

**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: 2018/44/90421/E

Site Address: Scite House, 377, Halifax Road, Hightown, Hightown,
Liversedge, WF15 8DU

Description: Discharge of conditions 9, 11,12 and on previous
application 2014/93919 for demolition of existing
buildings and erection of 3 detached dwellings

Recommending Officer: John Ritchie

DECISION – APPROVE DISCHARGE OF CONDITION 12

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 15-Oct-2018

2018/90421 - Officer Report

This application relates to planning permission for the demolition of existing buildings and the erection of three detached dwellings at 377 Halifax Road, Hightown – 2014/93919. The application seeks to discharge conditions as follows:

9. Development shall not commence until a scheme detailing foul, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained.

Reason: *To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being. This information is required 'pre-commencement' so as to ensure that the details can be assessed at an appropriate stage and to accord with Policy BE1(iv) and guidance contained within the National Planning Policy Framework.*

Assessment

The submitted information has been reviewed by the KC Lead Local Flood Authority who raise no objections. With regard to foul drainage, Yorkshire Water were not consulted on the planning application due to its small scale and therefore any discharge will be dependent on the applicant resolving this separately.

11 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 and the environment with regard previous uses on the site and historic coal mining legacy and in accordance with guidance contained within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

Assessment

The submitted information has been reviewed by the Coal Authority who consider that it is insufficient to discharge the condition. The comments of the KC Pollution & Noise officer are awaited.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority. This shall include investigation works recommended in the conclusion of the Coal Mining Risk Assessment prepared by Jnpgroup (Ref B20321 Rev.A)

Reason: *To identify and remove unacceptable risks to human health and the environment with regard previous uses on the site and historic coal mining legacy and in accordance with guidance contained within the National*

Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

Assessment

The submitted information has been reviewed by the Coal Authority who consider that it is insufficient to discharge the condition. The comments of the KC Pollution & Noise officer are awaited.

15. Notwithstanding the submitted plans and information, details of the position, material, and height of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the plot to which the boundary treatment relates is first brought into use and thereafter retained.

Reason: *In the interest of visual amenity and to accord with the aims of policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan as well as chapter 7 of the National Planning Policy Framework.*

Assessment

At planning application stage the Officer report and recommendation does not refer to any specific reason which the boundary treatment needs to address. The submitted details show 1.8 metre high timber fencing on all boundaries including the frontages to Halifax Road and at the junction of Halifax Road and the private drive to the dwellings at the rear of the site. This would be inappropriate visually and from a highway safety point of view.

Decision Text

Condition 9 (Drainage)

You have submitted drawing no 1348/210 Proposed Drainage. This is acceptable for the purposes of condition 9 subject to foul drainage being agreed separately with Yorkshire Water and the Building Regulations.

Condition 11 and 12 (Phase 1 and 2 Contamination reports)

In response to consultation the Coal Authority note that there is no information which would indicate that intrusive site investigations have been carried out as recommended in the Phase 1 report. You have submitted basic borehole results but these lack a supporting report or commentary. Whilst the comments of the KC Pollution & Noise Officer are awaited the lack of this supporting information means that conditions 11 & 12 cannot be discharged at this point. This information can be submitted as part of the current application and a fresh application and fee will not be required.

Condition 15 (Boundary treatment)

You have submitted drawing no 1348/110 Proposed Site Location and Boundary Layout. This proposes 1.8 metre high timber fencing around all boundaries. This is not acceptable for the purposes of condition 15 as it would

be harmful to the character of the streetscene of Halifax Road and would be likely to obstruct pedestrian / vehicular visibility at the junction of Halifax Road and the residential drive to dwellings at the rear and the proposed drives.

A more appropriate treatment of the front boundary is required which may include a lower boundary wall or railings. Adequate pedestrian / vehicular intervisibility would also need to be demonstrated. This information can be submitted as part of the current application and a fresh application and fee will not be required.

Report Dated: 14 March 2018

2018/90421 – OFFICER REPORT

This application relates to planning permission for the erection of three dwellings at 377 Halifax Road, Liversedge – 2014/93919. The application seeks the discharge of planning conditions and a split decision was issued on 16th March 2018. This report relates to conditions 11 & 12 as follows:

11 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 and the environment with regard previous uses on the site and historic coal mining legacy and in accordance with guidance contained within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority. This shall include investigation works recommended in the conclusion of the Coal Mining Risk Assessment prepared by Jnpgroup (Ref B20321 Rev.A)

Reason: *To identify and remove unacceptable risks to human health and the environment with regard previous uses on the site and historic coal mining legacy and in accordance with guidance contained within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

Assessment

The phase I report has been reviewed by the KC Pollution & Noise officer who considers it acceptable. Comments are awaited on the amended phase II report.

The Coal Authority have reviewed all the submitted documents which find no evidence of voids or broken ground and conclude that the site is at low risk from historic coal working. The Coal Authority do not object to the discharge of condition 12.

Report Dated:

2018/90421 - Officer Report

This application relates to planning permission for the demolition of existing buildings and the erection of three detached dwellings at 377 Halifax Road, Hightown – 2014/93919. The application seeks to discharge conditions and a split decision was issued on 16 March 2018.

This report relates to the remaining conditions as follows:

15. Notwithstanding the submitted plans and information, details of the position, material, and height of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the plot to which the boundary treatment relates is first brought into use and thereafter retained.

Reason: *In the interest of visual amenity and to accord with the aims of policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan as well as chapter 7 of the National Planning Policy Framework.*

Assessment

Condition 15 is not included in the description of development. However, it was included on the application form and its omission is an administrative error.

As originally submitted the proposal was for 1.8 metre high fencing around the site. This was felt to be unacceptable on the frontage to Halifax road from a visual amenity and road safety point of view. Amended plans have now been submitted showing the frontage to Halifax Road marked by a 0.9 metre high stone boundary wall topped with a 0.6 metre high railing. This is angled back into the site entrance.

The wall / fence would be 2.9 metres from the kerbline to Halifax Road and would therefore accord with the requirements of condition 5 relating to sightlines.

Decision text

Conditions 11 & 12 (Contamination)

I await the response from the Pollution & Noise Officer to the Phase II report received on 13th July 2018 and apologise for the delay.

Condition 15 (Boundary treatment)

You have submitted an amended plan no 1348/110 rev A Proposed Site Location and Layout. This is acceptable for the purposes of condition 15 subject to the railings being painted black or other colour to be agreed with this Authority. The agreed scheme is required to be completed in accordance with the timescale stated in the condition and retained thereafter.

Report Dated: 02-Oct-2018

2018/90421 - Officer Report

This application relates to planning permission for the demolition of existing buildings and the erection of three detached dwellings at 377 Halifax Road, Hightown – 2014/93919. The application seeks to discharge conditions and split decisions have been issued previously. This report addresses issues raised by the Coal Authority and the KC Pollution & Noise Officer to condition 12 as follows:

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority. This shall include investigation works recommended in the conclusion of the Coal Mining Risk Assessment prepared by Jnpgroup (Ref B20321 Rev.A).

Reason: *To identify and remove unacceptable risks to human health and the environment with regard previous uses on the site and historic coal mining legacy and in accordance with guidance contained within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

Assessment

The Coal Authority originally raised concerns about the lack of information on the location of boreholes. This has now been received and the Coal Authority is now satisfied.

The KC Pollution & Noise officer initially raised concerns at the lack of sampling information. A revised phase II report was received and this is now considered satisfactory by the P&NO.

13. Where site remediation is recommended in the Intrusive Site Investigation Report approved pursuant to condition 12 development shall not commence until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: *To identify and remove unacceptable risks to human health and the environment with regard previous uses on the site and historic coal mining legacy and in accordance with guidance contained within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

Assessment

This condition is not included in the current application for discharge. It refers to a remediation strategy based on the findings of the phase II report submitted in accordance with condition 12. However, the submitted reports to address condition 12 conclude that:

- There are no coal workings present beneath the site and therefore, from a mining history point of view, the site is deemed to be of very low risk.
- The results reveal no significant chemical contamination and concludes that the soils on site present only a low risk apart from a potential moderate risk to underground building materials or plastic water pipes. No specific remediation measures are recommended, but recommendations are made regarding ensuring the suitability of fill material (site won or imported).

The P&NO states that no specific site remediation is required other than validation of the soils for soft landscaped areas. The procedure for this is sufficiently detailed in the Phase 2 report therefore a further detailed remediation strategy specified in Condition 13 is not required. The P&NO therefore also recommends that condition 13 can also be discharged.

Decision text

Condition 12 (Phase II Report)

You have submitted the following:

- Phase II Geo-environmental Investigation by Rogers Geotechnical Services Ltd dated July 2018 – reference J4275/18/E/GE
- Borehole location drawing reference 1348/100
- Letter from JNP Group dated 25th April 2018 reference B20321.L002/JAW/cl

On the basis of the professional opinion of the authors of the reports these are acceptable to discharge condition 12.

The reports conclude that the site is at low risk from historic mine workings and no specific site remediation is required other than validation of the soils for soft landscaped areas, the procedure for which is sufficiently detailed in the Phase 2 report. In such circumstances a further detailed remediation strategy specified in Condition 13 is not required.

Report Dated: 15 October 2018