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Date: 28-Jan-2025
Our Ref: 2024/93418

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge of details reserved by conditions 3-14, 16-20, 25-28 on previous
permission 2024/90839 for erection of 7 dwellings and associated infrastructure
following partial demolition of existing public house (within a Conservation Area)
Rose And Crown Inn, 132, Knowl Road, Golcar, Huddersfield, HD7 4AN
Application Number: 2024/93418**

I write with reference to your application to discharge the conditions for the above
development as submitted on 03-Dec-2024.

Condition 3

To address this condition the following has been submitted:

- Phase II desk study & phase II ground investigation (ref: SDG 3534)
- Email dated 18th December 2024

Having regard to the response of the Council's Environmental Health Team it is
considered that condition no.3 cannot be discharged at this time until the submission of a
remediation strategy.

Condition 4

To address this condition the following has been submitted:

- Phase II desk study & phase II ground investigation (ref: SDG 3534)

- Email dated 18th December 2024

Having regard to the response of the Council's Environmental Health Team it is considered that condition no.4 cannot be discharged at this time as the pre commencement conditions related to contaminated land are still in effect.

Condition 5

To address this condition the following has been submitted:

- Phase II desk study & phase II ground investigation (ref: SDG 3534)
- Email dated 18th December 2024

Having regard to the response of the Council's Environmental Health Team it is considered that condition no.5 cannot be discharged at this time as the LPA has not yet approved a remediation strategy.

Condition 6

To address this condition the following has been submitted:

- Drawing 02RevC

Whilst bin storage areas are shown on the plan it is not clear what the collection arrangements are (such as whether it would be one area for collection of bins for multiple plots, or a collection area for each plot in a certain location. This is not clearly specified upon the plan. Whilst a 'C' is shown on the plan within the plots, it is not clear if this means a *Betula pendula* (Silver Birch) is to be planted in that location or if the bin storage area is in that location. At this time this condition cannot be discharged.

Condition 7

The application form includes condition 7 upon the list of conditions seeking discharge. There is no reference to details of temporary waste collection arrangements to serve the occupants of the completed dwellings whilst the remaining site is under construction within the submitted plans or details which form this application. This condition cannot therefore be discharged.

Condition 8

To address this condition the following has been submitted:

- Document titled 'ENVIRONMENTAL CONSTRUCTION METHOD STATEMENT'
- Drawing DOC03RevA

Having regard to the submitted detail and response of consultees, it is considered that as no plan is provided showing the location of parking, loading and unloading areas or details and location of wheel washing facilities and no details of proposed road sweeping are provided this condition cannot be discharged.

Condition 9

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024
- Surface Water Drainage Maintenance and Management Schedule

Taking account of the response of the LLFA, it is considered that the developer must confirm the depth of the sewer by survey before this condition can be discharged. Whilst the LLFA confirms acceptance of the proposed surface water allowable discharge rate, the hydraulic calculations (subject to the confirmation of the sewer depth noted above) and the proposed Maintenance Schedules, they advise that the organisation that will be responsible for the maintenance of the surface water drainage (until adoption by the Statutory Authority) will need to be confirmed. Having regard to their response this condition cannot be discharged.

Condition 10

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024

Having regard to the response of the Lead Local Flood Authority (LLFA) and the arrangements for surface water run off with flood routing shown on to third party land this scheme is not considered to be acceptable and condition cannot be discharged in the absence of further justification relating to why flows off site cannot be avoided, or a revised scheme which ensures this is the case.

Condition 11

To address this condition the following has been submitted:

- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)
- Construction Drainage (24248-DR-C-0101)
- Drainage Calculations (ref: 24248) dated 21st June 2024

Within their response the LLFA have advised they consider this condition to be addressed. However the reference made within their response is to another site and it is considered this is likely an error.

As such it is considered appropriate for this condition to remain in place whilst this is clarified with the LLFA and upon confirmation this condition shall be further appraised and the applicant notified in writing of this further appraisal.

Condition 12

To address this condition the following has been submitted:

- Drawing titled 'Proposed Contours' ref 0002
- Drawing title 'Long Sections' ref: 0003
- Drawing titled 'Kerbing and Surfacing' ref: 0001
- Drawing titled 'Cross Sections' ref: 0004

Taking account of the response of the response of the Highways Structures Team it is considered sufficient information to satisfactorily address this condition has not been submitted and this condition cannot be discharged.

Condition 13

To address this condition the following has been submitted:

- Drawing titled 'Proposed Contours' ref 0002
- Drawing title 'Long Sections' ref: 0003
- Drawing titled 'Kerbing and Surfacing' ref: 0001
- Drawing titled 'Cross Sections' ref: 0004
- Drainage Strategy, Rev P1 dated June 2024 (ref: 24248-DR-C-0100)

Taking account of the response of the response of the Highways Structures Team it is considered sufficient information to satisfactorily address this condition has not been submitted and this condition cannot be discharged.

Condition 14

To address this condition the following has been submitted:

- Drawing titled 'Proposed Contours' ref 0002
- Drawing title 'Long Sections' ref: 0003
- Drawing titled 'Kerbing and Surfacing' ref: 0001
- Drawing titled 'Cross Sections' ref: 0004
- Drawing 02RevC

The Council's Highways Team has been consulted, and have advised as follows:

Conditions 14 and 17 require a separate formal Technical Approval by the Council's Highways Section 38 Team. The council's Section 38 Engineer confirms that the applicants have not made a section 38 Agreement application and these conditions cannot therefore be discharged.

On this basis the Highways Team confirm this condition cannot be discharged. It is concluded that, given the response of the Highways Team conditions 14 and 17 are required to remain in place.

Condition 16

To address this condition the following has been submitted:

- Renewable Energy Statement dated 'December 2024'

The specific location, type and design of the renewable energy measures (solar panels) is not included in the submitted scheme. It is considered this detail is required to enable the discharge of this condition. Therefore, it is considered this condition cannot be discharged. In addition, details of energy saving measures as part of the fabric and design of the dwellings (such as use of low energy lightbulbs, additional insulation measures where appropriate) has not been included as part of the submitted scheme. This information is required to be provided as part of the scheme.

Condition 17

As set out in the assessment of condition no.14, this condition is required to remain in place and cannot be discharged.

Condition 18

To address this condition the following has been submitted:

- Annotation upon submitted drawing 02RevB stating 'all dwellings to be pass 24 compliant cctv fitted to all properties with separate camera to cover common areas'

West Yorkshire Police have been consulted and have advised this condition cannot be discharged as there is no detail relating to security plan / scheme for the development.

Given the extent of the detail provided, fact it does not show locations of cameras to be used, or the specific cameras to be used as well as specifics in relation to doors and windows it is considered that on the basis of the submitted scheme this condition cannot be discharged.

Condition 19

To address this condition the following has been submitted:

Annotation upon submitted drawing 02RevB stating 'bat box to gable' at plots 6, 7 and 2.

The 'positioning and location of a Bat box' is a information requirement of the condition. Specifically, where the box will be sited upon the dwelling is not detailed, and it is considered this is required to ensure it is at a height and design which is acceptable. Similarly, whilst the annotation states 'bat box' the specific type of box is not provided, and this detail is required to enable a full assessment to be made. This condition cannot be discharged.

Condition 20

To address this condition the following has been submitted:

- Drawing 02RevB.

The submitted scheme satisfies condition no.20 and this condition is satisfied. It is a requirement of this condition that the development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Condition 25

To address this condition the following has been submitted:

- Document titled 'Schedule of Materials'

Within their response to consultation, the Conservation Team have stated the following:

We note in the submitted materials schedule Plots 1 & 2, the External walls to be reuse of existing stone with new weather struck pointing. Where existing stone is not viable 'K' Render to be applied to existing wall. We do not support the use of K-Render and do not consider this to be acceptable. We equally need more detail for the proposed natural stone and where it is to be sourced. We would equally question the mortar joint detail. We consider that the mortar should sit flush to the stonework.

We do not support the use of uPVC for the windows, door, rainwater goods and fascia boards. We consider that windows and doors should be constructed in timber. Fascia boards should be painted timber and rainwater goods should be of a cast metal of which there are several options which could be considered.

It is considered that the submitted scheme sets out details which would be unacceptable and have a visually harmful impact that fails to preserve the setting of the Conservation Area and a harmful visual impact contrary to policies LP24 and LP35 of the Kirklees Local Plan. It is therefore considered this condition cannot be discharged.

Condition 26

As set out in the assessment of condition no.25 it is considered the submitted details do not satisfy the information requirements of this condition (1:20 window and door elevations and 1:5 joinery details as well as materials of construction and colour finish) and in any event use of UPVC is not considered appropriate to the setting of the Conservation Area in this case. This condition cannot be discharged.

Condition 27

To address this condition the following has been submitted:

- Drawing 02RevB

The submitted drawing includes a number of annotations, and within the key states is of a 1.8m high close boarded fence. It is not clear from the submitted plan what the fencing to the front of plot 3 would be, in addition there appears to be a boundary treatment adjacent to the parking space which plot 1 which appears to be planting although it is not clear if this is 'Post and Rail fencing with hedge planting' or 'Bed prepared for home owner planting' as listed in the key. The boundary treatment around the parking areas for plot 3 is

not clear in terms of height and design, similarly what fencing is proposed between plots 5 and 6 is also not clear in this regard.

A 1.8m high fence is shown to the front of plot no.7, as well as to the rear of plot no.4. Given the prominence of these boundary treatments it is considered a more permanent boundary type would be appropriate, such as a 1.8m high wall. This is also considered to be the case for the boundary between plot 2 and 3 given this is a main boundary treatment which would be highly prominent within the street. Should a higher boundary treatment over 1m in height be intended for the parking area around the parking area serving plot 3 it is considered this should also be a more permanent boundary.

At present, the current boundary treatments as set out in this drawing are not considered to be acceptable and / or lacking in specific information to allow an informed assessment of the LPA to be undertaken. This condition cannot be discharged.

Condition 28

To address this condition the following has been submitted:

- Drawing titled DOC 01RevC

The submitted scheme in relation to this condition is considered acceptable and this condition is discharged. It is a requirement of this condition that the construction of the dwellings the subject of this permission be carried out in accordance with the details so approved before that dwelling is first occupied and shall be retained thereafter.

Yours faithfully

Mathias Franklin
Head of Planning and Development