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:	**2022/44/92509/E**
Site Address:	9-11, Belle Vue Street, Healey, Batley, WF17 8DD
Description:	Discharge condition 3 (Phase One Contamination Report) on previous permission 2021/93344 for demolition of existing buildings and erection of five dwellings with associated access, parking and landscaping works (modified proposal)
Recommending Officer:	Callum Harrison

DECISION – APPROVE DISCHARGE OF CONDITION 3

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: 02-Mar-2023

Officer Report

Application: 2022/92509 at location 9-11, Belle Vue Street, Healey, Batley, WF17 8DD

Proposal: Discharge condition 3 (Phase One Contamination Report) on previous permission 2021/93344 for demolition of existing buildings and erection of five dwellings.

Condition 3 (Preliminary Risk Assessment (Phase I Desk Study Report)

Condition3 reads as follows:

'3. 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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the NPPF. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.'

The agent has submitted:

- Phase I: Desktop Study and Preliminary Risk Assessment Report by GeoEnviro Solutions Ltd, dated April 2022 (ref: GES 2247-22 PI).

KC Environmental Health have been consulted as part of the application and have reviewed the submitted information.

The report states that in terms of on-site and off-site historical land uses within 250m of the site, 'potentially contaminative land uses comprise of, nurseries, brickworks, unspecified mills, unspecified pits, unspecified ground workings and unspecified quarries.' Notably, the report also identifies 'a refuse tip 116 m northwest of the site' and 'an inert / industrial / commercial landfill site 89 m northwest.'

The reports recommends that ground gas and groundwater monitoring is completed. The report recommends 'six return gas and groundwater monitoring visits over a period of three months' to determine the ground gas and groundwater conditions.

KC Environmental Health generally agree with the findings but would expect a minimum of six ground gas and groundwater visits over three months for the monitoring. If any potential ground gas source is found to be worse than anticipated, then the monitoring period should be extended accordingly. All ground gas monitoring must be undertaken in accordance with best practice guidance. Officers therefore accept the report and deem that **Condition 3 is discharged,** however condition 4 is deemed applicable and needs to be discharged accordingly.

Decision Text

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Decision Authorisation - Delegated Powers
Application Number:
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policy PLP24 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy PLP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. If you have secured amendments to a scheme etc you have sought solutions – please explain here...eg, The case officer - undertook negotiations with the applicant to secure amended plans…. requested the applicant submit a bat survey and mitigation statement to ensure the scheme minimised the impact on biodiversity. If there was no engagement with the applicant also provide an explanation for this.

Report Dated: