

**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 CONDITION 9 (PLOT 2)

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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Feb-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. Split decisions were issued on 1st October 2021 and 5th January 2022. 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.

On 5th January 2022 a validation report was agreed for plots 3 and 4 only with further reports to be submitted as a new application in the future. The report had been assessed by the Environmental Health Officer (EHO) and was acceptable for the purposes of garden cover and gas protection only. The Officer noted that the submitted reports include geotechnical information which is outside the remit of Environmental Health. Such information was not covered by the Remediation Strategy identified in the condition and is therefore outside the remit of the condition.

The current submission relates to plot 2 only and has been considered similarly. The EHO notes that the submitted reports include geotechnical information which is outside the remit of Environmental Health. As 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 2 Laund Road by Sub Surface North East limited dated January 2021 (ref NE3941F/2). It is understood that the date should read January 2022.

- Gas Membrane Installation Retrospective Tracer Gas Integrity Test Validation Report by MEC Environmental Ltd., dated 17th December 2021 (no reference)

These reports include geotechnical information which is outside the remit of this condition and has not been assessed. 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 plot 2 only** and the occupation of that plot. 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 14th February 2021