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:	2019/44/92168/E
Site Address:	Former Parkham Foods Site, 395, Halifax Road, Liversedge, WF15 8DU
Description:	Discharge conditions 5 (internal roads) and 9 (land contamination) on previous permission 2015/90435 for erection of 14 dwellings with integral garages
Recommending Officer:	Louise Bearcroft

DECISION – REFUSE DISCHARGE OF CONDITIONS

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

Julia Steadman

AUTHORISED OFFICER

Date: 20-Aug-2019

OFFICER REPORT

Discharge of Conditions 5 and 9 on application 2015/90435 for erection of 14 dwellings with integral garages

Assessment for Condition 5 (internal adoptable estate roads)

Condition 5 reads:

A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audits covering all aspects of work. Thereafter the scheme shall be completed in accordance with the approved details before first occupation of any dwelling and be retained thereafter
***Reason:** To ensure that suitable access is available for the development and to accord with Policy T10 of the Kirklees Unitary Development Plan.*

The application has submitted the following plans:
-Drawing Reference 01 entitled Section 38
-Drawing Reference 02 entitled Section 38 (Long Sections)

KC Highway Services have assessed the above plans and note that the proposals will require a separate formal Technical Approval by the Council's Highways Section 38 Team. The section 38 engineer has confirmed that the applicants have not made a section 38 Agreement application and condition 5 cannot therefore be discharged at this time. The applicant is required to contact the Highway Section to discuss the level of detailed information required.

Assessment for Condition 9 (Phase 1 Contaminated Land Report)

Condition 9 reads:

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: This is a pre-commencement condition in order to address land contamination and coal mining legacy issues on the site and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

The applicant has submitted a Worm Eye Phase 1 (Desk Top Study) Contaminated Land report dated 08 January 2007 ref :GGC/PNG/WF168DU. This report was previously submitted with application Ref 2015/90435. KC Environmental Services have assessed the report and note that as it is now 12 years old it is not considered the report will reflect current guidance or

potential contamination of the site that may have occurred since 2007. Condition 9 cannot therefore be discharged and an updated report is required.

Recommendation – Unable to discharge conditions 5 and 12

Decision Notice Text

Condition 5 (internal adoptable estate roads)

Details of the proposed internal adoptable estate roads have been submitted on the following plans:
-Drawing Reference 01 entitled Section 38
-Drawing Reference 02 entitled Section 38 (Long Sections)

The proposals will require a separate formal Technical Approval by the Council's Highways Section 38 Team and at the time of writing no section 38 Agreement application has been made. You are required to contact John Hinchliffe of the Highway Section on 01484 221000 or JohnM.Hinchliffe@kirklees.gov.uk to discuss the level of detailed information required. Condition 5 cannot therefore be discharged.

Condition **9 (Phase 1 Contaminated Land Report)**

A Worm Eye Phase 1 (Desk Top Study) Contaminated Land report dated 08 January 2007 ref :GGC/PNG/WF168DU has been submitted. This report was previously submitted with application Ref 2015/90435. The report is now 12 years old and it is not considered it will reflect current guidance or potential contamination of the site that may have occurred since 2007. Condition 9 cannot therefore be discharged and an updated report is required.

Report Dated: 20th August 2019