

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:	2025/44/90351/E
Site Address:	Future House, Pheasant Drive, Birstall, Batley, WF17 9LT
Description:	Discharge of details 3 (Operational Management Plan), 4 (intrusive investigations), 5 (intrusive investigations), 6 (Phase I Desk Study Report), 7 (Phase II Desk Study Report) on previous permission 2024/90346 for change of use to Class B2 for use as industrial transport yard, with associated office building, fencing including pedestrian and vehicular gates, widening of vehicular access, including re-surfacing of yard and access threshold, and new lighting to yard
Recommending Officer:	Edward Cheseldine

DECISION – Discharge of Conditions - Approved

I hereby authorise the approval 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: 01-Apr-2025

Officer Report

2025/90351 - Future House, Pheasant Drive, Birstall, Batley, WF17 9LT

Proposed Description

Discharge of details 3 (Operational Management Plan), 4 (intrusive investigations), 5 (intrusive investigations), 6 (Phase I Desk Study Report), 7 (Phase II Desk Study Report) on previous permission 2024/90346 for change of use to Class B2 for use as industrial transport yard, with associated office building, fencing including pedestrian and vehicular gates, widening of vehicular access, including re-surfacing of yard and access threshold, and new lighting to yard.

Condition 3

3. No development shall take place until an Operational Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include details of how Heavy Goods Vehicles will be parked and managed to ensure there is no overspill Heavy Goods Vehicle parking on the public highway. The plan so approved shall be implemented before the development is brought into use and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

Assessment

The applicant submitted the following information:

- Operational Management Plan, authored by Elite Transport, received 10 February 2025.

The Operational Management Plan was reviewed by KC Highways DM, they agreed the plan was acceptable and condition 3 can be discharged, so long as the details outlined within the Operational Management Plan are followed as per the approved details and thereafter retained.

Condition 4 & 5

4. No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy,

as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

Assessment

The applicant submitted the following information:

- Phase 1 Desk Study Report & Coal Mining Risk Assessment (CMRA) by Chevin Geoenviro Associates Ltd, dated May 2024
- Phase 2 Mining and Environmental Report prepared by consultant RGS dated 20th December 2024 ref. C4703/24/E/7188

The reports were assessed by The Mining Remediation Authority. They concluded the reports were satisfactory and appropriate. They recommended conditions 4 & 5 can be discharged.

Condition 6 & 7

6. 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (6) 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

Assessment

The applicant submitted the following information:

- Phase 1 Desk Study Report & Coal Mining Risk Assessment (CMRA) by Chevin Geoenviro Associates Ltd, dated May 2024
- Phase 2 Mining and Environmental Report prepared by consultant RGS dated 20th December 2024 ref. C4703/24/E/7188

KC Environmental Health have reviewed the reports. They concluded the reports were satisfactory and appropriate. They recommended conditions 6 & 7 can be discharged.

Decision Notice Text

Condition 3

The applicant has submitted an Operational Management Plan. The plan was assessed by KC Highways, who recommended the condition can be discharged. The condition is therefore discharged so long as the details outlined within the Operational Management Plan are followed as per the approved details and thereafter retained.

Condition 4 & 5

The applicant submitted the following information:

- Phase 1 Desk Study Report & Coal Mining Risk Assessment (CMRA) by Chevin Geoenviro Associates Ltd, dated May 2024
- Phase 2 Mining and Environmental Report prepared by consultant RGS dated 20th December 2024 ref. C4703/24/E/7188

The reports were assessed by The Mining Remediation Authority. They concluded the reports were satisfactory and appropriate. Therefore condition 4 & 5 can be discharged.

Condition 6 & 7

The applicant submitted the following information:

- Phase 1 Desk Study Report & Coal Mining Risk Assessment (CMRA) by Chevin Geoenviro Associates Ltd, dated May 2024
- Phase 2 Mining and Environmental Report prepared by consultant RGS dated 20th December 2024 ref. C4703/24/E/7188

The reports were assessed by KC Environmental Health. They concluded the reports were satisfactory and appropriate. Therefore condition 6 & 7 can be discharged.