

**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:	2024/44/93179/E
Site Address:	adj, 33a, Church Lane, Clayton West, Huddersfield, HD8 9LY
Description:	Discharge of conditions 6 (boundary treatments), 10 (potential land contamination), and 15 (Arboricultural Method Statement and Tree Protection Plan) of previous permission 2023/91483 for demolition of garage and erection of detached dwelling
Recommending Officer:	Elenya Jackson

DECISION – REFUSE DISCHARGE OF CONDITIONS

**I hereby authorise the refusal 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: 03-Dec-2024

Officer Report

adj, 33a, Church Lane, Clayton West, Huddersfield, HD8 9LY

Discharge of conditions 6 (boundary treatments), 10 (potential land contamination), and 15 (Arboricultural Method Statement and Tree Protection Plan) of previous permission 2023/91483 for demolition of garage and erection of detached dwelling

Condition 6

Notwithstanding the submitted plans and information, the dwelling hereby approved shall not be occupied until, full details of all boundary treatments have been 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: In the interests of visual amenity and to preserve the character of the historic environment in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 of the National Planning Policy Framework.

Condition 10

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: 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. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development

Condition 15

No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Plan have been submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include details of foundation design and 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 approved detail. Reason: So as to protect the viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is pre-commencement as it could affect the method of construction.

Assessment:

Condition 6

The following has been submitted:

- Boundary Treatment Plan Document

The document outlines the proposed boundary treatments enclosing the site. The existing 1.8m fence along the southern boundary would be replaced with 1.8m 'hit and miss' style fencing. The wall to the north east of the site would be retained and the wall along the north-east elevation would be retained.

The document confirms that the wall in front of the dwelling which would be the site frontage would be 'dyed and tumbled Yorkshire stone'. However, no product specification details have been provided for the Yorkshire stone and officers are unable to locate a discharge of conditions relating to the materials proposed for the house to agree. As the reason for the condition was 'In the interests of visual amenity and to preserve the character of the historic environment' officers consider that product details would be required for the boundary treatments in order to ensure they are appropriate for the site.

In addition, the submitted document states that the house and the site access will form the southern elevation; however, this is not reflective of the submitted plan which shows the fence extending to the southern elevation. A 1.8m fence adjacent to a vehicular access would not be acceptable as it would raise concerns relating to visibility.

It is therefore considered that the details provided are not sufficient in this instance and further detail would be required in the form of product specification details for the boundary treatments.

Assessment Condition 10

The following has been submitted:

- Groundsure Report, ref: NFL-9600750

KC Environmental Health have been consulted on the above document.

The document represents the submission of a commercial environmental search. On its own the details provided are not sufficient to meet the requirements of Condition 10. The details contained within a commercial environmental search may contribute useful factual information about the site but do not contain the level of interpretation required for a full Phase 1 assessment.

The details provided are unacceptable for the purpose of condition 10 and therefore the condition cannot be discharged.

Assessment Condition 15

The following has been submitted:

- Arboricultural Method Statement & Tree Protection Plan prepared by James Royston – Independent Arboricultural Consultant

KC Trees has reviewed the submitted documents.

There are currently discrepancies in the submitted information relating the status of T2 (Horse Chestnut). The permission granted for tree works on this site is for the crown lifting to 5 meters above ground level for both T1 and T2 as shown in appendix 1 of the submitted AMS. However, in appendices 3 and 4 of the AMS it reiterates the previously refused recommendations to remove T2.

It is unclear whether the submitted statement intends to remove T2 or retain it. To reiterate, existing permissions only allow for crown lift T2. Also, the report further states “T2 to be removed per James Royston Report” whilst also appearing to lay out tree protection fencing for T2.

Therefore, the details submitted are not considered acceptable as the submitted documents contain conflicting information. Clarification is required regarding the intended work to T2.

DECISION NOTICE TEXT

Condition 6

The following has been submitted:

- Boundary Treatment Plan Document

The details provided are not considered sufficient at this time. Clarification and product specification is required in order to satisfy the reason for the imposition of the condition.

Therefore, Condition 6 cannot be discharged at this time.

Condition 10

The following has been submitted:

- Groundsure Report, ref: NFL-9600750

The details provided are not sufficient for the purposes of Condition 10.

Therefore, Condition 10 cannot be discharged at this time.

Condition 15

The following has been submitted:

- Arboricultural Method Statement & Tree Protection Plan prepared by James Royston – Independent Arboricultural Consultant

The report contains inaccuracies and therefore is not acceptable for the purposes of Condition 15.

Therefore, Condition 15 cannot be discharged at this time.