

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:	2026/44/90560/E
Site Address:	Holly Hall, Jackson's Lane, Thornhill, Dewsbury, WF12 0LS
Description:	Discharge of details reserved by condition 8 (Remediation Strategy) on previous permission 2022/92147 for demolition of existing dwelling and erection of detached dwelling and detached garage with office above
Recommending Officer:	Elenya Jackson

DECISION – Discharge of Conditions - Refused

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 01-Jun-2026

Officer Report

2022/92147

Discharge of details reserved by condition 8 (Remediation Strategy) on previous permission 2022/92147 for demolition of existing dwelling and erection of detached dwelling and detached garage with office above Holly Hall, Jackson's Lane, Thornhill, Dewsbury, WF12 0LS

Condition 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 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 is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

Assessment condition 8

The following document has been provided:

- A Grouting scheme report by GroundSolve Ltd, ref: GSL3071, dated 28/06/2024

The documents provided have been reviewed by KC Environmental Health who responded with the following:

'A Grouting scheme report by GroundSolve Ltd, ref: GSL3071, dated 28/06/2024 has been submitted. The report is a geotechnical report which is beyond the remit of Environmental Health and does not further the understanding of the contaminated land characterisation of the site. For this reason we recommend condition 8 remains.

It would appear condition 7, which is a pre commencement condition in relation to an intrusive contaminated land assessment has yet to be discharged. We would remind the applicant that this is outstanding and a contaminated land remediation strategy could not be accepted without fully characterising the site of interest'.

Officers are therefore unable to recommend the discharge of condition 8.

Decision notice text

Assessment 8

The following has been provided in support of condition 8

- A Grouting scheme report by GroundSolve Ltd, ref: GSL3071, dated 28/06/2024

The details provided are not considered acceptable for the purpose of condition 8. Therefore, the discharge of condition 8 is refused.

As per the wording of condition 8, this is a pre-commencement condition and *'further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority'*.

Officers have reviewed the site history and note that application 2022/92147 received planning permission on 16/11/2022. The letter issued under discharge of conditions application stated the following:

'In summary, the submitted information demonstrates that Conditions 3, 6 and 7 have been satisfactorily discharged, with Condition 3 approved through the submission of acceptable materials (including Yorkshire stone, cast stone detailing, cedar cladding, reproduction stone slates and aluminium-framed openings), and Conditions 6 and 7 discharged following the acceptance by Environmental Health of the Phase 1 Environmental Desk Study and the Phase 2 Intrusive Site Investigation and Gas Monitoring reports. Conditions 8 and 11 remain outstanding, as a Remediation Strategy is still required under Condition 8 and cannot be approved until further details are submitted, and Condition 11 cannot be discharged due to the absence of confirmation that the necessary mining-related remedial measures identified in the Phase 2 investigation have been implemented.'

The applicant is therefore reminded that in order for a legally implemented planning permission, all relevant pre-commencement conditions must be satisfied. A new planning application would be required if this has not been satisfied.

