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:	**2022/44/90747/W**
Site Address:	33, Woodside Lane, Fixby, Huddersfield, HD2 2HA
Description:	Discharge conditions 3 (condition survey Woodside Lane), 4 (construction management plan), 15, (Construction Environmental Management Plan) 18 (Arboricultural Method Statement) on previous permission 2018/93212 for erection of 3 detached dwellings and garage ancillary to 33, Woodside Lane
Recommending Officer:	Stuart Howden

DECISION – DISCHARGE OF CONDITIONS APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 04-May-2022

Officer Report - Discharge of Conditions Application

The application seeks to discharge conditions 3 (condition survey), 4 (construction management plan), 15 (Construction Environmental Management Plan) and 18 (Arboricultural Method Statement) on previous permission no. 2018/93212 for erection of 3 detached dwellings and garage ancillary to 33, Woodside Lane

Condition 3 (Condition Survey Woodside Lane)

Wording

3. Before any works commence on site a joint condition survey of Woodside Lane shall be undertaken and agreed in writing by the applicant/developer (or representative of) and a representative of the Local Planning Authority. Upon completion of the development a further joint condition survey shall be undertaken by the aforementioned representatives to determine and agree the extent of any damage incurred as a result of construction traffic and other vehicles associated with the proposed works and to agree the scope of remediation works required. Within 1 month of the second survey being undertaken a scheme detailing any proposed remediation works to Woodside Lane shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of approval the approved remediation works shall be implemented in their entirety.
***Reason:** To ensure that damage to Woodside Lane resulting from the construction of the development is repaired in the interests of highway safety and to accord with Policy PLP21 of the Kirklees Local Plan. This is a pre commencement condition so that such matters are addressed at an appropriate stage of the development process.*

Officer Assessment

A Road Condition Survey by Acumen Designers and Architects (ref: 2355) has been submitted alongside this Discharge of Condition application.

The applicant has provided evidence that they have tried to arrange for an on-site survey with a Council representative in relation to this condition, but that the Council's Public Right of Way Department has informed the applicant that this is not possible for quite some time.

As a consequence of this, the Kirklees Highways Development Management (HDM) have stated that they believe the submitted information is sufficient so as to discharge the first part of this application, and note that they consider this has been carried out in good faith by the applicant.

Kirklees HDM note that a second survey and any additional remedial work are still covered by this condition and the applicant should arrange for this to be carried out as a joint venture with a council officer in good time.

The submitted details are considered acceptable for the purposes of the first part of Condition 3. In order to fully discharge this condition, upon completion of the development a further joint condition survey shall be undertaken by the aforementioned representatives to determine and agree the extent of any damage incurred as a result of construction traffic and other vehicles associated with the proposed works and to agree the scope of remediation works required. Within 1 month of the second survey being undertaken a scheme detailing any proposed remediation works to Woodside Lane shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of approval the approved remediation works shall be implemented in their entirety.

Condition 4 (Construction Management Plan):

Wording

4. A construction management plan for the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The schedule shall include details of the times of use of the access, construction workers parking facilities and a scheme to demonstrate how the highway will be kept clear of mud/debris. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
***Reason:** In the interests of highway safety and amenity and to accord with Policies PLP21 and PLP24 of the Kirklees Local Plan. This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process.*

Officer Assessment

A Construction Management Plan by Acumen Designers and Architects has been submitted alongside this Discharge of Condition application.

Kirklees Highways Development Management (HDM) note that the Construction Management Plan has been submitted to the satisfaction of the HDM with all elements referred to in the condition covered by the submitted document.

The submitted details are considered acceptable for the purposes of Condition 4. Condition 4 will be discharged upon the proposal being carried out in accordance with the Construction Management Plan.

Condition 15 (Construction Environmental Management Plan):

Wording

15. Prior to development commencing, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved CEMP at all times.

Reason: *To mitigate the impacts of the construction of the development on biodiversity and adjacent trees/woodland and to accord with Policies PLP30 and PLP33 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process."*

Officer Assessment

A Construction Environmental Management Plan by JCA Arboricultural & Ecological Consultants dated 1st March 2022 (ref: 18185/Awe) has been submitted alongside this Discharge of Condition Application.

The Council's Ecologist has assessed the information contained within the Construction Environmental Management Plan, and considers this sufficient in relation to condition 15.

The submitted details are considered acceptable for the purposes of Condition 15. Condition 15 will be discharged upon the proposal being carried out in accordance with the Construction Environmental Management Plan.

Condition 18 (Arboricultural Method Statement)

Wording

18. An Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
Reason: *So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy PLP33 of the Kirklees Local Plan. This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process.*

Officer Assessment

An Arboricultural Method Statement by JCA Arboricultural & Ecological Consultants Ltd (ref: 18185-A/AJB) has been submitted alongside this Discharge of Condition application.

The Council's Tree Officer has assessed this and notes that this provides sufficient assurances that the trees shown as retained will be protected during the construction of the approved scheme.

The submitted details are considered acceptable for the purposes of Condition 18. Condition 18 will be discharged upon the proposal being carried out in accordance with the measures set out within the Arboricultural Method Statement.

Recommendation – Approval

Decision Text

Approve

Condition 3 (Condition Survey Woodside Lane)

The Road Condition Survey by Acumen Designers and Architects (ref: 2355) is acceptable for the purposes of the first part of Condition 3.

In order to fully discharge this condition, upon completion of the development a further joint condition survey shall be undertaken by the aforementioned representatives to determine and agree the extent of any damage incurred as a result of construction traffic and other vehicles associated with the proposed works and to agree the scope of remediation works required. Within 1 month of the second survey being undertaken a scheme detailing any proposed remediation works to Woodside Lane shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of approval the approved remediation works shall be implemented in their entirety.

The applicant is advised to arrange for the second survey to be carried out as a joint venture with a council officer in good time.

Condition 4 (Construction Management Plan):

The Construction Management Plan by Acumen Designers is acceptable for the purposes of Condition 4. Condition 4 will be discharged upon the proposal being carried out in accordance with this approved Construction Management Plan.

Condition 15 (Construction Environmental Management Plan):

The Construction Environmental Management Plan by JCA Arboricultural & Ecological Consultants dated 1st March 2022 (ref: 18185/Awe) is acceptable for the purposes of Condition 15. Condition 15 will be discharged upon the proposal being carried out in accordance with this approved Construction Environmental Management Plan.

Condition 18 (Arboricultural Method Statement)

The Arboricultural Method Statement by JCA Arboricultural & Ecological Consultants Ltd (ref: 18185-A/AJB) is acceptable for the purposes of Condition 18. Condition 18 will be discharged upon the proposal being carried out in accordance with the measures set out within this approved Arboricultural Method Statement.

Report Dated: 03/05/2022