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:	**2024/44/93521/W**
Site Address:	Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB
Description:	Discharge of details reserved by Conditions 3. (Noise Assessment Report) & 10. (Phase 2 Intrusive Site Investigation Report) of permission 2024/91053 for Demolition of existing concrete plant and installation of replacement concrete plant with associated alterations
Recommending Officer:	Molly Storer

DECISION – APPROVE DISCHARGE OF CONDITIONS

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 07-May-2025

DISCHARGE OF CONDITIONS

Site: Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB.

Proposal: Discharge of details reserved by Conditions 3. (Noise Assessment Report) & 10. (Phase 2 Intrusive Site Investigation Report) of permission 2024/91053 for Demolition of existing concrete plant and installation of replacement concrete plant with associated alterations.

ASSESSMENT

Condition 3 (Noise Assessment Report)

3. Prior to the development hereby approved being brought into use, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all noise emissions from the proposed development;
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises;
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.
***Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

As part of this application the following has been submitted: -

- Noise Impact Assessment authored by MZA Acoustics Ref (1701115-RP-NIA-0001) dated August 2024

Taking into account the content of the Noise Impact Assessment which includes the information required, Environmental Health officers concluded that the report/plan submitted for Condition 3 is acceptable and in accordance with LP29, LP30 and LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework. For this condition to

be discharged, all works comprising the approved scheme shall be carried out in full before the development is brought into use, and thereafter retained.

Condition 10 (Phase 2 Intrusive Site Investigation Report)

> *10. No above ground development shall commence (excluding the demolition of existing structures) until;*
> *a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and*
> *b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
Reason: *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 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

As part of this application the following has been submitted: -

- Validation report for ground stabilisation works part 1, Ref MYE/01r2. Dated December 2024.
- Grouting log sheet, Ref MYE01r2. Dated September 2024.
- Ground stabilization treatment method specification Rev A, Ref MYE/01. Dated August 2024
- Intrusive Coal Mining Investigation, Ref MYE01l2. Dated July 2024
- Statement from James Dalton Consultants Ltd design (competent person) confirming the implementation and compliance of the new plant foundations

Consultee response:

The Coal Authority have been consulted on the above details and made the following concluding comments:

"*On the basis of the information submitted and the confirmatory statement now provided I can confirm that the Coal Authority's Planning Team, in relation to matters of mining instability, considers that the requirements of Condition 10 of the approved consent have been satisfactorily addressed*".

Taking account of the response of the Coal Authority and the content of the submitted documents it is considered that these are sufficient to enable the discharge of condition no.10 and this condition is therefore recommended to be discharged.

DECISION LETTER TEXT

Condition 3

You have submitted the following: -

- *Noise Impact Assessment authored by MZA Acoustics Ref (1701115-RP-NIA-0001) dated August 2024*

Taking account of the response from Environmental Health officers and the content of the Noise Impact Assessment it is considered that the submitted documents are sufficient for the purposes of condition no. 3. For this condition

to be discharged, all works comprising the approved scheme shall be carried out in full before the development is brought into use, and thereafter retained.

Condition 10

You have submitted the following: -

- Validation report for ground stabilisation works part 1, Ref MYE/01r2. Dated December 2024.
- Grouting log sheet, Ref MYE01r2. Dated September 2024.
- Ground stabilization treatment method specification Rev A, Ref MYE/01. Dated August 2024
- Intrusive Coal Mining Investigation, Ref MYE01I2. Dated July 2024
- Statement from James Dalton Consultants Ltd design (competent person) confirming the implementation and compliance of the new plant foundations

Taking account of the response of the Coal Authority and the content of the submitted documents it is considered that the submitted documents are sufficient to enable the discharge of condition no. 10 and this condition is therefore discharged.

Report dated: 28th April 2025