

**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 – PART DISCHARGE OF CONDITIONS

I hereby authorise the part discharge of conditions 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: 25-Jun-2024

Officer Report - Discharge of Conditions Application

Discharge conditions 5-10 on previous permission 2022/91532 for alterations to existing agricultural barn to form one dwelling, granted 22nd July 2022.

Condition 5 Phase 1 Desk Study Report

Condition 10 Noise Report

The details submitted in respect of the above conditions were approved by letter on 4th June 2024.

This report therefore relates to conditions 6, 7, 8 and 9 and the amended information received 13th June 2024.

Condition 6 (Phase 2 Report)

Wording

'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'.*

Assessment

For the principles of discharging condition 6 the following was originally submitted:

- Phase 2 Geo-environmental Investigation authored by Rogers Geotechnical Services Ltd dated March 2024 (ref: C367/23/E/5969).

The report described 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 accepted the report provided; however, they noted that additional information was still necessary to fully satisfy the requirements of the condition and therefore, Condition 6 must remain until further notice.

The applicant has now sought to submit a Gas Monitoring Report authored by RGS dated 5th June 2024 (Ref: C3637/23/E/GM). The document confirms the gas monitoring is now completed at the site. A gas screening value (GSV) has been calculated by RGS using the results of the monitoring. The GSV of 0.0008 l/hr for methane and a GSV of 0.0188 l/hr for carbon dioxide indicate the site can be fully classified as Characteristic Situation Level 1. Therefore, it is concluded that no gas protection measures are necessary for this site.

Environmental Health Officers therefore accept the document and alongside the Report on a Phase 2 Geo-environmental Investigation authored by Rogers Geotechnical Services Ltd dated March 2024 (ref; C3637/23/E/5969), there is sufficient information to satisfy the condition. Therefore, Condition 6 should now be discharged. Officers concur with this conclusion and therefore Condition 6 is recommended to be discharged.

Condition 7 (Remediation Strategy)

Wording

'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'.*

Assessment

No remediation strategy or information was received in support of the discharge of condition 7 under the previous application (ref: 2024/91312). However, on this occasion a Remediation Strategy Report authored by RGS dated 15th June 2024 (ref: C4435/24/E/6780) has been received in support of the application to discharge Condition 7.

The made ground present at the site was contaminated with respect to the intended residential with plant uptake end use. RGS propose the provision of a clean cover system in all garden and landscaped areas that includes a capping

layer of 500mm of inert material. At the base of this layer, a granular capillary break 100mm of free draining granular soil shall be placed to prevent mobile contamination rising upward. The strategy also provides information in relation to fill materials (site-won or imported) to be used for the cover system, and how this will be proven as suitable for use. The information provided reflects the latest YALPAG guidance. Verification proposals have also been provided.

Environmental Health officers generally accept the remediation and verification proposals given in the Remediation Strategy Report authored by RGS dated 15th June 2024 (ref: C4435/24/E/6780). However note that any testing of site-won material must be treated as brownfield soils as detailed in Table 1 of the report. They recommended that condition 7 should be discharged. Officers concur with this conclusion and therefore condition 7 is recommended to be discharged.

Condition 8 (Revised Remediation Strategy)

Wording

'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'.

Assessment

No remediation strategy was agreed for the site under the previous application (ref: 2024/91312) and therefore this condition must remain until the development is complete as it also relates to unexpected contamination. Condition 8 must therefore remain until further notice.

Condition 9 (Validation Report)

Wording

'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'.*

Assessment

No validation report has been received in support of the application to discharge condition 9, and therefore this condition is to remain until further notice.

Decision Notice Text

Condition 6 (Phase 2 Report)

You have submitted the following details:

- Phase 2 Geo-environmental Investigation authored by Rogers Geotechnical Services Ltd dated March 2024 (ref: C367/23/E/5969), received 9th May 2024.
- Gas Monitoring Report authored by RGS dated 5th June 2024 (Ref: C3637/23/E/GM), received 13th June 2024.

The scheme set out in the above listed documents is considered to be sufficient information and a scheme acceptable to satisfy the condition. Therefore, Condition 6 is discharged.

Condition 7 (Remediation Strategy)

You have submitted the following details:

- Remediation Strategy Report authored by RGS dated 15th June 2024 (ref: C4435/24/E/6780), received 13th June 2024.

The remediation and verification proposals set out in the Remediation Strategy Report authored by RGS dated 15th June 2024 (ref: C4435/24/E/6780) are considered acceptable and therefore Condition 7 is discharged. It should be noted that any testing of site-won material must be treated as brownfield soils as detailed in Table 1 of the report.

Condition 8 (Revised Remediation Strategy)

As before, this condition must remain until the development is complete as it also relates to unexpected contamination. Condition 8 must therefore remain until further notice.

Condition 9 (Validation Report)

No validation report has been received in support of the application 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.

Report Dated:

21/06/2024
