

**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:	2025/44/90918/W
Site Address:	74, Wakefield Road, Lepton, Huddersfield, HD8 0BL
Description:	Discharge of details reserved by conditions 3 (Phase I Desk Study Report), 8 (Intrusive Site Investigations) and 9 (Intrusive Site Investigations Declaration) of previous permission 2024/92112 for demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 21-May-2025

DISCHARGE OF CONDITIONS

Site: 74, Wakefield Road, Lepton, Huddersfield, HD8 0BL

Proposal: Discharge of details reserved by conditions 3 (Phase I Desk Study Report), 8 (Intrusive Site Investigations) and 9 (Intrusive Site Investigations Declaration) of previous permission 2024/92112 for demolition of existing dwelling and erection of replacement dwelling

The merits of the application have previously been assessed under reference 2024/92112 and permission granted for demolition of existing dwelling and erection of replacement dwelling.

The applicant is now seeking to discharge Condition 3 (Phase I Desk Study Report), 8 (Intrusive Site Investigations) and 9 (Intrusive Site Investigations Declaration).

ASSESSMENT

Condition 3 (Phase I Desk Study Report)

3. 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.*

As part of this application the following has been submitted:-

- Phase 1 Site Investigation by Eastwood Consulting Engineers (14th October 2024, 49246ECE-XX-XX-RP-C-0001)

Consultee response:

KC Environmental Health have been consulted on the above details and made the following concluding comments:

The report includes geotechnical information, which falls outside the scope of Environmental Health. As such, this consultation response focuses solely on the land contamination aspects of the report.

Since 1855, minor changes have occurred over time, from open fields with a dwelling, including house extensions, the addition of outbuildings, a greenhouse, and tracks, with no substantial alterations noted after 1986. Surrounding the site was predominantly agricultural land use, with occasional housing and small sandstone quarries to the south. A former colliery and clay pit are also noted in the surrounding area.

Eastwood have provided an outline conceptual site model in Section 5 of the report, identifying potential shallow mining gases as a risk to site users. It is recommended in this report that a rotary borehole investigation is undertaken rather than a 'full Phase 2 geoenvironmental investigation'. This will aim to identify any coal workings present at shallow depth.

In addition to the Phase 1 report, we acknowledge the additional documents reviewed by the Mining Remediation Authority. These indicate that no shallow coal workings were found in the three boreholes drilled on-site. Eastwood has concluded that there is no significant risk of mine gas migration to the surface.

We have reviewed the Phase 1 Site Investigation by Eastwood Consulting Engineers (14th October 2024, 49246-ECE-XX-XX-RP-C-0001) and we accept the report in support of the application.

We remind the applicant that any unexpected contamination encountered during groundworks, must be reported to the LPA, as per the requirements of Condition 6.

Given that no further intrusive site investigation is required, and no remediation is recommended then conditions 4 and 5 do not require discharging. In addition conditions 6 and 7 also do not require discharging (providing no unexpected contamination is encountered).

On the basis of the submitted Phase 1 Site Investigation report and taking account of the response received from KC Environmental Health who have no objection to the LPA discharging Condition 3 it is considered that the information requirements of condition 3 have been satisfied and the scheme submitted is acceptable. It is therefore recommended condition no.3 is discharged.

Conditions 8 (Intrusive Site Investigations) & 9 (Intrusive Site Investigations Declaration)

These conditions state the following:

8. No development (excluding demolition) shall commence until; a) a scheme of intrusive site 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 made 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: This pre-commencement condition is necessary 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

9. 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.

As part of this application the following has been submitted:-

- Shallow Mining Investigation Report (Ref. 49246-ECE-XX-XXRP-C-0003) dated March 2025 prepared by Eastwood Consulting Engineers

Consultee response:

The Coal Authority have been consulted on the above details and made the following concluding comments:

The applicant has submitted a Shallow Mining Investigation Report (Ref. 49246-ECE-XX-XXRP-C-0003) dated March 2025 prepared by Eastwood Consulting Engineers to address the requirements of Conditions 8 and 9.

Eastwood applied for and were granted a Coal Authority Permit (Ref. 29458) to undertake a mining investigation comprising intrusive drilling by 3 rotary holes

to depths of 16 and 18m below the site targeting the footprint of the proposed dwelling. Of the boreholes drilled the report highlights that;

'BH2 encountered a loss of flush at 15.5m, although no voids were recorded. This was potentially fracturing within the bedrock'. And furthermore

'BH3 was located to the west of the property, where the Black Bed Coal was expected to be at its shallowest. A 600 mm thick coal seam was present between 16 m and 16.6 m bgl, which was found to be intact...The coal is expected to be the Black Bed seam'.

The report author concludes based on the risk and evidence presented that;

'...even if the loss of flush experienced in BH2 was due to workings just below the base of the borehole, there is not considered to be any significant risk of the void migrating to surface Remedial works, such as drilling and grouting, are not considered to be necessary, and no additional precautions are required within the foundations of the proposed house, which will comprise traditional unreinforced strip footings within the weathered sandstone bedrock'. And that; 'It is expected that precast concrete beam and block floors with a ventilated void below will be used...'

On the basis of the professional judgement of the report author and the evidence and interpretations presented, the Coal Authority's Planning Team have confirmed they have no objection to the LPA discharging Conditions 8 and 9 of the approved consent.

It is therefore considered, taking account of the submitted detail, and response of the Coal Authority, that the information requirements of the conditions have been met and the submitted scheme is acceptable. It is therefore recommended that conditions 8 and 9 are discharged.

DECISION LETTER TEXT

Condition 3 (Phase I Desk Study Report)

You have submitted the following:

- Phase 1 Site Investigation by Eastwood Consulting Engineers (14th October 2024, 49246ECE-XX-XX-RP-C-0001)

The submitted preliminary risk assessment (Phase I Desk Study Report) is acceptable and condition no.3 is therefore discharged. Given the conclusions of the submitted Phase 1 Site Investigation there is no requirement for conditions 4 and 5 to be discharged given no further intrusive investigation or

remediation is identified as being required within the submitted scheme. Should unexpected contamination be encountered the requirements of condition 6 and 7 would be applicable.

Conditions 8 (Intrusive Site Investigations) and 9 (Intrusive Site Investigations Declaration)

The application is accompanied by the following:

- Shallow Mining Investigation Report (Ref. 49246-ECE-XX-XXRP-C-0003) dated March 2025 prepared by Eastwood Consulting Engineers

The submitted scheme is acceptable and satisfies the requirements of conditions 8 and 9 which are therefore discharged.

Report dated: 14/05/2025