

**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:	2023/44/92202/E
Site Address:	77, Latham Lane, Gomersal, Cleckheaton, BD19 4AP
Description:	Discharge conditions 5 and 6 (Phase 1 and 2 site investigation report) on previous permission 2023/90506 for erection of detached dwelling with integral garage
Recommending Officer:	Nicole Helliwell

DECISION – SPLIT DISCHARGE OF CONDITIONS

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

Julia Steadman

AUTHORISED OFFICER

Date: 29-Sep-2023

Officer Report

Reference No. 2023/44/92202/E

Site Address: 78, Latham Lane, Gomersal, Cleckheaton, BD19 4AP.

Proposal: Discharge of conditions 5 (Phase I Desk Study Report) and 6 (Phase II Site Investigation Report) on previous permission no.2023/90506 for erection of detached dwelling with integral garage

Assessment

Condition 5 – Phase I Desk Study Report

5. 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

A Phase 1 Qualitative Desk Study Report and Phase 2 Intrusive Site Investigation authored by GA Site Investigation Limited, dated 16th July 2023 (ref: GA1573.23. Combined) has been submitted. The report is a combined Phase 1 and Phase 2 report.

Assessment

The Phase I report received evaluates the historical and environmental information for the site and identifies several potential source-pollutant linkages. The report then recommends a site investigation to ascertain the geo-environmental conditions of the site.

The Phase 1 Qualitative Desk Study Report and Phase 2 Intrusive Site Investigation authored by GA Site Investigation Limited, dated 16th July 2023 (ref: GA1573.23. Combined) satisfies the requirements of Condition 5 and this condition can be discharged.

Condition 6 – Phase II Site Investigation Report

6. Where further intrusive investigation is recommended in the Preliminary Risk

Assessment approved pursuant to condition 5, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to ensure the safe occupation of the site

in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

Assessment

A Phase 1 Qualitative Desk Study Report and Phase 2 Intrusive Site Investigation, dated 12th August 2023 (ref: GA1573.23. Combined) and a document titled 'Additional Soil Analysis: 77 Latham Lane, Gomersal dated 8th September 2023 (ref: GA1573.23) both authored by GA Site Investigation Limited, have been submitted.

The submitted information does not address previous concerns that were raised by KC Environmental Health, in particular in relation to the bonfire, insufficient information relating to the sampling methodology, barometric pressure trends, methane concentration and risk from VOCs. As such, this condition cannot be discharged at this time.