

**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:	2022/44/92352/W
Site Address:	120, Laund Road, Salendine Nook, Huddersfield, HD3 3TY
Description:	Discharge conditions 8 and 9 ((Remediation Strategy) (plots 5 and 6) on previous permission 2019/90486 for demolition of existing dwelling and erection of 7 dwellings
Recommending Officer:	Stuart Howden

DECISION – Conditions 8 and 9 partly discharged for plots 5 and 6 only

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: 09-Aug-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. As validation/verification reports of remedial works at Plot 5 and 6 have been received this condition is now partly discharged – but only for Plots 5 and 6.

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 plots 5 and 6 only. Of note, details for plots 3, 4 and 7 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 have been submitted by the applicant:

- Verification Report for Plot 5 Laund Road by Sub Surface North East Limited, dated July 22 (ref: NE3941F/5)
- Verification Report for Plot 6 Laund Road by Sub Surface North East Limited, dated July 22 (ref: NE3941F/6)
- Gas Membrane Installation Validation Report for Plot 5 by MEC Environmental Ltd., dated 15th June 2022 (no reference)
- Gas Membrane Installation Validation Report for Plot 6 by MEC Environmental Ltd., dated 15th June 2022 (no reference)

KC Environmental Health have assessed the above information. The reports include geotechnical information, which is outside the remit of KC Environmental Health, and their comments on this application only relate to the land contamination aspects of the reports. The Environmental Health Officer has also undertaken a site visit on 8th June 2022. The full comments of KC Environmental Health can be viewed on the Council's Planning Webpage but their comments are discussed below.

The verification reports (ref: NE3941F/5 and NE3941F/6) detail the findings from the site visit by Sub Surface on 22nd June 2022 to verify the remedial measures carried out at Plots 5 and 6. The reports advise that hard paving was installed on a minimum 150mm bed of aggregate adjacent to the side, front and rear patio of the buildings. There was no soft landscaping at the front of Plot 5 or 6 to verify.

The topsoil used in the cover system in the rear gardens was from a natural source and was provided by Darrington Quarries via Green Tech Limited. Delivery notes for the imported material have been included in the appended materials. Two hand dug pits were excavated to 0.7m in the rear garden of each property and two samples (one from each pit) were taken and compared against generic assessment criteria (GACs) for a residential end use with homegrown produce. The ground conditions in each plot were confirmed as brown slightly gravelly sandy topsoil to a depth of 0.7mm. Photographic

evidence of the hardstanding in-situ and the clean cover system has been provided.

The Gas Membrane Installation Validation Reports detail the findings from a validation visit undertaken on 8th June 2022. A beam and block floor with a minimum 150mm void has been installed at Plot 5 and 6 and a Visqueen gas protection membrane has been laid throughout. All pipe penetrations and joints have been inspected. Repairs were undertaken where necessary. The reports therefore conclude that Plot 5 and 6 passed the inspection. Photographs of each plot have been provided in Appendix 1 of each respective report alongside the Site Surveys Sheets.

KC Environmental Health has stated that the Verification Report for Plot 5 Laund Road by Sub Surface North East Limited, dated July 22 (ref: NE3941F/5), the Verification Report for Plot 6 Laund Road by Sub Surface North East Limited, dated July 22 (ref: NE3941F/6), the Gas Membrane Installation Validation Report for Plot 5 by MEC Environmental Ltd., dated 15th June 2022 (no reference) and the Gas Membrane Installation Validation Report for Plot 6 by MEC Environmental Ltd., dated 15th June 2022 (no reference) satisfy the requirements of Condition 9 for Plots 5 and 6, therefore they recommend that Conditions 8 and 9 is discharged for Plots 5 and 6 only. Officers concur with this assessment.

A phased validation approach for different areas of the whole site has been agreed, but as noted by KC Environmental we also require a Final Validation Summary Report to be submitted to and approved by the Local Planning Authority before the site is first brought into use.

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. As validation/verification reports of remedial works at Plot 5 and 6 have been received, see details set out for condition 9 below, the Local Planning Authority are satisfied that the agreed remediation has been implemented at Plot 5 and 6. this condition is now considered to be partly discharged – but only for Plots 5 and 6.

Condition 9 (Validation Report)

The following documents submitted in support of the application are acceptable for the purposes of condition 9 for plots 5 and 6 only and the occupation of these plots:

- Verification Report for Plot 5, Laund Road, Salendine Nook, Huddersfield by Sub Surface North East Limited, dated July 22 (ref: NE3941F/5);
- Verification Report for Plot 6, Laund Road, Salendine Nook, Huddersfield by Sub Surface North East Limited, dated July 22 (ref: NE3941F/6);
- Gas Membrane Installation Validation Report for Plot 5 by MEC Environmental Ltd., dated 15th June 2022 (no reference); and
- Gas Membrane Installation Validation Report for Plot 6 by MEC Environmental Ltd., dated 15th June 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.

