

**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:	2024/44/92701/E
Site Address:	South Pennine Boat Club, Wood Lane, Mirfield, WF14 0ED
Description:	Discharge of details reserved by condition 4 (Phase I Report) on previous permission 2024/90013 for erection of extension and alterations to enclose dry dock
Recommending Officer:	Nicole Helliwell

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 15-Nov-2024

Officer Report

Reference No. 2024/44/92701/E

Site Address: South Pennine Boat Club, Wood Lane, Mirfield, WF14 0ED

Proposal: Discharge of details reserved by condition 4 (Phase I Report) on previous permission 2024/90013 for erection of extension and alterations to enclose dry dock

Assessment

Condition 4 – Phase I Desk Study Report

4. 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 4

The applicant has submitted a document entitled 'Desk Study and Preliminary Risk Assessment Report' (reference no. SPBC-DS version 1, Dated 11th September 2024) in support of the application to discharge condition 4.

The site history and environmental setting since 1851 have been listed, with photographic history and site activity comprehensively annotated. A site walk over was undertaken on the 3rd of August 2024, with no signs of contamination or fly tipping observed (photographic evidence provided). Potentially contaminative sources identified are listed as the following: - heavy metals and complex hydrocarbons in the form of polycyclic aromatic hydrocarbons. It is therefore evident that there have been potentially contaminative uses on the site.

Section 3.6 of the preliminary conceptual site model concludes *"It is considered that the risk of direct exposure to contamination during works on the northwest/southeast sides of the existing structure is negligible. There remains a low risk of direct exposure to contamination during excavation works within the workshop footprint, and a very low to negligible risk of carbon dioxide and/or hydrocarbon vapours accumulating within the enclosed workshop."*

Despite the very low, low to negligible risk, the report goes on to suggest site remediation, including testing of soils and a vapour barrier in addition to a reinforced concrete slab. Therefore, KC Environmental Health would require clarification of this position with an application for the discharge of condition 5. Therefore, in order to move the application forward, Officers accept the phase 1 report.

Decision Notice Text

Condition 4 – Phase I Desk Study Report

The following information has been submitted:

- Desk Study and Preliminary Risk Assessment Report (reference no. SPBC-DS version 1, Dated 11th September 2024)

The submitted details are acceptable for the purposes of discharging condition 4. However, the applicant is reminded that all other contaminated land conditions remain.