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Date: 28-Jul-2025
Our Ref: 2025/90352

Dear 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 6 (boundary treatments), 8 (intrusive site investigations and remedial works), 9 (declaration), 10 (Phase I Desk study Report), 11 (Phase II Intrusive Site Investigation Report), 12 (Remediation Strategy), 13 (Remediation Strategy), 14 (Verification Report) and 15 (Arboricultural Method Statement and Tree Protection Plan) of previous permission 2024/93464 for variation condition 2 (plans) on previous permission 2023/91483 for demolition of garage and erection of detached dwelling.

**adj, 33a, Church Lane, Clayton West, Huddersfield, HD8 9LY
Application Number: 2025/90352**

I write with reference to your application to discharge the conditions for the above development as submitted on 11-Feb-2025.

Conditions 10, 11 and 16 can be discharged.
Conditions 6, 8, 9, 13 and 14 cannot be discharged.
Conditions 12 and 15 are still under review.

Condition 6 – Boundary Treatment

In support of the discharge of condition 6, the applicant has submitted:

- A document titled “Boundary Treatment Plan”
- Proposed Boundary Layout ref: (100)04

The first page shows the location of a ‘new proposed hit and miss fencing’ to the northern, western and southern boundaries of the site. The fencing would be 1.8 to the north and west and 1.6m to the south. The existing stone wall would remain intact along the eastern boundary and part of the southern boundary.

Officers have concerns regarding the height of the proposed fence adjacent to the access with both the parking for the approved dwelling and the existing access to 33a Church Lane. Officers asked the applicant to demonstrate visibility splays on the plans to demonstrate that this would not interfere with visibility however this has not been provided.

Similar details were submitted and refused under application 2024/93179. The officers report for this application stated, “a 1.8m fence adjacent to a vehicular access would not be acceptable as it would raise concerns relating to visibility.”

Condition 6 can therefore not be discharged at this time.

Condition 8 - Intrusive Site Investigations and Remedial Works

In support of the discharge of condition 6, the applicant has submitted:

- Phase 2 Intrusive Site Investigation Report dated December 2024 – ref. G24327

The details within the submitted Phase II report are considered sufficient for the purposes of discharging condition 8. However, it should be noted that condition 8 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise.

Therefore condition 8 cannot be discharged.

Condition 9 - Declaration

No signed statement or declaration has been submitted and therefore condition 9 cannot be discharged at this time.

Condition 10 – Phase I Desk Study Report

In support of the discharge of condition 10, the applicant has submitted:

- Phase I Desk Study Site Investigation Report by Geoinvestigate (November 2024, ref: G24327)

Condition 10 was initially recommended by KC Environmental Health (EH), who have been consulted on the discharge of condition 10. Their comments are summarised below:

A review of historical maps identifies several potential contamination sources including nearby electric substations, infilled quarries, wells, a demolished building, and the Park Mill Colliery and tip. Unrecorded shallow coal workings are also considered a possibility. A site walkover conducted in November 2024 found the site to be open land with recent vegetation clearance and a thin concrete slab in the west, with no visible or olfactory signs of contamination. A conceptual site model (Table 3 of the report) outlines potential

sources, pathways, and receptors, with a Phase 2 investigation recommended, including trial pits, boreholes, chemical sampling, and ground gas monitoring.

KC EH accept the Phase I Desk Study Site Investigation Report by Geoinvestigate (November 2024, G24327) and recommend that Condition 10 is discharged.

Condition 10 can therefore be discharged at this time.

Condition 11 – Phase II Report

In support of the discharge of condition 11, the applicant has submitted:

- Phase 2 Intrusive Site Investigation Report by Geoinvestigate (December 2024 ref. G24327)
- Gas Monitoring Addendum Report by Geoinvestigate (March 2025, G24327)

Condition 11 was initially recommended by KC Environmental Health (EH), who have been consulted on the discharge of condition 11. Their comments are summarised below:

Intrusive investigations comprised four boreholes (BH1–BH4), three rotary open hole boreholes (RH1–RH3), and two hand-excavated trial pits (TPA and TPB). Ground gas monitoring wells were installed in BH1, BH2, and BH4. Made ground, sampled at depths of 0.20m–0.50m, contained elevated arsenic and lead concentrations, necessitating remediation for soft landscaping.

Ground conditions varied across the site including sandy gravelly clay underlain BH1 and BH2, while sand and gravel were encountered in BH3 and BH4. No visual or olfactory evidence of contamination, including asbestos were observed. Ground gas monitoring revealed negligible flow rates, no methane, and a maximum carbon dioxide concentration of 2.7% v/v. Gas protection measures are not required for the proposed structures.

KC EH accept the Phase 2 Intrusive Site Investigation Report (December 2024, G24327) and Gas Monitoring Addendum Report (March 2025, G24327) both by Geoinvestigate and recommend that Condition 11 is discharged.

Condition 11 can therefore be discharged at this time.

Condition 12 – Remediation Strategy

The details submitted to discharge Condition 12 are still under review. A letter will be issued in due course.

Condition 13 – Remediation

Condition 13 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise. Condition 13 must therefore remain.

Condition 14 – Verification Report

No verification report has been received in support of the application. Therefore, Condition 14 must remain until further notice.

Condition 15 – Arboricultural Impact Assessment

The details submitted to discharge Condition 15 are still under review. A letter will be issued in due course.

Condition 16 – Turning Splays

In support of the discharge of condition 16, the applicant has submitted:

- ‘Swept Path Analysis – Holmfield, Clayton West’

The submitted information shows turning splays for a 5.079m vehicle entering and existing both parking spaces from the east and west. KC Highways have been informally consulted on the submitted plans and have no objections to the proposed turning splays.

The details are therefore sufficient for the discharge of condition 16. Condition 16 can therefore be discharged.

Yours faithfully

Mathias Franklin
Head of Planning and Development