

**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:	2023/44/91243/W
Site Address:	former railway goods yard, adj, Fold Farm, Netherton Fold, Netherton, Huddersfield, HD4 7HB
Description:	Discharge of conditions 10 (Validation Report), 12 (estate roads), 13 (junction) and 14 (retaining walls) of previous permission 2022/92365 for variation of condition 2 (plans) of previous permission 2019/92361 for erection of 19 dwellings
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 19/11/2024

Officer report

Application: 2023/91243

Site: Former railway goods yard, adj, Fold Farm, Netherton Fold, Netherton, Huddersfield, HD4 7HB

Proposal: Discharge of conditions 10 (Validation Report), 12 (estate roads), 13 (junction) and 14 (retaining walls) of previous permission 2022/92365 for variation of condition 2 (plans) of previous permission 2019/92361 for erection of 19 dwellings.

Condition 10: Validation Report

10. Following completion of the measures identified in the approved Remediation Statement (or any approved revised Remediation Strategy), a Final Validation Report shall be submitted to 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 Final Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: *To address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.*

Assessment

Pursuant to condition 10 the following documents have been submitted:

- Phase IV Validation Statement Rev 2 by Met Consultancy Group (ref: P19-00650)
- Gas Membrane Installation Validation Report Version 6 by MEC Environmental Ltd (dated 05/06/2023)

KC Environmental Health have confirmed that the council's records indicate that plots 4 to 11 have undergone remediation, and that officers have accepted the validation information provided under application 2021/94576. However, to fully discharge condition 10, a Phase IV Validation Statement (rev 2) has been submitted for all plots 1-19.

The document builds on the previously accepted report and confirms the installation of a high visibility membrane in the garden of all plots and provides photographic evidence of the depth of clean cover in the gardens of all plots.

A Gas Membrane Installation Validation Report (version 6) has also been submitted that provides ground gas site inspection sheets for plots 1-3 and 12-

19. The documents consider the gas protection elements to have been installed correctly at these plots.

The information submitted provides sufficient evidence to suggest that the site has been remediated in full accordance with the Remediation Strategy and therefore the Validation Strategy is considered to fulfil the requirements of condition 10.

Condition 12: estate roads

12. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any dwelling is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained as such thereafter.

Reason: *To ensure that suitable access is available for the development in the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment

Pursuant to condition 12 the following documents have been submitted:

- Highways Section 38 Technical Approval (reference 1913 Fold Farm, Netherton)

Officers have confirmed that the site has been granted Section 38 technical approval, and the development's estate roads are to be adopted by the council.

Given this parallel approval under separate legislation, it is considered that an approval pursuant to condition 12 can be issued.

However, it is important to note the further stipulation of condition 12 which requires the scheme to be completed in accordance with the approved plans before any dwelling is brought into use, and the estate roads are required to be retained thereafter.

Condition 13: junction

13. Design and construction details of the junction of Station Road and Netherton Fold shall be submitted to and approved in writing by the Local Planning Authority before development commences (excluding demolition and site clearance). No building shall be occupied until the works to provide the junction has been completed in accordance with the approved plans. The junction shall thereafter be retained as such.

Reason: *To ensure that suitable access is available for the development in the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment

Pursuant to condition 13 the following documents have been submitted:

- Highways Section 38 Technical Approval (reference 1913 Fold Farm, Netherton)

Officers have confirmed that the site has been granted Section 38 technical approval, and the development's estate roads and the new junction are to be adopted by the council.

Given this parallel approval under separate legislation, it is considered that an approval pursuant to condition 13 can be issued.

It is recommended that the applicant be reminded of the further stipulation of condition 13, which allows no building to be occupied until the works to provide the junction have been completed in accordance with the approved plans, and the junction required to be retained thereafter.

Condition 14: retaining walls

14. A scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highways and including any modifications to the existing retaining wall supporting Netherton Fold/Lea Lane shall be submitted to and approved by the Local Planning Authority before development commences. The approved scheme shall be provided before any of the dwellings are first occupied and shall thereafter be retained as such.

Reason: *In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment

Pursuant to condition 14 the following documents have been submitted:

- Highway Burr Wall within Plots 2 and 3 (reference P19-00650-Met-S-079, issue 3)
- Site levels plan (reference P19-00650-M2-C-008 rev 7)
- Proposed Private Cantilevered RC Burr Wall at Netherton Fold and Lea Lane (reference P19-00650-Met-M2-S-080 issue 6)
- Design and Check Certificate (Private Mass Concrete Burr Wall, structure ref K61067)
- Construction Compliance Certificate (Private Reinforced Cantilever Burr Wall integrated with buildings Plot 2 and 3, structure ref K61068)
- Construction Compliance Certification (Mass Burr Wall adjacent to Plot no. 1, structure ref K61067)
- Design and Check Certificate (Private Reinforced Cantilever Burr Wall integrated with buildings Plot 2 and 3, structure ref K61067)

- Design and Check Certificate (Private Reinforced Cantilever Burr Wall integrated with buildings Plot 2 and 3, structure ref K61068)
- Design and Check Certificate (Cantilever Reinforced Concrete Burr Wall, structure ref K61068)

KC Highway Structures have confirmed that there are still outstanding certification matters (including regarding construction compliance certificates) to be resolved. The final comments of KC Highway Structures in respect of condition 14 are awaited and a decision relating to condition 14 will be issued in due course.

Decision notice text

Condition 10: Validation Report

Pursuant to condition 10 you have submitted:

- Phase IV Validation Statement Rev 2 by Met Consultancy Group (ref: P19-00650)
- Gas Membrane Installation Validation Report Version 6 by MEC Environmental Ltd (dated 05/06/2023)

The information submitted provides sufficient evidence regarding remediation in compliance with the Remediation Strategy. The submission is therefore considered to fulfil the requirements of condition 10, and is hereby approved.

Condition 12: estate road

Pursuant to condition 12 you have submitted:

- Highways Section 38 Technical Approval (reference 1913 Fold Farm, Netherton)

The contents of the above document sufficiently address the requirements of condition 12.

However, please be reminded that condition 12 requires the scheme to be completed in accordance with the approved plans before any dwelling is brought into use, and the estate roads are required to be retained thereafter.

Condition 13: junction

Pursuant to condition 13 you have submitted:

- Highways Section 38 Technical Approval (reference 1913 Fold Farm, Netherton)

The contents of the above document sufficiently address the requirements of condition 13.

Please be reminded that condition 13 allows no building to be occupied until the works to provide the junction have been completed in accordance with the approved plans, and the junction required to be retained thereafter.

Condition 14: retaining walls

Pursuant to condition 14 you have submitted:

- Highway Burr Wall within Plots 2 and 3 (reference P19-00650-Met-S-079, issue 3)
- Site levels plan (reference P19-00650-M2-C-008 rev 7)
- Proposed Private Cantilevered RC Burr Wall at Netherton Fold and Lea Lane (reference P19-00650-Met-M2-S-080 issue 6)
- Design and Check Certificate (Private Mass Concrete Burr Wall, structure ref K61067)
- Construction Compliance Certificate (Private Reinforced Cantilever Burr Wall integrated with buildings Plot 2 and 3, structure ref K61068)
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- Design and Check Certificate (Private Reinforced Cantilever Burr Wall integrated with buildings Plot 2 and 3, structure ref K61068)
- Design and Check Certificate (Cantilever Reinforced Concrete Burr Wall, structure ref K61068)

There are still outstanding certification matters (including regarding construction compliance certificates) to be resolved. The final comments of KC Highway Structures in respect of condition 14 are awaited and a decision relating to condition 14 will be issued in due course.

You are advised to discuss the above with KC Highway Structures to assist the prompt discharge of condition 14.

Dated: 05/11/2024