

**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:	2024/44/91894/E
Site Address:	Land adj, 15, Lower Lark Hill, Cleckheaton, BD19 6JJ
Description:	Discharge details reserved by condition 10 (Validation Report) on previous permission 2021/94291 for erection of detached dwelling
Recommending Officer:	Nina Sayers

DECISION – DISCHARGE OF CONDITION REFUSED

I hereby authorise the refusal 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: 29-Aug-2024

Officer Report

Site Description

Site address – Land adj, 15, Lower Lark Hill, Cleckheaton, BD19 6JJ

Proposal – Discharge details reserved by condition 10 (Validation Report) on previous permission 2021/94291 for erection of detached dwelling

Assessment

Condition 10 – Validation Report

Condition 10 reads as follows:

10. 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. 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 the aims of Chapter 15 of the National Planning Policy Framework.

A Validation Report authored by Arcon Commercial Developments UK Limited (June 2024, ref: FINAL) has been received in support of the application to discharge Condition 10. KC Environmental Health (EH) have been consulted on the submitted information and their comments have been summarised below:

The report validates the cover system installed in soft landscaping and garden areas at the development. The agreed system comprises 450mm of subsoil overlain with 150mm of topsoil. The site was inspected on 31st May 2024. Three hand-dug pits were excavated to examine the depth of the cover system, with two samples taken from each pit. Each trial pit contained 450mm of brown sandy subsoil and 150mm of clayey brown topsoil, separated by a geotextile fabric. The results of the chemical analysis were screened for residential use with plant uptake. Chemical analysis confirmed the topsoil's suitability. Photographs of the trial pits are provided in the appendix.

KC EH do not accept the report provided. Specifically, the report fails to confirm whether imported materials or site-won materials were used. For all fill materials, sufficient details must be provided, including the volume of material used, source, and end-use. Validation must be in accordance with good practice guidance such as The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Verification Requirements for Cover Systems: Technical

Guidance for Developers, Landowners and Consultants (version 4.1, June 2021).

Additionally, while laboratory reports are provided in the report, KC EH request that the data be compared against the necessary end-use screening criteria in the body of the report. Furthermore, the full data sheets from the laboratory must be provided.

There are also several other reasons why this report alone is insufficient to satisfy the requirements of Condition 10:

- It is unclear whether any materials were removed off-site. The applicant must confirm whether any materials were taken off-site and evidence removal where necessary.
- No verification information has been received regarding the gas protection measures required at this development. Therefore, officers cannot consider the discharge of this condition as this aspect of the remediation appears to be incomplete.

For the above reasons, Condition 10 must remain until further notice and cannot be discharged at this time.

Decision Notice Text

Conditions 10 cannot be discharged and must remain until further notice.

Condition 10 – Validation report

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