

**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:	<b>2024/44/92079/E</b>
Site Address:	672, Bradford Road, Birkenshaw, BD11 2EE
Description:	Discharge details reserved by conditions 7 (Phase II Intrusive Site Investigation Report), 8 (Remediation Strategy) on previous permission 2023/93178 for demolition of existing dwelling and erection of 2 detached dwellings with integral garages
Recommending Officer:	Nicole Helliwell

**DECISION – Discharge of Conditions - Approve**

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

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 11-Nov-2024**

## **Officer Report**

**Reference No.** 2024/44/92079/E

**Site Address:** 672, Bradford Road, Birkenshaw, BD11 2EE

**Proposal:** Discharge details reserved by conditions 7 (Phase II Intrusive Site Investigation Report), 8 (Remediation Strategy) on previous permission 2023/93178 for demolition of existing dwelling and erection of 2 detached dwellings with integral garages

## **Assessment**

### **Condition 7 – Phase II Intrusive Site Investigation Report**

*7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.*

**Reason:** *This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework*

### **Condition 8 – Remediation Strategy**

*8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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:** *This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework*

### **Assessment of Condition 7 and 8**

Further to KC Environmental Health's recent comments, a Phase 2 Geo-Environmental Report authored by RGS (dated 30<sup>th</sup> August 2024 (reference no. C4182/24/E/6783\_Rev1) and an email by RGS (dated 28<sup>th</sup> August 2024) have been received in support of the application to discharge Condition 7 (Phase II Investigation Report) and Condition 8 (Remediation Strategy). The report has been revised to confirm that no additional monitoring is recommended. The email also provides additional justification for the CS2 classification, and this is accepted.

## **Decision Notice Text**

### **Condition 7 – Phase II Intrusive Site Investigation Report**

The following information has been submitted:

- Phase 2 Geo-Environmental Report authored by RGS (dated 30<sup>th</sup> August 2024 (reference no. C4182/24/E/6783\_Rev1)
- Email by RGS (dated 28<sup>th</sup> August 2024)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 7 and therefore the condition can be discharged.

#### Condition 8 – Remediation Strategy

The following information has been submitted:

- Phase 2 Geo-Environmental Report authored by RGS (dated 30<sup>th</sup> August 2024 (reference no. C4182/24/E/6783\_Rev1)
- Email by RGS (dated 28<sup>th</sup> August 2024)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 8 and therefore the condition can be discharged.