

**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:	<b>2024/44/92164/E</b>
Site Address:	St Peters Ce Va Junior Infant And Early Years School, Field Head Lane, Birstall, Batley, WF17 9HN
Description:	Discharge of details reserved by condition 12 (validation report) of previous permission 2023/91092 for demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park; children's play areas and associated landscaping
Recommending Officer:	Nick Hirst

**DECISION – Discharge of Condition – 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: 18/11/2024**

**Application:** 2024/44/92164/E

**Site:** St Peters Ce Va Junior Infant and Early Years School, Field Head Lane, Birstall, Batley, WF17 9HN

**Proposal:** Discharge of details reserved by condition 12 (validation report) of previous permission 2023/91092 for demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park; children's play areas and associated landscaping

## **Assessment**

### Condition 12 (validation report)

*12. Following completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy, a Validation Report 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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 the National Planning Policy Framework.*

The applicant has submitted the document titled 'Remediation Validation Report – Phase 1' pursuant to condition 12. This has been reviewed by K.C. Environmental Health, who have said the following in their consultation response dated 23/09/2024:

*We accept the Remediation Validation Report by Woolgar Hunter (dated 23rd July 2024, 2022- 6004 V1.1.0). While we have reviewed and accept the report provided, it does not fully address all the agreed remediation for the site. Therefore, we do not recommend the discharge of Condition 12 at this time. Additional information is required regarding the validation of the soft landscaped areas*

The submitted report is intended to address phase 1 of the development only. Phase 2 consists of the site's landscaping. The phasing is necessitated by the nature of the development. The site is an existing school, with playing field. The proposed development seeks to build a new school in the existing playing field, then demolish the old school, creating a new playing area over the old school. This approach is necessary to ensure continuous provision of education services at the site.

Accordingly, the phase 2 landscaping cannot be undertaken until the new school is occupied, the old school demolished, and the new play area provided and landscaped.

Condition 12 allows for a phased approach to be undertaken. Therefore, officers recommend that the submitted details be approved, in so far as they relate to phase 1. A note setting out the condition's remaining requirements is recommended to be included on the decision notice.

**Recommendation:** Approve details.

**Report Dated:** 15/11/2024

### **Proposed letter text**

#### Condition 12 (validation report)

You have submitted the document titled 'Remediation Validation Report – Phase 1' pursuant to condition 12. This document establishes two phases to the validation submission, namely:

- Phase 1: Validation of the gas and radon protection measures for the new school building
- Phase 2: Validation of the soft landscaping areas across the remaining site area

I can confirm that the proposed phases are acceptable, and that the submitted details are hereby accepted for phase 1 (only).

You are reminded that the condition requires validation for the landscaped areas that encompass phase 2 (principally comprising, though not exclusively, the new outdoor play spaces) to be submitted and approved, prior to being brought into use. In addition to requiring a phase 2 validation report, the condition also stipulates the following, which must be adhered to:

*Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.*

The Final Validation Summary Report may be submitted alongside the Phase 2 report.