

**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:	2025/44/92806/E
Site Address:	37, Wyke Lane, Oakenshaw, BD12 7EE
Description:	Discharge of details reserved by conditions 5 (Phase I Desk Study Report), 6 (Phase II Intrusive Site Investigation Report), 7, 8, 9 (Remediation Strategy) on previous permission 2025/92095 for demolition of existing stable/store building and erection of detached single storey dwelling with associated works
Recommending Officer:	Edward Cheseldine

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision 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: 05-Dec-2025

Officer Report

2025/92806 – 37, Wyke Lane, Oakenshaw, BD12 7EE

Proposal Description

The application is seeking to discharge details reserved by conditions 5 (Phase I Desk Study Report), 6 (Phase II Intrusive Site Investigation Report), 7, 8, 9 (Remediation Strategy) on previous permission 2025/92095 for demolition of existing stable/store building and erection of detached single storey dwelling with associated works

Condition 5, 6 & 7

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. 196 and 198 of the National Planning Policy Framework

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) 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. 196 and 198 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) 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. 196 and 198 of the National Planning Policy Framework.

Assessment

The following document have been submitted by the applicant:

- Phase 1 Geoenvironmental Risk Assessment and Coal Mining Risk Assessment by Michael D Joyce Associates LLP, dated October 2025, ref: 4503

KC Environmental Health assessed the reports in relation to ground contamination. They agreed upon the following comments.

The report provides a site history since 1854. A site walkover was undertaken on the 3rd of October 2025 it confirms the site contains a building, described as a blockwork stable with a sheet metal roof, no visual signs of contamination including asbestos were noted. The site is underlain by the Clifton Rock Sandstone, of the Carboniferous Pennine Lower Coal Measures. The report author summarises the information from a mining report obtained from the the Mining Remediation Authority, (report is reproduced in full in Appendix 2). A conceptual site model is presented in section 9; the report author concludes; “the overall risk is assessed to be low. At this stage, it is not considered that there is likely to be any significant risk. An intrusive investigation in respect of contamination is therefore not considered to be a current necessary requirement.”

Following their assessment, they concluded they have no objection to the discharge of conditions 5, 6 & therefore 7.

Condition 8 & 9

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (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, 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. 196 and 198 of the National Planning Policy Framework.

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 (that part of) 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. 196 and 198 of the National Planning Policy Framework.

These conditions are compliance conditions, to cover unexpected land contamination once groundwork begins. They should therefore remain under the proviso that if contamination is uncovered, work shall cease immediately, and the Local Planning Authority shall be notified in writing within 2 working days.

Decision Notice Text

Condition 5, 6 & 7

KC Environmental Health has no objection to the discharge of condition 5, 6 & 7. As such, these conditions can be deemed discharged.

Condition 8 & 9

These conditions are compliance conditions, to cover unexpected land contamination once groundwork begins. They should therefore remain under the proviso that if contamination is uncovered work shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.