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:	**2022/44/91502/E**
Site Address:	rear of, 2, Spencer Street, Skelmanthorpe, Huddersfield, HD8 9BE
Description:	Discharge conditions 6 (electric car charging), 7 (groundworks), 8 (groundworks), 9 (groundworks), 10 (groundworks), 12 (site investigation), Condition 13 (Coal) 16 (drainage) on previous permission 2021/90105 for outline application for one detached dwelling
Recommending Officer:	Elenya Jackson

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Aug-2023

Officer Report

rear of, 2, Spencer Street, Skelmanthorpe, Huddersfield, HD8 9BE

The application is seeking permission for the discharge conditions 6 (electric car charging), 7 (groundworks), 8 (groundworks), 9 (groundworks), 10 (groundworks), 12 (site investigation), 13 (Coal) 16 (drainage) on previous permission 2021/90105 for outline application for one detached dwelling.

Condition 6

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output: -
- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interests of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.
Condition 7
Groundwork 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.
Condition 8
Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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
Condition 9

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, 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.

Condition 10

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 works on site (save 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. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
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.

Condition 12

No development shall commence until:

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan

Condition 13 (Past Coal Mining Activity)
Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: To ensure that the development is carried out in accordance with the approved details and that all necessary remediation measures are adopted in full before the development is brought into use. This is to ensure the safety and stability of the development in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.
Condition 16 (Drainage)

A scheme detailing foul, surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.
Reason: In the interests of satisfactory and sustainable drainage to accord Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Assessment Condition 6
The following has been submitted:

- Proposed Site Layout by Neil Bowen dated 28th September 2021 (drawing no. 2)
- Wallpod: EV datasheet by Rolec Services Ltd, dated 2022 (ref: EVWPOCSD-V03-R0
- WallPod EV OpenCharge Socketed - Data Sheet)

KC Environmental Health have been consulted on the above details and made the following comments:
The information detailed in Proposed Site Layout by Neil Bowen dated 28th September 2021 (drawing no. 2) and Wallpod: EV datasheet by Rolec Services Ltd, dated 2022 (ref: EVWPOCSD-V03-R0 WallPod EV OpenCharge Socketed - Data Sheet) satisfies the requirements of Condition 6. However, we consider the charging point model with the higher output of a 32A (7kW) to be more futureproof. Although the information is satisfactory, we cannot recommend the discharge of this condition until the charging points are installed and made operational in accordance with those detailed in the

Proposed Site Layout by Neil Bowen dated 28th September 2021 (drawing no. 2) and Wallpod: EV datasheet by Rolec Services Ltd, dated 2022 (ref: EVWPOCSD-V03-R0 WallPod EV OpenCharge Socketed - Data Sheet). Once installed the charging points must be retained thereafter.
Therefore the details are considered acceptable; however, the condition cannot be fully discharged until the works have been conducted in accordance with the details hereby approved.

Assessment Condition 7

The following has been submitted:

- Phase I Desk Study Report by RB Geotechnical dated October 2021 (ref: RBG254) h

KC Environmental Health have been consulted on the above details and made the following comments:

The report identifies several historic potentially contaminative land uses mapped within 250m of the site boundary. Based on the review of all available historical data presented in the report, a moderate to low risk of potential pollutant linkages has been assigned to the site. The report continues to recommend a Phase II investigation including ground gas monitoring, soil contamination sampling, laboratory testing and further work to establish the presence of coal workings.

It is therefore considered that the details submitted for the purpose of discharging condition 7 are acceptable.

Assessment Condition 8

- A Phase II Interpretative Report by RB Geotechnical dated January 2022 (ref: RBG257)
- A Targeted Gas Sampling Report by GeoEnginSeer Ltd dated 17th January, (ref: 2022HBC1266/LRV1)

KC Environmental Health have been consulted on the above details and made the following comments:

The Phase II report describes the methods and results from fieldwork in November 2022. Three rotary open hole boreholes to depths of 30.0mbgl to assess for potential unrecorded mine workings. Ground gas monitoring standpipes were installed in three boreholes to allow for ground monitoring assessment. Three hand-excavated trial pits were also dug to obtain shallow soil samples for contamination testing. In addition, small, disturbed samples were recovered from the hand-dug trial pits and stored in plastic pots and jars placed into a cool box. A total of four samples were recovered for chemical laboratory testing. The results were then compared against a residential with plant uptake assessment criteria.

The Phase II report states that no coal was encountered within any of the rotary open-hole boreholes. There was no evidence of removed coal or void migration in any of the locations drilled. During the gas monitoring, VOCs were also assessed using a PID. Elevated levels of copper, arsenic, chrysene, benzo(a)pyrene and dibenzo(a,h)anthracene were confirmed. It is advised in the report that the client is to strip the site a further 500mm to reduce ground levels prior to construction. This will remove all made ground from the site and remove the risk of contaminated soils coming into human contact. The report concludes that no further remedial measures are therefore deemed necessary.

The Phase II report considers the ground gas monitoring to reflect a Characteristic Situation 1 site. This is corroborated in the targeted gas sampling report and more information in relation to the gas monitoring is provided. Site visits were undertaken between atmospheric pressures of 969 mB to 1015 mB. The maximum methane and carbon dioxide concentrations reported were 0% v/v and 0.2% v/v respectively. The minimum oxygen reported was 19.6% v/v and the peak flow rate was 0.5 l/h. The report adds that the atmospheric pressure events capture the worst-case, however ‘further sampling would be required to further characterise this site completely.’

Before we can make further comments in relation to this condition, we require additional information. Information concerning the ground gas monitoring equipment and calibration information appears to be missing from the provided documents. Additionally, no sampling of the mudstone beneath the made ground appears to have been considered in the sampling design. Therefore, the preliminary proposals for remediation are unclear and require additional commentary. For these reasons, Condition 8 must remain until further notice.

Further information has been supplied via the agent which is currently being assessed and an update on this condition will be provided when comments have been received.

Condition 9 Assessment

No remediation strategy has been submitted for consultation. Therefore, Condition 9 must remain until further notice.

Condition 10 Assessment

Two contaminated land conditions (pre-commencement) on previous permission 2021/90105 for outline application for one detached dwelling still remain (see above). Therefore, it is inappropriate to consider the discharge of Condition 10 at this time. Condition 10 must remain until further notice.

Condition 12

The following has been submitted:

- A Phase II Interpretative Report by RB Geotechnical dated January 2022 (ref: RBG257)

The Coal Authority has been consulted on the above application and made the following comments:

'This report confirms that intrusive investigation were carried out at the application site, including the drilling of three open hole boreholes to depths of 30.0m bgl in order to ascertain the shallow mining situation. Section 5.2 of the report indicates that no coal seams or evidence of past mining activity were recorded during drilling, with intact bedrock was encountered in all boreholes at depths from 0.40mbgl. Given the absence of coal mining legacy, the report author is able to conclude that no remedial measures are required in this regard. Based on the information submitted and the professional opinions contained therein, the Coal Authority's Planning & Development Team wishes to raise no objection to the LPA discharging Conditions 12 and 13 of the issued consent in terms of coal mining related stability matters, should it see fit.'

Therefore the details submitted are considered to be acceptable for the purpose of discharging condition 12.

Condition 13
The following has been submitted:

- A Phase II Interpretative Report by RB Geotechnical dated January 2022 (ref: RBG257)

As previously highlighted The Coal Authority has been consulted on the application and made the following comments:

Given the absence of coal mining legacy, the report author is able to conclude that no remedial measures are required in this regard. Based on the information submitted and the professional opinions contained therein, the Coal Authority's Planning & Development Team wishes to raise no objection to the LPA discharging Conditions 12 and 13 of the issued consent in terms of coal mining related stability matters, should it see fit.'

Condition 16

The following has been submitted:

- Proposed Drainage Plan and Details DWG NO.2 Rev B
- Proposed Site Layout DWG 2359 received 9/06/2023

The PPG sets out that the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
1. to a surface water body;
2. to a surface water sewer, highway drain, or another drainage system;
3. to a combined sewer.

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction.

Initially officers commented on 'Proposed Drainage Plan and Details DWG NO.2 Rev B' and further justification was requested as to why the proposed drainage was suggested.

The agent provided a revised plan Proposed Site Layout DWG 2359 and a supporting email from Kirklees Council Building Control which states a suitable percolation test was conducted on 12/07/2022.

It is considered that as the proposal is for one dwelling, the evidence submitted is sufficient to demonstrate the proposed drainage methods for this site.

In conclusion, it is considered that the proposed drainage arrangements would, in the circumstances, be acceptable for the purposes of discharging condition 16.

Decision notice text

Condition 6 (Electric Vehicles)

The following has been submitted:

- Proposed Site Layout by Neil Bowen dated 28th September 2021 (drawing no. 2)
- Wallpod: EV datasheet by Rolec Services Ltd, dated 2022 (ref: EVWPOCSD-V03-R0
- WallPod EV OpenCharge Socketed - Data Sheet)

The details are considered acceptable; however, the condition cannot be fully discharged until the works have been conducted in accordance with the details hereby approved thereafter retained.

Condition 7 (Groundworks)

The following has been submitted:

- Phase I Desk Study Report by RB Geotechnical dated October 2021 (ref: RBG254) h

The details submitted are considered acceptable.

Condition 8 (Groundworks)

- A Phase II Interpretative Report by RB Geotechnical dated January 2022 (ref: RBG257)
- A Targeted Gas Sampling Report by GeoEnginSeer Ltd dated 17th January, (ref: 2022HBC1266/LRV1)

Further information is required Condition 8 must remain until further notice. As previously highlighted, this has been provided by the agent and an update will be provided once this information has been reviewed by Environmental Health.

Condition 9 (Groundworks)

No remediation strategy has been submitted for consultation. Therefore, Condition 9 must remain until further notice.

Condition 10 (Groundworks)

Two contaminated land conditions (pre-commencement) on previous permission 2021/90105 for outline application for one detached dwelling still remain (see above). Therefore, it is inappropriate to consider the discharge of Condition 10 at this time. Condition 10 must remain until further notice.

Condition 12 (Site Investigation)

The following has been submitted:

- A Phase II Interpretative Report by RB Geotechnical dated January 2022 (ref: RBG257)

The details are considered acceptable for the purposes discharging condition 12.

Condition 13 (Coal)

The following has been submitted:

- A Phase II Interpretative Report by RB Geotechnical dated January 2022 (ref: RBG257)

Given the absence of coal mining legacy, the details are considered acceptable and satisfy the requirements of condition 13.

Condition 16 (Drainage)

The following has been submitted:

- Proposed Drainage Plan and Details DWG NO.2 Rev B
- Proposed Site Layout DWG 2359 received 9/06/2023

In conclusion, it is considered that the proposed drainage arrangements would, in the circumstances, be acceptable for the site and for this development, and can be approved. Subject to the drainage arrangements being implemented before the dwelling is first occupied and thereafter retained, the condition will be complied with.

Please note that this approval does not grant consent for the developer to carry out works on, in, under or over land that is not in his ownership, for which the consent of the landowner will have to be sought.