

**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:	2024/44/90237/W
Site Address:	adjacent, Britannia Road, Golcar, Huddersfield, HD3 4QB
Description:	Discharge of conditions 3 (construction environmental management plan), 4 (public right of way), 5 (retaining walls), 6 (Phase II Report), 7 (Remediation Strategy), 9 (Remediation Validation Report) and 18 (Japanese Knotweed) of previous permission 2021/92062 for erection of 9 dwellings and associated works
Recommending Officer:	Katie Chew

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.

Nick Hirst

AUTHORISED OFFICER

Date: 20-Nov-2025

Second Officer Report

Application: 2024/90237

Application Site: adjacent, Britannia Road, Golcar, Huddersfield, HD3 4QB

Proposal: Discharge of conditions 3 (construction environmental management plan), 4 (public right of way), 5 (retaining walls), 6 (Phase II Report), 7 (Remediation Strategy), 9 (Remediation Validation Report) and 18 (Japanese Knotweed) of previous permission 2021/92062 for erection of 9 dwellings and associated works.

Overview

An interim decision notice pursuant to this DOC application was issued 25/10/2024, with the following position:

- Discharged and/or details approved: 3, 4, 18.
- Details not approved: 5, 6, 7, 9.

This assessment relates to the outstanding conditions only.

Assessment

Condition 5 (Retaining Walls)

5. Prior to development commencing, 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 highways, including Public Rights of Ways HUD/451/10, HUD/285/10, and HUD/285/20, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timeframe for implementation of the works. The development shall be undertaken in accordance with the approved details, including the timeframe, and the implemented approved works shall thereafter be retained.

Reason: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

In support of Condition 5 the following documents have been submitted:

- Proposed Site Plan & Boundary Elevations, Drawing No. 100 Rev A, received 22/08/2025.
- Proposed Site Sections, Drawing No. 101 Rev A, received 22/08/2025.

- Boundary Treatment Details, Drawing No. 102 Rev B, received 22/08/2025.
- Approval in Principle for Design of Proposed Private Gravity Burr Walls Adjacent to PROW at a New Residential Development off Britannia Road, Milnsbridge. HD3 4QB, ref: K66878A&B, Rev 4, dated 17/07/2025, received 22/08/2025.
- Appendix I. Model form certificate for the design and check of highway structures, including road and service tunnels, ref: CG 300 Version 0,2,2, received 20/11/2025.

These conditions have been reviewed by KC Highway Structures who have provided the following response in their consultation dated 09/02/2024:

I would like to advise that condition 5 (retaining structures) cannot be discharged pending the submission of a fully dimensioned X-sectional detail along the eastern boundary of the site adjacent to PROW (Ref HD/451/10) (based on max retained height) to determine whether the proposed retaining structure will be liable to a formal technical approval (via submission of an AIP). The sectional detail will need to include the full width of the private access road and the exact location and width of the PROW that runs along it.

Following receipt of the above comments, the applicant sought to submit revised plans and an Approval in Principle. KC Highway Structures reviewed this updated information and confirmed within their response dated 20/11/2025, that the submitted details were acceptable to discharge Condition 5. However, they do note that the applicant will need to submit a “Construction Compliance Certificate” together with “As Built” drawings for the gravity burr walls upon the completion of the works, to conclude the technical approval process in accordance with CG 300- Technical Approval of Highway Structures. Such an additional requirement would fall outside the scope of this discharge of conditions application, however, a note reminding the applicant of their obligations regarding completion of the AIP process is recommended.

Officers concur with the above assessment (regarding the submitted details); however, it is acknowledged that this condition has an ongoing requirement which prevents full discharge at this time. A note setting out this ongoing requirement is recommended to be included within the decision notice.

Condition 6 (Phase II Report) & Condition 7 (Remediation Strategy)

6. Prior to development commencing, notwithstanding the submitted information, a Phase II Intrusive Site Investigation Report shall be submitted to, and approved by, the Local Planning Authority.

Reason: *So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the*

commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

In support of Condition 6 & 7 the following documents have been submitted:

- Remediation Strategy, Report Ref: 5026-24 RS, Version 1, authored by GeoEnviro Solutions Limited, dated October 2024, received 25/11/2024.

These conditions have been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 21/03/2025:

Condition 6 and Condition 7 on previous permission 2021/92062 relate to the submission and approval of a Phase 2 and remediation strategy report respectively. A Remediation Strategy by GeoEnviro Solutions Ltd (GES) (October 2024, 5026-24 RS) has been received in support of the application to discharge Conditions 6 and 7. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

The report comprises a remediation strategy and a risk assessment based on the previous site investigation by Your Environment (21 March, YEX1601) and a Land Remediation statement authored by Eco Control Solutions. GeoEnviro Solutions appraised the third-party investigation undertaken at the site. Your Environment (YE) previously identified elevated concentrations of arsenic, lead, and zinc in the soils tested from the site. No asbestos was detected. From the ground gas monitoring undertaken, YE characterised the ground gas risk as CS1 i.e. no ground gas protection measures are necessary. In a later Remediation Strategy by Eco Control Solutions, it was reported that all garden areas had been stripped and removed to a depth of at least 50 cm.

In the current report, GES confirmed the presence of elevated arsenic, lead, and zinc in shallow soils across the site. They provided an indicative contamination profile for the site in the appended information and confirmed the absence of made ground on site, considering this to be a typographical mistake by YE. GES also reviewed the chemical analysis results from YE's ground investigation and considered the hydrocarbon vapour reference in the previous report to be a typographical mistake.

Regarding ground gas, GES provided detailed commentary to support a CS1 classification of the ground gas regime at the site and that the minimal level of ground gases encountered would not be significantly impacted or further influenced by variable water levels within the soil matrix.

GES then provided an updated remediation strategy for the site, including pre-remediation works and a detailed remediation strategy. Removal of impacted soils is considered the quickest option for the applicant. GES explained that removal had already been described by Eco Solutions; however, no reporting or validation of the removal was undertaken. Consequently, GES recommend that following the removal of Japanese knotweed (where necessary) and once site levels are brought to the necessary level for development to commence, a further round of chemical testing for the previously identified contaminants of concern should be undertaken. The report then recommends the installation of a clean cover system of up to 600 mm comprising clean inert material. Section 10 of the report detailed further specifications for the testing of imported material, in line with the YALPAG Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners, and Consultants: Version 4.1 – June 2021. The results of the validation will be shared in a validation report.

We have read and accept the report provided and recommend the discharge of Conditions 6 and 7.

Based on the above, KC ENVH advise that the submitted details are acceptable to discharge Conditions 6 & 7. Officers concur with this assessment and recommend that these conditions are discharged. The outcome of condition 8 activates the requirements of condition 8, a note of which is recommended to be included on the decision notice.

Condition 9 (Remediation Validation Report)

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a 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 have been completed for the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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 paragraph nos. 178 and 179 of the National Planning Policy Framework.*

In support of Condition 9 the following document has been submitted:

- Remediation Strategy, Report Ref: 5026-24 RS, Version 1, authored by GeoEnviro Solutions Limited, dated October 2024, received 25/11/2024.

This condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 21/03/2025:

No evidence of remediation works being complete have been provided. Therefore, we recommend that Condition 9 remain until further notice.

Based on the above, KC ENVH advise that sufficient details have not been provided to enable Condition 9 to be discharged. Officers concur with this conclusion and therefore recommend that Condition 9 is not discharged and shall remain until further notice.

Recommendation: Split decision.

Report Dated: 20/11/2025.

Recommended Decision Notice Text

Overview

An interim decision notice pursuant to this DOC application was issued 25/10/2024, with the following position:

- Discharged and/or details approved: 3, 4, 18.
- Details not approved: 5, 6, 7, 9.

This letter relates to the conditions which have not previously had their details approved.

Condition 5 (Retaining Walls)

Pursuant to Condition 5, you have submitted:

- Proposed Site Plan & Boundary Elevations, Drawing No. 100 Rev A, received 22/08/2025.

- Proposed Site Sections, Drawing No. 101 Rev A, received 22/08/2025.
- Boundary Treatment Details, Drawing No. 102 Rev B, received 22/08/2025.
- Approval in Principle for Design of Proposed Private Gravity Burr Walls Adjacent to PROW at a New Residential Development off Britannia Road, Milnsbridge. HD3 4QB, ref: K66878A&B, Rev 4, dated 17/07/2025, received 22/08/2025.
- Appendix I. Model form certificate for the design and check of highway structures, including road and service tunnels, ref: CG 300 Version 0,2,2, received 20/11/2025.

The submitted information is acceptable for the initial requirements of Condition 5 and is hereby approved. However, please note that Condition 5 has the following ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition:

The development shall be undertaken in accordance with the approved details, including the timeframe, and the implemented approved works shall thereafter be retained.

Furthermore, please note that you will also need to submit a “Construction Compliance Certificate” together with “As Built” drawings for these walls upon the completion of the works, to conclude the technical approval process (AIP) in accordance with CG 300 - Technical Approval of Highway structures, to K.C. Highways (Structures), at:

Highways.Structures@kirklees.gov.uk

Condition 6 (Phase II Report) & Condition 7 (Remediation Strategy)

Pursuant to Conditions 6 & 7, you have submitted:

- Remediation Strategy, Report Ref: 5026-24 RS, Version 1, authored by GeoEnviro Solutions Limited, dated October 2024, received 25/11/2024.

The submitted information is sufficient to discharge Conditions 6 & 7 and is hereby approved.

Notwithstanding the above, be aware that condition 8 hereby activates and is repeated below for convenience:

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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 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.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework*

Condition 9 (Remediation Validation Report)

Pursuant to Condition 9, you have submitted:

- Remediation Strategy, Report Ref: 5026-24 RS, Version 1, authored by GeoEnviro Solutions Limited, dated October 2024, received 25/11/2024.

The submitted information is not considered to be sufficient to discharge Condition 9, as discussed in more detail within the Officer Report, therefore Condition 9 is not discharged and must remain.