

**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:	<b>2024/44/90602/W</b>
Site Address:	Bryan Wood Residential Home, 1, Bryan Road, Edgerton, Huddersfield, HD2 2AL
Description:	Discharge conditions 3 (boundary fencing), 5 (cycle storage), 7 (Arboricultural Method Statement), 11 (bat and bird box) on previous permission 2022/92581 for change of use from residential care home (Class C2) to a school (Class F1(a)) (within a Conservation Area)
Recommending Officer:	Lucy Taylor

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 09-Jul-2024**

## **Bryan Wood Residential Home, 1, Bryan Road, Edgerton, Huddersfield, HD2 2AL**

The application seeks to discharge conditions 3 (boundary fencing), 5 (cycle storage), 7 (Arboricultural Method Statement), 11 (bat and bird box) on previous permission 2022/92581 for change of use from residential care home (Class C2) to a school (Class F1(a)) (within a Conservation Area)

### **Condition 3 – Boundary Fencing**

*Before the proposed development is first brought into use, full details of the design and elevational details of any proposed new or retained boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in full accordance with the approved details before the development is brought into use and thereafter retained as such.*

*Reason: This information is required pre-commencement of use in the interests of visual amenity, to ensure that the proposed fencing does not cause harm to the character of the Edgerton Conservation Area, and the safety of site users, in the interests of residential amenity of occupants of 10 Binham Road and to accord with the aims of Policy LP24(a and b) and LP35 of the Kirklees Local Plan and Chapters 8, 12 and 16 of the National Planning Policy Framework.*

#### **Assessment:**

The supporting information submitted by the applicant, including:

- Boundary Treatment and Fences, drawing No. 23-025-15

The condition was imposed in the interests of visual amenity and the heritage significance of the Edgerton Conservation Area; as well as for the safety of site users given the proposed use of the site.

Drawing 23-025-15 confirms that the boundary walls at the site are to remain generally the same and that the proposed new fence and gates within the site would be less than 2m in height above ground level and would comprise welded metal mesh and posts, colour coated dark green.

KC Conservation and Design have been both formally and informally consulted on this application, concluding that the fences and boundary treatments as shown on drawing No. 23-025-15 are acceptable to discharge condition 3.

KC Crime Prevention were also formally and informally consulted on this application, with regards to the part of the condition relating to the safety of site users. KC Crime Prevention concluded that they consider drawing No. 23-025-15 to be acceptable.

Therefore, based on this assessment, it is considered that the information within drawing No. 23-025-15 provides details to allow the discharge of condition 3, provided the fencing is installed in full accordance with the approved details before the development is brought into use and thereafter retained as such.

### **Condition 5 – Cycle Storage**

*Before the development is first brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of secure cycle storage to be provided within the site. The approved facilities shall be provided before the development is brought into use and thereafter retained as such.*

*Reason: This information is required pre-commencement in the interests of promoting methods of transport with low environmental impact, and healthy and active lifestyles, in accordance with the aims of Policies LP20, LP24(d), LP47 and LP49 of the Kirklees Local Plan.*

#### **Assessment:**

The supporting information submitted by the applicant, including:

- Boundary Treatment and Fences, drawing No. 23-025-15
- 6 Space Original Shelter, drawing No. 1.0

The condition was imposed in the interests of promoting methods of transport with low environmental impact and healthy and active lifestyles.

Drawing no 23-025-15 shows the location of the proposed cycle shelter within the site and drawing No. 1.0 shows the dimensions and design of the cycle shelter.

KC Highways Development Management were formally consulted on this application. They concluded that the plans identified a suitable location for the cycle shelter and that drawing No. 1.0 shows the type of shelter to be provided. KC Highways Development Management confirmed that they consider the drawing acceptable to discharge condition 5.

Therefore, based on this assessment, it is concluded that the information within drawing No. 23-025-15 and drawing No. 1.0 provides details to allow the discharge of condition 5, provided that the approved cycle storage is provided before the development is brought into use and is thereafter retained as such.

### **Condition 7 – Arboricultural Method Statement**

*Notwithstanding the submitted Arboricultural Method Statement, before the laying of any new hard surface for the formation of the parking bays indicated as 6 & 7 on the approved site plan Revision E commences, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local*

*Planning Authority demonstrating how the parking spaces will be formed in such a way as to prevent or minimise any harm to the protected trees numbered 2-4 within the Arboricultural Report. The works shall be carried out in full accordance with the details thereby approved.*

*Reason: To ensure that the development does not harm the long-term viability of the trees of the protected trees since this operation appears to involve the laying of new hardstanding within the root protection zone of these trees, and to accord with the aims of Policy LP33 of the Kirklees Local Plan.*

**Assessment:**

The supporting information submitted by the applicant, including:

- Arboricultural Method Statement by Treescapes Consultancy Ltd, prepared on 23 February 2024.

The condition was imposed to ensure that development does not harm the long-term viability of the protected trees, since this operation appears to involve the laying of new hardstanding within the root protection zone of protected trees.

The submitted Arboricultural Method Statement provides the following information:

- background information
- documents and provided information
- the planning conditions
- site description
- development proposals
- purpose of the report
- relevant industry standards and codes of practice
- phasing of work
- programme of monitoring
- contacts
- services
- general precautions
- protected trees
- wildlife conservation legislation

KC Trees were formally consulted on this application. They confirmed that the submitted Arboricultural Method Statement sufficiently details how the retained trees will be protected and therefore, have no objection to the discharge of condition 7.

Therefore, based on this assessment, it is considered that the information within the Arboricultural Method Statement provides details to allow the discharge of condition 7, provided that the works are carried out in full accordance with the details thereby approved.

**Condition 11 – Bat and Bird Box**

*Before the development is first brought into use, a plan detailing the type, positioning and location of a bat box and a bird box to be installed within the site shall be submitted to and approved in writing to the local authority. The approved habitat boxes shall be installed before the development is first brought into use and thereafter retained.*

*Reason: This information is required pre-commencement to ensure that the development will provide an enhancement to biodiversity in line with LP30 and the requirements of Section 15 of the National Planning Policy Framework.*

#### Assessment:

The supporting information submitted by the applicant, including:

- Additional information pursuant to discharge of conditions for 2022/92581, ref: 23-025-15

The condition was imposed to ensure that the development provides an enhancement to biodiversity.

The submitted document referenced 23-025-15 outlines details of the proposed bat and bird box.

KC Ecology were formally consulted on this application, confirming that the submitted information provides sufficient detail to ensure that faunal provisions are incorporated into the proposals and as such, support the discharge of condition 11.

Therefore, based on this assessment, it is considered that the information within the additional information report referenced 23-025-15 provides details to allow the discharge of condition 11, provided that the approved habitat boxes are installed before the development is first brought into use and thereafter retained.

#### **Decision Notice Text**

I refer to the above referenced discharge of conditions application and can confirm the following: -

#### **Condition 3 – Boundary Fencing**

You have submitted the following information:

- Boundary Treatment and Fences, drawing No. 23-025-15

The details submitted are accepted to provide appropriate details of boundary fencing. Therefore, provided that the fencing is installed in full accordance with the approved details before the development is brought into use and thereafter retained as such, condition 3 will be satisfied.

### **Condition 5 – Cycle Storage**

You have submitted the following information:

- Boundary Treatment and Fences, drawing No. 23-025-15
- 6 Space Original Shelter, drawing No. 1.0

The details submitted are accepted to provide appropriate details of cycle storage. Therefore, provided that the cycle shelter is provided before the development is brought into use and is thereafter retained as such, condition 5 will be satisfied.

### **Condition 7 – Aboricultural Method Statement**

You have submitted the following information:

- Aboricultural Method Statement by Treescapes Consultancy Ltd, prepared on 23 February 2024.

The details submitted are accepted to provide appropriate details of how the development will not harm the long-term viability of the protected trees. Therefore, provided that works are carried out in full accordance with the details within the Aboricultural Method Statement, condition 7 will be satisfied.

### **Condition 11 – Bat and Bird Box**

You have submitted the following information:

- Additional information pursuant to discharge of conditions for 2022/92581, ref: 23-025-15

The details submitted are accepted to provide appropriate details to ensure that faunal provisions are incorporated into the proposals. Therefore, provided that the approved habitat boxes are installed before the development is first brought into use and thereafter retained, condition 11 will be satisfied.