

**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:	2024/44/91312/W
Site Address:	land off, Wood Lane, Colnebridge, Huddersfield, HD5 0PX
Description:	Discharge conditions 5-10 on previous permission 2022/91532 for alterations to existing agricultural barn to form one dwelling
Recommending Officer:	Katie Chew

DECISION – Partial Approval of conditions

I hereby authorise the partial approval/refusal 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: 04-Jun-2024

Officer Report:

Application: 2024/91312

Application Site: Land off, Wood Lane, Colnebridge, Huddersfield, HD5 0PX

Proposal: Discharge conditions 5-10 on previous permission 2022/91532 for alterations to existing agricultural barn to form one dwelling.

Assessment:

Condition 5 (Phase 1 Desk Study Report)

5. Groundworks or other works to convert the building 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 policies within Chapter 15 of the National Planning Policy Framework.

The applicant has submitted a Phase One Desk Study Report and Coal Mining Risk Assessment, authored by Rogers Geotechnical Services Ltd dated November 2023 (ref: C3637/23/E/5509) in support of the application to discharge Condition 5.

Given the nature of the condition the Council's Environmental Health team were consulted, they noted that the site comprises a plot of land currently occupied by a disused agricultural barn of corrugated tin construction, with grass and gravel hardstanding providing surface cover to the external areas. During the site walkover, no visible signs of contamination were observed. A railway to the north of the site runs from the southeast to the northwest. The historical land use of the site and within a 250-metre radius has been reviewed, and the conceptual site model identifies several potential pollutant linkages. There are risks associated with shallow coal workings and the potential presence of mine gases, which necessitate further investigation and gas monitoring. Environmental Health Officers therefore accept the report in support of the application to discharge Condition 5 and recommend that Condition 5 be discharged. Officers concur with this conclusion and therefore Condition 5 is discharged.

Condition 6 (Phase II Site Investigation Report)

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) groundworks (other than those required for a site investigation report) or other works to convert the building 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 policies within Chapter 15 of the National Planning Policy Framework.

The applicant has submitted a Report on a Phase 2 Geo-environmental Investigation authored by Rogers Geotechnical Services Ltd dated March 2024 (ref; C3637/23/E/5969) in support of the application to discharge Condition 6.

The report describes the findings from fieldworks undertaken in January 2024. These included three windowless boreholes, three standpipes for gas and groundwater monitoring, and the retrieval of soils for laboratory analysis and screening. The fieldwork revealed strata conditions of topsoil followed by made ground. The laboratory analysis and screening confirmed soil contamination with benzo(a)pyrene.

Gas monitoring over four visits showed peak methane at 0.2% v/v, peak carbon dioxide at 2.8% v/v, minimum oxygen at 19.3% v/v, and atmospheric pressure between 969 - 1027 mb, during steady atmospheric pressure. RGS have provisionally classified as Characteristic Situation Level 1, but state two additional visits are needed.

The revised conceptual site model in Table 10 of the report rates risks from non-applicable to high for several potential pollutant linkages, indicating the need for remediation. The report continues to include proposals for the site-won and imported fill materials. It also acknowledges the necessity of a gas monitoring report covering the completed gas monitoring scheme and a subsequent remediation strategy.

The Council's Environmental Health Officers accept the report provided; however, they note that additional information is still necessary to fully satisfy the requirements of the condition and therefore, Condition 6 must remain until further notice. Officers concur with the conclusion and therefore Condition 6 cannot be discharged.

Condition 7 (Remediation Strategy)

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) further groundworks or other works to convert the building 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 policies within Chapter 15 of the National Planning Policy Framework.

As outlined above remediation will be necessary for this site, however, no remediation strategy has been received in support of the application to discharge Condition 7 and therefore, Condition 7 must remain until further

notice. Officers concur with the conclusions drawn by Environmental Health and therefore Condition 7 must remain.

Condition 8 (Revised Remediation Strategy)

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). 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 policies within Chapter 15 of the National Planning Policy Framework.

As we are yet to agree a remediation strategy for this site, and that this condition must remain until the development is complete as it also relates to unexpected contamination, Condition 8 must remain until further notice. Officers concur with the conclusions drawn by Environmental Health and therefore Condition 8 cannot be discharged.

Condition 9 (Validation Report)

9. 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 policies within Chapter 15 of the National Planning Policy Framework.

No validation report has been received in support of the application to discharge Condition 9. Therefore, Condition 9 must remain until further notice.

Condition 10 (Noise Report)

10. Before work commences to convert the building, a report specifying the measures to be taken to protect the development from noise from the nearby railway shall be submitted to and approved in writing by the Local Planning Authority.

The report shall: -

- a) Determine the existing noise climate*
- b) Predict the noise climate in gardens (daytime), bedrooms (nighttime) and other habitable rooms of the development*
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).*

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained. All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Reason: *In the interests of the amenity of the occupiers of the development hereby approved to accord with Policy LP52 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.*

The applicant has submitted a Noise Impact Assessment authored by ENS dated 10 October 2023 Ref NIA-11099-23-11289-v1 Woodlane Barn, Mirfield. Para 1.2 describes the site location and details the location of the Huddersfield railway line in relation to the development proposal.

Noise monitoring was carried out on Monday the 11th of September through to Tuesday the 12th of September 2023 from a single noise monitoring position (MP1) to the northern elevation of the existing barn building. A summary of the findings is given in table 3.1. Comment is made that during the daytime, ambient noise levels which are relatively low, were due to local and distant traffic, intermittent train passes on the Huddersfield Line and intermittent aircraft. Noise levels due to train passes are not deemed to be significant.

Based upon standard double glazing and trickle vents being installed, the internal requirements of BS8233 will be met. The external amenity requirements will also be met, and no mitigation measures are required. The findings of the report are accepted by Environmental Health officers and Officers concur with this conclusion; therefore, this condition can be discharged. However, as there is an ongoing requirement which states that '*The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained*'. This condition must remain in perpetuity until these works have been completed in accordance with the approved details and be retained as such thereafter.

Summary

To conclude, Conditions 5 and 10 are discharged, Conditions 6, 7, 8, and 9 are to remain, and are **not discharged**.

Decision Notice Text

Condition 5 (Phase 1 Desk Study Report)

You have submitted the following details:

- Phase One Desk Study and Coal Mining Risk Assessment, authored by Rogers Geotechnical Services Ltd dated November 2023 (ref: C3637/23/E/5509), received 9th May 2024.

The submitted details are acceptable to satisfy the requirements of Condition 5, this condition is therefore discharged in full.

Condition 6 (Phase II Site Investigation Report)

You have submitted the following details:

- Phase 2 Geo-environmental Investigation authored by Rogers Geotechnical Services Ltd dated March 2024 (ref; C3637/23/E/5969), received 9th May 2024.

The submitted details outline that additional visits are required at the site in respect of gas monitoring and that a gas monitoring report covering the completed gas monitoring scheme should be submitted alongside a remediation strategy. Whilst ENVH Officers accept the report provided, as additional information is necessary to fully satisfy the requirements of the condition, Condition 6 must remain until further notice.

Should further information be received, within 28 days of this letter, in relation to condition 6, and consequentially further information in support of condition 7, these conditions would be re considered under this application. Otherwise, a new application to discharge these conditions would be required.

Condition 7 (Remediation Strategy)

No remediation strategy has been received in support of the application to discharge Condition 7. Therefore, Condition 7 must remain until further notice. Should further information be received, within 28 days of this letter, in relation to condition 7, this condition would be re considered under this application. Otherwise, a new application to discharge this condition would be required.

Condition 8 (Revised Remediation Strategy)

No information has been submitted to discharge Condition 8. Unfortunately, as we are yet to agree a remediation strategy for the site, Condition 8 cannot be

discharged and therefore shall remain until further notice. Officers support this conclusion drawn by ENVH officers.

A further submission to discharge the validation report condition would be required, in due course.

Condition 9 (Validation Report)

No information has been submitted to discharge Condition 9. Unfortunately, until all groundworks have been completed Condition 9 cannot be discharged and therefore shall remain until further notice. Officers support this conclusion drawn by ENVH officers.

A further submission to discharge the validation report condition would be required, in due course.

Condition 10 (Noise Report)

You have submitted the following details:

- Noise Impact Assessment authored by ENS dated 10 October 2023 Ref NIA-11099-23-11289-v1 Woodlane Barn, Mirfield, received 9th May 2024.

The submitted details are acceptable to partly satisfy the requirements of Condition 10, however it is noted that Condition 10 does state that '*The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained*'. Therefore, the recommendations set out in the report must be undertaken before occupation and retained. Condition 10 remains in perpetuity.

Report Dated:

4th June 2024.