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:	**2023/44/90963/E**
Site Address:	Dewsbury Moor ARLFC, Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 3NU
Description:	Discharge conditions 3-7 (Phase 2 Report) on previous permission 2022/93672 for erection of detached single storey hospitality building
Recommending Officer:	Emma Thompson

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: 10-May-2023

Officer report: 2023/90963
Discharge conditions 3-7 (Phase 2 Report) on previous permission 2022/93672 for erection of detached single storey hospitality building
Condition 3:
3. Groundworks 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) by a suitably competent person 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. 183 and 184 of the National Planning Policy Framework.

Condition 4:
4. Where further intrusive investigation is recommended in the Preliminary Risk
Assessment approved pursuant to condition (3) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person 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. 183 and 184 of the National Planning Policy Framework.

Condition 5:
5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (4) further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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. 183 and 184 of the National Planning Policy Framework.

Condition 6:
6. Remediation of the site shall be carried out and completed in accordance with the
Remediation Strategy approved pursuant to condition (5). 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. 183 and 184 of the National Planning Policy Framework.

Condition 7:
7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been 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. 183 and 184 of the National Planning Policy Framework.

Assessment:
To discharge Conditions 3 to 7, a Phase 2 Geo-environmental Report by Haigh Huddleston & Associates dated March 2023 (ref: E23/8043/R001) has been received. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. The report is a combined Phase 1 and 2 report.
The land for the proposed hospitality building is currently occupied by metal shipping containers providing temporary storage/shelter for the ground. The shipping containers are stood on the compacted made ground that forms the parking area. The site is described as generally level and surrounded by residential properties, a car park and playing fields. The report states that the proposed hospitality building will only be in use during matchdays and training periods and access to the main storage area is through a roller shutter door.
The site history is appraised and potential sources of contamination include an offsite railway line, colliery, and historic landfills. The site itself has been an open field and later a rugby football ground. The report explains that CS2 gas protection measures are to be installed as a ‘precautionary measure’. Further justification for the absence of ground gas monitoring is provided in terms of the topography, location of the site and type of building proposed.
A limited site investigation was undertaken in February 2023. Made ground (re-engineered clays and gravels with the occasional crushed brick) was found extending to near the base of the trial pits, with an underlying natural clay encountered in one of the trial pits. No elevated contaminants were identified on site when laboratory results were compared against a commercial end-use criterion.
The report concludes that there is a low risk of ground gas migration from an offsite historic landfill 80m west and it is therefore proposed to classify the site as CS2. The report identifies that for a Type B building, and for a CS2 classification, a gas protection score of 3.5 points is required. Details on how a score of 4 will be achieved, are presented in Section 10.2.3. The ground gas measures will be validated in accordance with CIRIA C735. The report adds

that there are no areas of soft landscaping proposed, so it is not envisaged at this time that any materials will need to be imported to site.
The validation proposals presented in the report are lacking. Environmental Health Officers expect any forthcoming validation report to verify the installation of gas protection elements described as per best practice guidance. Notwithstanding, Environmental Health Officers accept the report provide and consider this sufficient to satisfy the requirements of Conditions 3, 4 and 5 on previous permission 2022/93672.

Decision Text:
To discharge Conditions 3 to 7, a Phase 2 Geo-environmental Report by Haigh Huddleston & Associates dated March 2023 (ref: E23/8043/R001) has been received. The report is a combined Phase 1 and 2 report the content of which has been assessed and considered sufficient to satisfy the requirements of Conditions 3, 4 and 5 on previous permission 2022/93672. Conditions 6 and 7 cannot be discharged at this time.