

**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:	2024/44/92686/E
Site Address:	Shelley Lodge, 2, Box Ings Lane, Shelley, Huddersfield, HD8 0SU
Description:	Discharge of details reserved by conditions 3 (materials), 5 (Phase I Report), 12 (passing place), 13 (boundary details) on previous permission 2021/92355 for alterations and extension to existing stables to create dwelling
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: 16-Dec-2024

Officer Report

Reference No. 2024/44/92686/E

Site Address: Shelley Lodge, 2 Box Ings Lane, Shelley, Huddersfield, HD8 0SU

Proposal: Discharge of details reserved by conditions 3 (materials), 5 (Phase I Report), 12 (passing place), 13 (boundary details) on previous permission 2021/92355 for alterations and extension to existing stables to create dwelling

Assessment

Condition 3 (Materials)

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the extension hereby approved. The development shall then be completed using the approved materials.

Reason: *In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide SPD.*

Assessment of Condition 3

The applicant has submitted a document titled 'Planning Conditions Schedule' (reference no. 2488, dated 23rd August 2024) which details the walling and roofing materials proposed. The proposed walling materials would be chalk coloured weberpral render as per the photographs submitted. It is also noted that the roofing materials would be Cladco 41/1000 tile form 0.6 Thick Green Coat Mica Coated Roof Sheets. It is considered that these materials would be in keeping with the appearance of those used in the surrounding area and as such, these details are deemed to be acceptable for the purposes of the condition. Therefore, condition 3 can be discharged subject to the development being completed using the approved materials.

Condition 5 (Phase I Desk Study Report)

5. Development 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) has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To identify and remove unacceptable risks to human health, hazards and land contamination and coal mining risk in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.*

Assessment of Condition 5

A Phase 1 Environmental Desk Study Report (dated September 2022, reference no. C3044/22/E/4601) has been submitted in support of condition 5. The Phase 1 report includes details of a site walkover on the 9th of June 2022, tree stumps and builders rubble are present on site. An appraisal of the site history since 1854 is offered, identifying nearby mining activity. There is potential for shallow coal to be present on site and an intrusive investigation is recommended. An earlier feasibility investigation at the site found evidence of what is described a localised 'hotspot' of PAH contamination with respect to Benzo(a)pyrene, it is debateable if a hotspot can be declared based on two samples. The preliminary conceptual site model demonstrates that potential contamination at the site presents a risk to receptors and goes on to recommend intrusive work. Any intrusive investigation must be undertaken following best practice guidance and officers anticipate an updated conceptual site model to be included within any further reports.

KC Environmental Health accept the submitted document and recommend the discharge of condition 5. However, the applicant should be reminded that all other contaminated land conditions remain.

Condition 12 (Passing Place)

12. Notwithstanding the details shown on plan, no development shall take place until a scheme detailing vehicle passing place on the shared driveway has been submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, construction specifications, drainage works, surface finishes, and all associated highway works. The scheme so approved shall be implemented before the development is first brought into use and thereafter retained as such for the lifetime of the development.

Reason: *In the interests of highway safety and to achieve a satisfactory layout and key principles of the Housebuilders Design Guide SPD.*

Assessment of Condition 12

The applicant has submitted a document titled 'Passing Place Details (reference no. 2488-0401-P01, dated September 2024) in support of condition 12. The drawing shows the passing place details and a construction specification. KC Highways have reviewed this information and have confirmed that the information provided is suitable for the discharge of condition 12.

Condition 13 (Boundary Treatments)

13. Notwithstanding the submitted plans and information, full details of all boundary treatments, including their height and material, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the extension to the dwelling as approved. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: *In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide SPD.*

Assessment of Condition 13

The applicant has submitted a document titled 'Planning Conditions Schedule' (reference no. 2488, dated 23rd August 2024) which details the location, height and materials of the proposed boundary treatments. The proposed boundary treatment would comprise a post and panel fence measuring 1.2m in height to enclose the private outdoor amenity space. The proposed boundary treatment would be acceptable and would not cause any significant harm to visual amenity. Therefore, these details are deemed to be acceptable for the purposes of the condition and therefore condition 13 can be discharged.

Decision Notice Text

Condition 3 – Materials

The following information has been submitted:

- Planning Conditions Schedule (reference no. 2488, dated 23rd August 2024)

It is considered that the proposed walling and roofing materials are acceptable for the purposes of condition 3.

Condition 5 – Phase I Desk Study Report

The following information has been submitted:

- Phase 1 Environmental Desk Study Report (dated September 2022, reference no. C3044/22/E/4601)

KC Environmental Health accept the submitted document and recommend the discharge of condition 5. However, the applicant should be reminded that all other contaminated land conditions remain.

Condition 12 – Passing Places

The following has been submitted:

- Passing Place Details (reference no. 2488-0401-P01, dated September 2024)

In conclusion, it is considered that the submitted details are acceptable for the purposes of condition 12.

Condition 13 – Boundary Treatments

The following information has been submitted:

- Planning Conditions Schedule (reference no. 2488, dated 23rd August 2024)

In conclusion, it is considered that the proposed boundary treatment details are acceptable for the purposes of condition 13.

