

**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:	2024/44/90348/E
Site Address:	adj, 6, Sycamore Way, Birstall, Batley, WF17 0EE
Description:	Discharge of conditions 3 (materials), 4-8 (Phase I Report), 11 (Electric vehicle charging) 14 (Coal Mining Report), 16-17 (Bat/bird box), on previous permission 2022/91388 for erection of 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: 28-Nov-2024

Officer Report

adj, 6, Sycamore Way, Birstall, Batley, WF17 0EE

Discharge of conditions 3 (materials), 4-8 (Phase I Report), 11 (Electric vehicle charging) 14 (Coal Mining Report), 16-17 (Bat/bird box), on previous permission 2022/91388 for erection of detached dwelling

Condition 3:

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

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

Condition 4:

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 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. This is pre-commencement condition to ensure that ground investigations are undertaken at an appropriate time during the development process.

Condition 5:

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4. 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. This is pre-commencement condition to ensure that ground investigations are undertaken at an appropriate time during the development process.

Condition 6:

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 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 in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition

to ensure that adequate remediation measures are identified at an appropriate stage in the development process.

Condition 7:

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to 6. 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 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. 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 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 8:

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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 11:

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: To encourage ultra-low emission vehicles in the interests of air quality and to accord with Policies LP 21 and LP24 of the Kirklees Local Plan,

the guidance contained in Chapters 9 and Chapter 15 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

Condition 14:

11. 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: To encourage ultra-low emission vehicles in the interests of air quality and to accord with Policies LP 21 and LP24 of the Kirklees Local Plan, the guidance contained in Chapters 9 and Chapter 15 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

Condition 16:

A bat box and a bird box (one of each) shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

Condition 17:

A sparrow terrace nest box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development

Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

Assessment Condition 3

Initially, no details were provided in support of condition 3 and a split decision was issued.

The following details have been provided:

- Email correspondence detailing the materials.

Officers are of the understanding that the facing material for the front walls of the dwelling would be 65mm Buff Artificial stone from Habco Horbury.

The proposed roof materials would be Marley Double Roman Roof Tiles in grey.
The side walls would be faced in Carlton Red Dragwire brick from Jewsons.

Officers consider these materials are appropriate for the purpose of condition 3. This condition will be discharged by the construction of the development using the approved materials and their retention thereafter.

Assessment Condition 4

The following has been submitted:

- Phase 1 Geoenvironmental Risk Assessment and Rotary Drilling Report authored by MDJA dated January 2024 (ref: 4355)

KC Environmental Health have been consulted on the application and have considered the details of the phase one to be acceptable for the purpose of condition 4.

Assessment Condition 5

The following has been submitted:

- Ground Gas Risk Assessment authored by MDJA dated August 2024 (ref: ADJ/DJM/11420)

KC Environmental Health have been consulted on the application and consider the details provided to be acceptable for the purpose of condition 5.

Assessment Condition 6

No details have been provided as no remediation strategy is required.

Assessment Condition 7

As the development is not complete and contamination may be encountered during groundworks, this condition must remain until further notice.

Assessment Condition 8

This condition cannot be discharged at this time.

Assessment Condition 11

The following has been submitted:

- Grouped Plans

The proposed plans demonstrate that there would be provision of an EV charging point along the northern elevation of the building. These details are considered acceptable providing they are maintained for the lifetime of the development.

Assessment Condition 14

The following has been submitted:

- Phase 1 Geoenvironmental Risk Assessment and Rotary Drilling Report authored by MDJA dated January 2024 (ref: 4355).

Post split decision the following has been submitted:

- Drilling and grouting report C686/CR October 2024

The Coal Authority has been consulted on the above details and summarised that they would expect remedial drilling and grouting works to ensure the safety and stability of the site and the wider development. Also, no confirmation has been provided to confirm that a structural engineer is satisfied that the risk of instability posed by the identified mine workings can be appropriately addressed by means of the recommended raft foundation.

Therefore, it is considered that the details provided would address Part a) of condition 14 but remedial or mitigatory measures to address the risk posed by shallow coal mining legacy have yet to be implemented as required by Part b) of the condition.

Following the initial consultation response from The Coal Authority, a Drilling and Grouting report has been submitted.

The Coal Authority have commented that:

‘The report confirms that a programme of drilling and grouting has been carried out on a grid pattern focussed on the proposed dwelling footprint in order to stabilise the identified workings. These works were carried out under Coal Authority Permit No. 28773. The report indicates that 101 tonnes of grout was injected into the treatment boreholes. It advises that three validation boreholes were subsequently drilled in order to ensure the grout uptake was correct.

Given that no further works are recommended, we assume that the report author is satisfied with the efficacy of the remedial works undertaken and that the site has now been made safe and stable for the approved development’.

Therefore, the details provided are considered acceptable for the purpose of condition 14 at this time. Where a site is affected by contamination or land

stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Therefore officers are satisfied with the details provided for condition 14.

Assessment Condition 16

The following has been submitted:

- Grouped Plans

KC Ecology have been consulted on the application and consider the details provided acceptable providing they are retained for the lifetime of the development.

Assessment Condition 17

The following has been submitted:

- Grouped Plans

KC Ecology have been consulted on the application and consider the details provided acceptable providing they are retained for the lifetime of the development.

Decision notice text

Condition 3

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The proposed roof materials would be Marley Double Roman Roof Tiles in grey.

The side walls would be faced in Carlton Red Dragwire brick from Jewsons.

The details provided are considered acceptable for the purpose of condition 3 and shall be maintained for the lifetime of the development.

Condition 4

The following has been submitted:

- Phase 1 Geoenvironmental Risk Assessment and Rotary Drilling Report authored by MDJA dated January 2024 (ref: 4355)

KC Environmental Health have been consulted on the application and have considered the details of the phase one to be acceptable for the purpose of condition 4.

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The following has been submitted:

- Ground Gas Risk Assessment authored by MDJA dated August 2024 (ref: ADJ/DJM/11420)

KC Environmental Health have been consulted on the application and consider the details provided to be acceptable for the purpose of condition 5.

Condition 6

No details have been provided as no remediation strategy is required.

Condition 7

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Condition 8

This condition cannot be discharged at this time.

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- Drilling and grouting report C686/CR October 2024

Following the submission of additional details, In light of the information submitted by the applicant and the professional opinions contained therein, and based on the assumptions of the details provided, the Coal Authority's Planning & Development Team would now have no objection to the LPA discharging Condition 14 of the issued consent, in terms of coal mining legacy related land instability matters, should it see fit.

Therefore, the details are considered acceptable for the purpose of condition 14.

Condition 16

The following has been submitted:

- Grouped Plans

KC Ecology have been consulted on the application and consider the details provided acceptable providing they are retained for the lifetime of the development. As such, the condition can be discharged on the proviso of the above.

Condition 17

The following has been submitted:

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3. Prior to construction of the dwelling hereby approved above slab level, details of all the external facing and roofing materials of the dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details and retained as such.

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

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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. This is pre-commencement condition to ensure that ground investigations are undertaken at an appropriate time during the development process.

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Condition 6:

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Condition 7:

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to 6. 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 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. 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 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 8:

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

Assessment Condition 3

No details provided

Assessment Condition 4

The following has been submitted:

- Phase 1 Geoenvironmental Risk Assessment and Rotary Drilling Report authored by MDJA dated January 2024 (ref: 4355)

KC Environmental Health have been consulted on the application and have considered the details of the phase one to be acceptable for the purpose of condition 4.

Assessment Condition 5

The following has been submitted:

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KC Environmental Health have been consulted on the application and consider the details provided to be acceptable for the purpose of condition 5.

Assessment Condition 6

No details have been provided as no remediation strategy is required.

Assessment Condition 7

As the development is not complete and contamination may be encountered during groundworks, this condition must remain until further notice.

Assessment Condition 8

This condition cannot be discharged at this time.

Assessment Condition 11

The following has been submitted:

- Grouped Plans

The proposed plans demonstrate that there would be provision of an EV charging point along the northern elevation of the building. These details are considered acceptable providing they are maintained for the lifetime of the development.

Assessment Condition 14

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Therefore, it is considered that the details provided would address Part a) of condition 14 but remedial or mitigatory measures to address the risk posed by

shallow coal mining legacy have yet to be implemented as required by Part b) of the condition.

Therefore condition 14 cannot be discharged at this time.

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Decision notice text

Condition 3

No details provided. As such, this condition cannot be discharged.

Condition 4

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KC Environmental Health have been consulted on the application and have considered the details of the phase one to be acceptable for the purpose of condition 4.

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KC Environmental Health have been consulted on the application and have considered the details of the phase one to be acceptable for the purpose of condition 4 and can be discharged.

Condition 5

The following has been submitted:

- Ground Gas Risk Assessment authored by MDJA dated August 2024 (ref: ADJ/DJM/11420)

KC Environmental Health have been consulted on the application and consider the details provided to be acceptable for the purpose of condition. As such, condition 5 can be discharged.

Condition 6

No details have been provided as no remediation strategy is required.

Condition 7

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Condition 8

This condition cannot be discharged at this time.

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