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:	2026/44/91345/E
Site Address:	Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS
Description:	Discharge of details reserved by condition 9 (Remediation Strategy) on previous permission 2024/92281 for erection of 23 dwellings
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 12-Jun-2026

Application: 2026/91345

Site: Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS

Proposal: Discharge of details reserved by condition 9 (Remediation Strategy) on previous permission 2024/92281 for erection of 23 dwellings.

Assessment

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**: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the contamination can be remediated at an appropriate stage in the development process.*

A Remedial Specification by Groundtech Consulting reference GRO-24208-6584 has been submitted (14/05/26). This includes details of phasing, which are set out in section 4.

Environmental Health, in their comments dated 08/06/2026, confirm that they accept the submitted Remedial Specification Report and have no objection to the discharge of condition 9.

Officers support this assessment and recommend that the details be approved. As the condition has no ongoing requirement, it may be discharged in full.

The developer should be reminded however that the requirements of condition 10 and 11 activate. Condition 10 is a compliance condition (requiring implementation of the remediation strategy submitted and approved under condition 9) and therefore does not require the submission of further details, but condition 11 will require a separate discharge of condition application since it can only be complied with after the approved remediation strategy has been fully implemented.

Recommendation: Approve details

Report Dated: 11/06/2025

Proposed Letter Text

Condition 9 (remediation strategy)

A Remedial Specification by Groundtech Consulting, reference GRO-24208-6584, has been submitted (14/05/2026).

The submitted details are considered acceptable for the purposes of condition 9 and are hereby approved. As the condition has no ongoing requirement, it is hereby discharged.

You are reminded however that, since remediation is required, the requirements of condition 10 and 11 hereby activate. For ease of reference, these conditions are repeated below:

> *10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that 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. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the contamination can be remediated at an appropriate stage in the development process.*
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> *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. 196 and 197 of the National Planning Policy Framework.*