

**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:	2025/44/91052/E
Site Address:	Shawcross 170, Churwell Vale, Shawcross Business Park, Dewsbury, WF12 7RD
Description:	Discharge of details reserved by conditions 13 (parking and access), 14 (cycle shelters), 15 (EVC points) on previous permission 2023/93486 for reconfiguration of building, re-orientation of car-parking and service yard, erection of a noise barrier and external alterations at Shawcross 170, Churwell Vale, Shawcross Business Park, Dewsbury, WF12 7RD
Recommending Officer:	Nina Sayers

DECISION – Discharge of Condition – Refuse

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 13-Jun-2025

Officer Report

Reference – 2025/91052

Site address – Shawcross 170, Churwell Vale, Shawcross Business Park, Dewsbury, WF12 7RD

Proposal – Discharge of details reserved by conditions 13 (parking and access), 14 (cycle shelters), 15 (EVC points) on previous permission 2023/93486 for reconfiguration of building, re-orientation of car-parking and service yard, erection of a noise barrier and external alterations

Assessment

Condition 13 – Parking and Access

“13. The development hereby approved shall not be occupied until all areas indicated to be access and parking areas are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency’s ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.”

The applicant has provided the document titled ‘Condition 13 - Photographic Evidence of Parking and Access’ pursuant to condition 13. This document includes images of the access points and parking areas although this is not depicted on a site plan to demonstrate the extent of area nor does it include details of the surfacing, as required by condition 13.

The submitted information, while providing some comfort that the parking has been laid out per the condition’s requirements, is not comprehensive nor conclusive.

Nevertheless, it should be noted that condition 13 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise.

Condition 14 – Travel Plan

“14. Within the first 3 months of the final unit of the development being occupied, a Full Travel Plan shall be submitted to and approved in writing by the LPA for each of the units. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- *contact details for the travel plan coordinator*
- *the provision of bus/train information;*
- *membership of the WYCA Travel Plan Network*
- *car sharing facilities*
- *the introduction of working practices to reduce travel demand and*
- *the provision of on site cycle facilities and information.*

The Travel Plan will include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the LPA.”

Pursuant to condition 14, the applicant has submitted:

- Cover Letter – Batch 3 dated 1st April 2025
- ‘Condition 15 - Photographic Evidence of Cycle Shelters’

The applicant has provided details of the provision of onsite cycle facilities including the location of adequate covered and secure cycle parking which is supported by officers.

However, the submitted information fails to provide:

- contact details for the travel plan coordinator
- the provision of bus/train information;
- membership of the WYCA Travel Plan Network
- car sharing facilities – this is mentioned within the submitted cover letter however it outlines that there will not be car sharing facilities. Car sharing facilities should be provided and outlined within the full travel plan.
- the introduction of working practices to reduce travel demand

The cover letter refers to specific details and information included within the Travel Plan submitted alongside the full application (ref: 2023_11_22_31201_Issue_v1.1). This framework travel plan was carefully assessed and considered by KC Highways during the course of the application. As detailed within KC Highways consultation response on the initial application, this framework travel plan was acceptable but lacked sufficient detail to be a final Travel Plan. Condition 14 requires the submission of a full (occupier) travel plan which has not been submitted with this application.

Condition 14 must therefore remain and cannot be discharged at this time.

Condition 15 – Electric Vehicle Charging Point

“Prior to the development being brought into use, electric vehicle recharging points shall be installed. The scheme shall meet at least the following minimum standard for numbers and power output:

- *A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for 10% of the total parking spaces at the premises.*

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.”

Pursuant to condition 15, the applicant has provided the documents titled:

- ‘Condition 15 - Photographic Evidence of Cycle Shelters’
- ‘Condition 15 - Photographic Evidence of Electrical Vehicle Charging Points’
- Cover Letter – Batch 3 dated 1st April 2025

The photographs of cycle shelters are not relevant to this condition.

The submitted cover letter refers to a Site Layout ref: 1111-EA-A-P004B which has not been submitted with this application. It also details that there would be 18 electrical vehicle charging points on the site which meets the 10% minimum standard and also confirms the charging points would supply at least 16A (3.5kW).

The above details appear satisfactory for the purposes of condition 15. However, it should be noted that condition 15 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise.

Recommendation: Refused

Report Dated: 22/05/2025

Proposed Letter Text

Condition 13 – Parking and Access

You have submitted the document titled ‘Condition 13 - Photographic Evidence of Parking and Access’ pursuant to condition 13. This document includes images of the access points and parking areas although this is not depicted on a site plan to demonstrate the extent of area nor does it include details of the surfacing, as required by condition 13.

Condition 13 is a prescriptive condition which does not need to be discharged. It does not require that any details be provided, to demonstrate compliance or otherwise. It simply sets a required standard. It therefore cannot be discharged.

Furthermore, and notwithstanding the above comments, based on the details provided, officers have insufficient evidence to say that the condition's requirement has been adhered to.

Condition 14 – Travel Plan

Pursuant to condition 14, you have submitted:

- Cover Letter – Batch 3 dated 1st April 2025
- 'Condition 15 - Photographic Evidence of Cycle Shelters'

The submitted information is inadequate, and fails to comply with the requirements of condition 14. Of note, condition 14 includes the following requirements:

- contact details for the travel plan coordinator
- the provision of bus/train information;
- membership of the WYCA Travel Plan Network
- car sharing facilities – this is mentioned within the submitted cover letter however it outlines that there will not be car sharing facilities. Car sharing facilities should be provided and outlined within the full travel plan.
- the introduction of working practices to reduce travel demand

The cover letter refers to specific details and information included within the Travel Plan submitted alongside the full application (ref: 2023_11_22_31201_Issue_v1.1).

That document was assessed at application stage and identified as a framework travel plan. While that was adequate for determining the application, condition 14 requires a full and specific detailed travel plan, which has not been submitted with this application.

Condition 14 must therefore remain and cannot be discharged at this time.

Condition 15 – Electric Vehicle Charging Points

Pursuant to condition 15, the applicant has provided the documents titled:

- 'Condition 15 - Photographic Evidence of Cycle Shelters'
- 'Condition 15 - Photographic Evidence of Electrical Vehicle Charging Points'
- Cover Letter – Batch 3 dated 1st April 2025

The photographs of cycle shelters are not relevant to this condition.

The submitted cover letter refers to a Site Layout ref: 1111-EA-A-P004B which has not been submitted with this application. It also details that there would be 18 electrical vehicle charging points on the site which meets the 10% minimum

standard and also confirms the charging points would supply at least 16A (3.5kW).

These above details appear satisfactory for the requirement of condition 15 and demonstrate compliance with the condition.

Notwithstanding the above, it should be noted that condition 15 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise, and therefore cannot be discharged.