

**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:	2024/44/92370/W
Site Address:	adj, 19, Burnside Close, Birstall, Batley, WF17 0NS
Description:	Discharge of details reserved by conditions 7 and 8 (Remediation Strategy) on previous permission 2020/93274 for erection of 2 semi-detached dwellings
Recommending Officer:	Edward Cheseldine

DECISION – REFUSE DISCHARGE OF CONDITIONS 7 and 8

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 25-Mar-2025

Officer Report

2024/92370 - adj, 19, Burnside Close, Birstall, Batley, WF17 0NS

Proposal Description

Discharge of details reserved by conditions 7 and 8 (Remediation Strategy) on previous permission 2020/93274 for erection of 2 semi-detached dwellings.

Condition 7

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 6. If 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.

Assessment

The applicant submitted the following information:

- GeoEnginSeerLtd (CJ Ltd) 19 Burnside Close, CS2 Gas Protection Verification Report 28.11.24
- GeoEnginSeerLtd (CJ Ltd) 1672 Burnside Close, Gas Protection Verification Report 18.09.24 RN1779 V3
- Radon Barrier-Verification Report 31.07.24 RN1779

Condition 7 relates to remediation of the site and unexpected contamination. Condition 8 must be satisfied in full before Condition 7 can be removed.

Condition 8

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 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.

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.

The applicant submitted the following information:

- GeoEnginSeerLtd (CJ Ltd) 19 Burnside Close, CS2 Gas Protection Verification Report 28.11.24
- GeoEnginSeerLtd (CJ Ltd) 1672 Burnside Close, Gas Protection Verification Report 18.09.24 RN1779 V3
- Radon Barrier-Verification Report 31.07.24 RN1779

Assessment

The submitted reports were reviewed by KC Environmental Health.

We do not accept the report in support of the application. The reasons for this are detailed below and require attention:

- 1. The installation of a gas protection membrane does not give the necessary score for a CS2 site (as per BS8485:2015+A1:2019). Further evidence is required to confirm the installed measures will afford the necessary protection to occupiers.*
- 2. It is unclear what type of membrane has been installed. We require additional information.*
- 3. The photograph records are unclear and do not show details of service penetrations, joint seals, laps and welds etc. We expect photograph records to be in accordance with good practice guidance. Guidance can be found in C735 and the YALPAG Technical Guidance for Developers, Landowners and Consultants (Verification Requirements for Gas Protection Systems, December 2016).*

In addition to the above, there is no information to confirm the removal of contaminated material and the installation of the clean cover system at this site. For these reasons, we recommend that Condition 8 remain until further notice.

In respect of the outstanding information, they recommended that the condition is not discharged.

Given the omitted information, it is not possible to discharge condition 8 at this time.

Decision Notice Text

Condition 7

Condition 7 relates to remediation of the site and unexpected contamination. Condition 8 must be satisfied in full before Condition 7 can be discharged.

Condition 8

The applicant submitted the following information:

- GeoEnginSeerLtd (CJ Ltd) 19 Burnside Close, CS2 Gas Protection Verification Report 28.11.24
- GeoEnginSeerLtd (CJ Ltd) 1672 Burnside Close, Gas Protection Verification Report 18.09.24 RN1779 V3
- Radon Barrier-Verification Report 31.07.24 RN1779

The received information has been reviewed by KC Environmental Health. There is still outstanding information, as noted in the Officer Report. The condition cannot be discharged at this time and therefore remains.