

**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:	2023/44/92107/E
Site Address:	Land Off, Oxford Road, Gomersal, Cleckheaton, BD19 4LA
Description:	Discharge condition 10 (Validation Report) on previous permission 2021/92981 for erection of 8 detached dwellings with associated landscaping, boundary treatment and vehicular access
Recommending Officer:	Nicole Helliwell

DECISION – Approve Discharge of Condition 10

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 19-Apr-2024

Officer Report

Reference No. 2023/44/92107/E

Site Address: Land Off, Oxford Road, Gomersal, Cleckheaton, BD19 4LA.

Proposal: Discharge condition 10 (Validation Report) on previous permission 2021/92981 for erection of 8 detached dwellings with associated landscaping, boundary treatment and vehicular access

Assessment

Condition 10 – Validation Report

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 the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with LP 53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.*

Assessment of Condition 10

Further to KC Environmental Health's comments dated 6th March 2024, a Verification Report authored by Lithos (dated March 2024, ref: 4910/1A) was submitted in support of the application to discharge Condition 10. Section 4.2.9 of the revised report confirms that there has been additional testing undertaken on the original Plot 3 topsoil sample (Chemtest ID: 1759777) that contained 47 mg/kg of arsenic. The report also includes the new laboratory report no. 24-04241-1 that shows the results of the three sub-samples. The total arsenic concentration was confirmed as 6.0 to 6.1 mg/kg and Lithos consider the 47mg/kg value to be 'extraneous and not significant.' The revised report maintains the previous conclusions, that the site is considered to be suitable for its intended residential use in relation to land contamination and ground gas. On this basis, Officers accept the report and recommend that Condition 10 is discharged.

Decision Notice Text

Condition 10 – Validation Report

The following has been submitted:

- Verification Report authored by Lithos (dated March 2024, ref. 4910/1A)
In conclusion, the submitted details are considered acceptable for the purposes of the Condition 10 and therefore the condition can be discharged.

Dated: 16/04/2024