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:	**2025/44/90314/W**
Site Address:	Rose And Crown Inn, 132, Knowl Road, Golcar, Huddersfield, HD7 4AN
Description:	Discharge of details reserved by conditions 3,4,5,6,7,8,9,10,11,12,13, 14,16,17,18,19,25,26 & 27 on previous permission 2024/90839 for erection of 7 Dwellings and associated infrastructure following partial demolition of existing Public House (within a Conservation Area)
Recommending Officer:	John Holmes

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: 18-Jun-2025

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2024/90839 and permission granted for dwellings and associated infrastructure following partial demolition of existing public house (within a Conservation Area)

This application under consideration seeks to discharge Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 25, 26 & 27 on previous permission 2024/90839.

Of relevance to the consideration of this application is a previous application for discharge of condition. Specifically, application 2024/93418 sought to discharge of details reserved by conditions 3-14, 16- 20, 25-28 on previous permission 2024/90839 and was subject to split decision.

ASSESSMENT

Condition 3

Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that contaminated land matters are fully addressed before works commence.*

To address this condition the following has been submitted:

- Remediation Statement by Ashton Bennett (January 2025, SDG 3608REM)

In relation to condition 3, the councils Environmental Health Team have been consulted, who have stated the following:

> *'The Phase II Ground Investigation highlighted the presence of elevated levels contaminants in soils across site. The remediation proposals are to use hardcover and clean cover to sever pollution pathways. The proposed cover system is the installation of a geotextile beneath all gardens and landscaped ground then laying of 600mm clean/uncontaminated soil in all gardens and landscaped areas. The authors propose that this will be verified in accordance with YALPAG guidance. There is no requirement for gas protection for this site. We have read the report provided and recommend that Condition 3 is discharged'*

Having regard to the response of the Council's Environmental Health Team, it is considered that condition 3 can be discharged on the basis of the submitted detail. It is therefore considered that this condition is satisfied and discharged.

Condition 4

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.*

This condition is required to be adhered to, in connection with condition 3. Given condition 3 is deemed discharged, it is considered condition 4 would be satisfied upon the scheme being carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 3.

Condition 5

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework*

No validation report has been received in support of the application in relation to the submitted remediation strategy. Therefore, condition 5 must remain in place.

Condition 6

No part of the development hereby approved shall be brought into use a scheme which details bin storage and collection points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include height and materials of the bin stores and the hard surfaced areas provided for the storage and collection of bins. Thereafter, the bin stores, storage areas and collection points shall be constructed in accordance with the approved scheme, made operational before the dwelling to which they relate is first occupied and shall be retained thereafter.
Reason: *To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Drawing 02RevE

Within a previous application for discharge of condition (application ref: 2024/93418), the Council's Highways Team were consulted regarding this condition, advising the following:

> *The collection points proposed for plots 1 and 2 should not obstruct parking spaces. No collection point is proposed for plot 3. This condition should not therefore be discharged.*

The previous comments of the Highways Team are noted. Notwithstanding the fact that further comments have not been received, it is considered the LPA is able to determine whether this condition can be discharged.

Within an email dated 20th March the agent confirms that bin collection points are as 'Point C' on the submitted plan and that the submitted plans demonstrate the road will be suitable for bin collections once the first house is occupied.

The submitted detail shown on drawing 02RevE is therefore considered to have addressed the reason condition 6 could not be discharged in the consideration of application 2024/93418 and it is recommended that this condition can now be discharged.

Condition 7

No part of the development hereby approved shall be brought into use until a scheme which sets out details of temporary waste collection arrangements to serve the occupants of the completed dwellings whilst the remaining site is under construction has been be submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall thereafter be retained until the development is completed.
Reason: *In the interests of highway safety, to accord with Policy LP24 part d (vi) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Drawing 02RevE

Within an email dated 20th March the agent confirms that bin collection points are as 'Point C' on the submitted plan and that the submitted plans demonstrate the road will be suitable for bin collections once the first house is occupied. On the proviso the waste storage arrangements are available from first occupation, it is considered the scheme set out within submitted drawing 02RevE is acceptable and sets out a suitable scheme to enable the discharge of this condition.

Condition 8

Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include pre-development road condition surveys (covering an area which has previously been agreed in writing with Local Planning Authority), a timetable of all works, and details of:

- *point(s) of access for construction traffic;*
- *construction vehicle sizes and routes;*
- *times of construction vehicle movements;*
- *parking for construction workers;*
- *signage;*
- *wheel washing facilities within the site;*
- *street sweeping;*
- *dust suppression measures;*
- *measures to control noise and vibration from construction-related activities;*
- *any artificial lighting to be used during construction; and*
- *hours of works*

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon substantial completion of the development and before occupation of the 6th dwelling on site, post-development road condition surveys and a schedule of remedial works, including a timetable for the works to be undertaken, shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out shall be carried out in accordance with the approved timetable thereafter.

Reason: *In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.*

To address this condition the following has been submitted:

- Document titled 'ENVIRONMENTAL CONSTRUCTION METHOD STATEMENT – Phase 1'
- Document titled 'ENVIRONMENTAL CONSTRUCTION METHOD STATEMENT – Phase 2'
- Drawing DOC03RevE
- Drawing DOC04RevA

The Councils Environmental Health Team were consulted regarding the submitted detail in relation to application 2024/93418, whereby they advised the following:

> *Further to our response dated the 12th of December 2024 a further document has been submitted titled: Environmental Construction Method Statement. Environmental Health only consider dust, noise, light and construction times in relation to residential amenity, the planner is advised to seek opinions of other interested consultees.*
>
> *The additional method statement confirms the construction times are within Kirklees standard hours.*
>
> *Construction related artificial light will only be to compound areas and will not be left on after hours of working. Security lighting will be via sensor together with CCTV to compound areas.*
>
> *Regarding dust control the additional document clarifies that Best Practicable Means and the controls listed within IAQM guidance are to be adopted.*
>
> *We accept the Environmental Construction Method Statement by Northern Design (Oldham), revised 18/12/202, condition 8 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.*

The Councils Highways Team have also been consulted, initially advising the following:

> *'1, Access for construction traffic and Parking for construction workers. The proposals utilise the existing forecourt to the former public house which is still shown on the plans (not demolished). Because of this only*

4 contractor parking spaces are shown with no internal space to allow construction traffic to load, unload and turn within the site.
The construction environmental management statement refers to a one way in one way out system. This is not shown on the plan.
2, Times of construction vehicle movements.
Given the proximity of Golcar Junior and Nursery school and the pedestrian route to the school via manor road to the west of the site, the timing of deliveries should avoid the peak drop off and pick up times for the school.
3 Street sweeping; No details are provided.
4, No pre-development road condition survey has been provided.

Given the above this condition should not be discharged.'

Following receipt of these comments, the following additional information was submitted:

- Drawing DOC03RevE
- Drawing DOC04RevA
- Revised Dilapidations Survey with further photos added.

Following review of the above information, the Highways Team confirmed, within an email dated 12th June, that they have no objection to the discharge of condition no.8.

Having regard to the submitted detail and response of consultees, it is considered that the submitted information sets out a scheme which is acceptable given the response of the Highways Team and this condition can now be discharged.

<u>Condition 9</u>

Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge method, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision shall be 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 an itinerary of maintenance tasks with schedules. 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 ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.*

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

The Lead Local Flood Authority (LLFA) have been consulted, within their response dated 21/03/25, they advise the following:

> *Condition 9: No new information addressing the LLFA's comments in the Consultation Response dated 20/02/2025 has been submitted, therefore the previous comments still apply.*
>
> ***NOTE**: The developer needs to address the LLFA's concerns set out in the Consultation Response dated 20/02/2025 that the various depth of sub-base below each of the permeable parking areas (to provide the required attenuation storage) have not been adequately noted on the drawings. This depth information will be required to be submitted to the LLFA – therefore, until this has been received, Condition 9 cannot be discharged.*
>
> *Condition 10: As noted in the Consultation Response dated 20/02/2025, no further information has been provided in response to the LLFA comments dated 28/01/2025. Therefore Condition 10 cannot be discharged.*
>
> *Condition 11: This has already been discharged.*

The response of 20/02/2025 they reference to (in relation to application 2024/93418) set out the following:

> *Condition 9: The LLFA confirms acceptance of the hydraulic calculations and the details shown on Sheet 1 of 2. However, it is noted that the detail entitled "Typical Permeable Surfacing" on Sheet 2 of 2 indicates a maximum depth of sub-base to be 0.35m.*
> *The Causeway calculations (1st sheet) indicate that the maximum water level at SPPIC2 (for example) for the critical 1 in 100 year (+CC) rainfall event is 211.355m*
> *The Causeway calculations (2nd sheet) indicate that the sub-base is being used for storage of attenuated surface water and the invert level at SPPIC2 (for example) is 210.842m. This gives a required depth of storage as 0.513m (211.355 – 210.842).*
> *The drawing 25-005-100, Proposed Drainage Arrangement Sheet 2 of 2, should be resubmitted and the "Typical Permeable Surfacing" note on Sheet 2 of 2 should state the actual maximum depth of sub-base needed at each permeable paving surface water storage area so that the Contractor installs the correct depth.*

> *Condition 9 cannot be discharged until drawing Sheet 2 of 2 is re-submitted with the required storage depth at each location noted on the drawing.*
>
> *Condition 10: No further information has been provided in response to the LLFA comments dated 28/01/2025. Therefore Condition 10 cannot be discharged.*

With regard to the response of 28/01 referred to within the above listed response of 20/02, with reference to condition no.10, the LLFA stated the following:

> *Condition 10: The flood routing is shown to flow onto third party land (Conservative Club). This is not generally accepted, and levels within the site should be adjusted where practicable to avoid/reduce flows offsite. Therefore Condition 10 cannot be discharged.*

Taking account of the response of the LLFA, it is considered that the developer must confirm the depth of the sewer by survey before this condition can be discharged. Whilst the LLFA confirms acceptance of the proposed surface water allowable discharge rate, the hydraulic calculations (subject to the confirmation of the sewer depth noted above) and the proposed Maintenance Schedules, they advise that the organisation that will be responsible for the maintenance of the surface water drainage (until adoption by the Statutory Authority) will need to be confirmed. Having regard to their response this condition cannot be discharged.

Condition 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), has 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.
Reason: *To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.*

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)

- Drainage Calculations (ref: 24248) dated 21st June 2024

The Lead Local Flood Authority have been consulted. Their responses are detailed in the section titled 'Condition 9' above. They set out, in their response of 28/01, that flood routing is shown to flow onto third party land (Conservative Club). This is not generally accepted, and levels within the site should be adjusted where practicable to avoid/reduce flows offsite.

Therefore, in the absence of further justification relating to why flows off site cannot be avoided, or a revised scheme which ensures this is the case, condition 10 cannot be discharged

Condition 11

Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall detail: - phasing of the development and phasing of temporary drainage provision. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. - the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed in writing with the LPA. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: *To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.*

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

The submitted scheme is considered acceptable by the LLFA to enable the discharge of this condition (as set out in their response detailed in Condition 9 section of this report). Taking account of the response of the LLFA it is recommended this condition is discharged.

Condition 12

Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls and building retaining walls adjacent to the proposed/ existing highway including any modifications to the existing retaining wall supporting Knowl Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: *This is a pre-commencement condition to ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Drawing titled DOC 05

The Council's Highways Structures Team has been consulted, and have advised as follows:

> *Further to your e-mail (enclosed) and the sectional details provided on drawing no DOC 05 (project no 2402), I would like to confirm that due to the minimal retained height of the existing private retaining wall abutting the above site, the proposed alterations to this wall will not require a formal technical approval and as such I can advise our Planning Service that Panning condition 12 can now be discharged.*

Taking account of the response of the response of the Highways Structures Team, it is considered sufficient information to satisfactorily address this condition has been submitted and it can be discharged.

Condition 13

Prior to the commencement of development (including ground works), a scheme detailing all new surface water attenuation tanks, pipes and manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify locations of the features and shall include cross-sectional information together with the proposed designs and construction details. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.
Reason: *To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.*

To address this condition the following has been submitted:

- Confirmation by email dated 12th March 2025 confirming the access is not intended to be adopted.
- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

Taking account of the submitted detail and fact the access is confirmed as being intended to remain unadopted (and requirements of such a process were the road to be put up for adoption, including the associated drainage), it is considered the submitted information satisfies the requirement of this condition and therefore can be discharged.

Condition 14

Prior to the commencement of development (including ground works), a scheme detailing the proposed internal adoptable roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of this work. No part of the development shall be brought into use until the internal adoptable roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.
Reason: *In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.*

To address this condition the following has been submitted:

- Confirmation by email dated 12th March 2025 confirming the access is not intended to be adopted.

- Drawing titled 'Proposed Contours' ref 0002RevA Drawing title 'Long Sections' ref: 0003
- Drawing titled 'Kerbing and Surfacing' ref: 0001RevA
- Drawing titled 'Cross Sections' ref: 0004
- Drawing titled ‘Typical Sections’ ref 0005
- Drawing titled ‘Bus Shelter Detail’ ref 0006
- Drawing titled ‘Site Plan’ ref 0007
- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Drawing 02RevE

The most recently submitted information was received 23rd May 2025. Within an email dated 12th June 2025 the Highways Team confirm that the scheme as submitted cannot be considered to satisfy the requirement of this condition on the basis of the following:

- The scheme does not show the existing or proposed highway boundary.
- No road safety audit documentation has been provided
- Unclear whether pedestrians would have to enter private land to be able to cross the bellmouth safely.
- The ‘Kerbs and Surfacing’ drawing does not show tactile paving to the proposed pedestrian crossing point, even though this is required by the CDM regulations.
- The revised plans show the proposed bus shelter outside the visibility splay, a road safety audit about the location of the bus stop and shelter is required to enable an informed decision and fully assess this aspect of the scheme.

On this basis the Highways Team confirm this condition cannot be discharged.
It is considered that, given the response of the Highways Team conditions 14 and 17 cannot be discharged and must remain in place.

<u>Condition 16</u>

Development shall not commence until a scheme of measures to promote carbon reduction and enhance resilience to climate change as part of the fabric and design of dwellings and energy sources has been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to, the provision of one electric vehicle recharging point within the dedicated parking space for each dwelling. The development shall be constructed in accordance with the approved scheme and retained thereafter.
Reason: *This is a pre commencement condition to ensure measures to promote carbon reduction and enhance resilience to climate change and accord with the Council’s adopted target for achieving ‘net zero’ carbon emissions by 2038, Policies LP24 and LP51 of the Kirklees Local Plan,*

Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

To address this condition the following has been submitted:

- Renewable Energy Statement dated 'December 2024 / Revised January 2025'
- Drawing 02RevE
- Drawing 04RevE
- Drawing 07RevC
- Drawing 06RevC
- Drawing 05RevC
- Drawing 08RevE

The statement sets out that:

The total primary energy consumption therefore in kWh/year TOTAL 63,575 The total of renewable energy therefore that this development will targeting to provide is 6,357.5 kWh/year.

The submitted statement sets out that solar panels would be fitted to all dwellings to a suitable design. It is noted that permitted development rights for the installation of renewable energy were not removed as a condition of any approval and installation of such panels upon substantial completion of the roof(s) of the buildings could be undertaken in any event. It is considered installation of solar panels is a viable option to ensure a reduction in emissions as a result of the development.

During the consideration of the previous application to discharge condition no.16, the following was stated in relation to use of solar panels:

> *'the specific location, type and design of the renewable energy measures (solar panels) is not included in the submitted scheme. It is considered this detail is required to enable the discharge of this condition. Therefore it is considered this condition cannot be discharged. In addition details of energy saving measures as part of the fabric and design of the dwellings (such as use of low energy lightbulbs, additional insulation measures where appropriate) has not been included as part of the submitted scheme. This information is required to be provided as part of the scheme.*

The submitted scheme sets out that low energy light bulbs and higher insulation measures would form part of the scheme to discharge of condition 16. In addition, elevation plans are submitted as part of the scheme which demonstrate the use of solar panels to the dwellings, and these are to the less prominent roof slopes. An electric vehicle charging point appears to be indicated upon submitted drawing 02RevE. It is recommended that any discharge of condition explicitly states it is on the basis that an electric vehicle

charging point is in situ upon each dwelling in the location annotated ‘ECP’ upon submitted drawing 02RevE.

As such, taking account the extent of the submitted detail it is considered the submitted scheme to discharge condition no.16 is acceptable and can be discharged.

Condition 17

Development shall not commence until a detailed scheme for the provision of a minimum 2.0m wide footway to the full site frontage and the re-siting of the existing bus shelter to the rear of the visibility splay with associated signing and white lining has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audits covering all aspects of the work. The approved scheme shall be completed before the occupation of the first dwelling on site.
Reason: *This is a pre-commencement condition in the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

As set out in the assessment of condition no.14, this condition is required to remain in place and cannot be discharged.

Condition 18

Development shall not commence until a scheme which details measures to prevent and deter crime and anti-social behaviour within the site and individual dwellings has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of windows overlooking publicly-accessible areas, details of boundary treatments, external lighting, landscaping and the security measures for any garages or sheds. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.
Reason: *This is a pre commencement condition required to minimise the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Annotation upon submitted drawing 02RevE stating ‘all dwellings to be pass 24 compliant CCTV fitted to all properties with separate camera to cover common areas’

West Yorkshire Police have been consulted and have advised this condition cannot be discharged as there is no detail relating to a security plan / scheme for the development.

Given the extent of the detail provided, the fact it now demonstrates specifics in relation to door and window specifications, and the content of the response of the West Yorkshire Police in terms of CCTV being likely a householder decision (as well as the annotation on the plans in relation to where the CCTV would cover), it is considered that on the basis of the submitted scheme this condition can be discharged.

<u>Condition 19</u>

The development shall not be brought into use until a scheme which details the positioning and location of a Bat box (Schwegler 1WI Bat Box or similar) has been submitted to, and approved in writing by, the local authority. The development shall not be brought into use until the approved scheme has been completed to the relevant part to which it relates and which shall be retained thereafter.
***Reason**: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Annotation upon submitted drawing 02RevE stating ‘bat boxes fitted to gables of new dwellings to be shwegler 1fth and bat boxes fitted to new trees to be shwegler 1ff’

The ‘positioning and location of a Bat box’ is an information requirement of the condition. Specifically, where the box will be sited upon the dwelling is not detailed, and it is considered this is required to ensure it is at a height and design which is acceptable. In this case, given the extent of the information provided in both this and the previous application to discharge the condition, it is considered appropriate to discharge the condition on the proviso any bat box is a minimum 3m in height above ground level. Given the scheme details

the amount of bat boxes (to each gable and to each new tree), it is considered the submitted scheme is acceptable to discharge condition no.19.

Condition 20

The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
***Reason**: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Drawing 02RevE.

The submitted scheme sets out a spread of planting, use of native species and all areas which would be hard landscaped. It is considered the submitted scheme is proportionate in terms of its amount proposed and the level of hard surfacing which would be incorporated. Furthermore, hard surfaced specific materials are to be addressed by condition 25. The submitted plan sets out that areas are to be planted in planting season following completion of the adjacent building areas.

It is therefore considered the submitted scheme satisfies condition 20 and it can be discharged. It is a requirement of this condition that the development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Condition 25

Development shall not commence until a scheme which details all external materials of construction has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include i) gutter and downpipe profiles, design and colour; ii) details of stone materials to be used in the construction of the dwellings; iii) details of pointing material, design and colour finish; iv) details of materials of construction to the roof; v) materials of construction and treatment of all external hard surfaced areas and vi) materials of construction of all boundary treatments. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The external materials of construction approved by this condition shall be thereafter retained.
***Reason**: This is a pre commencement condition required to preserve the setting of the Conservation Area and in the interests of Visual Amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan, principles within the Housebuilders Design Guide and policies within Chapters 12 and 15 of the National Planning Policy Framework.*

To address this condition the following has been submitted:

- Document titled 'Schedule of Materials'
- Drawing 02RevE
- Drawing 04RevE
- Drawing 07RevC
- Drawing 06RevC
- Drawing 05RevC
- Drawing 08RevE

Within their consultation response, the Conservation and Design Team have stated they have no objection to the proposed scheme submitted for the discharge of condition 25.

The information requirements of this condition have been satisfied by the submitted detail and it is considered that, taking account of the response of the Conservation and Design Team and the fact the scheme submitted as part of this application has addressed the areas of concern which saw this condition unable to be discharged as part of the previous application (ref: 2024/90839) the scheme submitted is a satisfactory scheme which is acceptable for the discharge of this condition.

It is considered that the submitted scheme sets out details which have an acceptable impact that preserves the setting of the Conservation Area in

accordance with policies LP24 and LP35 of the Kirklees Local Plan. It is therefore considered this condition can be discharged.

Condition 26

Development shall not commence until a scheme which details all windows and doors has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include 1:20 window and door elevations and 1:5 joinery details as well as materials of construction and colour finish. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The window and door details approved by this condition shall be thereafter retained.
***Reason**: This is a pre commencement condition required to preserve the setting of the Conservation Area and in the interests of Visual Amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan, principles within the Housebuilders Design Guide and policies within Chapters 12 and 15 of the National Planning Policy Framework.*

You have submitted the following:

- Drawing DOC4RevA

The information requirements of this condition (1:20 window and door elevations and 1:5 joinery details as well as materials of construction and colour finish) is considered to have been satisfied by the submission of this drawing. In addition, the materials are shown as being painted softwood, timber door and aluminium door. The Conservation Team have confirmed they consider the submitted scheme to be acceptable.

Taking account of the submitted scheme and response of the Conservation Team it is considered this condition can be discharged.

Condition 27

Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The scheme shall thereafter be retained and maintained for the lifetime of the development.
***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.*

To address this condition the following has been submitted:

- Drawing 02RevE

The submitted drawing includes a number of annotations, and within the key, states is of a 1.8m high close boarded fence. Post and rail fencing with hedgerow planting is proposed to the front of plot 3, in addition this would be the boundary treatment adjacent to the parking space of plot 1.

The boundary treatment around the parking areas for plot 3 is intended to be 1.8m high fencing. It is also proposed for the fencing to be erected between plots 5 and 6.

Given the prominence of the boundary treatment for plot no.3, it is considered a more permanent boundary type would be appropriate, such as a 1.8m high wall. In the consideration of the previous application for the discharge of condition no.27 it was considered that 'Should a higher boundary treatment over 1m in height be intended for the parking area around the parking area serving plot 3 it is considered this should also be a more permanent boundary.' It is recommended any discharge of condition 27 is on the basis the boundary treatment to the side and rear of the parking area serving plot no.3 is a 1.2m high stone wall with 0.6m fence above. On the basis this is the boundary treatment to this part of the site it is considered this element of the boundary treatments would be acceptable.

A 1.2m high stone wall is shown to the front of plot no.7, as well as to the rear of plot no.4. with a 0.6m high fence above. This is considered to be a suitable boundary treatment in this case. This is also shown for the majority of the boundary between plot 2 and 3.

At present, the current boundary treatments as set out in this drawing are not considered to be acceptable however subject to the requirement in relation to the boundary treatment to the side and rear of the parking area to serve plot no.3 being a 1.2m high stone wall with 0.6m high fence above, it is considered this condition can be discharged on such a basis.

Conclusion

It is recommended a split decision is issued, discharging conditions 3, 4, 6, 7, 8, 11, 12, 13, 16, 18, 19, 25, 26 & 27 and which confirms conditions 5, 9, 10,14 and 17 remain and are not discharged.

DECISION LETTER TEXT

<u>Condition 3</u>

To address this condition the following has been submitted:

- Remediation Statement by Ashton Bennett (January 2025, SDG 3608REM)

On the basis of the submitted scheme this condition is satisfied and discharged.

Condition 4

This condition is required to be adhered to, in connection with condition 3. Given condition 3 is discharged, it is considered condition 4 would be satisfied upon the scheme being carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 3.

Condition 5

No validation report has been received in support of the application in relation to the submitted remediation strategy. Therefore condition 5 cannot be discharged and must remain in place.

Condition 6

To address this condition the following has been submitted:

- Drawing 02RevE

The submitted scheme is demonstrating an acceptable scheme of waste storage and collection arrangements. This condition can therefore be discharged. It is a requirement of this condition that the bin stores, storage areas and collection points be constructed in accordance with the approved scheme, made operational before the dwelling to which they relate is first occupied, and shall be retained thereafter.

Condition 7

To address this condition the following has been submitted:

- Drawing 02RevE

The submitted scheme is demonstrating an acceptable scheme of temporary waste storage and collection arrangements. This condition can therefore be discharged. It is a requirement of this condition that the scheme is implemented and adhered to for the duration of the construction phase.

Condition 8

To address this condition the following has been submitted:

- Document titled ‘ENVIRONMENTAL CONSTRUCTION METHOD STATEMENT – Phase 1’

- Document titled ‘ENVIRONMENTAL CONSTRUCTION METHOD STATEMENT – Phase 2’
- Drawing DOC03RevE
- Drawing DOC04RevA

The submitted details are considered acceptable. Condition 8 can therefore be discharged. It is an ongoing requirement of the condition that the development is carried out strictly in accordance with the C(E)MP and adhered to throughout the period of construction. Any amendments to these details shall not take place without the prior written consent of the Local Planning Authority.

<u>Condition 9</u>

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

The Lead Local Flood Authority (LLFA) have been consulted, advising (on 21/03/25) the following:

> *Condition 9: No new information addressing the LLFA’s comments in the Consultation Response dated 20/02/2025 has been submitted, therefore the previous comments still apply.*
>
> ***NOTE**: The developer needs to address the LLFA’s concerns set out in the Consultation Response dated 20/02/2025 that the various depth of sub-base below each of the permeable parking areas (to provide the required attenuation storage) have not been adequately noted on the drawings. This depth information will be required to be submitted to the LLFA – therefore, until this has been received, Condition 9 cannot be discharged.*
>
> *Condition 10: As noted in the Consultation Response dated 20/02/2025, no further information has been provided in response to the LLFA comments dated 28/01/2025. Therefore Condition 10 cannot be discharged.*
>
> *Condition 11: This has already been discharged.*

The response of 20/02/2025 they reference to (in relation to application 2024/93418) sets out the following:

> *Condition 9: The LLFA confirms acceptance of the hydraulic calculations and the details shown on Sheet 1 of 2. However, it is noted*

that the detail entitled "Typical Permeable Surfacing" on Sheet 2 of 2 indicates a maximum depth of sub-base to be 0.35m.
The Causeway calculations (1st sheet) indicate that the maximum water level at SPPIC2 (for example) for the critical 1 in 100 year (+CC) rainfall event is 211.355m
The Causeway calculations (2nd sheet) indicate that the sub-base is being used for storage of attenuated surface water and the invert level at SPPIC2 (for example) is 210.842m. This gives a required depth of storage as 0.513m (211.355 – 210.842).
The drawing 25-005-100, Proposed Drainage Arrangement Sheet 2 of 2, should be resubmitted and the "Typical Permeable Surfacing" note on Sheet 2 of 2 should state the actual maximum depth of sub-base needed at each permeable paving surface water storage area so that the Contractor installs the correct depth.
Condition 9 cannot be discharged until drawing Sheet 2 of 2 is re-submitted with the required storage depth at each location noted on the drawing.

Condition 10: No further information has been provided in response to the LLFA comments dated 28/01/2025. Therefore Condition 10 cannot be discharged.

With regard to the response of 28/01 referred to within the above listed response of 20/02, with reference to condition no.10, the LLFA state the following:

Condition 10: The flood routing is shown to flow onto third party land (Conservative Club). This is not generally accepted, and levels within the site should be adjusted where practicable to avoid/reduce flows offsite. Therefore Condition 10 cannot be discharged.

Taking account of the response of the LLFA, it is considered that the developer must confirm the depth of the sewer by survey before this condition can be discharged. Whilst the LLFA confirms acceptance of the proposed surface water allowable discharge rate, the hydraulic calculations (subject to the confirmation of the sewer depth noted above) and the proposed Maintenance Schedules, they advise that the organisation that will be responsible for the maintenance of the surface water drainage (until adoption by the Statutory Authority) will need to be confirmed. Having regard to their response this condition <u>cannot</u> be discharged.

Information which is received within 21 days of the date of this letter, in relation to this condition can be considered under this application.

<u>Condition 10</u>

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)

- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

In the absence of further justification relating to why flows off site cannot be avoided, or a revised scheme which ensures this is the case is provided, condition 10 cannot be discharged

Information which is received within 21 days of the date of this letter, in relation to this condition can be considered under this application.

Condition 11

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

The submitted scheme is acceptable to enable the discharge of this condition. It is a requirement of this condition that the approved temporary drainage scheme be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

Condition 12

To address this condition the following has been submitted:

- Drawing titled DOC 05

Taking account of the response of the response of the Highways Structures Team it is considered sufficient information to satisfactorily address this condition has been submitted and this condition is therefore discharged.

Condition 13

To address this condition the following has been submitted:

- Confirmation by email dated 12th March 2025 confirming the access is not intended to be adopted.

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

Taking account of the submitted detail and fact the access is confirmed as being intended to remain unadopted (and requirements of such a process were the road to be put up for adoption, including the associated drainage), it

is considered the submitted information satisfies the requirement of this condition that this condition is therefore recommended to be discharged.

Condition 14

To address this condition the following has been submitted:

- Drawing titled 'Proposed Contours' ref 0002RevA Drawing title 'Long Sections' ref: 0003
- Drawing titled 'Kerbing and Surfacing' ref: 0001RevA
- Drawing titled 'Cross Sections' ref: 0004
- Drawing titled ‘Typical Sections’ ref 0005
- Drawing titled ‘Bus Shelter Detail’ ref 0006
- Drawing titled ‘Site Plan’ ref 0007
- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Drawing 02RevE

The most recently submitted information was received 23rd May 2025. Within an email dated 12th June the Highways Team confirm that the scheme as submitted cannot be considered to satisfy the requirement of this condition on the basis of the following:

- The scheme does not show the existing or proposed highway boundary.
- No road safety audit documentation has been provided
- The details submitted are unclear as to whether pedestrians would have to enter private land to be able to cross the Bellmouth safely.
- The ‘Kerbs and Surfacing’ drawing does not show tactile paving to the proposed pedestrian crossing point, even though this is required by the CDM regulations.
- The revised plans show the proposed bus shelter outside the visibility splay. A road safety audit in regards to the location of the bus stop and shelter is required to enable an informed decision and fully assess this aspect of the scheme.

On this basis the Highways Team confirm this condition cannot be discharged. It is concluded that, given the response of the Highways Team, conditions 14 and 17 are required to remain in place.

Information which is received within 21 days of the date of this letter, in relation to this condition can be considered under this application.

Condition 16

You have submitted:

- Renewable Energy Statement dated ‘December 2024 / Revised January 2025’
- Drawing 02RevE
- Drawings 07revB, 08RevD, 06RevB, 05RevB & 04RevD detailing elevations.

Taking account the extent of the submitted details, it is considered the submitted scheme to discharge condition no.16 is acceptable and this condition can be discharged. The development shall be constructed in accordance with the approved scheme and retained thereafter

Please note, this is on the basis that an electric vehicle charging point appears to be indicated upon submitted drawing 02RevE. The discharge of this condition is on the basis the an electric vehicle charging point is in place upon each dwelling in the location annotated ‘ECP’ upon submitted drawing 02RevE.

Condition 17

As set out in the assessment of condition no.14, this condition is required to remain in place and cannot be discharged.

Information which is received within 21 days of the date of this letter, in relation to this condition can be considered under this application.

Condition 18

To address this condition the following has been submitted:

- Annotations upon submitted drawing 02RevE stating

On the basis of the submitted details, this condition is discharged. However, it is a requirement of this condition that it is completed prior to the development being brought into use.

Condition 19

To address this condition the following has been submitted:

- Annotation upon submitted drawing 02RevE stating ‘bat boxes fitted to gables of new dwellings to be shwegler 1fth and bat boxes fitted to new trees to be shwegler 1ff’

The submitted scheme is considered acceptable and condition 19 is discharged on the basis that all new bat boxes are a minimum 3m in height above ground level. It is a requirement of this condition that the scheme is implemented prior to the development being brought into use.

Condition 20

To address this condition the following has been submitted:

- Drawing 02RevE.

The submitted scheme satisfies condition 20 and this condition is discharged. It is a requirement of this condition that the development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Condition 25

To address this condition the following has been submitted:

- Document titled ‘Schedule of Materials’
- Drawing 04RevE
- Drawing 07RevC
- Drawing 06RevC
- Drawing 05RevC
- Drawing 08RevE

The submitted scheme is acceptable and this condition 25 is therefore discharged. It is an ongoing requirement of this condition that no dwelling be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The external materials of construction approved by this condition shall be thereafter retained.

Condition 26

You have submitted the following:

- Drawing DOC4RevA

The scheme contained within the submitted drawing is considered acceptable and condition 26 is discharged on the basis of the scheme detailed within this drawing. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The window and door details approved by this condition shall be thereafter retained.

Condition 27

You have submitted the following:

- Drawing no.02 RevE

On the basis the boundary treatment to the side and rear of the parking area to serve plot no.3 is a 1.2m high stone wall with 0.6m high fence above, it is considered condition 27 can be discharged. There is an ongoing requirement the scheme is undertaken prior to the use of the dwelling to which the boundary treatment relates is brought into use and that it is thereafter retained.