

**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: 2019/44/90514/W

Site Address: Land at Edgerton Road, Huddersfield, HD3 3AA

Description: Discharge of conditions 8 (landscape and ecological management plan) and 9 (woodland walk method statement) of previous application 2017/90190 for reserved matters application pursuant to outline permission 2014/93014 for erection of residential development comprising of 41 dwellings plus associated works (within a Conservation Area)

Recommending Officer: Bill Topping

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.

Victor Grayson

AUTHORISED OFFICER

Date: 12-Jun-2020

OFFICER REPORT

Site Description

The application relates to a large open site of approximately 3 hectares. It partly fronts Edgerton Road to the south. The western boundary abuts a public footpath alongside the large grounds of 18-20 Edgerton Road (HUD/345/20). The northern boundary is marked by Clayton Dyke with woodland along its banks and Council-owned allotments to the north. This boundary does not follow the current channel of the Dyke but meanders across it. The southeastern and east boundaries of the site abut dwellings off Queens Road and Deveron Grove.

The site lies within the Edgerton Conservation Area and there are listed buildings close to the site.

The site contains sporadic woodland and individual trees, most notably along the Dyke, which are protected by specific preservation orders as well as by virtue of their location in the conservation area.

Public footpath HUD/345/20 runs alongside the western boundary but the site boundary does not include its route. Nevertheless it is understood that there has been public access into and across the site for some years and the Council's Public Rights of Way Section are currently considering public claims for these routes.

Proposal

The current application seeks to discharge the following conditions of the Reserved Matters approval 2017/90190:

- 8) Landscape and Ecological Management Plan, and
- 9) Construction Method Statement for the woodland walk

Relevant Planning Policy

The site has planning permission for housing and is allocated for housing in the Kirklees Local Plan.

Kirklees Local Plan

LP30 Biodiversity and geodiversity
LP32 Landscape
LP33 Trees

NPPE

Part 15 - Conserving and enhancing the natural environment.

History of Negotiations

Further info requested, as submitted details were insufficient. No further information received regarding condition 9.

Relevant Planning History

Outline approval with access was allowed at Appeal (ref: 2014/93014 and APP/Z4718/W/15/3002523), subject to conditions and a Section 106 agreement. The layout was not agreed, and was conditioned as a Reserved Matter.

A Reserved Matters application with details of landscaping, layout, appearance and scale was approved for 41 no. dwellings was approved subject to conditions (ref: 2017/90190).

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Trees Submitted details are insufficient to discharge.

KC Biodiversity Submitted details are insufficient to discharge

Officer's Assessment

Conditions 8 states:

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of the development (including any demolition, ground works and site clearance). The LEMP shall include details of all habitats created as part of the approved scheme, including installed habitat boxes, and shall refer to the possible presence of non-native invasive plant species. The content of the LEMP shall include the following:-

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that

conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Assessment

The Information submitted is insufficient and in its current form this condition should not be discharged.

This condition is a similar condition to that imposed on the outline permission (condition 17) and for which an application for discharge has been submitted (ref: 2019/90245). Additional info has been submitted and reconsultation has taken place. This is appropriate for this condition also.

Condition 9 states:

9. Prior to the development commencing a detailed method statement for the construction and provision of the woodland walk shall be submitted for the written approval of the Local Authority. This statement shall provide for details of the construction, and supervision of that construction by a suitable qualified person.

Assessment

The document submitted is very generic, and a very specific preparation and inspection process is required on this site. No further details have been received for this, and we cannot agree that this condition be discharged.

Conclusion and recommendation

- Condition 8 – decision to follow on receipt of consultee response.
- Condition 9 – refuse the discharge of this condition.