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:	**2025/44/91432/E**
Site Address:	The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR
Description:	Discharge of details reserved by conditions 8 (Phase II Intrusive Site Investigation Report), 9 (Remediation Strategy) and 11 (Verification Report) on previous permission 2023/93657 for erection of two detached dwellings with detached garages; alterations to public house with dwelling above to form one dwelling; erection of single and two storey extension to 201a Halifax Road
Recommending Officer:	Nicole Helliwell

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 11-Aug-2025

Officer Report

Reference No. 2025/44/91432/E

Site Address: The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR

Proposal: Discharge of details reserved by conditions 8 (Phase II Intrusive Site Investigation Report), 9 (Remediation Strategy) and 11 (Verification Report) on previous permission 2023/93657 for erection of two detached dwellings with detached garages; alterations to public house with dwelling above to form one dwelling; erection of single and two storey extension

Assessment

Condition 8 – Phase II Intrusive Site Investigation Report

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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.*

Assessment of Condition 8

The applicant has submitted a Phase 2 Environmental Report by Rogers Geotechnical Serviced Ltd (reference no. C4477/25/E/7515, dated 12th May 2025) in support of condition 8. The report refers to the earlier Phase 1 report by RGS (reference no. C4477/24/E/6835, dated June 2024). The fieldworks were undertaken on the 10th of March 2025 and included three windowless sample boreholes with gas monitoring standpipes. Borehole information is presented in appendix 1.

The ground conditions were found to be made ground, overlying sandstone gravel and clay. A suite of testing was conducted on 3 samples from across the site and the following regime was undertaken.

- Metals – Cd, CrVI, Cu, Hg, Ni, Pb, V and Zn.
- Semi and Non-Metals - As, Se, Free CN- and Phenols.
- Polycyclic aromatic hydrocarbons (PAHs).
- Petroleum hydrocarbons (TPHs).
- Others – pH, organic content and total/soluble SO42-
- Asbestos.

The results of all of the chemical testing are presented in Appendix 4. No asbestos was found. Lead, Arsenic and PAH were found within the made ground.

Gas monitoring results are presented in Appendix 3; six visits were undertaken during a variety of pressure situations. The report informs the site may be characterised as Characteristic Situation Level 1, very low risk of harm to end users and site operatives and no special precautionary measures are required.

A conceptual site model is presented in Table 6, informing remediation is necessary to remove the contamination or break the pathways. The report goes on to present potential remediation solutions and methodology for safe construction.

On the basis of the professional judgement of the report author and the evidence and interpretations presented, KC Environmental Health recommend the discharge of the condition.

Condition 9 – Remediation Strategy

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 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 9

The applicant has submitted a Phase 3 Remediation Strategy Report by Rogers Geotechnical Serviced Ltd (reference no. 477/25/E/8004, dated 21st May 2025) in support of condition 9.

In the accepted phase 2 report, it was considered that the made ground present at the site was contaminated with respect to the intended residential with plant uptake end use. Therefore, it was recommended that garden/soft landscaped areas required remediation. The remediation strategy provides a description of the remediation works to be carried out, by providing a capping layer of 500mm of inert material over a 100mm thick capillary break.

Whilst KC Environmental Health accept this methodology, they do not accept the statement concerning the garden areas to the rear of 201 and the former public house, The report states *"It is considered that no remediation of the existing garden of 201A Halifax Road will be required as only a small extension to the side of the existing building is being constructed and the external areas are to remain as present."* The samples taken from this area WS02 demonstrate

contamination is present, the “existing gardens” at 201a and the former public house are within the red line boundary of the application.

The report outlines good site management procedures to control the risk to site operatives and neighbours during construction including but not limited to dust control and keeping stockpiles controlled/cleaning of site vehicles. It highlights the need for caution and additional consultation should unexpected contamination be observed.

Due to the above, KC Environmental Health cannot accept the Remediation Strategy at this time. Officers would remind the applicant that condition 9 is a pre commencement condition.

Condition 11 – Verification Report

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 Verification 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. 189 and 190 of the National Planning Policy Framework.*

Assessment of Condition 11

In support of condition 11, a Phase 4 Validation Report by RGS (dated 10th July 2025, reference no. C4477/25/E/8063) has been submitted. Unfortunately, KC Environmental Health do not agree with the current proposed remediation strategy and as such, officers are unable to comment on the Validation report, as it only considers part of the site.

Decision Notice Text

Condition 8 – Phase II Intrusive Site Investigation Report

The following information has been submitted:

- Phase 2 Environmental Report by Rogers Geotechnical Serviced Ltd (reference no. C4477/25/E/7515, dated 12th May 2025)

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

Condition 9 – Remediation Strategy

The following information has been submitted:

- Phase 3 Remediation Strategy Report by Rogers Geotechnical Serviced Ltd (reference no. 477/25/E/8004, dated 21st May 2025)

KC Environmental Health have reviewed the document which provides a method for site remediation. Due to concerns regarding the garden areas in the vicinity of WS02, Officers do not accept the report. As such, Condition 9 must remain.

Condition 11 – Verification Report

The following information has been submitted:

- Phase 4 Validation Report by RGS (dated 10th July 2025, reference no. C4477/25/E/8063) has been submitted

KC Environmental Health have reviewed the document, however, as officers do not agree with the current proposed remediation strategy, they are unable to comment on the Validation report, as it only considers part of the site. On this basis, Condition 11 must remain as it concerns the area of land within the red line boundary in its entirety.