

**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:	2025/44/90232/E
Site Address:	The Old Tannery, 224, Spen Lane, Gomersal, BD19 4PJ
Description:	Discharge of details reserved by condition 11 (Remediation Strategy) 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 - Approved

I hereby authorise the approval 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: 01-May-2025

Officer Report

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

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

Condition 11:

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 3

The following details have been submitted:

- RGS (18th March 2025, C3920/24/E/5955/V3)
- Verification Completion Report for Ground Gas Protection Systems authored by GeoEnginSeer Ltd (25th October 2023, 1911)
- Email confirmation dated 29/04/2025

The submitted details have been reviewed by KC Environmental Health. Their comments are as follows:

‘A letter from RGS (18th March 2025, C3920/24/E/5955/V3) and a Verification Completion Report for Ground Gas Protection Systems authored by GeoEnginSeer Ltd (25th October 2023, 1911) has been received in support of the application to discharge Condition 11.

The letter explains that soils at site have now been excavated and replaced with new soil. In brief, on the 25th and 26th of February 2025, soils were excavated from above the existing membrane and on the 28th of February, soils were imported to the site and placed above the membrane. RGS conducted the validation exercise on the 3rd of March.

The new soil, sourced from Riverside Quarry, was treated as 'brownfield' rather than 'greenfield' and consisted of 40 bulk bags (approximately 40m³). The soil was placed at a thickness of 450mm to 550mm above the membrane. Six samples of the imported soil from six locations across the development were analysed for contaminants and the results were compared to the ATRISK soil screening values for residential use with plant uptake. All samples were found to be uncontaminated and suitable for the intended use. RGS concluded that all areas of the site have been suitably capped in order to protect end users from contamination. Photographic evidence of the verification pits has been provided in the appendix.

The gas membrane verification report details the findings from verification visits by GeoEnginSeer to independently validate the implementation of hazardous ground gas protective measures. Geoengineer inspected all plots at the development as consider the membrane to have been installed correctly.

In an email dated 29th April, Environmental Health sought further clarification in relation to the verification of the foundation type, as this was unclear in the gas verification report. In a response by the GeoEnginSeer Ltd and later, the agent, it was confirmed:

'...it was built as a reinforced slab and gas membrane with a ring beam round this. We did repairs and reinforcement was noted in there when we checked the repairs due to a design change.'

'There was an outer ringbeam for extra strength, with a reinforced solid slab on top. There is no block and beam used'

This confirms that the reference to beam and block in the latter report is a typographical error'.

Therefore, the details provided are considered acceptable for the purpose of condition 11.

Decision notice text

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Environmental Health Officers have reviewed the information and further clarification details provided and conclude that, the details provided are acceptable for the purpose of condition 11. As such, condition 11 can be deemed discharged.

