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26 November 2024

Ms Nina Sayers
Kirklees Council
Planning and Development Services
PO Box 1720
Huddersfield
HD1 9EL

Submitted via Planning Portal

Dear Ms Sayers

Re: Application for Discharge of Conditions - Erection of 5 dwellings (Class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping Ref: 2023/93097 - Land adjacent 196 Wakefield Road, Earlsheaton, WF12 8AH.

Following the approval of the above application, and the subsequent refusal (in part) of a discharge of conditions application (ref: 2024/92267), I am instructed by my client, Whitshaw Builders Ltd, to submit a further discharge of condition application, to include those conditions previously refused and all remaining planning conditions requiring the specific approval of the local planning authority.

The conditions to which this application relates, and the information provided, is set out below. The contents of this letter should also be taken into account in determining the application and it should be shared with consultees as part of the consultation process.

Condition	Requirement	Information submitted
6.	Notwithstanding the details shown on the hereby approved plans, the development shall not commence until a scheme detailing the provision of a 2.0m wide footway, site access and associated works, including retaining structures, to the Park View frontage of the development site, construction specification, surfacing, drainage and kerbing and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and shall be thereafter retained.	ARC Engineers S278 Proposed Kerb Construction Layout and External Works Layout Ref: 23066-ARC-XX-XX-DR-C-6200-P3 ARC Engineers S278 Proposed Levels, white line details and visibility splays Ref: 23066-ARC-XX-XX-DR-C-6201-P1 Kirklees Highways S184 Approvals 04.09.24 and 23.10.24
8.	Before development commences, details of suitable storage, bin presentation points and access for collection of wastes	Option A - Drawing Ref: 23-023-SK11

	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.	Option B - Drawing Ref: 23-023-SK12 (Amended details)
9.	Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.	ARC Engineers Drainage General Arrangement Ref: Ref: 23066-ARC-XX-XX-DR-C-5001-P3 ARC Engineers Drainage Connection Details Ref: 23066-ARC-XX-XX-DR-C-5015-P1
10.	The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.	Flood Risk Assessment by Clifford Engineering
14.	Prior to the commencement of development, details of the following ecological provisions and a timetable for their implementation shall be submitted to, and approved in writing by, the Local Planning Authority: - the location, both within the site and upon dwellings, and design of one integrated swift box per dwelling. - the location, both within the site and upon dwellings, and design of two integrated bat boxes. - the location and design of access holes for hedgehogs (i.e., “hedgehog holes”) within fences throughout the site The development shall thereafter be implemented in accordance with the approved details and timetable. The ecological provisions shall thereafter be retained. Construction Environmental Management Plan	Drawing Ref: 23-023-SK03 REV C (Amended details)
19.	Notwithstanding the submitted details, prior to development commencing, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: - Construction details of the new footway	Construction Environmental Management Plan by Whitshaw Builders Ltd Rev C (Amended report)

	- Frequency of deliveries throughout the construction period - Likely frequency of road closures, and maximum lengths of time this would take place - Contingency for pedestrian and vehicle access onto Park View during the works - Contingency for resident parking when access is compromised - Assurance deliveries will not take place in peak traffic hours or during local school opening/closing times - Details of construction staff parking	ARC Engineers drawings (as per Condition 6)

Condition 6 - Footpath and Site Access

The details submitted for the discharge of condition application have been approved and signed off by Kirklees Highways, as confirmed in correspondence included within the application.

Condition 8 - Bin Storage and Collection

Details for bin storage and collection were previously submitted as part of application ref: 2024/92267. The following consultation responses were received in respect of the submitted details:

KC Waste Strategy and Refuse:

> **The applicant has submitted Proposed Bin Storage Plans Drawing No 23-023-P012 Rev A, dated 09/08/2024. This plan is annotated to show the design of the proposed timber clad bin stores that are located to the front of properties as shown by a blue rectangle.**
>
> Bin Store Location Shown on Site Plan Adjacent
>
> **The Bin Collection Point (BCP) is shown on the plan adjacent to Park View, with a tarmac surface and 50mm PPC kerb edging.**
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>
>
> **The proposals are acceptable and the WCA does not have an objection to Discharge of Condition 8.**

Highways Development Management:

> *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.*
>
> The applicants have provided plan number 23-023-PO12 (Proposed Bin Storage Plans) which show acceptable details of storage, bin presentation points and access for collection of wastes. HDM have therefore no objection to the discharge of this condition.

Notwithstanding the positive support from both these consultees, Condition 8 was subsequently refused and the Officer's delegated report for the decision therefore appears to be inconsistent with these responses. The report suggests the uphill drag distance for residents to the bin collection point (BCP) would be too far. It also raises a concern regarding impact on visual amenity.

Unfortunately, despite requesting feedback on the application, no opportunity was given to seek to respond to the late objection raised, just a day before the application was determined. Accordingly, this application includes 2 Options for consideration for alternative locations, for the BCP.

Option A

The BCP in Option A will be located towards the top of the access ramp, thereby reducing the drag distance for residents whilst remaining in proximity to Park View for refuse collectors to easily access the bins. Concerns expressed regarding impact on visual amenity are wholly unfounded. The BCP will store bins for a temporary period only, likely overnight, once a week. This is no different to other residents putting bins onto the public highway for collection day, in the normal way. This clearly does not amount to harm to the visual amenity of the street scene.

Option B

The BCP in Option B will be located to the bottom of the ramp. This will necessitate bin refuse collectors walking a short distance to collect and drag bins up the ramp to the public highway.

Condition 14 - Ecological Enhancements

The previous application ref: 2024/44/92267/E seeking the discharge of this condition was refused for the following reason:

> The submitted information does not provide detail of the location of the bat box, swift box or hedgehog holes upon the dwellings, as required for the discharge condition 14. The submitted information also does not provide a timetable for their implementation as required under condition 14.

No opportunity was provided to respond before the application was determined. A revised drawing is provided with this application showing precisely the location for each feature. The following should also be understood:

Hedgehog Holes - the opportunity to provide hedgehog holes at the site is limited. Properties fronting onto Wakefield Road are at a lower level to adjoining land to the front and as such a brick retaining wall is required for the boundary to the small terrace gardens. It is not appropriate or feasible to introduce hedgehog holes here. Similarly, the southern boundary comprises a stone-faced retaining wall. Consequently, the only scope for hedgehog holes is to the east boundary fences, as shown.

Bat Boxes - according to the Bat Conservation Trust, bat boxes should be located a minimum 4m above ground, preferably higher, and on a wall with a sunny aspect (south, south-west, or south-east facing). The development is for 5 no. bungalows. Evidently, therefore, opportunities to locate bat boxes that meet these requirements is limited. The bungalows are approximately 2.5m to the eaves and only 4m to ridge height. The proposed bat boxes are therefore located to the gable ends of the bungalows to achieve maximum height possible.

Swift Boxes - the RSPB advises swift boxes should be located a minimum 5m above ground. Swifts will approach a nest at speed, as such the location must offer an easy approach to the nest box. The box should be on a north or east facing wall away from direct sunlight. Evidently, the site and proposed bungalows are not suitable for swift boxes. Nonetheless, as required by the condition, swift boxes are proposed, as shown.

Timetable for Implementation - As shown, the swift boxes are integral to the construction of the walls of the dwelling and will therefore be provided during the building programme. Hedgehog holes and bat boxes will be in situ prior to occupation of the dwellings.

Condition 19 - CEMP

The CEMP submitted as part of the previous discharge of condition application was considered deficient in terms of the level of detailed information required and the application was therefore refused. Specifically, the following information was highlighted in the Officer's delegated report:

- Construction details of the new footway
- Frequency of deliveries throughout the construction period
- Likely frequency of road closures, and maximum lengths of time this would take place
- Contingency for pedestrian and vehicle access onto Park View during the works
- Whilst the submitted CEMP outlines that nearby residents will be contacted during construction; no details of resident parking have been provided for when access is compromised.
- Details of construction staff parking – whilst section 4.1.1 refers to parking of site worker's vehicles, this does not detail the location of this parking.

Details of the footway are required under a separate condition (no. 6) and the same requirement should not therefore be duplicated within a further condition. Details of the footpath are however included in this application. The CEMP has been updated to respond to the above feedback.

I look forward to receiving validation of the application.

In the meantime, if you have any queries or require further information, please contact me.

Yours faithfully

Andi Herrick

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