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:	**2023/44/90397/E**
Site Address:	adj, Corn Bottom Mill, Shelley, Huddersfield, HD8 8JJ
Description:	Discharge conditions 3 (facing and roofing materials), 5 (landscaping), 7 (wastes), 11 (Himalayan balsam), 12 (Phase II Intrusive Site Investigation Report), 16 (foul drainage) on previous permission 2019/93372 for erection of extensions and alterations to barn to form one 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: 06-Apr-2023

Officer Report
adj, Corn Bottom Mill, Shelley, Huddersfield, HD8 8JJ

Discharge conditions 3 (facing and roofing materials), 5 (landscaping), 7 (wastes), 11 (Himalayan balsam), 12 (Phase II Intrusive Site Investigation Report), 16 (foul drainage) on previous permission 2019/93372 for erection of extensions and alterations to barn to form one dwelling

Condition 3 (facing and roofing materials),

Condition 3
3. Development shall not commencement until details and samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
Reason: In the interests of visual amenity and character of the surrounding area and to accord with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

Condition 5 (landscaping)

5. A landscaping scheme relating to the development site shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of development on the site. This shall include:

- Details of soft landscaping
- Details of hard landscaping (including boundary treatments)
- Details of a restoration plan for the area of land to be returned to open fields (including a timetable for these works).

The development shall then be carried out in accordance with the approved details.
Reason: in the interest of visual amenity and the openness of the Green Belt, to accord with the aims of Policies LP24 and LP60 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Condition 7 (Wastes)
7. Before development commences details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

Condition 11 (Himalayan Balsam)

11. No development shall take place until details of a scheme to eradicate Himalayan balsam has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: This is a pre-commencement condition to ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with the National Planning Policy Framework.

Condition 12 (Phase II Intrusive Site Investigation Report)

12. 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

Condition 16 (Foul Drainage)

16. Notwithstanding the submitted plans and information, a scheme detailing foul drainage shall be submitted to and approved in writing by the Local Planning Authority before development commences on the site. Where a package treatment plant is proposed, the following information shall be submitted:

a) The location of the tank (which must not be so near to any inhabited building as to be liable to become a danger to health or a source of nuisance (a minimum of 7m is required but over 20m and down slope is preferable) or in an area where there is a risk of flooding).
a) The discharge details for the tank (which must not present any risk of contamination to any watercourse, underground water or drinking water supply).
b) Details showing how adequate means of vehicular access will be provided to allow the tank to be periodically emptied and maintained.
c) Calculations demonstrating that the tank will be of adequate capacity for the highest number of persons that may use the tank.
d) If an existing tank is to be used, details of its condition / state of repair demonstrating that it is operating correctly and is impermeable to liquids.
e) Details of the necessary porosity and percolation tests carried out to establish the suitability of land that is to be used for any soakaway/land drainage of effluent.

The dwelling shall not be occupied until such approved 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 with Policy LP 28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

Assessment Condition 3

The following has been submitted:

- Proposed Materials Word Document: Roof Covering and Upper walls, Exoskeleton, lower walls.

I can confirm that the submitted information is acceptable as this type of materials was agreed in principle under application: 2019/93372

You are, however, reminded that condition 3 can only be fully discharged when the proposal is constructed and retained in the agreed materials.

Assessment Condition 5

The following has been submitted.

- DWG: MR23-009/101

The supporting plans indicate that the trees to the east, south and west of the site would be retained, and one tree on the northern boundary of the proposal would be removed.

Nine trees would be planted along the southern and eastern boundary of the site.

An area of Grassland would be reinstated to the south of the dwelling adjacent to the proposed driveway. The timetable for this is during the first available planting season. However, justification of the selection of the products has not been provided to assess their appropriateness for the site.

The proposed driveway would have an area of approximately 386m^2 and be surfaced in self binding gravel. This would be enclosed by a dry-stone wall with stone piers and copings.

Some of the details on the plans refer to an undetermined application and are not relevant to this application.

On the basis of the above, it is considered that further details would be required to fully discharge this condition.

Assessment Condition 7

The following has been submitted:

- DWG: Bin Storage Condition 7

KC waste has been consulted on the supporting documents and states that drawing PA-CMB-PL-01 Dated January 2023 that is annotated with the location of a bin store at the Northwestern boundary of the site adjacent to site entrance. The bin store is shown as a Timber enclosure for 3no. wheelie bins. approx. 1.5m high timber slatted - Rowlinson Triple or similar.

A Bin Collection Point (BCP) is indicated with Wheelie bins to be placed outside of boundary wall for kerb side collections as per existing arrangement with neighbouring properties.

The submitted details are considered to be acceptable for the purpose of this condition however, you are reminded that condition 7 can only be fully

discharged when the proposal is constructed and maintained in the agreed layout.

Assessment Condition 11

The following has been submitted:

- Invasive non invasive species protocol

KC Ecology has been consulted on the above details and agrees with the details providing that the approved details are adhered to during the development to ensure best practice is used to ensure the eradication of Himalayan Balsam.

Therefore, the details provided to discharge condition 11 are considered acceptable providing they are adhered to during the course of the development.

Assessment Condition 12

The following has been submitted.

- A Phase II Site Investigation Report by Earth-Tech Consulting Limited dated 18th January 2023 (ref: TH/Cornmill/Plot2/PHASE II/Jan2023/v01

KC Environmental Health has been consulted on the above details and have requested the following details are clarified:

1) The reports to date acknowledge the presence of a historic mill on-site and a mill dam. However, only one sample (TP5) was taken from the application site. Further information concerning sampling methodology (location, depth, and the number of samples) must be provided.

Paragraph 183b of the NPPF states that planning policies and decisions should ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. As such, it must be ensured that all soft-landscaping areas within the planning boundary are suitable for its intended end-use i.e. residential. However, without additional testing within the red line boundary of the development i.e. the application site, it is unclear what remediation (if any) will be necessary.

(2) The trial pit logs (at all trial pits including TP5) indicate a date of 06.10.2021. However, the Laboratory test results were produced in December 2022 and indicated a sampling date of December 2022. Clarification is necessary.

(3) The absence of visual or olfactory evidence of contamination does not necessarily mean the absence of contaminants. Our records indicate the site is potentially contaminated (ref: 133/16) and the reports have acknowledged the former corn mill and mill dam on-site. Given our other points raised about sampling methodology, Officers consider that insufficient information to have been provided. Therefore, we do not agree with the testing undertaken and consider insufficient metal and metalloid testing to have been undertaken given

the site history. The testing also fails to include pH or soil organic matter. The determination of soil pH and soil organic matter (or total organic carbon) should be included to help inform the risk assessment.

(4) Officers consider there to be insufficient consideration for the potential infilling of the mill dam and off-site historic landfill in the investigation methodology. Additional justification for the absence of ground gas monitoring is required or ground gas monitoring must be undertaken following best practice guidance.

Therefore, the details provided to discharge condition 12 are considered unacceptable and the condition cannot be discharged at this time.

Assessment Condition 16

- DWG: AMA-22045-DR-001 Foul drainage

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

The plan proposes a package treatment plant, described as a CLF-1 Matrix by Clenviro Ltd. Suitable for 6 PE. The plan demonstrates sufficient distance to the nearest properties has been achieved and demonstrates the available access for maintenance purposes.

Officers have concerns in regard to the capacity of the tank in that it appears to be at the top limit for the number of bedrooms for the property (as shown in the daily discharge calculator for domestic properties submission sheet) and has not accounted for additional visitors etc. Further information is also required in relation to the existing drainage connection and what this would discharge into, as a direct connection into a water course without any natural land filtration may result in pollution incidents. The distance to the nearest watercourse must also be given. Officers would normally expect to receive a document accompanying the plan to explain the information presented and suggest the applicant provides this to assist with the discharge of condition process.

As further clarification is required in relation to the points in the condition, we do not accept the information provided and recommend condition 16 remains.

Therefore, the details provided to discharge condition 16 are considered unacceptable and the condition cannot be discharged at this time.

Decision notice text

Condition 3 (Materials)

The following has been submitted:

- Proposed Materials Word Document: Roof Covering and Upper walls, Exoskeleton, lower walls.

In conclusion, it is considered that the proposed materials would, in the circumstances, be acceptable for the site and for this development, and can be approved.

Condition 5 (Landscaping)

The following has been submitted

- DWG: MR23-009/101

In conclusion, it is considered that further details would be required for the site to justify the proposed materials before this condition can be discharged.

Condition 7 (Bin Storage)

The following has been submitted

- DWG: Bin Storage Condition 7

The submitted details are considered to be acceptable for the purpose of this condition, however you are reminded that condition 7 can only be fully discharged when the proposal is constructed and maintained in the agreed layout.

Condition 11 (Himalayan Basalm)

The following has been submitted:

- **Invasive non invasive species protocol**

The details provided are considered to be acceptable providing they are adhered to during the course of the development.

Condition 12 (phase II intrusive site investigations)

The following has been submitted:

- A Phase II Site Investigation Report by Earth-Tech Consulting Limited dated 18th January 2023 (ref: TH/Cornmill/Plot2/PHASE II/Jan2023/v01

The submitted details are not acceptable. Further information is required to discharge this condition.

Condition 16 (Foul Drainage)

The following has been submitted:

- DWG: AMA-22045-DR-001 Foul drainage

The submitted details are not acceptable. Further information is required to discharge this condition.