

**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: 2021/44/91537/E

Site Address: Dearne Grange Farm, Park Head Lane, Birds Edge,
Huddersfield, HD8 8YA

Description: Discharge conditions 3, 4, 14, 16 on previous
permission 2020/91484 for demolition of stable block
and erection of detached dwelling

Recommending Officer: Jennifer Booth

**DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION
CONDITIONS 3, 14 & 16 DISCHARGED
CONDITION 4 NOT DISCHARGED**

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

Paul Dowd

AUTHORISED OFFICER

Date: 09-Jun-2021

2021/91537 – OFFICER REPORT

This application relates to the approval for demolition of stable block and erection of dwelling under 2020/91484. The application seeks to discharge condition 3, 4, 14 and 16 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for investigations to be undertaken and assessed, to establish the exact situation regarding contamination at the site in a timely manner.*

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3, development 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.*

14. Before development commences a Foul Water report shall be submitted to the local planning authority for approval in writing. The report shall provide the following information:

- Location of the septic tank (if proposed). The site selected should not be so near to any inhabited building as to be liable to become a source of nuisance or a danger to health (a minimum of 15m is desirable. It is preferable if it is over 20m). It is essential that no well, stream or river etc is liable to be polluted.*
- The capacity of the tank and number of persons using the tank.*
- Details of means of vehicular access to allow the tank to be emptied.*
- Results of the necessary porosity and percolation tests carried out to establish suitability of land if to be used for soakaway/land drainage of effluent. The installation shall be installed and maintained in accordance with the agreed details before the dwelling is first occupied and retained as such thereafter.*

Reason: *To ensure the protection of the local environment and to accord with Policy LP52 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that the foul water features are integrated into the site at the appropriate phase of development.*

16. Before the commencement of development, details of a scheme to show how surface water from the development will be disposed of shall be submitted to the Local Planning Authority for approval in writing. The scheme shall show that the applicant has explored sustainable methods of drainage according to the Hierarchy of Drainage and that a reduction in surface water run-off of 30% can be achieved where a positive surface water connection from the site can be proven. Where a new connection is required a maximum greenfield run-off rate of 5 litres per second per hectare is required. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.

Reason: *To ensure the effective management of surface water from the development and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, Meeting the challenge of climate change, flooding and coastal change. This is a pre-commencement condition to ensure that the drainage and surface water features are integrated into the site at the appropriate phase of development.*

Assessment

The Environmental Health Officer (EHO) has reviewed the submitted information as follows:

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

To discharge Condition 3, a Phase 1 Desk Study Site Investigation Report by Geo Investigate dated February 2021 (ref: G21073) has been submitted.

The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s. These include but are not limited to, nearby quarries, mills and landfill. From this, the Phase I suggests that there is a credible contamination risk to the proposed development and concludes by giving recommendations for intrusive investigation.

Notably, in Table 5 of the report, a very low risk is assigned to hazardous gases associated with mine workings and nearby made ground, but it is recommended that gas monitoring is undertaken. In Table 6 of the report, the recommendation for 6 gas monitoring visits over 3 months is given but it is also noted that gas monitoring is '*considered highly unlikely to be required*'.

In summary, we generally agree with the report findings and recommend Condition 3 is discharged. However, we would expect that in a site of high sensitivity end-use that is within 250m of a landfill that gas monitoring should be undertaken in line with CIRIA 665 guidance.

Condition 4 – Phase II Intrusive Site Investigation Report

To discharge Condition 4, a Phase 2 Intrusive Site Investigation Report by Geo Investigate April 2021(ref: G21103) has been provided. The report includes geo-technical information, which is outside the remit of

Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The field investigation included three boreholes, four trial pits and contamination analysis of six near-surface soil and made ground samples. Unacceptable levels of benzo(b)fluoranthene, benzo(a)pyrene and dibenz(a,h) anthracene occurred in one sample only (sample TPA). Subsequently, the report identified that remedial works would be required at the site before it can be deemed suitable for residential use. However, the report also acknowledged that TPA is currently in a location of hardstanding and the authors considered this '*less sensitive*' than other areas.

No ground gas monitoring has been undertaken as it was deemed unnecessary by the attending geo-environmental engineer who identified made ground in only one of the five boreholes. Made ground generally extended to 0.6m depth. Soil organic matter (SOM) was 2.94% and total organic carbon (TOC) was 1.72%. The report then proposed that hardstanding should be incorporated to break the significant pollutant pathways confirmed. An alternative approach is proposed to remove the near-surface soils and replacing with a clean cover system utilising 600mm of uncontaminated material.

We require further clarification as to why no ground gas monitoring was undertaken. We acknowledge that the made ground had a maximum depth of less than 3m and the TOC was less than 4%. However, this relates to made ground at the site and not gas associated with the landfill within 250m of the site. As such, further justification in relation to gas migration and the risk to site-users is required if an empirical approach to ground gas characterisation is to be adopted using the total organic carbon content. Alternatively, a ground gas monitoring regime of a minimum of 6 occasions over 3 months should be completed in accordance with CIRIA 665 guidance where Table 5.5a and Table 5.5b identifies this idealised period and frequency for a highly sensitive development (residential with gardens). Should evidence become apparent from the initial monitoring stages that gas monitoring can be curtailed then this should be submitted for consultation.

Until further information is received in relation to the ground gas risks onsite then this condition must remain.

Condition 14 - Foul Water Report

The following documents have been submitted to discharge Condition 14:

- Drainage Strategy, Management and Maintenance Plan by Matrix Consulting Engineers dated 21st April 2021 (ref: 21009-MCE-ZZ-ZZ-RP-C-1001)
- Calculations by Matrix Consulting Engineers dated 24th April 2021 (ref: 21009-MCE-XX-XX-CA-S-1002)

From the provided documents, it is proposed that a Klargestor Domestic BioDisc BA domestic package water treatment plant will be sited parallel to Cumberworth Lane within a few meters of the road to allow for vehicle access. The location of the 2m² drainage field is also denoted adjacent to the treatment plant. This is sufficient to allow Condition 14 to be discharged.

Condition 16 – Surface water disposal

The submitted statement follows the recommend drainage hierarchy and concludes that the existing soakaway system on the site is able to serve the new dwelling. As such, this is considered sufficient to discharge condition 16.

Summary

The information submitted regarding Conditions 3, 14 and 16 is considered sufficient to discharge these conditions. However, the information submitted in respect of Condition 4 is not sufficient and further information is required to satisfactorily discharge this condition.

Report Dated

07/06/2021
