

**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:	2024/44/91552/W
Site Address:	former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF
Description:	Discharge of conditions 6 (Remediation Strategy) and 9 (intrusive investigation) of previous permission 2020/92067 for erection of 30 dwellings
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 18-Jul-2024

Application: 2024/44/91552/W

Site: former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF

Proposal: Discharge of conditions 6 (Remediation Strategy) and 9 (intrusive investigation) of previous permission 2020/92067 for erection of 30 dwellings

Assessment

Condition 6 (Remediation Strategy)

6. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, a Remediation Strategy shall be 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: *So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

The submitted details have been reviewed by K.C. Environmental Health. In their initial consultation response dated 13/06/2024 they raised concerns with the submitted details, specifically concern over the re-use of contaminated site-won material. K.C. Environmental Health concerns were shared with the applicant who provided further details. These details have been reviewed by K.C. Environmental Health, as set out in their consultation response dated 11/07/2024. The further details address K.C. Environmental Health's concerns, and they now recommend that the details be approved.

Officers support this assessment and recommend that the details be approved. As condition 6 has no ongoing requirement it may be discharged in full. However, given that the submitted report identifies the need for remediation, the requirements of condition 7 activate. A note outlining the requirements of condition 7 shall be placed on the decision notice.

Note that in their consultation responses K.C. Environmental Health identify the condition as 'condition 5'. This is an error. It is clear that their comments relate to a remediation strategy and condition 6. Condition 5 is regarding a road condition survey, a wholly different and unrelated matter.

Condition 9 (intrusive investigation)

9. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, an intrusive investigation shall be carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: *To address coal legacy, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

The submitted details have been reviewed and accepted by the Coal Authority (CA), who requested the condition. Their full assessment is detailed within their consultation response dated 18/06/2024. In summary, the methodology and findings of the investigation undertaken comply with the expectations of the CA.

Officers support this assessment and recommend that the details be approved. As condition 9 has no ongoing requirement it may be discharged in full. However, given that the submitted report identifies the need for remediation, the requirements of condition 10 activate. A note outlining the requirements of condition 10 shall be placed on the decision notice.

Recommendation: Approve

Report Dated: 11/07/2024

Proposed Letter Text

Condition 6 (remediation strategy)

You have submitted the following information pursuant to condition 6:

- Contamination Remediation Statement report by ARP, dated 25/03/2024 (ref: UHA/13Rem1)
- letter from ARP dated 21/06/2024 (ref: UHA/12/L2/AMJ)

I can confirm that the submitted details are acceptable and condition 6 is hereby discharged. However, you are reminded that the requirements of condition 7 hereby activate. Condition 7 is repeated below for convenience:

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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. 178 and 179 of the National Planning Policy Framework.*

Condition 9 (intrusive investigation)

You have submitted the document titled 'Additional Intrusive Coal Mining Investigation report', prepared by ARP Geotechnical Ltd, pursuant to condition 9.

I can confirm that the submitted details are acceptable and condition 9 is hereby discharged. However, given the conclusion of the submitted report that identifies the need for remediation on site, the requirements of condition 10 activate. Condition 10 is repeated below for convenience:

10. Where the findings of the intrusive site investigations (required by the condition 9 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: *To address coal legacy, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and*

stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.