



Kirklees Council
Planning and Development Service
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Date: 18-Jul-2024
Our Ref: 2024/91552

Dear Sir,

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

**Discharge of conditions 6 (Remediation Strategy) and 9 (intrusive investigation) of
previous permission 2020/92067 for erection of 30 dwellings
former, Stile Common Infant & Nursery School, Plane Street, Newsome,
Huddersfield, HD4 6DF
Application Number: 2024/91552**

I write with reference to your application to discharge the conditions for the above development as submitted on 30-May-2024.

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.*

Yours faithfully

Mathias Franklin,
Head of Planning and Development