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:	**2023/44/92017/E**
Site Address:	Gomersal Hall, Oxford Road, Gomersal, Cleckheaton, BD19 4AT
Description:	Discharge conditions 3 (materials), 7 (EDS), 10 (Phase I Desk Study Report), 11 (Phase II Intrusive Site Investigation Report), 16 (construction traffic) on previous permission 2020/90350 for demolition of existing buildings and erection of 7 dwellings and associated garages (within a Conservation Area)
Recommending Officer:	Elenya Jackson

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

I hereby authorise the partial approval 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: 03-Nov-2023

Officer Report

Gomersal Hall, Oxford Road, Gomersal, Cleckheaton, BD19 4AT

Discharge conditions 3 (materials), 7 (EDS), 10 (Phase I Desk Study Report), 11 (Phase II Intrusive Site Investigation Report), 16 (construction traffic) on previous permission 2020/90350 for demolition of existing buildings and erection of 7 dwellings and associated garages (within a Conservation Area)

Condition 3:
3. The external walls shall be constructed of natural stone and the roofing materials shall be natural stone or natural blue slate tiles. Samples of the materials hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the superstructure of the dwellings. The approved materials shall thereafter be retained
Reason: In the interests of visual amenity and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Condition 7:
7. No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority.
The EDS shall include the following.
a. Purpose and conservation objectives for the proposed ecological works.
b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as
bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included
within/at the boundary of the application area, and how this achieves the stated purpose.
e. Details of maintenance.
The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction program.
Condition 10:
10. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and 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 Chapter 15 of the National Planning Policy Framework.

Condition 11:

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and 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 Chapter 15 of the National Planning Policy Framework.

Condition 12

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Condition 16:

16. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: in the interests of highway safety and to accord with Local Plan Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

Assessment condition 3

The following has been submitted:

- Discharge of conditions supporting documents reference 2020/62/90350/E

Due to the proposal's location within a Conservation Area, KC Conservation and Design have been consulted on the application to check the appropriateness of the suggested materials. It has been requested that further information is provided relating to the specification of the proposed materials such as source location of the quarry. The proposed materials also indicate that the proposal would be finished with natural blue slate; however, Conservation and Design have requested that the specification for this material is provided and detail that Spanish slate would be more appropriate given the context of the site within a conservation area.

Assessment condition 7
The following has been submitted:

- EDS (report ref: R-6846-01)

KC Ecology have been consulted on the application and have concluded that the document provides sufficient detail to mitigate and enhance ecological features at the site. The details provided are considered acceptable to satisfy the requirements of condition 7.
The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Assessment Condition 10
The following has been submitted:

- C1772/21/E/2766 Phase 1 Environmental Desk Study

KC Environmental Health have been consulted on the application and agree with the findings of the report.

Condition 11
The following has been submitted:

- C1772/21/E/4286 Geoenvironmental Report Amended October 2023 and received 24/10/2023

KC Environmental Health have been consulted on the above application and provided the following comments:
‘ In October 2023, further contamination testing was undertaken within the woodlands present surrounding the perimeter of the site. All investigatory locations have been presented in Appendix 1 of the report. The samples obtained from near-surface soils within the woodland and designated public open spaces have been compared to the ATRISK soil screening values (SSVs). In the three new samples tested, no contaminants exceeded the selected SSV. The report concludes that the soils present within the woodlands and the proposed public open space are generally uncontaminated for public open space land use.
Having read the report provided, we note that some of the samples tested would have exceeded more-sensitive screening criteria (i.e. residential scenarios). However, we understand that these areas are part of the woodland area which is to be managed and retained as woodland and not disturbed as per Condition 6, even if these fall within the curtilage of private gardens. Therefore, we are satisfied with the information and recommend Condition 11 is discharged.

Condition 16:
The following has been submitted to support the application:

- Construction management plan JHGH-MWA-XX-XX-RP-A-CMS
- Construction site layout JHGH-MWA-XX-XX-DR-A-100 P2

KC Highways have been consulted on the application and initially raised concerns due to the route of construction traffic to the site being unclear. An amended plan was subsequently received which outlined to confirm that all construction traffic will use West Lane from A651. Therefore, the details provided are considered acceptable for the purpose of condition 16. The

scheme shall be implemented in accordance with the approved details for this condition to be discharged.

Decision notice text

Condition 3:

The following has been submitted:

- Discharge of conditions supporting documents reference 2020/62/90350/E

Further information is required to satisfy this condition.

Condition 7:

- EDS (report ref: R-6846-01)

The details provided are considered acceptable to satisfy the requirements of condition 7. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Condition 10:

The following has been submitted:

- C1772/21/E/2766 Phase 1 Environmental Desk Study

The information provided is considered to be acceptable for the purpose of condition 10.

Condition 11:

The following has been submitted:

- C1772/21/E/4286 Geo-environmental Report Amended October 2023 and received 24/10/2023

The details provided are considered acceptable for the purpose of satisfying condition 11.

Condition 16:

The following has been submitted to support the application:

- Construction management plan JHGH-MWA-XX-XX-RP-A-CMS
- Construction site layout JHGH-MWA-XX-XX-DR-A-100 P2

The details provided are considered acceptable for the purpose of condition 16. The scheme shall be implemented in accordance with the approved details for this condition to be discharged.

NOTE:

INFORMATIVE

We remind the applicant that any unexpected contaminated must be reported in accordance with Condition 13. Should any fill material either site-won or imported be employed at the site as part of the development, then further information will be necessary under Condition 13. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner as per Paragraph 184 of the National Planning Policy Framework.