

**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:	2023/44/90258/W
Site Address:	Former, Oakes Mill, New Hey Road, Oakes, Huddersfield, HD3 4DD
Description:	Discharge of conditions 13 (Remediation Strategy) and 15 (Validation Report) of previous permission 2019/91656 for erection of A1 foodstore with car parking, landscaping and associated works
Recommending Officer:	Richard Riggs

DECISION – Discharge of Conditions- Granted

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.

David Wordsworth

AUTHORISED OFFICER

Date: 09-Mar-2023

OFFICER REPORT (DISCHARGE OF CONDITIONS)

Application: 2023/90258

Description: Discharge of conditions 13 (Remediation Strategy) and 15 (Validation Report) of previous permission 2019/91656 for erection of A1 foodstore with car parking, landscaping and associated works

Address: Former, Oakes Mill, New Hey Road, Oakes, Huddersfield, HD3 4DD

Ward: Lindley

Expiry Date: 22 March 2023

Extension: N/A

Case Officer: R Riggs (Senior Planning Officer)

This application seeks to discharge Conditions 13 (Remediation Strategy) and 15 (Validation Report) of planning permission 2019/91656 for the erection of A1 foodstore with car parking, landscaping and associated works at Former Oakes Mill, New Hey Road, Oakes, Huddersfield, HD3 4DD.

The Local Planning Authority has received supporting documents in relation to the discharge of the above planning conditions. In addressing the information provided, consultations have been undertaken and, based on the responses received from these consultees, Officers are able to advise that the following decisions have been taken by the Local Planning Authority:

- Condition 13 (Remediation Strategy) – Has been Discharged.
- Condition 15 (Validation Report) – Has been Discharged.

These conditions have been discharged after being considered to meet the requirements set out in the conditions of the original planning permission.

The full details of the required compliance with the abovementioned conditions are set out below.

Condition 13 (Remediation Strategy)

***13.** Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (12) 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 that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.*

Officer Assessment

The following plans have been submitted in support of this application:

- Ref: 18/4412 (Discharge of Conditions Cover Letter), dated 25/01/2023 and received by the Local Planning Authority on 26/01/2023.
- Plan ref: 2729-050 Revision A (Location Plan), dated 10/05/2019 and received by the Local Planning Authority on 26/01/2023.
- Ref: P18-365/RS Issue 1 (Post Demolition Remediation Statement), dated 31/04/2020 and received by the Local Planning Authority on 26/01/2023.

The applicant has submitted the following plans detailing the satisfactory provision of a Contaminated Land Remediation Strategy. KC Environmental Health have reviewed the submitted information and accept the methodology and findings with respect of contaminated land. As such, Officers consider that this condition can be discharged.

Condition 15 (Validation Report)

15. 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 that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and section 15 of the National Planning Policy Framework.*

Officer Assessment

The following plans have been submitted in support of this application:

- Ref: 18/4412 (Discharge of Conditions Cover Letter), dated 25/01/2023 and received by the Local Planning Authority on 26/01/2023.
- Plan ref: 2729-050 Revision A (Location Plan), dated 10/05/2019 and received by the Local Planning Authority on 26/01/2023.
- Ref: P18-365/LTR/0006/AB (Capping Validation Report), dated 23/01/2023 and received by the Local Planning Authority on 26/01/2023.

The applicant has submitted the following plans detailing the satisfactory provision of a Contaminated Land Validation Report. KC Environmental Health have reviewed the submitted information and accept the methodology and

findings with respect of contaminated land. As such, Officers consider that this condition can be discharged.

DECISION NOTICE TEXT

Condition 13 (Remediation Strategy)

The following plans have been submitted in support of this application:

- Ref: 18/4412 (Discharge of Conditions Cover Letter), dated 25/01/2023 and received by the Local Planning Authority on 26/01/2023.
- Plan ref: 2729-050 Revision A (Location Plan), dated 10/05/2019 and received by the Local Planning Authority on 26/01/2023.
- Ref: P18-365/RS Issue 1 (Post Demolition Remediation Statement), dated 31/04/2020 and received by the Local Planning Authority on 26/01/2023.

You have submitted the above mentioned plans and information to discharge the requirements of this condition. KC Environmental Health and Officers find this information acceptable. As such, this condition is discharged.

Condition 15 (Validation Report)

The following plans have been submitted in support of this application:

- Ref: 18/4412 (Discharge of Conditions Cover Letter), dated 25/01/2023 and received by the Local Planning Authority on 26/01/2023.
- Plan ref: 2729-050 Revision A (Location Plan), dated 10/05/2019 and received by the Local Planning Authority on 26/01/2023.
- Ref: P18-365/LTR/0006/AB (Capping Validation Report), dated 23/01/2023 and received by the Local Planning Authority on 26/01/2023.

You have submitted the abovementioned plans and information to discharge the requirements of this condition. KC Environmental Health and Officers find this information acceptable. As such, this condition is discharged.

Richard Riggs
Senior Planning Officer

Report Dated: 03 March 2023

