

**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: 2021/44/93275/W

Site Address: 120, Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Description: Discharge of conditions 6 (Bins), 7 (Boundary Treatment), 8 (Remediation Strategy) and 9 (Validation Report) on previous permission 2019/90486 for the demolition of existing dwelling and erection of 7 dwellings

Recommending Officer: John Ritchie

DECISION – Discharge of Conditions Split Decision

I hereby authorise the approval/refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 01-Oct-2021

OFFICER REPORT – 2021/93275

This application relates to planning permission for demolition of existing dwelling and erection of seven dwellings at 120 Laund Road, Huddersfield – 2019/90486. The application seeks to discharge conditions as follows:

6. Before any of the hereby approved dwellings are first occupied, details of storage and access for collection of wastes from the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: *In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and 24 of the Kirklees Local Plan.*

Assessment

The initial proposal was considered inaccessible to refuse vehicles. Amended plans have been submitted showing a flush strip close to the highway which has been confirmed as acceptable by the Highways Officer.

7. Prior to the first occupation of the hereby approved dwellings, a scheme detailing the boundary treatment for the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling shall not be brought into use until the works relevant to that dwelling set out on the approved scheme have been completed and thereafter retained.

Reason: *In the interests of visual amenity, to protect residential amenity and in the interests of highway safety and to accord with Policies LP24 and LP21 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.*

Assessment

The condition was imposed as no details were provided at application stage and it was necessary to ensure appropriate treatment. The proposed treatment utilises existing stone walling and fences supported at the rear by sleeper and gabion retaining walls and new timber fencing between properties. This is acceptable.

8. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy by Earth Environmental and Geotechnical Report Reference: A0697/19/RMS/V2 Dated April 2020. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the Local Planning Authority, 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Policies in the National Planning Policy Framework and to ensure that*

any contamination matters at the site are appropriately investigated, and mitigated against before development is commenced.

Assessment

This condition does not require the submission of further details but stipulates compliance with the approved Remediation Strategy and measures to be taken in the event of unexpected contamination being encountered during construction.

9. Following completion of any measures identified in the approved Remediation Strategy by Earth Environmental Report and Geotechnical Reference: A0697/19/RMS/V2 Dated April 2020 or any approved revised Remediation Strategy a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: *To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Policies in the National Planning Policy Framework and to ensure that any contamination matters at the site are appropriately investigated, and mitigated against before development is commenced.*

Assessment

A validation report has been submitted for plots 2-4 only with further reports to be submitted as a new application in the future. The report is currently being assessed by the Environmental Health Officer.

Decision Text

Condition 6 (Bin Collection Points)

You have submitted the following:

- Drawing 1801 02 rev F Proposed Site Plan

This is satisfactory for the purposes of condition 6. The condition requires the agreed scheme to be completed and retained for the lifetime of the development.

Condition 7 (Boundary treatment)

You have submitted the following:

- Drawing 1801 02 rev F Proposed Site Plan
- Discharge of Condition Information August 2021

This is acceptable for the purposes of condition 7. The condition requires the agreed treatment to be completed and retained.

Condition 8 (Contamination Treatment)

This condition does not require the submission of further details but stipulates compliance with the approved Remediation Strategy and measures to be taken in the event of unexpected contamination being encountered during construction. It cannot be discharged at this point.

Condition 9 (Validation Report)

The submitted details are being reviewed by the Environmental Health Officer and a separate response will be sent as soon as possible.

REPORT DATED 30 September 2021