



Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Enquiries to: Elenya Jackson

E Byram
Long Fall Farm
Reddisher Road
Marsden
Huddersfield
HD7 6NF

Kirklees Direct
Tel: 01484 221000
Email: elenya.jackson@kirklees.gov.uk

Date: 19-Jun-2026
Our Ref: 2025/90352

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

Discharge of details reserved by conditions 6 (boundary treatments), 8 (intrusive site investigations and remedial works), 9 (declaration), 10 (Phase I Desk study Report), 11 (Phase II Intrusive Site Investigation Report), 12 (Remediation Strategy), 13 (Remediation Strategy), 14 (Verification Report) and 15 (Arboricultural Method Statement and Tree Protection Plan) of previous permission 2024/93464 for variation condition 2 (plans) on previous permission 2023/91483 for demolition of garage and erection of detached dwelling.

**adj, 33a, Church Lane, Clayton West, Huddersfield, HD8 9LY
Application Number: 2025/90352**

I write with reference to your application to discharge the conditions for the above development as submitted on 11-Feb-2025.

Conditions 10, 11 and 16 have previously been discharged.
Conditions 6 has been considered to be satisfied.
Conditions 8, 9, 12, 13, 14 and 15 cannot be discharged.

Condition 6 – Boundary Treatment

In support of the discharge of condition 6, the applicant has submitted:

- A document titled 'boundary treatment- additional fence information received 19.02.2036'

The details provided are considered acceptable for the purpose of condition 6.

Condition 8 - Intrusive Site Investigations and Remedial Works

In support of the discharge of condition 6, the applicant has submitted:

- Phase 2 Intrusive Site Investigation Report dated December 2024 – ref. G24327

The details within the submitted Phase II report are considered sufficient for the purposes of discharging condition 8. However, it should be noted that condition 8 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise.

Therefore condition 8 cannot be discharged.

Condition 9 - Declaration

No signed statement or declaration has been submitted and therefore condition 9 cannot be discharged at this time.

Condition 10 – Phase I Desk Study Report

Condition 10 has previously been considered to be satisfied.

Condition 11 – Phase II Report

Condition 11 has previously been considered to be satisfied.

Condition 12 – Remediation Strategy

- Remediation strategy report G24327

The details have been reviewed by KC Environmental Health who have provided the following comments:

The Phase 2 report required site remediation in areas of soft landscaping to due to elevated arsenic and lead concentrations. We have been reconsulted following the submission of Remediation Strategy Report by Geoinvestgate, dated April 2025, ref: G24327 and make the following comments.

The remediation strategy provides an outline of the remediation works to be carried out. Briefly, “A cover (capping) system whereby the contamination source is confined at depth by replacing the top layer of soils with a capping layer of proven uncontaminated material to an agreed depth (normally 600mm below finished ground levels). The impacted made ground has previously been found to be present to depths of up to 0.80m.” It then goes on to mention:- “However, the preservation and protection of tree roots needs to be taken into account.”

At no point in the previous Phase 2 report by the same author have root protection areas been mentioned.

The remediation report goes on to inform in section 5 three main actions: “Determination of root protection areas. A watching brief for unexpected contamination during earthworks. 300mm of suitable clean environmental cover soils underlain by geotextile demarcation membrane in garden and soft landscaped areas”.

We note in the Remediation Plan, appendix 1, the 300mm of clean cover proposed is extended to the entire soft landscaped areas and not just areas identified as tree root protection zones.

Additionally, there report outlines required site management procedures, including action for unexpected contamination and the proposed verification work.

We do not accept the Remediation Strategy Report by Geoinvestgate, dated April 2025, ref: G24327, the 300mm clean cover depth in soft landscaped areas may be insufficient to ensure there is adequate protection for end-users. We therefore request that the contaminated land consultant provide further information to address these concerns.

Additional risk assessment, GI or revised proposals may be necessary. This must be undertaken by a competent person as defined in the NPPF. Any new information must confirm, to a high degree of confidence, that the remediation strategy will ensure adequate protection for end users.

Therefore condition 12 cannot be discharged at this time.

Condition 13 – Remediation

Condition 13 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise. Condition 13 must therefore remain.

Condition 14 – Verification Report

No verification report has been received in support of the application. Therefore, Condition 14 must remain until further notice.

Condition 15 – Arboricultural Impact Assessment

The following details have been provided:

- *Roavr Group 25_5837_07_112*

This document has been reviewed by KC Trees and an objection has been submitted.

However, officers have reviewed the planning history on site and understand that T2 was agreed to be removed as part of the previous decision notice and therefore the submitted document Roavr Group 25_5837_07_112 contains inaccuracies as T2 has been removed on site.

Officers are unable to recommend the discharge of condition 15.

Condition 16 – Turning Splays

Condition 16 has previously been considered satisfied.

A new discharge of conditions application would be required to satisfy the outstanding points.

Yours faithfully

Mathias Franklin
Head of Planning and Development