

**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: 2018/44/92952/W

Site Address: Land to rear of, 52 and 54, Mountjoy Road, Edgerton,
Huddersfield, HD1 5QQ

Description: Discharge conditions 7 (boundary) and 8 (landscape)
on previous permission 2017/91310 for variation of
condition 2 (Plans) on previous permission
2016/94309 for erection of one dwelling and
associated landscaping

Recommending Officer: John Ritchie

DECISION – Approve Discharge of Conditions

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

Neil Bearcroft

AUTHORISED OFFICER

Date: 25-Jan-2019

2018/92952 Officer Report

This application relates to planning permission for the erection of a dwelling at the rear of 52 & 54 Mountjoy Road, Edgerton – 2017/91310. That permission was a variation of previous planning permission 2016/94309 to cover alterations to the building.

The application seeks to discharge conditions as follows:

7. Notwithstanding the approved plans, and prior to the occupation of the dwelling hereby approved, a scheme detailing the hard boundary treatment of the whole site, which shall not exceed 1.8 metres in height, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the works comprising the approved scheme have been completed and thereafter retained.

Reason: *In the interests of visual and residential amenity, to ensure that suitable boundary treatment is in place to protect the amenities of existing occupiers and future occupiers in advance of the soft landscape proposals becoming established and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and guidance contained in Chapter 11 of the National Planning Policy Framework.*

Assessment

The proposed boundary treatment is as follows:

- 1.8 metre high close boarded boundary fence on all four boundaries except the entrance which will be a 1.8 metre high stone wall.

The site has been levelled with a drop close to the boundary of 7 Cedar Mount. The officer's report at planning application stage made no reference to any specific issues of visual amenity to be addressed by the boundary treatment. The proposals are acceptable in this respect.

In terms of residential amenity the report noted that given the slight shortfall between habitable rooms in the proposed dwelling and 7 Cedar Mount and the agreed finished floor level of the proposed dwelling a 1.8 metre high fence would be acceptable on this boundary. In addition the proposals show a line of silver birch trees set back from the boundary and a hedge between those and the proposed fence along the boundary to no 7 Cedar Mount. It has been agreed that the trees will be planted at the crest of the slope for maximum effect.

Concerns have previously been expressed from a member of the public regarding levels on the site and possible loss of privacy. This is being monitored.

The case officer's report at planning application stage noted that privacy distances were attained to other properties therefore the combination of hedge and fence is acceptable subject to revisions to the boundary treatment at the entrance to Mountjoy Road in the interests of highway visibility.

The condition relates to hard boundary treatment and the reason states that it is required to protect the amenities of existing and future occupiers in advance of the soft landscaping proposals becoming established. A soft landscaping plan was approved as part of the planning permission. This differs from the current proposal in that the hedges were less extensive, there was additional tree planting but none on the boundary to no 7 Cedar Mount.

The submitted plan shows the proposed dwelling in its subsequently approved footprint rather than the smaller form agreed under application 2017/91310. This is a drafting error which does not prejudice consideration of the proposals.

8. Prior to the occupation of the dwelling hereby approved a phasing plan for the hereby approved landscape proposals and biodiversity mitigation/enhancement measures as shown on drawing no. 14036-P30 rev F. shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan. The approved landscaping proposals 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.

Reason: *In the interests of visual amenity and to promote biodiversity and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and guidance contained in Chapter 11 of the National Planning Policy Framework.*

Assessment

The submitted details state the timing of the landscaping, its maintenance period and replacement arrangements. The timing of provision of the bat and bird boxes are agreed in condition 7 of the planning permission.

Decision text

Condition 7 (Landscaping)

You have submitted drawing no 14036-P75 revision G Site Plan Proposed Stone Pool Enclosure. This shows the proposed dwelling in its larger footprint approved under a subsequent planning permission rather than the smaller form agreed under application 2017/91310.

The proposals shown on

- Drawing no 14036-P75 revision G,
- Drawing no 14036-P78 rev A Tree Planting Proposed

Together with the additional tree planting shown on drawing no 14036-P30 rev F these details are acceptable for the purposes of condition 7 on the

understanding that the proposed trees shown on drawing no 14036-P78 rev A are planted at the highest point of the garden before levels slope down to the joint boundary with no 7 Cedar Mount.

In the interests of highway / pedestrian visibility the proposed wall on the boundaries of the access road between the back pavement edge of Mountjoy Road and the proposed gates on the access drive are required to be a maximum of one metre in height.

Condition 8 (Phasing)

You have submitted a landscaping phasing plan received on 14 January 2019. This, together with the requirements of condition 7 of approved planning application 2017/91310 is acceptable for the purposes of condition 8.

Report Dated:

25 January 2019
