

**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:	2024/44/93041/E
Site Address:	The Old Tannery, 224, Spen Lane, Gomersal, BD19 4PJ
Description:	Discharge of details reserved by condition 11 (validation report) on previous permission 2021/92255 for erection of 5 dwellings with associated access and demolition of existing extensions to commercial building
Recommending Officer:	Elenya Jackson

DECISION – Discharge of Condition 11 - 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: 28-Nov-2024

Officer Report

The Old Tannery, 224, Spen Lane, Gomersal, BD19 4PJ

Discharge of details reserved by condition 11 (validation report) on previous permission 2021/92255 for erection of 5 dwellings with associated access and demolition of existing extensions to commercial building

Condition 11

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to comply with Policy LP53 of the Kirklees Local Plan.

Assessment:

Condition 11

The following has been submitted:

- Phase 4: Validation report - C3920/24/E/5955

Kirklees Council Environmental Health (KC EH) and the Coal Authority have been consulted on the submitted documents.

The Coal Authority have no comments to make on the application.

KC EH have commented that the validation report provided is not in accordance with the approved remediation strategy and the details therefore cannot be accepted.

They note that further details are required relating to the following:

- Imported material certificates are required and testing information to verify the source of the material.
- Exceedances were found in every sample analysed. These were apparently from a greenfield source. We require further commentary on the observed exceedances.

- The agreed clean cover system specifies either 450mm of clean subsoil and 150mm of clean topsoil for garden areas, or 150mm of subsoil and 150mm of topsoil for public open spaces. The remediation strategy also stated that made ground should be removed to reach natural ground where the made ground is less than 300mm and 600mm. This requirement does not appear to have been met in all locations. Further clarification on this point is necessary.
- The agreed clean cover system included a geotextile membrane. However, no membrane is reported in the trial pit logs or evidenced in the photographs. Further clarification on this point is necessary.

For these reasons, KC EH recommend that Condition 11 remain in place until further notice.

DECISION NOTICE TEXT

The following has been submitted:

- Phase 4: Validation report - C3920/24/E/5955

The detail provided do not satisfy the requirements of condition 11. The validation report is not in accordance with the approved remediation strategy. The following further information is required to satisfactorily discharge the condition:

- Imported material certificates are required and testing information to verify the source of the material.
- Exceedances were found in every sample analysed. These were apparently from a greenfield source. We require further commentary on the observed exceedances.
- The agreed clean cover system specifies either 450mm of clean subsoil and 150mm of clean topsoil for garden areas, or 150mm of subsoil and 150mm of topsoil for public open spaces. The remediation strategy also stated that made ground should be removed to reach natural ground where the made ground is less than 300mm and 600mm. This requirement does not appear to have been met in all locations. Further clarification on this point is necessary.
- The agreed clean cover system included a geotextile membrane. However, no membrane is reported in the trial pit logs or evidenced in the photographs. Further clarification on this point is necessary.

Therefore, condition 11 cannot be discharged at this time.

