



Kirklees Council
Planning and Development Service
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Date: 20-Mar-2023
Our Ref: 2022/92766

Dear Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge conditions 5 (construction traffic access), 6 (methodology of works), 7 (Site Investigation Report), 8 (Further Intrusive Investigation), 9 (Remediation Strategy), 10 (Remediation of the Site), 11 (Validation Report), 12 (materials), 14 (crime prevention), 17 (external lighting) on previous permission 2019/91524 for alterations to former coal chutes to form 9 two storey storage units (within a Conservation Area)
off, Low Westwood Lane, Wellhouse, Golcar, Huddersfield, HD7 4EW
Application Number: 2022/92766**

I write with reference to your application to discharge the conditions for the above development as submitted on 16-Aug-2022.

We are able to support the discharge of the following conditions.

Condition 5 (Construction Traffic Access)

The following has been submitted:

- Traffic Management Plan (Drawing no. 110-22-BR10 Revision A).

The details submitted in relation to Condition 5 are acceptable and Condition 5 can be discharged following the construction of the development in accordance with the approved schedule.

Condition 7 (Site Investigation Report)

The following has been submitted:

- Phase I Desk Study & Phase II Ground Investigations 2008 & 2023 report by Ashton Bennett Consultancy, dated February 2023 (ref: SCT 3506) received on 6th March 2023.

The details submitted in relation to Condition 7 alone are acceptable and this condition can be discharged.

Condition 12 (Materials)

The following has been submitted:

- Materials Specification Document titled 'Materials' Revision A received on 8th September 2022.

The details submitted in relation to Condition 12 are acceptable. Condition 12 can be discharged when the development is completed using the approved materials, prior to the hereby approved building being brought into use.

Condition 14 (Crime Prevention)

The following has been submitted:

- Crime Prevention and Mitigation Strategy (Revision A) by Hinchliffe Architecture & Design received on 17th November 2022.
- Specification Details (Drawing No. 110-22-BR06 Revision A) received on 17th November 2022.
- External Lighting Plan (Drawing No.00022460012 Revision 0) received on 17th November 2022.
- Lighting Specification Sheet – CiviTEQ by Thorn received on 17th November 2022.

The details submitted in relation to Condition 14 are acceptable. Condition 14 can be discharged when the crime prevention measures so approved are implemented before the hereby approved B8 use commences, and retained as such.

Condition 17 (External Lighting)

The following has been submitted:

- External Lighting Plan (Drawing No.00022460012 Revision 0) received on 17th November 2022.
- Lighting Specification Sheet – CiviTEQ by Thorn received on 17th November 2022.

The details in relation to Condition 17 are acceptable. Condition 17 can be discharged when the lighting is installed in accordance with these approved details, and artificial lighting is operated in accordance with the approved scheme thereafter.

We are unable to approve the discharge of the following conditions.

Condition 6 (Methodology of Works)

The following has been submitted in support of Condition 6 under this discharge of condition application:

- E-mail to Network Rail Asset Protection Team

Given that methodology of works and a BAPA as required by the condition and Network Rail have not been submitted, measures have not been put in place to safeguard the operational needs and integrity of the adjacent railway. Thus Condition 6 cannot be discharged.

Nonetheless the permission for the original application is likely to have lapsed by 8th April 2023 and at that time will no longer be extant.

Condition 8 (Further Intrusive Investigation)

The following has been submitted in support of Condition 8 under this discharge of condition application:

- A revised Phase I Desk Study & Phase II Ground Investigations 2008 & 2023 report by Ashton Bennett Consultancy, dated February 2023 (ref: SCT 3506) received on 6th March 2023.

The revised report details that fieldwork was undertaken in 2008 and 2023. Across all samples, only one exceedance in benzo(a)pyrene at TP05 was identified when compared against a commercial end-use criterion. A low-risk was assigned to the source-pollutant linkages and the report does not consider remediation necessary. However, the report recommends due to the presence of local infilled land, it would be prudent to install a 1200 gauge methane resistant membrane in construction of the building.

KC Environmental Health have stated that following the review of the report they would require clarification on the following:

- Some of the appended information appears to be missing on pages 63 to 66.
- No SOM or TOC analysis appears to have been undertaken, the depth of made ground is unproven at TP01 and there is reference to made ground immediately off-site. The conceptual site model identified a low risk for the linkage however the report

recommends a methane barrier. Clarification on the ground gas pollutant linkage is required.

- Confirmation of the area of TP01 where the exceedance of benzo(a)pyrene will be covered in hardstanding and if there will be any soft-landscaping on-site.

For these reasons, KC Environmental Health consider the Phase I Desk Study and Phase II Ground Investigations 2008 & 2023 report by Ashton Bennett Consultancy, dated February 2023 (ref: SCT 3506) to provide insufficient information to satisfy the condition. Therefore, it is considered that Condition 8 must remain until further notice, and that it cannot be discharged.

Nonetheless the permission for the original application is likely to have lapsed by 8th April 2023 and at that time will no longer be extant.

Condition 9 (Remediation Strategy)

No remediation strategy has been submitted. In addition, it is recommended that Condition 8 remain until further notice, therefore it is also recommended that Condition 9 must remain until further notice (i.e. it is not clear whether the remediation of the site is required or not). Therefore Condition 9 cannot be discharged.

Condition 10 (Remediation of the Site)

This condition relates to the remediation of the site that shall be carried out and completed in accordance with an approved remediation strategy (i.e. it is a compliance condition). It also covers unexpected contamination should work commence. It should be noted that no remediation strategy has been approved under this previous permission. Thus, Condition 10 cannot be discharged at this point.

Condition 11 (Validation Report)

As development is yet to commence on-site and no Validation Report has been submitted, Condition 11 cannot be discharged at this point. In addition, Condition 11 will have to remain until Conditions 8 and 9 are discharged.

Yours faithfully

Mathias Franklin
Head of Planning and Development