

**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:	2023/44/90428/E
Site Address:	Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU
Description:	Discharge condition 14 (Phase II Intrusive Site Investigation Report) on previous permission 2019/90527 for outline application for erection of up to 127 dwellings with details of access
Recommending Officer:	Richard Riggs

DECISION – Discharge of Conditions- Approved

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.

David Wordsworth

AUTHORISED OFFICER

Date: 12-May-2023

OFFICER REPORT (DISCHARGE OF CONDITIONS)

Application: 2023/90428

Description: Discharge condition 14 (Phase II Intrusive Site Investigation Report) on previous permission 2019/90527 for outline application for erection of up to 127 dwellings with details of access

Address: Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU

Ward: Birstall and Birkenshaw

Expiry Date: 05 April 2023

Extension: 12 May 2023

Case Officer: R Riggs (Senior Planning Officer)

This application seeks the partial discharge Condition 14 (Phase II Intrusive Site Investigation Report) in respect of Phase 1 of planning permission 2019/90527 for outline application for erection of up to 127 dwellings with details of access at Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU.

The Local Planning Authority has received supporting documents in relation to the discharge of the above planning conditions. In addressing the information provided, consultations have been undertaken and, based on the responses received from these consultees, Officers are able to advise that the following decisions have been taken by the Local Planning Authority:

- Condition 14 (Phase II Intrusive Site Investigation Report) – Has been Partially Discharged for Phase 1 of the development only.

This condition has been Partially Discharged for Phase 1 of the development after being considered to meet the requirements set out in the conditions of the original planning permission. Full discharge of the condition hereby Partially Discharged shall only occur once the requirements of the condition are met for all phases of the development, as per the requirements of the conditions.

The full details of the required compliance with the abovementioned conditions are set out below.

Condition 14 (Phase II Intrusive Site Investigation Report)

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 13 development shall not commence until a Remediation Strategy 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

Officer Assessment

The following plans have been submitted in support of this application:

- Ref: 22-110 (Remediation Statement & Validation Proposal Sheets), dated 31/01/2023 and received by the Local Planning Authority on 08/02/2023.

The applicant has submitted the abovementioned information detailing the satisfactory provision of a Phase II Intrusive Site Investigation Report for Phase 1 of the development. KC Environmental Health have reviewed the submitted information and consider it to be acceptable. As such, Officers consider that this condition can be partially discharged with regard to Phase 1 of the development only.

Note to Applicant

A further Phase II Intrusive Site Investigation Report will be required to be discharged for Phase 2 of the development under a further Discharge of Conditions application at a later date.

DECISION NOTICE TEXT

Condition 14 (Phase II Intrusive Site Investigation Report)

The following plans have been submitted in support of this application:

- Ref: 22-110 (Remediation Statement & Validation Proposal Sheets), dated 31/01/2023 and received by the Local Planning Authority on 08/02/2023.

You have submitted the abovementioned information detailing the satisfactory provision of a Phase II Intrusive Site Investigation Report for Phase 1 of the development. This condition can be partially discharged with regard to Phase 1 of the development only.

Note to Applicant

A further Phase II Intrusive Site Investigation Report will be required to be discharged for Phase 2 of the development under a further Discharge of Conditions application at a later date.

Report Dated: 10 June 2023