

# 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:	<b>2025/44/92902/E</b>
Site Address:	Mirfield Air Cadet Centre, Huddersfield Road, Mirfield, WF14 9DQ
Description:	Discharge of details reserved by conditions 5 (Remediation Strategy), 7 (bat box) on previous permission 2025/91530 for variation of conditions 2 (Plans) and 10 (Arboricultural Method Statement) on previous permission 2023/93737 for erection of single storey modular building and band store with associated external alterations following demolition of two existing single storey modular buildings
Recommending Officer:	Nicole Helliwell

#### **DECISION – Discharge of Conditions - Approved**

**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-Dec-2025**

## **Officer Report**

**Reference No.** 2025/44/92902/E

**Site Address:** Mirfield Air Cadet Centre, Huddersfield Road, Mirfield, WF14 9DQ

**Proposal:** Discharge of details reserved by conditions 5 (Remediation Strategy), 7 (bat box) on previous permission 2025/91530 for variation of conditions 2 (Plans) and 9 (Arboricultural Method Statement) on previous permission 2023/93737 for erection of single storey modular building and band store with associated external alterations following demolition of two existing single storey modular buildings

## **Assessment**

### **Condition 5 – Remediation Strategy**

*5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition, 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:** *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. 196 and 197 of the National Planning Policy Framework.*

### **Assessment of Condition 5**

In support of the discharge of condition 5, a Remediation and Enabling Works Strategy, by Murray Rix Consultancy (reference no. MRN-25312-RMS-REV.02) has been submitted.

The report author describes the development and summarises previous reports listing the source, pathway, receptor links identified in the intrusive investigation. It goes on to explain the constraints to site due to the large number of trees within soft landscaped areas that require root protection. An options appraisal has been undertaken which demonstrates the variety of remediation options available to site.

National Contaminated Land Officer Guidance, A Regulator's Guide to Cover Systems and their Verification, does not specify a safe clean cover depth and informs in section 5.10.1 *"The amount of soil that can be accommodated without detriment to the tree will vary depending upon species and circumstance but will typically range from 50-200mm."*

The report author has concluded soft landscaped areas impacted by root protection zones will be remediated using the installation of a nonstandard clean 100mm cover system utilising a suitable protective geo-membrane with a

warning geo-membrane or break layer in the area of asbestos contamination. The report confirms materials will not to be reused on this site.

The site does not include private residential gardens and soft landscaping is ancillary to the building and band store. Paragraph 197 of the National Planning Policy Framework informs “*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*”

KC Environmental Health strongly advise the applicant/site owner to make any future users of the site aware of this remediation approach and protective membrane and the need to ensure it is not compromised by any on site activities.

Based on the professional judgement of Murray Rix Consultancy presented in the document, officers have confirmed that they have no objection to the discharge of Condition 5. Where a site is affected by contamination, the responsibility for securing a safe development rests with the developer and/or landowner.

#### **Condition 7 – Bat Box**

*7. Prior to the occupation of the property, a plan detailing the positioning and location of one bat box (Vivara Pro Woodstone bat box or suitable alternative) shall be submitted to and approved in writing to the local authority.*

**Reason:** *To provide an enhancement to biodiversity in line with LP30 and the requirements of Section 15 of the National Planning Policy Framework.*

#### **Assessment of Condition 7**

The applicant has submitted a plan titled ‘Proposed Bat Box Location’ (reference no. 230711-020-01, dated 14th October 2025) in support of condition 7. The plan has been reviewed by KC Ecology and is acceptable in line with the requirements of the condition. Evidence that the intended measures and enhancements must be provided (toolbox talks, photos, reports/plans etc.) on completion to ensure that these requirements were followed through during works. As such, Condition 7 has been satisfied at this stage and can be discharged.

#### **Condition 9 – Arboricultural Method Statement**

*9. The development shall be carried out in accordance with the Arboricultural Method Statement (dated 19th May 2025, reference no. Mirfield ATC - Arbtech AMS 01 Rev C) undertaken by Arbtech.*

**Reason:** *To protect the vitality and viability of existing trees on the site, and in the interests of visual amenity, in accordance with Policies LP24 and LP33 of the Kirklees Local Plan.*

### Assessment of Condition 9

Condition 9 is not a pre-commencement condition and as such, the condition does not need to be discharged under this application.

### **Decision Notice Text**

#### Condition 5 – Remediation Strategy

The following information has been submitted:

- Remediation and Enabling Works Strategy, by Murray Rix Consultancy (reference no. MRN-25312-RMS-REV.02)

Based on the professional judgement of Murray Rix Consultancy presented in the document, KC Environmental Health have confirmed that they have no objection to the discharge of Condition 5. Where a site is affected by contamination, the responsibility for securing a safe development rests with the developer and/or landowner.

#### Condition 7 – Bat Box

The following information has been submitted:

- Proposed Bat Box Location (reference no. 230711-020-01, dated 14<sup>th</sup> October 2025)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 7. This condition will be discharged by their installation prior to occupation of the development, and their retention thereafter.

#### Condition 9 – Arboricultural Method Statement

Condition 9 is not a pre-commencement condition and as such, the condition does not need to be discharged under this application.

