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:	**2024/44/93377/E**
Site Address:	Land adj, 196, Wakefield Road, Earlsheaton, Dewsbury, WF12 8AH
Description:	Discharge of details reserved by conditions 6 (footpath), 8 (bin storage), 9 (drainage), 10 (FRA), 14 (ecology), 19 (construction management plan) on previous permission 2023/93097 for erection of 5 dwellings (class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping
Recommending Officer:	Nina Sayers

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 10-Jul-2025

Officer Report

Site Description

Site address – Land adj, 196 Wakefield Road, Earlsheaton, Dewsbury, WF12 8AH

Proposal – Discharge of details reserved by conditions 6 (footpath), 8 (bin storage), 9 (drainage), 10 (FRA), 14 (ecology), 19 (construction management plan) on previous permission 2023/93097 for erection of 5 dwellings (class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping

Assessment

<u>Condition 6 – Footpath</u>

The details submitted to discharge Condition 6 are still under review. A letter will be issued in due course.

<u>Condition 8 – Bin Storage</u>

Condition 8 reads as follows:
"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. Reason: In the interest of highway safety and waste management and to accord with LP24 and LP43 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development."

In support of the discharge of condition 8 the following has been submitted:

- Proposed Bin Storage Plans – Option A "23-023-SK11"

It is noted the applicant also submitted an 'Option B' however this was superseded by the above.

The plan details a bin store outside each dwelling measuring 2.1x0.8m which would be timber clad. The bin store location for each dwelling is considered acceptable. A bin collection point is proposed adjacent to the access of the site with space for 5 bins. This is considered an appropriate location, in relation to both the highway and the proposed bin stores. It is noted that whilst there would be a large drag distance, this has been significantly reduced since the previous application to discharge condition 8 (2024/92267).

Condition 8 can therefore be discharged.

Condition 9 – Drainage

Condition 9 reads as follows:

"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.
Reason: To mitigate flood risk arising and to ensure the safety of all future occupier and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk to drainage is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development."

In support of the discharge of condition 9 the applicant has submitted:

- Drainage Connection Details "23066-ARC-XX-XX-DR-D-5015 - P1"
- Drainage General Arrangement "23066-ARC-XX-XX-DR-D-5001 - P3"
- Drainage Maintenance and Management Plan "153506-001-04"
- Flood Risk Assessment V3 – 24.01.2025 (note: this is the revised version following LLFA's initial comments)

The LLFA confirms acceptance of the submitted drainage calculations contained within the Flood Risk Assessment, V3 and the Drainage Maintenance & Management Plan, however, they recommend additional requirements be secured under a Section 106 agreement. Officers have reviewed this and as this information was not requested at the planning application stage it is considered unreasonable to request a S106 through this discharge of condition. Therefore, Condition 9 can be discharged.

The applicant is however advised of the requirements for a management company. A management company is required to be set up with the specific task of maintaining the drainage infrastructure installed on site until such a time that it is adopted by statutory undertaker or a NAV equivalent.

Condition 10 – Flood Risk Assessment

The details submitted to discharge Condition 10 are still under review. A letter will be issued in due course.

Condition 14 – Ecology

The details submitted to discharge Condition 14 are still under review. A letter will be issued in due course.

Condition 19 – Construction Environment Management Plan (CEMP)

Condition 19 reads as follows:

"*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*
- *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*

The approved scheme shall thereafter be operated throughout the construction period.
Reason: To ensure the surrounding road network in the interests of highway safety, and in the interests of the amenity of neighbouring residents, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan."

In support of the discharge of condition 19 the applicant has submitted:

- Construction and Environmental Management Plan (CEMP) For Kirklees Council (revised)

The CEMP initially submitted did not include assurances that deliveries would not take place in peak traffic hours or during local school opening/closing times. A revised CEMP was submitted however officers requested it be revised to remove the use of ambiguous language. The revised CEMP states that deliveries will be between the hours of 0900 and 1200hrs which is outside the peak traffic hours and not during local school opening/closing times referred to in the consultation response. Highways Development Management have therefore no objection to the discharge of this condition.

Note: This condition refers to footway construction details for the new footway which is also covered by condition 6. Condition 6 must still be discharged despite the discharge of condition 19.

Decision Notice Text

Conditions 8, 9 and 19 can be discharged.

Conditions 6, 10 and 14 must remain pending further assessment until further notice. On receipt of the appropriate information, a letter will be issued in due course.

Condition 6 – Footpath

The details submitted to discharge Condition 6 are still under review. On receipt of the appropriate information, a letter will be issued in due course.

Condition 8 – Bin Storage

In support of the discharge of condition 8 the applicant has submitted:

- Proposed Bin Storage Plans – Option A “23-023-SK11”

It is noted the applicant also submitted an option B however this was superseded.

The plan details a bin store outside each dwelling measuring 2.1x0.8m which would be timber clad. The bin store location for each dwelling is considered acceptable. A bin collection point is proposed adjacent to the access of the site with space for 5 bins. This is considered an appropriate location, in relation to both the highway and the proposed bin stores. It is noted that whilst there would be a large drag distance, this has been significantly reduced since the previous application to discharge condition 8 (2024/92267).

Condition 8 can therefore be discharged.

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In support of the discharge of condition 9 the applicant has submitted:

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The LLFA confirms acceptance of the submitted drainage calculations contained within the Flood Risk Assessment, V3 and the Drainage Maintenance & Management Plan, however, they recommend additional requirements are secured via a Section 106 agreement. Officers have reviewed this and as this information was not requested at the planning application stage, it would be unreasonable to request through this process. Therefore, Condition 9 can be discharged based on the details provided.

The applicant is however advised of the requirements for a management company. A management company is required to be set up with the specific

task of maintaining the drainage infrastructure installed on site until such a time that it is adopted by statutory undertaker or a NAV equivalent.

Condition 10 – Flood Risk Assessment

The details submitted to discharge Condition 10 are still under review. On receipt of appropriate satisfactory information, a letter will be issued in due course.

Condition 14 – Ecology

The details submitted to discharge Condition 14 are still under review. On receipt of appropriate satisfactory information, a letter will be issued in due course.

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Note: This condition refers to footway construction details for the new footway which is also covered by condition 6. Condition 6 must still be discharged despite the discharge of condition 19.