

**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:	2024/44/90482/E
Site Address:	Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ
Description:	Discharge conditions 4 (boundary, 5 (drainage) on previous permission 2023/92700 for reserved matters application for erection of one dwelling pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development
Recommending Officer:	Nicole Helliwell

DECISION – DISCHARGE OF CONDITION 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.

Emma Thompson

AUTHORISED OFFICER

Date: 18-Apr-2024

Officer Report

Reference No. 2024/44/90482/E

Site Address: Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ
Not a valid link.Proposal: Discharge conditions 4 (boundary), 5 (drainage) on previous permission 2023/92700 for reserved matters application for erection of one dwelling pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development

Assessment

Condition 4 - Site Boundaries

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: This pre-commencement condition is in the interest of visual and residential amenity, 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 of Condition 4

The applicant has submitted a document titled 'Proposed Drawing Conditions' (dated 06/02/2024, ref. 06) which details the location, height and materials of the proposed boundary treatments. The proposed boundary treatments would comprise a low level wall to the north of the application site with artificial stone copings and iron railings. The stone wall would have an overall height of 0.9m and would not cause any significant harm to visual amenity given that low level walls are a common feature within the streetscene. Furthermore, a hit and miss fence would be erected along the eastern and western boundary of the site. The fence would measure 2m in height and would be constructed in timber. These details are deemed acceptable for the purposes of the condition and therefore Condition 4 can be discharged. This is subject to the hereby approved boundary treatment being completed in accordance with the approved details and thereafter retained.

Condition 5 - Drainage

5. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times. Reason: To ensure the provision of an adequate drainage system in the interests of amenity, environmental well-

being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Assessment of Condition 5

The applicant has submitted a document titled 'Proposed Drawing Conditions' (dated 06/02/2024, ref. 06) in support of condition 5.

The PPG sets out that the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
1. to a surface water body;
1. to a surface water sewer, highway drain, or another drainage system;
2. to a combined sewer.

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction. In practice, however, these principles are generally not applied for single dwellings or other housing developments of fewer than 5 units, as they are considered disproportionate. As such, the decision on whether to use mains connection or a soakaway is generally left to the developer's own discretion subject to the remit of Building Control.

The site is not within a flood risk zone or a critical drainage area. It is considered that as the proposal is for one dwelling, the evidence submitted is sufficient to demonstrate that proposed drainage methods are suitable for this site.

In conclusion, it is considered that the proposed drainage arrangements would, in the circumstances, be acceptable for the site and for this development, and can be approved.

Decision Notice Text

Condition 4 - Site Boundaries

The following has been submitted:

- Proposed Drawing Conditions (dated 06/02/2024, ref. 06)

In conclusion, the submitted details are considered acceptable for the purposes of the Condition 4 and therefore the condition can be discharged. This is subject to the hereby approved boundary treatment being completed in accordance with the approved details and thereafter retained.

Condition 5 - Drainage

The following has been submitted:

- Proposed Drawing Conditions (dated 06/02/2024, ref. 06)

In conclusion, it is considered that the proposed drainage arrangements would, in the circumstances, be acceptable for the site and for this development, and

can be approved. Subject to the drainage arrangements being implemented before the dwelling is first occupied and thereafter retained, the condition will be complied with.

Dated: 08/04/2024