

**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: 2020/44/91258/W

Site Address: 4, Olney Street, Slaithwaite, Huddersfield, HD7 5EG

Description: Discharge conditions 9-12 on previous permission
2019/94075 for erection of pair of semi-detached
dwellings

Recommending Officer: Ellie Worth

DECISION – Partial Approval of Conditions

**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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 11-Aug-2020

Officer report – Discharge of conditions application

The application seeks to discharge conditions 9 (Phase I Desk Study Report), 10 (Phase II Site Investigation Report), 11 (Submission of Remediation Strategy) and 12 (Completion of site remediation) for the erection of a pair of semi-detached dwellings at 4 Olney Street, Slaithwaite, Huddersfield, HD7 5EG.

The wording of the conditions and an assessment of each one is as follows:

Condition 9: Phase I Report

9. 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) 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 National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

Assessment

As part of this application, KC Environmental Health have been consulted. In this instance, the submitted report has provided information reflective of a desktop study in lieu of a separate Phase I report. The report states that the site has potential for ground gas migration from infill to the former quarries on and off site and the materials from the demolition of the former buildings on the site. The report progresses to recommend a site intrusive investigation.

As such, the information submitted is satisfactory for the discharge of condition 9.

Condition 10: Phase II Intrusive Site Investigation Report

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (9) Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation 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 National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

Assessment

In the previous consultation dated 19th June, KC Environmental Health stated that the submitted Geo-Environmental Ground Investigation Report by Haigh Huddleston Associates (ref: E20/7691/R001) failed to meet the requirements for Condition 10. This is due to the fact that officers, did not accept the proposals gas protection elements pertinent to Characteristic Situation 2

(CS2) without sufficient gas monitoring or an empirical approach to characterise the ground gas risk using the total organic carbon content (TOC %).

However, for the purposes of discharging condition 10, a letter dated 22nd July by Martin Huddleston (E20/7691/MH/PW/001) has now been received.

Two samples were taken from two trial pits TP01 and TP02, revealing an average site TOC% of 2.4%. Due to previous information relating to the made ground on site and the new TOC% evidence, the site has been reclassified as Characteristic Situation 3 (CS3).

In this instance, KC Environmental Health agree with the new classification and are satisfied with the Phase II findings. Condition 10 can be discharged

Condition 11 – Submission of Remediation Strategy

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (10) further Groundworks 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

Assessment

A remediation strategy was included in the Geo-Environmental Ground Investigation Report by Haigh Huddleston Associates (ref: E20/7691/R001) and previously submitted as part of application. In addition, the letter dated 22nd July 2020 by Martin Huddleston (E20/7691/MH/PW/001) also mentions remediation.

In the previously submitted Phase 2 report, a fully vented minimum 150mm deep void below suspended slab that would be increased to 250mm where the proximity of trees affect the foundation construction and Visqueen gas barrier were proposed to achieve a score of 4.5. Although this was previously selected for Characteristic situation 2, the selected elements provide adequate protection for the reclassified site which is now characteristic situation 3. In this instance, KC Environmental Health officers agree with the gas protection measures.

Imported soils are required for clean cover which has been proposed to a depth of 600mm (150mm topsoil overlaying 450mm clean subsoil). Information relating to the sampling of imported materials to ensure suitability have also been detailed and agreed by KC Environmental Health.

Contingency measures and procedure for dealing with unexpected contamination have been provided (i.e. to contact an engineer and document any visual or olfactory evidence of contamination). This has been considered acceptable for this proposal, however, as per Condition 12, the Local Planning Authority should be notified within 2 working days and ground works should cease in the event of unexpected contamination.

Finally, the report concludes that verification of cover systems and gas protection elements will be provided in due course, in which has also been considered acceptable.

Condition 12 Implementation of the Remediation Strategy

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have 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 paragraph nos. 178 and 179 of the National Planning Policy Framework.

Assessment

Until the development has finished and a validation report, as required by condition 14, has been received and accepted by the LPA, condition 12 cannot be discharged. This is due to there still being a chance of unexpected contamination. However, this condition does not require a further application to be made unless unexpected contamination is identified and encountered on site. This would require revisions to the Remediation Strategy to be submitted to and approved in writing by the Local Planning Authority.

Decision notice text

I refer to your above referenced discharge of condition application and can confirm the following related to the contamination conditions 9-12 of the planning permission:

Condition 9: Phase I Report

The Geo-Environmental Ground Investigation Report by Haigh Huddleston Associates (ref: E20/7691/R001) provides information in lieu of a Phase 1 report that the site has potential for ground gas migration from infill to the former quarries on and off site and the materials from the demolition of the former buildings on the site. The report progresses to recommend a site intrusive investigation.

As stated in the response from KC Environmental Health on the 21st May 2020, condition 9 can be discharged.

Condition 10: Phase II Intrusive Site Investigation Report

Having assessed the letter dated 22nd July 2020 by Martin Huddleston (E20/7691/MH/PW/001) with the Phase II ground investigation report Geo-Environmental Ground Investigation Report by Haigh Huddleston Associates (ref: E20/7691/R001) KC Environmental Health agree with the new classification of Characteristic Situation 3 and are satisfied with the findings of the Phase II Site Investigation Report.

For these reasons condition 10 can be discharged.

Condition 11 – Submission of Remediation Strategy

A remediation strategy was included in the Geo-Environmental Ground Investigation Report by Haigh Huddleston Associates (ref: E20/7691/R001) and previously submitted as part of the application. In addition, the letter dated 22nd July 2020 by Martin Huddleston (E20/7691/MH/PW/001) also highlights remediation measures. In this instance KC Environmental Health agree with these proposals, however, as per Condition 12, the local authority should be notified within 2 working days and groundworks should cease in the event of unexpected contamination not set out in the remediation strategy.

The report concludes that verification of cover systems and gas protection elements will be provided in due course, which has also been agreed by KC Environmental Health. These matters would need to form part of the validation report, the subject of condition 14.

For these reasons condition 11 can be discharged.

Condition 12 Implementation of the Remediation Strategy

Until the remediation of the site has been completed in accordance with the Remediation Strategy approved pursuant to condition (11) and a validation report, as required by condition 14, has been received and accepted by the LPA, condition 12 cannot be treated as discharged.

However, this condition does not require a further application to be made to the local planning authority, unless unexpected contamination is identified and encountered on site. This would require revisions to the Remediation Strategy to be submitted to and approved in writing by the Local Planning Authority.

Report dated 11th August 2020

