

**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:	2025/44/90992/W
Site Address:	209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ
Description:	Discharge of details reserved by conditions 5 (Phase I Desk Study Report), 6 (Phase II Intrusive Site Investigation Report), 7 (Remediation Strategy), 8 (Completed in accordance with Remediation Strategy) and 9 (Verification Report) of previous permission 2024/93336 for erection of detached building to create dwelling forming annex accommodation associated with 209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ
Recommending Officer:	Joshua Merriman

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

I hereby authorise the part discharge of conditions the subject of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 02-Jun-2025

DISCHARGE OF CONDITIONS

Reference No. 2025/90992

Site Address: 209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ.

Proposal: Discharge of details reserved by conditions 5 (Phase I Desk Study Report), 6 (Phase II Intrusive Site Investigation Report), 7 (Remediation Strategy), 8 (Completed in accordance with Remediation Strategy) and 9 (Verification Report) of previous permission 2024/93336 for erection of detached building to create dwelling forming annex accommodation associated with 209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ.

The merits of the application have previously been assessed under reference 2024/93336 and permission granted for erection of detached building to create dwelling forming annex accommodation associated with 209, Scar Lane, Milnsbridge, Huddersfield, HD3 4PZ.

The applicant is now seeking to discharge Conditions 5, 6, 7, 8, and 9 on previous permission 2024/93336.

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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

Assessment of Condition 5

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

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

After a formal consultation with KC Environmental Health, the following comments were received:

“Based on the Phase 1 report reviewed by Environmental Health we are satisfied with the information provided in support of Condition 5 and recommend that it is discharged.”

It is therefore concluded that the scheme submitted for Condition 5 is acceptable, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 183 and 184 of the National Planning Policy Framework.

Condition 6 (Phase II Intrusive Site Investigation Report)

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

Assessment of Condition 6

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

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

After a formal consultation with KC Environmental Health, the following comments were received:

“Based on the Phase 1 report reviewed by Environmental Health we would also suggest that there is sufficient information at this stage to discharge Conditions 6 of previous permission 2024/93336.”

It is therefore concluded that the scheme submitted for Condition 6 is acceptable, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 183 and 184 of the National Planning Policy Framework.

Condition 7 (Remediation Strategy)

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

Assessment of Condition 7

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

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

After a formal consultation with KC Environmental Health, the following comments were received:

“Based on the Phase 1 report reviewed by Environmental Health we would also suggest that there is sufficient information at this stage to discharge Conditions 7 of previous permission 2024/93336.”

It is therefore concluded that the scheme submitted for Condition 7 is acceptable, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 183 and 184 of the National Planning Policy Framework.

Condition 8 (Completed in accordance with Remediation Strategy)

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). 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. 183 and 184 of the National Planning Policy Framework.

Assessment of Condition 8

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

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

After a formal consultation with KC Environmental Health, the following comments were received:

“We remind the applicant that any unexpected contamination encountered during groundworks, must be reported to the LPA, as per the requirements of Condition 8. For this reason, condition 8 will remain until works are completed.”

Given the wording of condition no.8 and whilst it is a requirement it is complied with, there is potential that it does not require discharging given it would only need to be discharged should unexpected contamination be encountered and fact the remediation strategy submitted as part of condition 7 is recommended to be discharged.

Condition 9 (Verification Report)

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 Verification Report in respect of those remediation measures has been 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

Assessment of Condition 9

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

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

After a formal consultation with KC Environmental Health, the following comments were received:

“We remind the applicant that any unexpected contamination encountered during groundworks, must be reported to the LPA, as per the requirements of Condition 8. For this reason, condition 9 will remain until works are completed.”

It is therefore concluded that Condition 9 cannot yet be discharged and shall remain in place until the works are completed. As such condition 9 is required to remain in force until submission of verification information.

DECISION LETTER TEXT

Condition 5:

You have submitted the following: -

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

The scheme submitted satisfies Condition 5 and this condition is therefore discharged.

Condition 6:

You have submitted the following: -

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

The scheme submitted satisfies Condition 6 and this condition is therefore discharged.

Condition 7:

You have submitted the following: -

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

The scheme submitted satisfies Condition 7 and this condition is therefore discharged.

Condition 8:

You have submitted the following: -

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

The requirement of this condition is that the remediation of the site is undertaken in accordance with the remediation strategy approved by condition no.7. 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, it is a requirement of this condition that 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.

Condition 9:

You have submitted the following: -

- Application Form
- C0669-209 Scar Lane Phase 1 DS-02

The requirement of this condition is that Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. Therefore this condition is required to remain in force and is not discharged at this time.