

**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:	2024/44/90789/E
Site Address:	adj, 35, Headlands Road, Liversedge, WF15 7NT
Description:	Discharge of conditions 6 (Remediation Strategy), 7 (Remediation) and 8 (Validation Report) on previous permission 2020/90675 for erection of one detached dwelling and garage
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-May-2024

Officer Report

Site Description

Site address – adj, 35, Headlands Road, Liversedge, WF15 7NT

Proposal – Discharge of conditions 6 (Remediation Strategy), 7 (Remediation) and 8 (Validation Report) on previous permission 2020/90675 for erection of one detached dwelling and garage

Assessment

Condition 6 – Remediation Strategy

Condition 6 reads as follows:

6. 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: To identify and remove unacceptable risks to human health and the environment regarding to historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate measures are incorporated into the development at the relevant stage.

The applicant has submitted a Validation Report (ref: 2308 WF15 7NT ph4v2) to support the discharge of this condition. Further to KC Environmental Health (EH)'s comments in relation to previous application 2023/93220 (our ref: WK/202334845), it is understood from revised Validation Report authored by Mugen Geo Ltd, dated February 2024 (ref: 2306 2308 WS15 7NT ph4) that there are no longer any trees or Tree Preservation Orders at the site. Therefore, Mugen Geo Ltd, state no membrane was considered necessary to protect tree root systems and clean cover levels were maintained at 600mm.

Therefore, officers are prepared to recommend the discharge of Condition 6, based on the proposals presented in a previously received remediation strategy 'Remediation Statement & Validation Proposal Sheets', by Arc Environmental Limited, dated 17th August 2022 (Ref: 21- 1036).'

The details submitted are considered acceptable for the purpose of conditions 6 and are hereby approved.

Condition 7 – Remediation

Condition 7 reads as follows:

7. 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 identify and remove unacceptable risks to human health and the environment regarding historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework*

The LPA are yet to accept a validation report for this site. Therefore, the LPA recommend that Condition 7 remain until further notice.

Condition 8 – Validation Report

Condition 8 reads as follows:

8. 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 (that part of) 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 identify and remove unacceptable risks to human health and the environment regarding historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

A Validation Report authored by Mugen Geo Ltd, dated February 2024 (ref: 2306 2308 WS15 7NT ph4) has been received in support of the application to discharge Condition 8. A site visit was undertaken in October 2023. KC EH have reviewed the document and require additional information. It is unclear what the source of imported materials is. It is also unclear what volume of imported material was introduced to the site. Therefore, it is unclear whether the material used on site have been characterised in accordance with best practice guidance.

We recommend that the applicant consult Land Contamination Risk Management (LCRM) guidance and the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners,

and Consultants - Verification Requirements for Cover Systems (V4.1, June 2021). These documents detail the requirements for verification reports and clean cover systems.

Condition 8 must therefore remain until further notice.

Decision notice text

Condition 6

The submitted details are sufficient for the discharge of condition 6 and are hereby approved.

Condition 7

The LPA are yet to accept a validation report for this site. Therefore, the LPA recommend that Condition 7 remain until further notice.

Condition 8

We require additional information to satisfy Condition 8. Therefore Condition 8 must remain until further notice.

It must be noted that the original application (2020/90675) lapsed on 6th November 2023, before this application was submitted. Whilst officers have reviewed and assessed the submitted information, the details include the discharge of pre-commencement conditions. Therefore, the development cannot have legally commenced prior to the expiry date. Planning permission 2020/90675 has expired and further works must cease. If the applicant wishes to continue with the development, they must seek planning permission.