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:	**2024/44/91178/E**
Site Address:	Cherry Tree Surgery, 132, Upper Commercial Street, Batley, WF17 5DH
Description:	Discharge conditions 6 (Remediation Works), 7 (Validation Report) on previous permission 2021/94474 for erection of single storey extension and formation of additional parking spaces (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

DECISION – REFUSE DISCHARGE OF CONDITIONS 6 and 7

I hereby authorise the refusal 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: 20-Jun-2024

Officer Report
Reference No. 2024/44/91178/E
Site Address: Cherry Tree Surgery, 132, Upper Commercial Street, Batley, WF17 5DH
Proposal: Discharge conditions 6 (Remediation Works), 7 (Validation Report) on previous permission 2021/94474 for erection of single storey extension and formation of additional parking spaces (within a Conservation Area)

Assessment
Condition 6 – Remediation Works
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 – Validation Report
7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 Validation 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 of Condition 6 and 7
Conditions 6 and 7 on previous permission 2021/94474 are to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework. The applicant must provide evidence demonstrating that the agreed

remediation works have been fully completed to meet the requirements of these conditions.

A Completion Report for the Treatment of Mine Workings authored by Groundsmiths UK Ltd (dated 10th January 2024, ref. GUK-0923-04/Rp-001) has been received in support of the application to discharge Conditions 6 and 7. The report describes the drilling and grouting of coal workings on-site. Although the Coal Authority raised no objections to the discharge of condition 6 and 7 in relation to geotechnical matters, KC Environmental Health have confirmed that the report fails to confirm the completion of remediation works that were agreed as part of application 2023/91248. For these reasons, Officers recommend that Conditions 6 and 7 remain until further notice.

Decision Notice Text

Conditions 6 and 7– Remediation Works & Validation Report

The following has been submitted:

- Completion Report for the Treatment of Mine Workings authored by Groundsmiths UK Ltd (dated 10th January 2024, ref. GUK-0923-04/Rp-001)

KC Environmental Health advise that Conditions 6 and 7 remain in place until further notice. Upon completion of the remediation works in accordance with the agreed remediation strategy, a validation report must be produced and submitted to the LPA for review and comments. At which point, Environmental Health should be consulted regarding the discharge of these conditions.

Dated: 12/06/2024