

**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:	2025/44/91415/E
Site Address:	Shelley Lodge, 2, Box Ings Lane, Shelley, Huddersfield, HD8 0SU
Description:	Discharge of details reserved by condition 6 (Phase II Report) on previous permission 2021/92355 for alterations and extension to existing stables to create dwelling
Recommending Officer:	Nicole Helliwell

DECISION – DISCHARGE OF CONDITIONS REFUSED

I hereby authorise the refusal 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: 13-Jan-2026

Officer Report

Reference No. 2025/44/91415/E

Site Address: Shelley Lodge, 2, Box Ings Lane, Shelley, Huddersfield, HD8 0SU

Proposal: Discharge of details reserved by condition 6 (Phase II Report) on previous permission 2021/92355 for alterations and extension to existing stables to create dwelling

Assessment

Condition 6 – Phase II Report

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and in writing by the Local Planning Authority.

Reason: *To identify and remove unacceptable risks to human health, hazards and land contamination and coal mining risk in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the development.*

Assessment of Condition 6

The updated Conceptual Site Model & Risk Assessment Letter prepared by RGS (dated 17th September 2025, reference no. C3044/25/E/8416) was submitted in response to previous KC Environmental Health comments relating to Condition 6. Officers have read the report provided and have considered the commentary presented. However, no readings were taken below 1000 mb and the “nearby weather station” cited to justify falling-pressure conditions is not identified. In accordance with good practice guidance, RGS should confirm the source of the meteorological data and demonstrate that representative worst-case conditions were indeed captured before the CS1 classification can be fully accepted.

Additional intrusive works included three trial pits (TPA - TPC) to further investigate the extent of previously identified contamination. Elevated concentrations of PAHs were detected within ash-containing made ground beneath the driveway, whereas soils within the soft landscaped areas were suitable for the intended residential use. RGS conclude that the impacted material beneath the driveway presents no risk as it remains sealed beneath hardstanding. While this conclusion appears reasonable, the extent and volume of the impacted made ground have not been clearly defined. It is unclear whether the full lateral and vertical extent of the ash-containing material has

been delineated, or whether all impacted material has been fully encapsulated beneath hard standing. These aspects require confirmation to demonstrate that the identified source–pathway–receptor linkage has been effectively broken. Until these matters are fully addressed, officers recommend that Condition 6 remains in place until further notice.

Decision Notice Text

Condition 6 – Phase II Report

The following information has been submitted:

- Phase 2 Environmental Report (dated 30th April 2025, reference no. C3044/25/E/7662)
- Updated Conceptual Site Model & Risk Assessment Letter prepared by RGS (dated 17th September 2025, reference no. C3044/25/E/8416)
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KC Environmental Health recommend that Condition 6 must remain until further notice. Further information in relation to Condition 6 can be considered under the current application if received within 6 weeks from the date of this letter.