of condition 11 cannot be supported.

Should you wish to submit the further information in relation to the above, please do so within 21 days under this current application number (2024/90245) and no further fee will be required.

Condition 12 – Door and Windows

Development above slab/foundation level of the new dwelling shall not commence until a scheme of external alterations to doors and windows, proposed floor plans and proposed parking spaces and bin storage for no.84 Dalton Green Lane has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed prior to the new dwelling being first occupied and retained thereafter.

Reason: *In the interests of the amenity of existing and future occupiers of the existing dwelling and the new dwelling and to ensure adequate levels of parking are provided to accord with Policies LP24 and LP22 of the Kirklees Local Plan, principles 6 and 12 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.*

The supporting information submitted by the applicant, including:

- Photographs showing the works to the existing gable wall of No. 84 and the formation of the parking spaces and erection of timber fencing to the boundary within report Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The Proposed Landscaping Plan (Drawing No. AL 05 Rev A) shows details of the proposed parking spaces and bin storage for No. 84 Dalton Green Lane and the photographs provided within report Rev A 01.02.24 show the formation of this parking area and the works to the gable wall of No. 84 which are in accordance with planning permission 2021/94645, showing the windows on the side elevation of No. 84 Dalton Green Lane to be infilled.

Therefore, based on this assessment, it is considered that the submitted details provide sufficient detail to allow the discharge of condition 12, provided that the details be retained thereafter.

Decision Notice Text

I refer to you above referenced discharge of conditions application and can confirm the following: -

Condition 5 – Construction Management Plan

You have submitted the following information:

- Construction Management Plan, Rev A – 01.02.24

Comments from KC Highways Development Management conclude that condition 5 cannot be discharged at this time as no plans have been submitted to show where and how facilities for on-site parking and access for delivery are to be provided. Also, no details have been provided of wheel washing facilities or details of any routes.

At this time this condition is not discharged.

As such, at this time, the Local Planning Authority are unable to discharge condition 5 of planning application 2021/94645. Should you wish to submit the further information in relation to the above, please do so within 21 days, under this current application number (2024/90245), and no further fee will be required.

Condition 6 - Visibility Splays

You have submitted the following information:

- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The details submitted are accepted to provide appropriate details of visibility splays. Therefore, provided that visibility splays of 4m x 43m from the proposed vehicular access on Albany Road are retained, condition 6 will be satisfied.

Condition 7 – Parking Spaces

You have submitted the following information:

- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

Comments from KC Highways Development Management conclude that condition 7 cannot be discharged at this time, with no photographic evidence submitted to show that the driveway and parking to serve the new dwelling has been laid out with a hardened and drained surface.

It is noted this condition does not require a scheme to be submitted to the LPA for written approval although this condition is required to be complied with prior to the development being brought into use.

Condition 8 – Materials

You have submitted the following information:

- Photograph showing the proposed coursed stonework from Myers and
Photograph showing the proposed Marley Modern interlocking roof tiles, Rev A – 01.02.24

The details submitted are accepted to provide appropriate details of materials. Therefore, provided that the development thereafter be undertaken in accordance with the details so approved, condition 8 will be satisfied and discharged. There is an ongoing requirement the scheme approved by this condition is retained.

Condition 9 – Boundary Treatment

You have submitted the following information:

- Photographs showing the 2m high close boarded fencing to the boundary of the site, Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The submitted details are not considered to fulfil the requirements of condition 9 of planning application 2021/94645.

As such, at this time, the Local Planning Authority are unable to discharge condition 9 of planning application 2021/94645. Should you wish to submit the further information in relation to the above, please do so under this current application number (2024/90245) and no further fee will be required.

Condition 10 – Floor Levels

You have submitted the following information:

- Description within report Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The submitted details are accepted to provide appropriate details of finished floor levels. Therefore, provided that the construction of the dwelling be thereafter carried out in accordance with the details so as approved before the dwelling is first occupied and retained thereafter condition 10 would be satisfied and discharged.

Condition 11 – Biodiversity Enhancements

You have submitted the following information:

- Description within report Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The submitted details are not considered to fulfil the requirements of condition 11 of planning application 2021/94645.

As such, at this time, the Local Planning Authority are unable to discharge condition 9 of planning application 2021/94645. Should you wish to submit the further information in relation to the above, please do so under this current application number (2024/90245) and no further fee will be required.

Condition 12 – Door and Windows

You have submitted the following information:

- Photographs showing the works to the existing gable wall of No. 84 and the formation of the parking spaces and erection of timber fencing to the boundary within report Rev A – 01.02.24
- Proposed Landscaping Plan (Drawing No. AL 05 Rev A)

The details submitted are accepted to provide appropriate details of doors and windows. Therefore, provided that these details are retained thereafter, condition 12 will be satisfied and discharged.