

**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:	2024/44/93593/E
Site Address:	adj, Listing Mill Farm, Listing Lane, Gomersal, Cleckheaton, BD19 4HS
Description:	Discharge of details reserved by conditions 6 (Phase II Report), 10 (nest box), 11 (boundary treatments) and 12 (bin storage and collection) on previous permission 2023/93038 for demolition of existing building and erection of detached dwelling
Recommending Officer:	Elenya Jackson

DECISION – Discharge of Conditions – Split Decision

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 28-Mar-2025

Officer Report

adj, Listing Mill Farm, Listing Lane, Gomersal, Cleckheaton, BD19 4HS

Discharge of details reserved by conditions 6 (Phase II Report), 10 (nest box), 11 (boundary treatments) and 12 (bin storage and collection) on previous permission 2023/93038 for demolition of existing building and erection of detached dwelling

Condition 6

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: A pre commencement condition is required in the interests of mitigating hazards associated with land contamination and to prevent pollution, in accordance with the requirements of Policy LP53 of the Kirklees Local Plan (2019) and policies within Chapter 15 of the National Planning Policy Framework.

Condition 10

A sparrow terrace nest box shall be installed integral to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

Condition 11

Notwithstanding the submitted plans and information, details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to ensure that the development would not encroach into the wider Green Belt and therefore impact adversely upon its openness, in accordance with, Policies LP24 and LP59 of the Kirklees Local Plan as well as the policies contained within Chapters 12 and 13 of the National Planning Policy Framework

Condition 12

Prior to development commencing on the superstructure of the proposal, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and

approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To accord with Local Plan Policy LP24 part d(vi) in terms of highway safety and the policies contained within Chapters 12 of the National Planning Policy Framework

Assessment:

Condition 6

The following details have been submitted:

- Phase 2 Geoenvironmental assessment

KC Environmental Health have reviewed the submitted documents and have provided the following comments:

‘A Phase 2 Geoenvironmental Risk Assessment by MDJA (November 2024, 4412) has been received in support of the application to discharge Condition 6. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

In the report, the findings of the intrusive investigation undertaken at the site in August 2024 are described and discussed. The investigation included window sampling and chemical analysis of soil samples. From three exploratory locations, topsoil and made ground were proven over clay. The results of the chemical analysis were compared against generic assessment criteria. In addition to soil sampling and analysis, ground gas monitoring was undertaken on six occasions. During the monitoring period, atmospheric pressure ranged from 1000 to 1015 mb and were rising and falling. Exceedances in benzo(b)fluoranthene (maximum concentration of 4.20 mg/kg) and dibenzo(a,h) anthracene (maximum concentration of 0.38 mg/kg) were identified. These were localised in topsoil at WS2. MDJA consider there to be a low risk to end-users but recommend the application of 600 mm depth of topsoil to garden areas.

No methane was detected. Carbon dioxide peaked at 4.6% v/v, and the minimum oxygen detected was 15.3% v/v. No flow rate was detected. MDJA then calculated the gas screening value (GSV) based on a ‘worst-case scenario’ using peak carbon dioxide concentrations. The calculated GSV places the site in CS1, i.e., the site does not require any gas protection measures.

We acknowledge the report but do not accept the ground gas aspect. We would expect at least two sets of readings at low and falling pressure, or monitoring that captures worst-case drops in atmospheric pressure. This does not appear to have been captured. In addition, we would expect additional sampling of the made ground if this is to remain in situ. Further information is therefore considered necessary before we can reconsider our position. Until then, we recommend that Condition 6 remain until further notice.

Condition 10

The following has been submitted:

- Proposed elevations

The submitted details demonstrate the location of a sparrow terrace on the principal elevation of the dwelling.

It is considered that the details are considered appropriate in this instance and should be retained for the lifetime of the development.

Condition 11

The following has been submitted:

- Site Plan 23/130/B

The submitted plans indicate that there would be a timber fence in the rear garden dividing the two properties and a brick wall to the front of the dwelling with a maximum height of 1m.

The details are considered acceptable for the purposes of condition 11.

Condition 12

The following has been submitted:

- Site Plan 23/130/B

This shows the location of bin storage being along the southern boundary. The location of bin collection has not been specified; however, it is considered that the bins would be an appropriate distance from the highway.

DECISION NOTICE TEXT

Condition 6

The following details have been submitted:

- Phase 2 Geoenvironmental assessment

The details provided are not considered sufficient at this time. At least two sets of readings at low and falling pressure, or monitoring that captures worst-case drops in atmospheric pressure are required for gas monitoring. This does not appear to have been captured at this time. In addition, Environmental Health officers would expect additional sampling of the made ground if this is to remain in situ. Further information is therefore considered necessary before we can reconsider our position. Condition 6 must therefore remain and cannot be discharged.

Condition 10

The following has been submitted:

- Proposed elevations

It is considered that the details are appropriate in this instance however this is on the proviso that they should be retained for the lifetime of the development.

Condition 11

The following has been submitted:

- Site Plan 23/130/B

The details are considered acceptable and condition 11 can therefore be discharged.

Condition 12

The following has been submitted:

- Site Plan 23/130/B

The details provided are considered acceptable and condition 12 can therefore be discharged.