

**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, 5, 8, 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 4, 5 & 8 NOW DISCHARGED
CONDITIONS 3, 14 & 16 PREVIOUSLY DISCHARGED**

**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.**

Paul Dowd

AUTHORISED OFFICER

Date: 28-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, 5, 8, 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.*

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4, 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 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.*

8. Before work begins on the superstructure of the dwelling, samples of facing and roofing materials shall be submitted to the local planning authority for approval in writing. The development shall be completed in accordance with the approved details before first occupation and shall be retained thereafter.

Reason: *In the interests of visual amenity, the character of the Green Belt and to accord with Policies LP24 and LP59 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.*

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

In our previous response dated 4th June 2021 reviewed a Phase 2 Intrusive Site Investigation Report by Geo Investigate dated April 2021(ref: G21103) and recommended that Condition 4 remain until further information is received concerning the ground gas risks onsite.

Since then, we identified to the applicant an area of infilled ground (our reference: 71/22) within 250m of the site which had not been considered in the Phase II report. In response, a supporting contaminated land risk assessment dated 18th June 2021 by Geo Investigate has been received. 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.

In the new information, Geoinvestigate first question the reliability of the record provided by this service. Next, the report gives reasons as to why the infilling in this area would not pose a risk to the development in relation to topography and geology. Briefly, the author states that due to the contour of the land ground gas migration would be unfeasible. This is supported by a discussion provided about geology.

It is encouraging to see a supporting discussion that justifies the absence of ground gas monitoring at the site. Having read the report provided, we are now satisfied that the ground gas risk has been determined at the site and that Condition 4 should be discharged.

We note that the applicant has not applied to discharge Condition 5 (Remediation Strategy). It is proposed in the Phase II report (ref: G21103) that the area of TPA where PAH contamination was proven should be encapsulated rather than a 600mm clean cover area.

Whilst we acknowledge encapsulation may break the pollutant pathway at TPA, we still require a remediation strategy as per the requirements Condition 5. This is to ensure that the development is suitable for use following the implemented remediation.

Any remediation statement must at minimum provide details relating to the remediation option finalised and we would also expect this document to include information such as the source of any imported fill material, the assessment criteria for fill materials, the testing schedule, and the contingency plans for unexpected contamination. The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) have produced the technical guidance for development on contaminated land. *Development on Land Affected by Contamination: Technical Guidance for Developers, Landowners and Consultants* (dated June 2020, version 11.2) that should be consulted.

Condition 5 – Remediation

In our previous response dated 23rd June 2021 we noted that the applicant has not applied to discharge Condition 5 (Remediation Strategy). It was proposed in the Phase II report (ref: G21103) that the area of TPA where PAH contamination was proven should be encapsulated rather than a 600mm clean cover area. We acknowledged encapsulation may break the pollutant pathway at TPA, but we still required a remediation strategy as per the requirements Condition 5 to ensure that the development is suitable for use following the implemented remediation.

Since then, we have received the following information to discharge Condition 5.

- a Remediation and Validation Strategy by Geoinvestigate Ltd, dated 25th June 2021 (ref: G21103-Rem1)
- Email correspondence from Wintwire dated 25th June 2021.

The remediation strategy provides an outline of the remediation works to be carried out. Briefly, it is proposed that the contaminated material is left in situ and confined below a layer of impermeable hardstanding. The area of soft landscaping is described as needing only a limited thickness of material (0.05m). Additionally, the report details information concerning verification proposals and relevant contingency measures in the event of unexpected contamination. These are satisfactory.

The email correspondence informed that where new soils or stone is required at the site, validation sampling and analysis will be carried out prior to installing the new material to confirm contaminants in the replacement material are below acceptable levels prior to the soil being placed onsite. Validation sampling will be carried out in accordance with YALPAG (Yorkshire and Lincolnshire Pollution Advisory Group) guidance. Assessment criteria for soils were also provided.

Overall, we are satisfied with the remediation information received. This should now be implemented. Following this, a Phase 4 report should be

submitted for consultation detailing the validation and completion of remediation works to demonstrate the site is safe for end-use as per the relevant condition.

Condition 8 - Materials

All outer metal cladding and roof cladding to be: Product code: Tata Steel Colorcoat Urban Anthracite (RAL7016) Brochure: attached or link here to website: [Colorcoat Urban Brochure \(tatasteel.com\)](https://www.tatasteel.com/uk/products/colorcoat-urban)

Due to stocking and availability issues, they are intending to use "Premium Grade Siberian Larch" for the wood element of the cladding as per the picture attached (Claddings.jpg) but source to be determined based on availability at build. If they selected the builders' merchant now the stock may not be available when the time comes to build. However, they have indicated that they would be using an equivalent to ([Larch Cladding, Siberian Larch Exterior Cladding UK, Durable High Quality \(benchmarktimber.co.uk\)](https://www.benchmarktimber.co.uk/))

The approved plans did show a timber and metal clad dwelling. The details supplied are in line with the expectations set within the planning application. This condition can be considered discharged.

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 Klargester 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 on 14/04/2021 regarding Conditions 3 (Preliminary Risk Assessment (Phase I Desk Study Report), 14 (Foul Water Report) and 16 (Surface water disposal) is considered sufficient to discharge these conditions.

After the submission of further information on 07/06/2021 and 18/06/2021 with respect to condition 4 (Phase II Intrusive Site Investigation Report), which has addressed the outstanding issues, this is sufficient to discharge condition 4.

Additional details have been provided in terms of the remediation strategy required by condition 5 on 25/06/2021. The details have been reviewed by Environmental Health and condition 5 can be considered to have been discharged.

Details have also been provided by the applicant on 24/06/2021 with respect to product details for the materials proposed as required by condition 8. The outer metal cladding and roof cladding to be Tata Steel Colorcoat Urban Anthracite (RAL7016) and Premium Grade Siberian Larch for the wood element of the cladding. These details are considered satisfactory in terms of the discharge of condition 8.

Report Dated

25/06/2021
