

**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:	2024/44/92077/W
Site Address:	749, New Hey Road, Outlane, Huddersfield, HD3 3YL
Description:	Discharge of details reserved by conditions 4 (Phase I Desk Study Report), 14 (site access) on previous permission 2023/91173 for conversion and adaption of existing Listed barn to form new dwelling with associated car parking and external works [Listed Building]
Recommending Officer:	Joanna Rednall

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 25-Sep-2024

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2023/62/91173/W and permission granted for conversion and adaption of an existing listed barn to form a new dwelling with associated car parking and external works (Listed Building).

The applicant is now seeking to discharge Conditions 4 & 14.

ASSESSMENT

Condition 4 (Phase I Desk Study Report)

4. Groundworks 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: *This is a pre-commencement condition where such details are required before works commence to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.*

As part of this application the following has been submitted:-

- Phase 1 Geo-environmental Report by Haigh Huddleston and Associates, dated July 2024, ref: E24/8202/R001

Consultee response:

KC Environmental Health have been consulted on the above details and made the following concluding comments:

'The site history and environmental setting since 1854 have been listed. we note that no site walk over appears to have been undertaken but the common potential pollutants associated with the site usage have been identified. The surrounding site history includes an historic landfill. Potentially contaminative sources identified are listed as the following: -

- *Possible ground gas migration from historical landfill.*
- *On-site storage of materials used in farming.*
- *Historical leakages/spills from vehicles and storage tanks on site.*
- *Made ground used in levelling the site.*
- *Demolition from former buildings in east of site.*

A conceptual site model in section 6 attributes identifies several potential pollutant linkages and it is concluded that an intrusive investigation is necessary to confirm the potential source pathway-receptor linkages identified. We accept the report.'

Taking account of the response of the Environmental Health team and the content of the submitted Phase I report, it is therefore concluded that the scheme for Condition 4 is acceptable and in accordance with policy LP53 of the Kirklees Local Plan. This condition is therefore recommended to be discharged.

Condition 14 (Site access)

14. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: *This is a pre-commencement condition in the interests of highway safety and the amenities of nearby occupiers of residential property to ensure that appropriate arrangements are in place to support the development throughout the construction period and to accord with Chapters 9 and 15 of the National Planning Policy Framework and Policies LP21, LP24 and LP52 of the Kirklees Local Plan.*

As part of this application the following has been submitted:-

- Drawing No AL0051 "Site Construction Management Plan"

Consultee Response:

KC Highways Development Management have been consulted on the above details and made the following concluding comments:

'The supplied drawing clearly shows the location of worker and delivery parking, materials storage, on site facilities and wheel washing facilities as requested within the condition wording, and these are acceptable.

The drawing also indicates that construction access would be restricted to 7.30 – 18.30 weekdays and 8.00 – 13.00 Saturdays. This is acceptable for highways.

It also indicates that the largest vehicles to be expected to access the site would be articulated wagons and skip wagons. The drawing included a swept path analysis to indicate a vehicle can turn within the site to allow it to enter/exit in forward gear, however no details were given as to the size or type of vehicle used for the swept path analysis and the swept path excluded the narrow access or turn to/from A640 New Hey Road. This is a noticeable omission and does not provide sufficient detail to allow us to fully assess the construction access for the site.

Due to this we cannot support the discharge of condition 14 until the full details of the swept path analysis is included for the largest vehicle expected to access the site from A640 New Hey Road, with full details for the vehicle used to generate the swept path.'

Taking account of the response of the Highways Development Management team and the content of the submitted Site Construction Management Plan, it is considered that the submitted plan is not sufficient to enable the discharge of condition No.14 and this condition is therefore not recommended to be discharged.

Conclusion

In conclusion, it is considered that the submitted details are sufficient for Condition 4 to be discharged, however further information is considered to be necessary to enable the discharge of Condition 14. The part discharge of conditions the subject of this application is therefore recommended.

DECISION LETTER TEXT

Condition 4

You have submitted the following: -

- Phase 1 Geo-environmental Report by Haigh Huddleston and Associates, dated July 2024, ref: E24/8202/R001

The submitted details are acceptable and this condition is discharged on the basis the development is implemented in accordance with the approved scheme.

Condition 14

You have submitted the following:-

- Drawing No AL0051 "Site Construction Management Plan"

As no details were given as to the size or type of vehicle used for the swept path analysis and the swept path excluded the narrow access or turn to/from A640 New Hey Road and the response of KC Highways Development Management, this condition is not recommended to be discharged. Should further information be received within 21 days of the date of this letter, this would be considered under this application.

Report dated: 24/09/2024