

**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:	2024/44/90383/E
Site Address:	Yew Tree Farm, The Village, Farnley Tyas, Huddersfield, HD4 6UQ
Description:	Discharge of conditions 3 (Phase II SI), 4 (remediation), 10 (drainage design), 11 (drainage calculations), 12 (drainage design), 26 (WSI) and 33 (highway details) of previous permission 2021/93006 for conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION – Discharge of Conditions – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 14/08/2024

Application: 2024/90383

Site Address: Yew Tree Farm, The Village, Farnley Tyas, Huddersfield, HD4 6UQ

Proposal: Discharge of conditions 3 (Phase II SI), 4 (remediation), 10 (drainage design), 11 (drainage calculations), 12 (drainage design), 26 (WSI) and 33 (highway details) of previous permission 2021/93006 for conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

Condition 3 (Phase II Intrusive Site Investigation)

'3. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person 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 the National Planning Policy Framework. This pre-commencement condition is necessary to ensure site investigation is carried out at an appropriate stage of the development process'.*

Condition 4 (Remediation)

'4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (3) further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure site investigation is carried out at an appropriate stage of the development process'.*

Condition 10 (Drainage Detailed Design Scheme)

'10. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation/soakaway structure, and an itinerary of maintenance tasks with schedules. No part of the development 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 and retained thereafter.

Reason: To deliver effective sustainable systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process’.

Condition 11 (Storm Events)

‘11. The 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 (both upstream and downstream of the development), 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: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process’.

Condition 12 (Temporary Surface Water Drainage)

‘12. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process’.

Condition 26 (Archaeological and Architectural Recording)

‘26. No development is to take place within the site outlined in red on the hereby approved Location Plan until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological and architectural recording. This recording must be carried out by an appropriately qualified and experienced archaeology consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: *This is a pre-commencement condition to ensure that an appropriate level of archaeological investigation has been carried out at the site which is located at the heart of a settlement recorded in the Domesday Book of 1086, partially within the Farnley Tyas Conservation Area and contains the presence of 4 grade II listed buildings. This is in accordance with Policy LP35 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure archaeological and architectural recording is agreed at an appropriate stage of the development process’.*

Condition 33 (Internal Estate Roads)

‘33. No development shall take place until a scheme detailing the proposed internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sightlines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that suitable access is available for the development’.*

Officer Assessment

Condition 3 (Phase II Intrusive Site Investigation)

A Geoenvironmental Appraisal authored by Lithos, dated July 2021 (ref: 3381/2) has been received to support the discharge of condition 3. This document describes the findings of the preliminary intrusive investigation undertaken at site. Key findings include elevated inorganic contaminants, the absence of asbestos and limited detection of organic determinants.

KC Environmental Health were consulted on the application and acknowledge receipt of the Geoenvironmental Appraisal authored by Lithos, dated July 2021 (ref: 3381/2) but recognised that half of the site is still occupied by buildings. Condition 3 is a pre-commencement condition. However, post-demolition

investigation activities are essential to fully understand the site's characteristics and verify the existence of any potential pollutant linkages. It is therefore recommended that following demolition, the applicant must initially submit an updated Phase 2 report, ensuring adjustments to the conceptual site model as needed.

KC Environmental Health shall be reconsulted regarding condition 3 upon receipt of the new Phase 2 report. For these reasons, condition 3 must remain undischarged until further notice.

Condition 4 (Remediation)

No remediation strategy appears to have been received in support of the application to discharge condition 4. Furthermore, the site characterisation is incomplete. To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework, KC Environmental Health consider that condition 4 should remain until further notice.

Officers concur with this conclusion and therefore condition 4 cannot be discharged at this stage.

Condition 10 (Drainage Detailed Design Scheme), Condition 11 (Storm Events) and Condition 12 (Temporary Surface Water Drainage)

The applicant has submitted the below documents to support the discharge of these conditions:

- Geoenvironmental Appraisal ref: 3881/2, authored by Lithos, dated 07/2021
- Drawing Ref: 4011/120, Exceedance Flood Routes, Rev 1 dated 17/11/2023
- Drawing Ref: 4011/121, Impermeable Areas, Rev 1 dated 17/11/2023
- Drawing Ref: 4201/122, Construction Stage SW Management, Rev 1 dated 23/02/2024
- Document Ref: Construction Stage Hydraulic Calculations
- Document Ref: 4201/HYD001, Hydraulic Report, dated 17/11/2023
- Document Ref: 4201/HYD002, Maintenance Manual dated 17/11/2023

Given the nature of this condition the Lead Local Flood Authority (LLFA) were consulted. They advised that the calculations in the Hydraulic Report and Impermeable Areas drawing are accepted, together with the proposed Maintenance Schedules set out in the Maintenance Manual. The LLFA therefore considered that condition 10 can be discharged.

Officers concur with this conclusion however condition 10 is to remain in effect until the approved drainage scheme has been provided on site to serve the development (or each agreed phasing of the development) and is to be retained thereafter.

The LLFA also commented that the flood routing indicated on the Exceedance Flood Routes drawing are accepted, and condition 11 can therefore be

discharged. Officers concur with this conclusion, however, condition 11 is to remain in effect until the works comprising the approved scheme has been completed and this is to be retained thereafter.

Furthermore, the LLFA noted that the temporary drainage details indicated on the Construction Stage SW Management drawing are acceptable, and that condition 12 can therefore be discharged. Officers concur with this conclusion, however, condition 12 must remain in effect until the approved temporary works have been implemented in accordance with the approved scheme and phasing. The approved temporary drainage scheme must also be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

The LLFA have confirmed that the proposed conservative infiltration rate of 1.0×10^{-4} m/s (0.36 m/hr) and safety factors are accepted.

KC Highway Structures also commented on condition 10, noting that they were satisfied that the proposed surface water attenuation system(s) (is/are) located off the highway. However, there does not appear to be a manhole schedule for this system to ascertain whether they are oversize manholes, therefore a formal technical approval is required (via submission of AIPs) and as such pending the successful conclusion of this process, condition 10 cannot be discharged at this time.

Condition 26 (Archaeological and Architectural Recording)

The applicant has submitted a Written Scheme of Investigation authored by Bowman Riley, document no. H4010 Rev P1, dated 06/10/2023, in support of the discharge of condition 26. Given the nature of this condition the West Yorkshire Archaeology Advisory Service were consulted.

The WYAAS note that a WSI was submitted however, this document only deals with historic building recording and notes that *“1.5 A separate written scheme of investigation for below-ground archaeology will be required”*.

Following receipt of the above comments the applicant submitted an Archaeological Watching Brief Written Scheme of Investigation (WSI) authored by Orion. This document outlines that there are four listed buildings within the site, and that it is also located within the Farnley Tyas Conservation Area. The listed buildings are all Grade II Listed and comprise the barn at Yew Tree Farm and a former dairy, both which date to 1671, 55 The Village, a late 17th/early 18th Century cottage, number 65 and adjoining barn, a weaver's house and adjoining barn of 17th or 18th Century origin. There are no records of prehistoric to medieval date recorded within the study area.

The document goes on to outline the aims and objectives of the WSI with the broad aims of the watching brief being:

- To assess the character, extent, preservation, significance, date and quality of any archaeological remains and deposits;

- To assess how they might be affected by the development of the site;
- To establish the extent to which previous groundworks and/or other processes have affected archaeological deposits at the site; and
- To assess what options should be considered for mitigation (e.g. further archaeological investigation and recording and/or engineering design to allow for meaningful preservation in situ).

The specific aims of the watching brief are defined as being:

- To determine the presence/absence of prehistoric remains;
- To determine the presence/absence of Roman remains;
- To determine the presence/absence of Saxon/Medieval remains; and
- To determine the presence/absence of Post-Medieval remains.

The final aim is to make public the results of the Investigation, subject to any confidentiality.

The methodology is also discussed, noting that an archaeological watching brief would be undertaken on the groundworks associated with the development proposals. The existing agricultural buildings would be demolished in the first instance, but any grubbing out would be archaeologically monitored. This section of the document provides details on the recording, finds and samples, and reporting and archive. Concluding that the Archaeological Advisor would be notified of the start date of the work with at least five working days' notice. Orion Heritage would also continue to keep the Archaeological Advisor informed of the progress of work and would notify the Archaeological Advisor immediately if particularly important archaeological remains are encountered. Due to the nature of watching briefs, the applicant has stated that it is unlikely that it would be necessary for the Archaeological Advisor to visit the site, unless significant remains are uncovered.

A programme of historic building recording has also been undertaken under a separate WSI by Bowman Riley. This document provides a summary of the heritage significance of the site, as well as outlining the recording method to be used on site, methodology, operational and quality control issues, which includes risk assessment, roles and responsibilities, a project plan and quality control.

WYAAS confirm that subject to a couple of minor typing errors the WSI is acceptable as submitted. They do, however, note that WYAAS charge for approving WSIs and that confirmation will need to be provided that the WSI has been paid for.

Taking the above into consideration, officers would concur with the conclusions drawn by WYAAS and therefore condition 26 may be discharged.

Condition 33 (Internal Estate Roads)

The applicant originally submitted Highways and Drainage Section 104 Plan drawing 4011/112 rev 2, dated 11/2023, received 12/02/2024 in support of

discharging condition 33. Given the nature of the condition KC Highways Development Management (KC HDM) were consulted.

They note that the location of road gullies is shown on the Highways and Drainage Section 104 plan (drawing 4011/112 rev2) however, it is not clear from the plan what drainage is to be provided at the end of road 2. No longitudinal section has been provided to show the gradient of road 2. Furthermore, no street lighting details have been provided. Officers therefore recommend that this condition is not discharged.

Following receipt of the above comments, the applicant sought to submit a revised Highways and Drainage Section 104 Plan drawing 4011/112 rev 3, dated 11/2023, received 07/05/2024. KC HDM now have no objections to the discharge of this condition.

Officers concur with this conclusion however it is noted that the condition will remain in effect until the approved scheme has been completed prior to the occupation of any of the previously approved buildings. Once completed it is required to be retained thereafter.

Decision Notice Text

Condition 3 (Phase II Intrusive Site Investigation)

You have submitted the following details:

- Geoenvironmental Appraisal, ref: 2281/2, authored by Lithos, dated 07/2021, received 12/02/2024.

Whilst the above document is acknowledged, post-demolition investigation activities are required to be undertaken prior to the discharging of this condition. Following demolition, you would need to initially submit an updated Phase 2 report, ensuring adjustments to the conceptual site model as needed. For these reasons Condition 3 must remain undischarged until further notice.

Condition 4 (Remediation)

No details have been submitted in respect of discharging this condition. Furthermore, the site characterisation is incomplete and therefore condition 4 must remain undischarged until further notice.

Condition 10 (Drainage Detailed Design Scheme), Condition 11 (Storm Events) and Condition 12 (Temporary Surface Water Drainage)

You have submitted the following details:

- Geoenvironmental Appraisal ref: 3881/2, authored by Lithos, dated 07/2021
- Drawing Ref: 4011/120, Exceedance Flood Routes, Rev 1 dated 17/11/2023

- Drawing Ref: 4011/121, Impermeable Areas, Rev 1 dated 17/11/2023
- Drawing Ref: 4201/122, Construction Stage SW Management, Rev 1 dated 23/02/2024
- Document Ref: Construction Stage Hydraulic Calculations
- Document Ref: 4201/HYD001, Hydraulic Report, dated 17/11/2023
- Document Ref: 4201/HYD002, Maintenance Manual dated 17/11/2023

The details submitted therein satisfy the requirements of conditions 11 and 12 and are hereby approved. However, please note that in respect of condition 11, no part of the development may be brought into use until the works comprising the approved scheme have been completed, and such approved scheme is required to be retained thereafter. Furthermore, with regard to condition 12, the temporary works are required to be implemented in accordance with the approved scheme and phasing. No phase of the development may be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme is required to be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Taking the above into account, the ongoing requirements of conditions 11 and 12 remain applicable, and these conditions cannot be fully discharged at this stage (full discharge will be achieved through compliance with the ongoing requirements).

In respect of condition 10, the submitted details are not considered sufficient to enable the discharge of this condition. Whilst the above-listed drawings and documents are considered acceptable in respect of the Lead Local Flood Authority, KC Highways Structures have noted that the details submitted do not include a manhole schedule for the proposed surface water attenuation system(s) and therefore officers cannot ascertain whether there are to be oversize manholes. A formal technical approval is therefore required (via submission of AIPs) and as such pending the successful conclusion of this process, condition 10 cannot be discharged at this time.

Condition 26 (Archaeological and Architectural Recording)

You have submitted the following details:

- Archaeological Watching Brief Written Scheme of Investigation, authored by Orion, ref: PN4194/WSI/1, dated 02/2024, received 13/03/2024
- Written Scheme of Investigation authored by Bowman Riley, ref H4010 Rev P1, dated 6/10/2023, received 12/02/2024

The details submitted therein satisfy the requirements of condition 26 and are hereby approved.

Condition 33 (Internal Estate Roads)

You have submitted the following details:

- Highways and Drainage Section 104 Plan drawing 4011/112 rev 2, dated 11/2023, received 12/02/2024

The details submitted therein satisfy the requirements of condition 33 and are hereby approved. However, this condition will remain in effect until the approved scheme has been completed prior to the occupation of any of the previously approved buildings. Once completed it is required to be retained thereafter.

Report Dated: 09/08/2024.