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:	**2022/44/91560/W**
Site Address:	land between, 27 & 35, Royds Avenue, Linthwaite, Huddersfield, HD7 5QU
Description:	Discharge conditions 8 (Phase II Intrusive Site Investigation Report), 9 (Remediation Strategy) on previous permission 2021/92157 for demolition of existing building and erection of 2 semi-detached dwellings (within a Conservation Area)
Recommending Officer:	Ellie Worth

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.

Stuart Howden

AUTHORISED OFFICER

Date: 26-Jul-2022

The applicant seeks to discharge conditions 8 (Phase II Intrusive Site Investigation Report) and 9 (Remediation Strategy) on the previous permission 2021/92157 for demolition of existing building and erection of 2 semi-detached dwellings (within a Conservation Area).

Condition 8 - Phase II Intrusive Site Investigation Report

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment (Ref: M0159 CO (GSI1510) PI Report TB 010721), groundworks shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

Assessment

A Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report) has been submitted as part of the application process. This has not been considered acceptable by Environmental Health officers, as outlined within their 27th May 2022 response, as the report did not include a summary of the soil analysis results and the screening criteria.

However, since then a Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report – Version 2) has been submitted. The report includes geo-technical information, which is outside the remit of Environmental Health and therefore their consultation response only relates to the land contamination aspects of the report.

The report has now provided a summary of the soil analysis results against the screening values in Table 5.2.

Whilst remediation is not required, Environmental Health officers have requested that a watching brief be adopted, and should any unexpected contamination be identified during the ground works, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. This is in accordance with the requirements of Condition 10.

It is also noted that in Section 8.10 the report states that site won soils/materials will be subject to classification and analysis before use. Imported soils are referred to in the same manner in Section 9.2 of the report. However, these methods are not detailed. Environmental Health officers would expect any imported materials to be demonstrated as suitable for use in accordance with best-practice guidance.

Officers can confirm that the Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report – Version 2) satisfies the requirements of Condition 8. As such, this condition **can** now be discharged.

Condition 9 - Remediation Strategy

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (8) further groundworks shall not commence until a Remediation Strategy 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

Assessment

Condition 9 on the decision notice for the previous permission 2021/92157 requires the submission of a remediation strategy. However, the Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report – Version 2), has demonstrated that remediation is not required at this site. Therefore, it is recommended that Condition 9 **is** discharged.

Nonetheless, as specified by condition 10, in the event that contamination not previously considered is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. 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.

Decision notice text

I refer to your above referenced discharge of condition application and can confirm the following –

Condition 8 - Phase II Intrusive Site Investigation Report

An updated Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report – Version 2) has been submitted as part of the application process. The report includes a summary of the soil analysis results against the screening values in Table 5.2, in which the original report missed.

Whilst remediation is not required, a is recommended, and should any unexpected contamination be identified during the ground works, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. This is in accordance with the requirements of Condition 10.

It is also noted that in Section 8.10 the report states that site won soils/materials will be subject to classification and analysis before use. Imported soils are referred to in the same manner in Section 9.2 of the report. However, these methods are not detailed. We would expect any imported materials to be demonstrated as suitable for use in accordance with best-practice guidance.

Notwithstanding the above, officers can confirm that the Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report – Version 2) satisfies the requirements of Condition 8 and therefore it **can** be formally discharged.

Condition 9 - Remediation Strategy

Condition 9 on the decision notice for the previous permission 2021/92157 requires the submission of a remediation strategy. However, the Phase II Intrusive Site Investigation Report by GeoCon Site Investigations Ltd, dated March 2022 (ref: GSI1510 PII Report – Version 2), has demonstrated that remediation is not required at this site. Therefore, Condition 9 **is** discharged.

Dated: 26th July 2022.