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: 01-Sep-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

Conditions 8, 9 and 19 have already been discharged under application 2024/93377.

<u>Condition 6 (footpath)</u>

Condition 6 reads as follows:

"*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. Reason: In the interest of highway safety and to accord with LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework. 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 6 the applicant has submitted:

- Section 278 Proposed Kerb Construction Layout And External Works Layout ref: "23066 - ARC - XX - XX - DR - C - 6200 - P3"
- Section 278 Proposed Levels, White Lining Details And Visibility Splay ref: "23066 - ARC - XX - XX - DR - C - 6201 - P1"
- 2 x Supporting letter from KC Highway Maintenance & Claims

KC Highways Development Management (HDM) have been consulted on the submitted information. The agent submitted details of a vehicular crossing which is required to gain access to the site trough the raised kerbing. To determine whether the proposals are acceptable, the applicant need to determine if the raised kerbing requires to be retained, otherwise the raised

kerbing will need to be shown to be removed, and a new footway provided as required by the condition.

The agent responded to KC HDM's comments outlining "*I am advised the existing footpath (retained) is 2.0m wide (see attached photos). The Trief kerbing is an important safety requirement given that the road/access is on a bend and slopes away downhill*." KC HDM agreed with this however they still requested further information regarding what the levels are currently behind the footway and whether or not the Trief kerbing is still needed.

Following these comments, the agent submitted an "External works proposed site levels. Ref: 23066 - ARC - XX - XX - DR - C - 6001 - P1' drawing. The levels on the submitted plan were not entirely clear however, KC HDM has attended the site visit and as there is a substantial level difference behind the footway, no objection was made to the discharge of condition 6.

Condition 6 can therefore be discharged at this time.

<u>Condition 10</u>

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

<u>Condition 14 – Ecology</u>

Condition 14 reads as follows:

"*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*
- *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. Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework."

In support of the discharge of condition 14 the following has been submitted:

- Proposed Site Plan ref: 23-023-SK03

The applicant's agent has also provided an email which confirms the following timetable for implementing the ecological enhancements which is as follows:

- Swift box - 8/10/25
- Bat box - 8/10/25
- Hedgehog holes - 15/09/25

KC Ecology have reviewed the information and are satisfied that the plan shows the appropriate location and design for swift box, bat boxes and hedgehog holes and details a timetable for their implementation. Condition 14 can therefore be discharged.

Decision Notice Text

Conditions 8, 9 and 19 have already been discharged under application 2024/93377.

Condition 6 and 14 can be discharged at this time.

Condition 10 is not discharged and must remain until such time as matters can satisfactorily be addressed.

<u>Condition 6 (footpath)</u>

In support of the discharge of condition 6 the applicant has submitted:

- Section 278 Proposed Kerb Construction Layout And External Works Layout ref: “23066 - ARC - XX - XX - DR - C - 6200 - P3”
- Section 278 Proposed Levels, White Lining Details And Visibility Splay ref: “23066 - ARC - XX - XX - DR - C - 6201 - P1”
- 2 x Supporting letter from KC Highway Maintenance & Claims
- External works proposed site levels. Ref: 23066 - ARC - XX - XX - DR - C - 6001 - P1

Following additional information, the highways officer has attended a site visit and as there is a substantial level difference behind the footway, Highways Development Management have no objection to the discharge of condition 6.

Condition 6 can therefore be discharged at this time.

<u>Condition 10</u>

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

<u>Condition 14 – Ecology</u>

In support of the discharge of condition 14 the applicant has submitted:

- Proposed Site Plan ref: 23-023-SK03

The applicant's agent has also provided an email which confirms the following timetable for implementing the ecological enhancements which is as follows:

- Swift box - 8/10/25
- Bat box - 8/10/25
- Hedgehog holes - 15/09/25

KC Ecology have reviewed the information and are satisfied that the plan shows the appropriate location and design for swift box, bat boxes and hedgehog holes and details a timetable for their implementation. Condition 14 can therefore be discharged.

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.

<u>Condition 9 – Drainage</u>

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.

<u>Condition 10 – Flood Risk Assessment</u>

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

<u>Condition 14 – Ecology</u>

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

<u>Condition 19 – Construction Environment Management Plan (CEMP)</u>

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.

<u>Condition 6 – Footpath</u>

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.

<u>Condition 8 – Bin Storage</u>

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.

Condition 9 – Drainage

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 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.

Condition 19 – Construction Environment Management Plan (CEMP)

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 this was 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 and 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.

Report Dated: 28/08/2025