

**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:	2024/44/91572/E
Site Address:	Spenn Valley High School, Roberttown Lane, Roberttown, Liversedge, WF15 7LX
Description:	Discharge condition 5 (Phase I Desk Study Report) and condition 10 (Arboricultural Method Statement) on previous permission 2023/93386 for erection of new office building and extensions and alterations to existing Lodge building
Recommending Officer:	Nicole Helliwell

DECISION – Discharge of Conditions 5 and 10 - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 23-Aug-2024

Officer Report

Reference No. 2024/44/91572/E

Site Address: Spen Valley High School, Roberttown Lane, Roberttown, Liversedge, WF15 7LX

Proposal: Discharge condition 5 (Phase I Desk Study Report) and condition 10 (Arboricultural Method Statement) on previous permission 2023/93386 for erection of new office building and extensions and alterations to existing Lodge building

Assessment

Condition 5 – Phase I Desk Study Report

5. 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: *This pre-commencement condition is necessary 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.*

Assessment of Condition 5

In support of the application a Phase I Desktop Study and Preliminary Risk Assessment Report by GEOENVIRO (dated May 2024, reference no. 4503-23 PI) has been submitted. A site walkover was undertaken on the 17th May 2024. The Phase I report provides an appraisal of the site history and previous surrounding land uses, since 1854 and an assessment of the environmental setting. From this, it is evident that there have been potentially contaminative uses on the site and adjoining land which could impact upon the development.

KC Environmental Health are disappointed that a summary of the information contained within the GEOENVIRO Solutions Limited, Coal Mining Risk Assessment, Report (reference no. 4503-23 CMRA, dated November 2023) has not been included within this report. It clearly indicates that there is a potential for contamination to pose a risk to the development from the coal mining legacy at the site and surroundings.

Section 8 presents a preliminary conceptual site model attributing a moderate/low risk in relation mine gas and possible infilled ground nearby. A moderate/low risk has been attributed in relation to asbestos at or near ground surface or in made ground/soils. Section 9 of the report recommends an intrusive investigation.

KC Environmental Health cannot support the proposal at section 9.2 in regard to level of gas protection at the site without the appropriate site intrusive investigation including intrusive ground gas and ground water monitoring. It is

only when this information has been obtained and analysed that consideration as to the safe development and any appropriate level of protection can be presented. Officers expect to see all results presented in a Phase 2 report with an updated conceptual site model. Any monitoring undertaken must be designed and undertaken in accordance with good practice guidance. Therefore, in order to move forward Officers accept the phase 1 report and the requirement for intrusive investigation at the site.

Condition 10 – Arboricultural Method Statement

10. Development shall not commence until an Arboricultural Method Statement, has been submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details of including but not limited to the following:

- *removal of existing structures and hard surfacing.*
- *installation of temporary ground protection.*
- *excavations and the requirement for specialized trenchless techniques within the RPAs of retained trees.*
- *installation of new hard surfacing – materials, design constraints and implications for levels within the RPAs of retained trees.*
- *specialist foundations – installation techniques and effect on finished floor levels and overall height.*
- *retaining structures to facilitate changes in ground levels.*
- *preparatory works for new landscaping/replacement planting.*
- *auditable/audited system of Arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.*

and how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: *This detail is required prior to development commencing on site to protect to viability of the mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.*

Assessment of Condition 10

The applicant has submitted an Arboricultural Method Statement (dated 24th May 2024, reference no, WC-266.2 Rev. A) in support of condition 10. KC Trees have confirmed that the AMS contains everything needed to protect the trees during the construction phase. On this basis, condition 10 can be discharged.

Decision Notice Text

Condition 5 – Phase I Desk Study Report

The following has been submitted:

- Phase I Desktop Study and Preliminary Risk Assessment Report (dated May 2024, reference no. 4503-23 PI)

KC Environmental Health accept the Phase I Desktop Study and Preliminary Risk Assessment Report and recommend the discharge of condition 5. However, Officers remind the applicant that all other contaminated land conditions remain in place and no groundworks other than those required for intrusive investigation should be undertaken before these are discharged.

Condition 10 – Arboricultural Method Statement

The following has been submitted:

- Arboricultural Method Statement (dated 24th May 2024, reference no, WC-266.2 Rev. A)

In conclusion, it is considered that the submitted information is acceptable for the purposes of discharging condition 10.