

**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>2026/44/90221/E</b>
Site Address:	Fallbrook House, Falhouse Lane, Whitley, Dewsbury, WF12 0NJ
Description:	Discharge of details reserved by condition 13 (Remediation Strategy) on previous permission 2021/90177 for variation of conditions 5, 13, 14 on previous permission 2017/93772 for demolition of existing building and erection of detached dwelling
Recommending Officer:	Elenya Jackson

**DECISION – REFUSE DISCHARGE OF CONDITION 13**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 18-Mar-2026**

## Officer Report

2026/90221

Fallbrook House, Falhouse Lane, Whitley, Dewsbury, WF12 0NJ

Discharge of details reserved by condition 13 (Remediation Strategy) on previous permission 2021/90177 for variation of conditions 5, 13, 14 on previous permission 2017/93772 for demolition of existing building and erection of detached dwelling

Condition 13

*Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 13, construction of the new dwelling shall not commence until a Remediation Strategy 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:** To identify and remove unacceptable risks to human health and the environment, in accordance with Policies LP52 and LP53 of the Kirklees Local Plan, and advice within chapter 15 of the National Planning Policy Framework*

### Assessment condition 13

The following has been provided in support of condition 13:

- Method Statement for the Assessment of Imported Soils Report Ref: TRN/01imp, dated 25th January 2021, prepared by ARP Geotechnical Ltd
- Soil Contaminant Screening Values Spreadsheet, dated Nov 18, by ARP Geotechnical Ltd
- Application for Discharge of Condition 13 Supporting Statement, (no reference or date supplied).
- Statement on Gas Protection Report Ref: TRN/01sgp, dated 12th January 2026, prepared by ARP Geotechnical Ltd

The documents provided have been reviewed by KC Environmental Health who confirmed that they would accept the Gas Protection Report Ref: TRN/01sgp, dated 12th January 2026, prepared by ARP Geotechnical Ltd as satisfactory for the purposes of providing gas protection; however, condition 13 requires a consolidated report that confirms the remediation strategy in its entirety, along with a timetable for the implementation and completion of remediation measures. A consolidated remediation strategy could be provided once the detailed foundation design has been chosen that includes clarification of the validation process.

Therefore, officers are unable to recommend that the requirements of condition 13 have been satisfied by the details provided and cannot recommend that condition 13 is discharged at time.

### **Decision notice text**

#### **Assessment 13**

The following has been provided in support of condition 13:

- Method Statement for the Assessment of Imported Soils Report Ref: TRN/01imp, dated 25th January 2021, prepared by ARP Geotechnical Ltd
- Soil Contaminant Screening Values Spreadsheet, dated Nov 18, by ARP Geotechnical Ltd
- Application for Discharge of Condition 13 Supporting Statement, (no reference or date supplied).
- Statement on Gas Protection Report Ref: TRN/01sgp, dated 12th January 2026, prepared by ARP Geotechnical Ltd

Condition 13 requires a consolidated report that confirms the remediation strategy in its entirety, along with a timetable for the implementation and completion of remediation measures. A consolidated remediation strategy could be provided once the detailed foundation design has been chosen that includes clarification of the validation process.

Therefore, officers are unable to recommend that the requirements of condition 13 have been satisfied by the details provided, and cannot recommend that condition 13 is discharged at time.