

**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: 2021/44/92753/W

Site Address: Bridley Brook Barn, Holt Head Road, Slaithwaite,
Huddersfield, HD7 5TY

Description: Discharge of condition 5 (Phase I Desk Study Report)
on previous permission 2020/92564 for alterations to
convert existing barn to one dwelling and erection of
two storey side extension, demolition of existing stable
block and erection of one dwelling, formation of 6
parking spaces and associated landscaping

Recommending Officer: Katie Chew

DECISION – Discharge condition 5

**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: 28-Jul-2021

Officer Report

Site Address - Bridley Brook Barn, Holt Head Road, Slaithwaite, Huddersfield, HD7 5TY

Proposal - Discharge of condition 5 (Phase I Desk Study Report) on previous permission 2020/92564 for alterations to convert existing barn to one dwelling and erection of two storey side extension, demolition of existing stable block and erection of one dwelling, formation of 6 parking spaces and associated landscaping.

Condition 5 (Phase 1 Desk Study Report)

'5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase 1 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 paragraph nos. 178 & 179 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage'.*

Officers Assessment:

Condition 5 (Phase 1 Desk Study Report)

The applicant submitted a Desk Study with Walkover Survey by Sub Surface dated May 2021 (ref: NE4049) pursuant to condition 5.

In comments received from the Council's Environmental Health Officer (dated 27th July 2021) it was advised that the submitted report was acceptable for the purposes of discharging condition 5, but it was noted that within the appraisal of historic land uses it is apparent that there may have been potentially contaminative uses on the site (and/or adjoining land) which could impact the development and/or the environment. The report recommends a Phase 2 intrusive investigation is undertaken to establish the presence (or absence) of contaminated soils. Therefore conditions 6, 7, 8 and 9 still remain applicable.

Environmental Health officers also noted that no gas monitoring is recommended. However, should the further investigations indicate any evidence of made ground, coal workings or other potential sources of ground gas become apparent then it is likely that they will request ground gas monitoring to be undertaken in line with BS8485 and CIRIA C665 guidance. However, as no indication of mine gas sources have been identified at this stage, they accept the report findings provided.

Given the above assessment, it is considered that the details submitted pursuant to condition 5 are acceptable, but it is recommended that the applicant be reminded of the requirements of conditions 6, 7, 8 and 9.

Recommendation

Details submitted are considered to be acceptable to satisfy condition 5.

Decision Notice Text

Condition 5 (Phase 1 Desk Study Report)

You have submitted the following details:

- a Desk Study with Walkover Survey by Sub Surface dated May 2021 (ref: NE4049).

The above Phase 1 Desk Study Report is considered acceptable for the purposes of discharging condition 5.

However, please note that regarding site contamination, conditions 6, 7, 8 and 9 of the planning permission remain applicable and that a Phase II Intrusive Site Investigation Report is now required in accordance with condition 6.

Furthermore, should the further investigations indicate any evidence of made ground, coal workings or other potential sources of ground gas become apparent then it is likely that ground gas monitoring will be required to be undertaken in line with BS8485 and CIRIA C665 guidance.

Report Dated: 28th July 2021.