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:	2018/44/90528/W
Site Address:	Land off, Carr Top Lane, Golcar, Huddersfield, HD7 4JB
Description:	Discharge conditions 7, 8, 9, 12, 13, 14, 15, 18, 19, 20, 23 on previous permission 2015/90507 for outline application for residential development (within a Conservation Area)
Recommending Officer:	Adam Walker

DECISION – Discharge of Conditions- Split Decison

I hereby authorise the Split Decision of this Discharge of Conditions application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 16-Apr-2019

2018/90528 - Officer Report

This application relates to outline planning permission for residential development at Carr Top Lane, Golcar – 2015/90507. The application seeks to discharge conditions including those below as follows:

7. 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 ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.*

Assessment

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 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.
***Reason.** To ensure the site is fit to receive the new development ibn accordance with Policy G6 of the Kirklees Unitary Development Plan.*

Assessment
See below

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 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 ensure the site is fit to receive the new development ibn accordance with Policy G6 of the Kirklees Unitary Development Plan.*

Assessment
The KC Pollution & Noise officer has reviewed the submitted Phase II report and remediation Strategy and considers them acceptable.

Decision

Conditions 7-9 inclusive.

You have submitted the following:

- Stage 1 Desk Study Report SMH/01r1 by ARP Geotechnical dated 10 February 2015
- Phase II Ground Investigation 22604/05-17/4877 rev A by M-E-C dated February 2018

This information is satisfactory to discharge conditions 7, 8 & 9.

Report Dated: 13 July 2018

Officer Report

Discharge conditions 7, 8, 9, 12, 13, 14, 15, 18, 19, 20, 23 on previous permission 2015/90507 for outline application for residential development

Additional report – March 2019.

Condition 12 (Highways)

12. No development shall commence until a scheme detailing the layout, construction and specification of the proposed Carr Top Lane / Site Access junction (with reference to drawing number 907A 01 Rev D) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied, the highway works shall be completed in accordance with the approved scheme and thereafter retained.
***Reason**: In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.*

The following revised plans has been submitted in respect of this condition:

- Drawing number 22604_02_020_01 Rev G (Highway Setting Out)
- Drawing number 22604_02_060_01 Rev H (Surface Finishes and Kerbing)
- Drawing number 22604_02_020_01 Rev J (Section 38 Agreement Plan)
- Drawing number 22604_02_080_02.1 Rev D (Drainage Construction Details Sheet 1 of 2)
- Drawing number 22604_02_080_02.2 (Drainage Construction Details Sheet 2 of 2)
- Drawing number 22604_02_110_03 Rev C (Section 38 Typical Cross-Section Through Road 2)
- Drawing number 22604_02_110_01 Rev F (Longitudinal Sections)

HDM have confirmed that the submitted details are acceptable for the purposes of condition 12.

Condition 13 (Highways)

13. Development shall not commence until a scheme detailing construction access provision to and from the site for construction traffic (including routing and timing), and arrangements to be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved

in writing by the Local Planning Authority. The approved scheme shall then be operated throughout the period of construction work. ***Reason****: In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.*

The following information has been submitted in respect of this condition:

- Site Setup & Traffic Management Plan dated 24/11/2017
- Traffic Management Method Statement dated 24/11/2017
- Construction Method Statement prepared by Brierstone

HDM have confirmed that the above information is acceptable for condition 13.

Condition 14 (Highways)

14. No development shall take place until the design and construction details for all temporary and permanent highway retaining structures within the site have been approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works together with structural calculations and all associated safety measures for the protection of adjacent public highway and retaining wall. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so retained/maintained. ***Reason:*** *In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.*

HDM comments: *The new application related to a modest increase in the number of proposed dwellings being constructed at this site, which did not necessitate any additional highway structures being constructed nor any modification to the design of previously approved structures*.

The retaining walls as shown on drawing number 22604_05_010_01 Rev J (AIP Retaining Wall 1 General Arrangement) and drawing number 22604_05_010_03 Rev D (AIP Retaining Wall 2 General Arrangement) are therefore considered to satisfy the requirements of condition 14.

Condition 15 (detailed drainage design)

15. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development. ***Reason:*** *In the interests of the satisfactory drainage of the*

site, and to accord with the guidance contained in part 10 of the National Planning Policy Framework " Meeting the challenge of climate change, flooding and coastal change".

The following information has been submitted in respect of this condition:

- Drawing number 22604_02_070_04 Rev G (Gully Catchment Areas)
- Drawing number 22604_02_080_04 Rev B (Attenuation Crate Construction Details)
- Drawing number 22604_02_080_06 Rev K (Flow Control Chamber S07 Construction Details)
- Drawing number 22604_02_080_07 Rev E (Storage Manholes S4, S5 & S6 Construction Details)
- Drawing number 22604_02_070_02 Rev G (Manhole Schedule)
- Drawing number 22604_02_070_06 Rev F (Flood Routing Plan)
- Drawing number 22604_02_070_03 Rev J (Impermeable Catchment Area Plan)

The LLFA has confirmed that the above details are satisfactory for this condition. There is however a need to secure provision for the future maintenance and management of the surface water drainage infrastructure within the site (see condition 18 below).

Condition 18 (surface water attenuation)

18. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes in excess of those generated by the critical 1 in 30 storm event, up to and including the critical 1 in 100 year storm event, with an appropriate allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
***Reason:** In the interests of the satisfactory drainage of the site and to accord with guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".*

The LLFA has confirmed that the plans listed above in relation to condition 15 are also satisfactory for condition 18. Condition 18 does however require a detailed maintenance and management regime for the storage facility including the flow restriction and this has not been provided to date. It is necessary for the future maintenance and management of all attenuation on

site to be secured via a s106 agreement. The agent is aware of this matter. Condition 18 can only be partially discharged at this time.

Condition 19 (flood routing):

19. Development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.
***Reason**: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework " Meeting the challenge of climate change, flooding and coastal change".*

The LLFA has confirmed that drawings 22604_02_070_16 and 22604_02_040_12 satisfy this condition however a copy of these is not available on the planning file. These plans have been requested from the agent.

Condition 20 (temporary drainage):

20. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
- *the phasing of the development and phasing of temporary drainage provision.*
- *the methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. Reason. In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".*

LLFA comments: *Although no specific plan diagram has been submitted, we believe that temporary drainage solutions to mitigate increase risk of flooding post site strip has been considered and should be monitored at an on-site audit.*

The applicant has provided a statement on the removal of suspended solids and surface water management during construction dated January 2018, Reference 22604/01-18/TR.

In light of the above it is considered that the condition has been satisfied but monitoring of the development is necessary.

Condition 23 (landscape management plan inc. bat and bird boxes):

23. No development shall take place until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management plan shall extend to the protected/ retained tree cover to the south and west of the site. The management plan shall incorporate the planting of native species; the installation of woodcrete bird boxes (including sparrow terraces and swift boxes integral to the new buildings and starling boxes on trees within the site): the installation of bat tubes (Schweglar type IFR or similar fitted integrally to suitable elevation of any new buildings); fencing details; and a maintenance regime for the Plan. The approved details shall be implemented within an agreed timescale and shall thereafter be retained.

Drawing number 2748/1 Rev J (Landscape Management Plan) has been submitted under the terms of this condition. The council's biodiversity officer considers that the plan provides insufficient details for the purposes of the condition.

It is noted that a Revision K of drawing number 2748/1 was submitted as part of reserved matters application 2018/92848 although there were also concerns raised with this drawing as far as a landscape management plan is concerned.

The agent has responded and has commented that "*Our client is currently reviewing this matter aligned with potential public open space provision on-site and we are seeking to secure a meeting* (with the Council) *shortly to agree a way forward in this respect*".

Report dated

25/3/19