

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:	2026/44/90822/E
Site Address:	Land Off, Westgate, Cleckheaton, BD19 5DR
Description:	Discharge of details reserved by condition 10 (validation report) on previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Condition – 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.

Nick Hirst

AUTHORISED OFFICER

Date: 14-Oct-2026

Application: 2026/90822

Site: Land off Westgate, Cleckheaton, BD19 5DR

Proposals: Discharge of details reserved by condition 10 (validation report) on previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works.

Condition 10 (Validation Report)

10. Prior to the occupation of any phase, a Validation Report in respect to the approved Remediation Strategy for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. The final phase's Validation Report shall include a Final Validation Summary Report that summarises and concludes site wide validation.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.*

Overview

This application seeks approval of the gas protection strategy and verification plan for the whole site as part of the requirements of condition 10. The supporting covering letter explains that the strategy has been submitted to agree the scope and frequency of gas protection verification before the submission of validation reports for each phase.

The supporting covering letter confirms that the Lithos Remediation Strategy, reference 3043/4D, dated August 2023, was previously approved under DOC application 2023/93077 in respect of condition 8. No previous approval of condition 10 is identified in the covering letter.

An Enabling Works Verification Report, reference 3043/8, dated April 2026, covering phases 1 to 3 was also initially submitted. However, the applicant has confirmed by email dated 16 September 2026 that this report is withdrawn from this application and transferred to application 2026/92274. This report therefore does not form part of the details now being considered.

Submitted Details

The applicant has submitted the following details pursuant to condition 10:

- Gas Protection Strategy & Verification Plan for Land at Westgate, Cleckheaton, prepared by Lithos Consulting for Strata Homes, reference 3043/9A, dated August 2026, including its appendices and Gas Protection Verification Plan drawing 3043/21.

Environmental Health has been consulted. Its initial comments dated 31 July 2026 (via email) they identified discrepancies in drawing 3043/21 concerning the plot shading, gas protection classifications, inspection frequencies and

block labels. The above is the revised report submitted to address these matters.

The revised report 3043/9A supersedes the February 2026 report and includes the updated Gas Protection Verification Plan, drawing 3043/21. It sets out the gas protection measures to be installed, together with the arrangements for their inspection, testing and verification.

Consultation response

K.C. Environmental Health comments dated 17/08/2026:

The Gas Protection Strategy & Verification Plan (February 2026, 3043/9) with revised Drawing 3043/21 (Gas Protection Validation Plan) are accepted. However, verification of the gas and hydrocarbon protection measures will be required following installation in accordance with the approved verification strategy, with the verification documentation submitted as part of the overall remediation verification process

We also accept the Enabling Works Verification Report (April 2026, 3043/8). However, the submitted report covers the remediation and enabling works completed to date; representing an interim verification report and does not constitute final verification of the remediation scheme as a whole.

Recommendations

Condition 10 – Validation Report

Based on the professional judgement of the report authors and the evidence and interpretations presented, we accept the information provided. However, information submitted in support of Condition 10 must demonstrate that remediation and validation have been completed for the entire application site. As this has not yet been evidenced, we recommend that Condition 10 remains in place until further notice.

As noted in the Overview section of this report, the Enabling Works Verification Report, to which K.C. Environmental Health's second paragraph above relates, has been removed from this application.

Assessment

The purpose of condition 10 is to ensure the safe occupation of the site. It requires a validation report for each phase to be approved before that phase is occupied, together with a final report concluding site-wide validation. For the avoidance of doubt, this current submission does not seek the discharge of condition 10, but to establish the gas protection and verification arrangements to inform those subsequent reports.

Following a meeting between officers, the applicant and Environmental Health, it was agreed that the final revised gas protection strategy and verification plan is acceptable for the whole site. This is mirrored in K.C. Environmental Health's comments dated 17/08/2026. In terms of verification progress, as it stands from the meeting:

- It was also agreed that the enabling works verification report for phases 1 to 3 and the gas verification reports for six plots within phase 1 are acceptable. The six plots comprise the first five plots and an additional plot to cover the remaining thirteen plots in phase 1, as recorded in the meeting email. However, the clean cover verification report remains outstanding for phase 1. These matters are being progressed separately, via DOC ref. 2026/92274, and do not form part of the approval sought under this application.
- For the remaining phases, it was agreed that enabling works, gas protection and clean cover verification reports would be submitted under a single DOC application for each phase. Each application would remain undetermined until the clean cover verification report has been received and reviewed. As this application relates to the strategy for the whole site, approval does not depend upon defining individual phase boundaries. The extent of each phase will need to be clearly identified when the relevant validation reports are submitted. The latest meeting email refers to phases 2 to 10, whereas the earlier covering letter refers to outstanding remedial works in phases 4 to 9. A current phasing plan has not been provided; the latest agreed approach has therefore been relied upon without determining individual phase boundaries or plot allocations.

Having regard to the details submitted and Environmental Health's acceptance of the revised report, the proposed gas protection measures and verification arrangements are considered acceptable. The report provides an appropriate basis for the inspection and verification of gas protection across the development.

The approval of this strategy does not confirm that the remediation works, or gas protection measures have been completed satisfactorily for any phase. The phase-specific validation reports remain to be submitted and approved before occupation, in accordance with condition 10. The requirement for a Final Validation Summary Report also remains outstanding. A note to this effect, so all parties are clear, is recommended.

On this basis, the submitted gas protection strategy and verification plan is recommended for approval for the whole site. This is a partial approval of details pursuant to condition 10. The condition is not fully discharged, and no phase is discharged by this decision.

Recommendation: Split decision

Report Date: 14/10/2026

Recommended Decision text

Condition 10 (Validation Report)

You have submitted the following document pursuant to condition 10:

- Gas Protection Strategy & Verification Plan for Land at Westgate, Cleckheaton, prepared by Lithos Consulting for Strata Homes, reference 3043/9A, dated August 2026, including its appendices and Gas Protection Verification Plan drawing 3043/21.

I can confirm that the submitted gas protection strategy and verification plan is acceptable and is hereby approved for the whole site pursuant to condition 10 of planning permission 2021/93567. This approval relates to the strategy and verification arrangements only and constitutes partial approval of details under condition 10.

For the avoidance of doubt, this approval does not confirm satisfactory completion of remediation or gas protection works for any phase. The Enabling Works Verification Report, reference 3043/8, dated April 2026, has been withdrawn from this application and is not approved by this decision. No phase-specific gas verification or clean cover verification report is approved as part of this decision.

Please note that condition 10 remains outstanding in respect of the validation report required for each phase. These reports must demonstrate compliance with the approved Remediation Strategy and be submitted to, and approved in writing by, the Local Planning Authority before occupation of the relevant phase. The final phase's Validation Report must also include a Final Validation Summary Report that summarises and concludes site-wide validation.