

**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: 2019/44/91710/W

Site Address: adj, 7, Cobcroft Road, Fartown, Huddersfield, HD2
2RU

Description: Discharge conditions 4 (Remediation Strategy) and 5
(Ventilation System) on previous permission
2014/90774 for erection of 2 storey medical centre
with integral pharmacy and parking

Recommending Officer: Farzana Tabasum

DECISION – Partial approval of conditions

**I hereby authorise the partial approval of this application for the reasons
set out in the officer's report and recommendation annexed below in
respect of the above matter.**

Teresa Harlow

AUTHORISED OFFICER

Date: 09-Aug-2019

Officer Report

Permission is sought to discharge condition nos. 4 and 5 on planning permission 2014/90774 for erection of two storey medical centre with integral pharmacy and parking.

The wording of the conditions reads:

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

5. The use hereby permitted shall not begin until details of the installation and/or erection of any external plant/extract ventilation system, including details of the methods to control noise emissions, have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the premises are in use and maintained in accordance with the manufacturers instructions.

Reason: In order to protect the amenity of nearby residents from noise, in the interests of visual amenity, to accord with Policies D2 and EP4 of the Unitary Development Plan and in accordance with the guidance in the National Planning Policy Framework.

Assessment:

With regards to condition no. 4 the application form states “no contamination is found as such no need to provide further information”.

Condition No. 4

The Environmental Health Officer in considering the application form which states no contamination is found have referred to previous correspondence in relation to the matter of contaminated land stating:

“In 2012 in respect of 2009/90777 I met and discussed with NMD re the Phase II Report NE2922 dated April 2009. Agreed that the condition 2, and

associated 3,4,5 and 7 could be discharge. Condition 6 must remain in the event of any unidentified contamination being discovered.”

“ In 2014 Previously approved planning permission in 2009 for larger centre. Same CL Phase I and II reports submitted for this application. These were approved in 2012 and relevant CL conditions on original permission discharged. CLC6 remained on permission. Discussed with ND, as site not classed as potentially contaminated CLC6 condition recommended”

To summarise, it has been evidenced that no contamination is found on site and as such condition no. 4 is satisfied. In light of this no further details are required in relation to remediation or validation.

Condition no. 5

With respect to condition no. 5, the application form states the only external plant are the air –conditioning chiller units. The details of a ventilation system (SEZ-MR32) ceiling concealed ducted system are also provided along with a first floor plan reference no. M04 rev A1, demonstrating the mechanical services layout.

The information is currently under consideration by Environmental Health. I will contact you again in due course on receipt of their comments.

DECISION TEXT:

Condition No. 4

The Environmental Health Officer in considering the application form which states no contamination is found has referred to previous correspondence in relation to the matter of contaminated land stating:

“In 2012 in respect of 2009/90777 I met and discussed with NMD re the Phase II Report NE2922 dated April 2009. Agreed that the condition 2, and associated 3,4,5 and 7 could be discharge. Condition 6 must remain in the event of any unidentified contamination being discovered.”

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To summarise, it has been evidenced that no contamination is found on site and as such condition no. 4 is discharged. In light of this no further details are required in relation to remediation or validation.

Condition no. 5

The application form states the only external plant are the air –conditioning chiller units. The details of a ventilation system (SEZ-MR32) ceiling

concealed ducted system are also provided along with a first floor plan reference no. M04 rev A1, demonstrating the mechanical services layout.

The information is currently under consideration by Environmental Health. I will contact you again in due course on receipt of their comments.

Report Dated: 09/08/19