

**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: 2021/44/92402/W

Site Address: 1013, Manchester Road, Linthwaite, Huddersfield,
HD7 5LS

Description: Discharge of conditions 3 (Materials), 7 (Phase 1
Desk Study) and 8 (Phase II Intrusive Site
Investigation Report) on previous permission
2021/90085 for the erection of 2 semi-detached
dwellings

Recommending Officer: Stuart Howden

DECISION – Details for conditions 3, 7 and 8 acceptable

**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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 02-Sep-2021

Officer Report - Discharge of Conditions Application

The application seeks to discharge conditions 3 (Materials), 7 (Phase 1 Desk Study) and 8 (Phase 2 Intrusive Site Investigation Report) on previous permission 2021/90085 for the erection of 2 semi-detached dwellings at 1013 Manchester Road, Linthwaite, Huddersfield, HD7 5LS. Planning permission for 2021/90085 was approved on 11th January 2021.

Condition 3: Materials

Wording

Prior to construction of dwellings hereby approved above slab level, details of all the external facing materials of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Officer Assessment

Natural stone and artificial stone slates were approved for the external facing materials of the dwelling under the planning application.

Images of natural stone for the walls have been provided and this stone is from Hagg Wood Quarry. For the roof of the development, it is proposed to utilise Greys Natural Weathered artificial stone, and images of this have been provided. The natural stone is considered to be acceptable and would help to reinforce local distinctiveness. Whilst the slate is artificial, there is a range of roofing materials in the immediate vicinity and it is considered that such a material would not cause detrimental harm to the visual amenities of the locality.

Given the above, such materials can be supported and it is recommended that Condition 3 will be satisfied provided the development is undertaken in accordance with the approved details.

Condition 7: Phase I Desk Study Report

Wording

7. 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 any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of

the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

Officer Assessment

A Phase 1 Environmental Desk Study by Rogers Geotechnical dated March 2021 (ref: C1575/21/E/2457) has been submitted alongside this discharge of condition application.

The Phase 1 report provides an appraisal of the site history and previous surrounding land uses, since the 1800s and a comprehensive assessment of the environmental setting. From this, it is evident that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact the development and/or the environment. These include, but are not limited to, evidence of burning as identified during the site walkover and nearby landfill. The report concludes by recommending a Phase II intrusive investigation, including targeted sampling near the existing garden buildings and the area of burnt material identified in the walkover.

Overall, the Council's Environmental Protection Officer agrees with the Phase I report and considers the report satisfactory. Given the above, it is recommended that Condition 7 can be discharged.

Condition 8: Phase 2 Intrusive Site Investigation Report

Wording

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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 any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

Officer Assessment

A Ground Investigation by GeoEnviro Solutions Ltd dated 9th June 2021 (ref: GES 1399-21) was provided alongside the application. The Council's Environmental Protection Officer raised a number of concerns with the level of detail of this and requested a revised report providing further detail.

Following this, a revised Ground Investigation report by GeoEnviro Solutions Ltd dated (GES 1399-21 Issue 02) was submitted to Officers which concludes that there is a low risk to the end user and no further action is required. The

revised report addresses a number of concerns raised by the Environmental Protection Officer including:

- The report was made legible and formatting errors were amended.
- Clarification was provided concerning the site walkover and sampling strategy undertaken to ensure all sources of contamination have been tested during the intrusive investigation.
- Further detail was provided in relation to ground gas monitoring.

Overall the Environmental Protection officer is satisfied with the content of the revised Phase 2 report. Given the above, it is recommended that Condition 8 can be discharged.

Recommendation – APPROVE

Decision Text

APPROVE

Condition 3 (External facing materials)

The external facing materials as per:

- Natural stone for the walls of the dwellings as per the photographs submitted alongside the application. The natural stone is to be from Abacus Stone Sales Ltd, Hagg Wood Quarry as specified in the e-mail received by the Local Planning Authority from the applicant's agent on 15th June 2021
- Artificial stone slate for the roof of the dwellings as per the images in the e-mail received by the Local Planning from the applicant's agent on 15th June 2021. The slates are to be Greys Weathered Artificial Stone slates as specified in the e-mail received by the Local Planning Authority from the applicant's agent on 15th June 2021.

The listed details are considered acceptable for the purposes of condition 3. The condition will be discharged upon completion of the development in accordance with these approved details.

Condition 7 (Phase I Desk Study Report)

The Phase 1 Environmental Desk Study by Rogers Geotechnical dated March 2021 (ref: C1575/21/E/2457) which has been submitted in support of this application is acceptable and therefore Condition 7 can be discharged.

Condition 8 (Phase 2 Intrusive Site Investigation Report)

The revised Phase 2 Intrusive Site Investigation (Report on a Ground Investigation) by GeoEnviro Solutions Ltd dated (GES 1399-21, Issue 02) dated 9th June 2021 which has been submitted in support of this application is acceptable and therefore Condition 8 can be discharged.

However, should any contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report be 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, as per Condition 10.

Report Dated:

01/09/2021