

**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:	2024/44/92016/E
Site Address:	Land Adjacent, The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR
Description:	Discharge of details reserved by conditions 5 (materials), 6 (boundary treatment), 7 (Phase I Desk Top Study), 12 (bin storage/locations), 13 (evc) on previous permission 2023/93657 for erection of two detached dwellings with detached garages; alterations to public house with dwelling above to form one dwelling; erection of single and two storey extension to 201a Halifax Road
Recommending Officer:	Nicole Helliwell

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 29-May-2025

Officer Report

Reference No. 2024/44/92016/E

Site Address: Land Adjacent, The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR

Proposal: Discharge of details reserved by conditions 5 (materials), 6 (boundary treatment), 7 (Phase I Desk Top Study), 12 (bin storage/locations), 13 (evc) on previous permission 2023/93657 for erection of two detached dwellings with detached garages; alterations to public house with dwelling above to form one dwelling; erection of single and two storey extension

Assessment

Condition 5 – Materials

5. Prior to development commencing on the superstructure of the dwellings hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: *This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

Assessment of Condition 5

The applicant has submitted a document titled 'The Shears Inn - Condition Discharge Document' (dated 22nd July 2024) which details the walling and roofing materials proposed. The proposed walling materials would be local sourced stone, nominally 150mm courses with ashlar cut stone head and cills. It is also noted that the roofing materials would be Mannok Western Slate Interlock Smooth slates with matching ridge slates. These materials would be in keeping with those used in the surrounding area. Therefore, these details are deemed to be acceptable for the purposes of the condition and condition 5 can be discharged. This is subject to the development being completed using the approved materials.

Condition 6 – Boundary Treatments

6. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwellings hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: *This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.*

Assessment of Condition 6

The applicant has submitted a document titled 'Boundary Treatments, Bin Storage & Car Charge Locations' (reference no. 3571(0-)15 rev. B, dated July 2024) which details the location, height and materials of the proposed boundary treatments. The proposed boundary treatments would comprise a 1m estate fence along the southern boundary of the site, a 1.8m timber vertical boarded fence along the eastern boundaries of unit 1 and 2 and a 1m low shrub/hedge would be planted along the northern boundary of units 1 and 2. The proposed boundary treatments would not cause any significant harm to visual or residential amenity. Therefore, these details are deemed to be acceptable for the purposes of the condition and therefore condition 6 can be discharged. This is subject to the hereby approved boundary treatments being completed in accordance with the approved details and thereafter retained.

Condition 7 – Phase I Desk Study Report

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: *This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.*

Assessment of Condition 7

A revised Phase 1 Environmental Desk Study Report by RGS (reference no. C4477/24/E/6835_Rev1, dated 14th February 2025) has been submitted in support to condition 7. The site history and environmental setting since 1854 have been listed, and a site walk over was undertaken in June 2024. The report now recognises a nearby landfill.

Potentially contaminative sources identified are listed as the following: -

- Possible ground gas migration from historical landfill.
- Possible made ground from historic construction on site.

A conceptual site model is presented in Table 8 and it is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. KC Environmental Health accept the report. Officers anticipate an updated conceptual site model to be presented following the recommended gas monitoring and a better understanding regarding made ground at the site, the results of which should be included with the intrusive investigation report in support of further contaminated land discharge of condition applications.

Condition 12 – Bin Storage/Locations

12. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: *This pre-commencement condition is necessary in the interests of highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).*

Assessment of Condition 12

The applicant has submitted a document titled 'Boundary Treatments, Bin Storage & Car Charge Locations' (reference no. 3571(0-)15 rev. B, dated July 2024) to support the discharge of condition 12. KC Highways have reviewed the drawing and have confirmed that the plan identifies suitable locations for the bin storage and collection points. As such, condition 12 can be discharged.

Condition 13 – Electric Vehicle Charging Points

13. Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: *This pre-commencement condition is in the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).*

Assessment of Condition 13

The applicant has submitted a document titled 'Boundary Treatments, Bin Storage & Car Charge Locations' (reference no. 3571(0-)15 rev. B, dated July 2024) to support the discharge of condition 13. The plan proposes the installation of 1x wall mounted Type 2 32kw EVCP at each dwelling. The information above is acknowledged and accepted, however as the EVCPs have not yet been installed and need to be retained to comply with the condition, KC Environmental Health recommend that the condition therefore remains in perpetuity.

Decision Notice Text

Condition 5 – Materials

The following information has been submitted:

- The Shears Inn - Condition Discharge Document (dated 22nd July 2024)

It is considered that the proposed walling and roofing materials are acceptable for the purposes of condition 5. However, condition 5 can only be fully discharged when the proposal is constructed and maintained in accordance with the details approved.

Condition 6 – Boundary Treatments

The following information has been submitted:

- Boundary Treatments, Bin Storage & Car Charge Locations' (reference no. 3571(0-)15 rev. B, dated July 2024)

In conclusion, it is considered that the proposed boundary treatment details are acceptable for the purposes of condition 6. However, condition 6 can only be fully discharged when the boundary treatments are constructed and maintained in accordance with the details approved.

Condition 7 – Phase I Desk Study Report

The following information has been submitted:

- Phase 1 Environmental Desk Study Report by RGS (reference no. C4477/24/E/6835_Rev1, dated 14th February 2025)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 7 and therefore the condition can be discharged.

Condition 12 – Bin Storage/Locations

The following information has been submitted:

- Boundary Treatments, Bin Storage & Car Charge Locations' (reference no. 3571(0-)15 rev. B, dated July 2024)

It is considered that the submitted details are acceptable for the purposes of discharging condition 12.

Condition 13 – Electric Vehicle Charging Points

The following information has been submitted:

- Boundary Treatments, Bin Storage & Car Charge Locations' (reference no. 3571(0-)15 rev. B, dated July 2024)

KC Environmental Health accept the information provided and recommend the discharge of condition 13. However, the applicant is reminded that the EV units must be installed and fully operational prior to occupation and retained thereafter. Furthermore, approval under Building Regulations may be required.