

**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:	2023/44/91736/W
Site Address:	adj, 178, Deighton Road, Deighton, Huddersfield, HD2 1JJ
Description:	Discharge conditions 7 (Phase II Intrusive Site Investigation Report, 8 (Remediation Statement) on previous permission 2022/93345 for erection of one dwelling with detached workshop
Recommending Officer:	Katie Chew

DECISION – DISCHARGE OF CONDITIONS APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 02-Oct-2023

Officer Report

Application: 2023/91736

Application Site: Adj, 178, Deighton Road, Deighton, Huddersfield, HD2 1JJ

Proposal: Discharge of conditions 7 (Phase II Intrusive Site Investigation Report), 8 (Remediation Statement) on previous permission 2022/93345 for erection of one dwelling with detached workshop.

Assessment:

Condition 7 (Phase II Intrusive Site Investigation Report)

“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, the report shall consider all elements of contamination at the site including coal mining activity.

Reason: *To ensure the safe occupation of the site and to assess the coal mining legacy at the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework”.*

Condition 8 (Remediation Statement)

“8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 7 further groundworks 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 the safe occupation of the site and to assess the coal mining legacy at the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework”.*

Officers Assessment

Condition 7 (Phase II Intrusive Site Investigation Report)

A Ground Investigation Report by Subsurface dated October 2022 (ref: NE4118A) was originally submitted by the applicant to support the discharge of condition 7. This report included the investigation of 6 mini boreholes, three rotary boreholes and four hand-dug trial pits. Ground gas and groundwater monitoring was also undertaken over six occasions (details are all outlined further within the report).

Made Ground to depths of between >0.10 and 3.50 metres was encountered, and no groundwater was encountered during the investigation. The soil analysis

confirmed elevated levels of arsenic (M1, H1, HD4), lead (M1, M4, HD1 and HD4), benzo(b)fluoranthene (HD4), benzo(a)pyrene (HD4) and dibenz(ah)anthracene (M1, HD1, HD4). The analysis also determined that white (chrysotile) asbestos was present.

Concerning the levels of PAHs, the profile of the PAHs was found to match the ratio profile of the coal tar test material. The report then continues that the maximum determined benzo(a)pyrene level of 3.3 mg/kg is lower than the published C4SL for residential with plant uptake of 5.0 mg/kg. Then the report considers the level of PAHs, including benzo(b)fluoranthene and dibenzo(ah)anthracene are within acceptable limits.

Ground gas monitoring detected no methane, with the peak carbon dioxide concentration reported at 5.5% v/v and the minimum oxygen concentration encountered was 15.8% v/v with flow rates of <0.1 l/h. The report concludes that the site falls into Characteristic Situation 1 (CS1).

The Council's Environmental Health Officers were consulted on the application, and they noted that they required the submission of additional details in respect of atmospheric pressure trends, as none have been reported within the ground gas information and data sheets. Secondly, the laboratory results presented do not appear to include the asbestos results that confirmed the presence of asbestos. Lastly, the surrogate marker approach used in the report to screen out the risks from PAHs assumes that benzo(a)pyrene is present in all the soil samples. However, the laboratory results presented indicate that benzo(a)pyrene was below the limit of detection in some of the samples. Therefore, it is unclear how this approach can be used when the presence of benzo(a)pyrene cannot be confirmed in these samples.

Following receipt of the above comments, the applicant's agent sought to submit a revised Ground Investigation Report by Subsurface dated August 2023 (ref: NE4118A). Environmental Health Officers assessed this report and concluded that this revised report satisfies their points raised previously and for these reasons Condition 7 should be discharged. Officers have no reason to dispute this conclusion and therefore also support the discharge of condition 7.

Condition 8 (Remediation Statement)

A Remediation Statement by Subsurface, dated May 2023 (ref: NE4118C) was submitted to the Council in support of the discharge of condition 8. This document outlines that a 450mm blanket of clean topsoil or topsoil and subsoil will be placed in all soft landscaping and that a 600mm blanket of clean topsoil or topsoil and subsoil will be placed in gardens/areas where there is a potential for fruit and/or vegetables to be grown. The cement-bound asbestos is to be removed and imported material will be brought onto the site for clean cover system. Verification proposals have also been provided within Section 8 of the report.

Environmental Health Officers have assessed the submitted report and deem the proposals to be acceptable, they therefore recommend that condition 8 is

discharged. Officers have no reason to dispute this conclusion and therefore also support the discharge of condition 8, subject to the remediation of the site being carried out and completed in accordance with the above Remediation Statement.

DECISION NOTICE TEXT

Condition 7 (Phase II Intrusive Site Investigation Report)

You have submitted the following details:

- Ground Investigation Report, dated August 2023 (ref: NE4118A), received by the Council 23rd August 2023.

The submitted information is considered to be acceptable, therefore Condition 7 is considered to be complied with and therefore can be discharged.

Condition 8 (Remediation Statement)

You have submitted the following information in support of this application:

- Remediation Statement by Subsurface, dated May 2023 (ref: NE4118C), received by the Council 19th June 2023.

The submitted information is considered acceptable, therefore Condition 8 is considered to be complied with on the basis that remediation of the site is carried out and completed in accordance with the aforementioned Remediation Statement.

Report Dated: 28/09/2023