

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:	2022/44/91184/W
Site Address:	120, Laund Road, Salendine Nook, Huddersfield, HD3 3TY
Description:	Discharge conditions 8 (remediation strategy) and 9 (validation report) on previous permission 2019/90486 for demolition of existing dwelling and erection of 7 dwellings
Recommending Officer:	Stuart Howden

DECISION – Condition 8 not approved, condition 9 partly approved

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Jun-2022

Officer Report - Discharge of Conditions Application

The application seeks to discharge conditions 8 (Remediation Report) and 9 (Validation Report) on previous permission 2019/90486 for demolition of existing dwelling and erection of 7 dwellings at 120, Laund Road, Salendine Nook, Huddersfield, HD3 3TY. Planning permission was approved on 12th June 2020.

Condition 8: Remediation Strategy

Wording

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.

Officer 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. It cannot be fully discharged at this point.

Condition 9: Validation Report

Wording

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.

Officer Assessment

This Discharge of Condition application relates to plot 7 only and a phased validation approach for different areas of the whole site has previously been agreed. Of note, details for plots 3 and 4 have been approved, with further reports for other plots to be submitted under new discharge of condition applications in the future. Of note, the Council currently has a separate discharge of condition application for plot 8 only (see LPA ref: 2022/91402).

The following documents were initially submitted alongside this specific application:

- A document titled 'Discharge of Condition Information' (no author, no date, no reference)
- Verification Report for Plot 7 Laund Road by Sub Surface North East Limited, dated March 2022 (ref: NE3941F/7)
- Gas Membrane Installation Validation Report by MEC Environmental Ltd, dated 10th March 2022 (no reference)

KC Environmental Health stated that whilst they accepted the Gas Membrane Installation Validation Report by MEC Environmental Ltd, dated 10th March 2022 (no reference), they recommended that the condition for Plot 7 remain until further notice. This was because KC Environmental Health did not agree with the comparison of the soil results against the adopted screening criteria. Therefore, KC Environmental Health could not accept the Verification Report for Plot 7 Laund Road by Sub Surface North East Limited, dated March 2022 (ref: NE3941F/7).

A letter from Sub Surface Consultants, dated 18th May 2022 (ref: DJ/NE3941F/S) was later submitted. However, this report was superseded by a Verification Report for Plot 7 Laund Road by Sub Surface North East Limited, dated June 2022 (ref: NE3941F/7 Rev 2). A site visit was also conducted by KC Environmental Health on Tuesday 8th June 2022.

The revised report (ref: NE3941F/7 Rev 2) has revisited the contamination assessment of the ecologically protected area of scrub to the rear of Plots 7 and 8 and the previous described soil samples have now been compared with the generic assessment criteria (GACs) for a residential with plant uptake setting. The GACs used have been provided in the appendix. Lead in Sample HD32 (260 mg/kg) was found to exceed the adopted assessment criteria (200 mg/kg), however the report has justified that no remediation is necessary in this area. KC Environmental Health agree with the justification provided.

KC Environmental Health state that the report (ref: NE3941F/7 Rev 2) has not provided a summary table alongside the laboratory data in the report appendix. Alongside the submission of the full analytical results, for any future submission, KC Environmental Health state that they would expect a detailed comparison of any soil sampling results against the adopted screening criteria and a discussion in the main text.

Nevertheless, KC Environmental Health outline that the report provides sufficient information to satisfy the conditions. That is, the Verification Report for Plot 7 Laund Road by Sub Surface North East Limited, dated June 22 (ref: NE3941F/7 Rev 2) and the Gas Membrane Installation Validation Report by MEC Environmental Ltd, dated 10th March 2022 (no reference) satisfy the condition requirements for Plot 7 (only).

As noted above, a phased validation approach for different areas of the whole site has been agreed, therefore, 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 the LPA and approved before the remainder of the site is occupied.

Recommendation – Partial Discharge of Condition 9

Decision Text

Condition 8 (Remediation Strategy)

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 fully discharged at this point.

Condition 9 (Validation Report)

The following documents submitted in support of the application are acceptable for the purposes of condition 9 **for plot 7 only** and the occupation of this plot:

- Verification Report for Plot 7 Laund Road by Sub Surface North East Limited, dated June 2022 (ref: NE3941F/7 Revision 2) received from the applicant's agent by e-mail on 14th June 2022; and
- Gas Membrane Installation Validation Report by MEC Environmental Ltd, dated 10th March 2022 (no reference).

Further validation reports are required for 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:

27/06/2022
