

**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 – Approve Partial Discharge of Conditions 9

I hereby authorise the partial approval 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: 05-Jan-2022

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. A split decision was issued on 1st October 2021. The application seeks to discharge the remaining condition as follows:

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

The report *Remediation Strategy by Earth Environmental Report and Geotechnical Reference: A0697/19/RMS/V2 Dated April 2020* identified in the condition relates to clean cover and gas membrane measures. The report advised that a future validation report would be required to address the design and installation of the garden cover system and ground gas protection measures.

A validation report has been submitted for plots 3 and 4 only with further reports to be submitted as a new application in the future. The report has been assessed by the Environmental Health Officer (EHO) and is acceptable for the purposes of garden cover and gas protection only. The Officer notes that the submitted reports include geotechnical information which is outside the remit of Environmental Health. Such information was not covered by the Remediation Strategy and is therefore outside the remit of the condition.

Decision Text

Condition 9 (Validation Report)

You have submitted the following:

- Verification Report for plot 3 Laund Road by Sub Surface North East limited dated November 2021 (ref NE3941F/3)
- Verification Report for plot 4 Laund Road by Sub Surface North East limited dated November 2021 (ref NE3941F/4)

In particular a site visit was undertaken to the site by Sub Surface in August 2021 to verify the remedial measures at the site. Two hand dug pits at each plot (HD3 and HD4) were excavated to determine whether a 600mm depth of topsoil had been provided as per the agreed remediation strategy. It was confirmed that a minimum of 600mm of brown slightly gravelly sandy topsoil was in-situ in the back gardens of Plot 3 and 4. The soil was described as

from a 'natural' source and three samples were taken to confirm the suitability for use against residential end use with homegrown produce generic assessment criteria. No elevated contaminants were identified. The front gardens of both plots have been paved over. Photographic evidence of the clean cover systems and hard paving has been provided.

The report also details the ground gas remediation verification at Plot 3 and 4. The site was visited on two occasions in March and July 2021 by a qualified Geoenvironmental Engineer from Sub Surface Consultants Limited to inspect the membrane installation and to confirm that the gas barrier membrane was installed correctly. A passive ventilated sub-floor clean void and gas membrane has been installed at both plots. Service penetrations were sealed using four layers of membrane. They conclude that the membrane was installed correctly, and protection has been achieved. Gas protection validation records and photographs have been provided which corroborate with the report.

These reports include geotechnical information which is outside the remit of this condition. For the purposes of land contamination and ground gas protection aspects and the validation requirements of the *Remediation Strategy by Earth Environmental Report and Geotechnical Reference: A0697/19/RMS/V2 Dated April 2020* this information is acceptable for the purposes of condition 9 for plots 3 and 4 only and the occupation of those plots. Further validation reports are required for the remaining plots. As a phased validation approach for different areas of the whole site has been agreed a final Validation Summary report is required to be submitted to this Authority and approved before the remainder of the site is occupied.

REPORT DATED 5th January 2021