

**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:	<b>2025/44/91078/E</b>
Site Address:	Land adjacent to, 480, Halifax Road, Hightown, Liversedge, WF15 8DX
Description:	Discharge of details reserved by condition 10 (Phase II Intrusive Site Investigation Report) of previous permission 2024/92529 for erection of 3 dwellings and associated works
Recommending Officer:	Edward Cheseldine

**DECISION – REFUSE DISCHARGE OF CONDITION 10**

**I hereby authorise the refusal of this application for the reasons set out  
in the officer's report and recommendation annexed below in respect of  
the above matter.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 11-Jun-2025**

## **Officer Report**

2025/91078 - Land adjacent to, 480, Halifax Road, Hightown, Liversedge, WF15 8DX

## **Proposal Description**

The proposal is to discharge details reserved by condition 10 (Phase II Intrusive Site Investigation Report) of previous permission 2024/92529 for erection of 3 dwellings and associated work.

### **Condition 10**

10. 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. 196 and 197 of the National Planning Policy Framework.

## **Assessment**

The following has been submitted:

- Shallow Mining Investigation by G&M Consulting, dated 21<sup>st</sup> of January 2025, Ref C723/01/ATS

For the purposes of the assessment KC Environmental Health were consulted. They raise the following points.

*The report informs fieldwork was undertaken on the 14<sup>th</sup> of January 2025 comprising three rotary open boreholes, drilling was undertaken using water flush and they were backfilled on completion. During drilling, monitoring observed no significant concentrations of methane, carbon monoxide or hydrogen sulphide. The results are summarised in the table within section 4. We are unsure as to why the shallow 100mm coal layer observed in BH3 at a depth of 1m below ground level (bgl), has not been included in the table.*

*We are informed that no evidence of soft or voided strata, or significant loss of flush was noted during the drilling.*

*Whilst we acknowledge the report we have concerns that the shallow coal at 1m bgl has been discounted, we also note that the borehole record at BH3 demonstrates "Fill" in the top 0.5m of depth, with no other annotation. The report is not a Phase 2 intrusive investigation, it has not provided an updated conceptual site model for the development site and has not considered the risk from fill material and shallow coal (combustion).*

They recommended the condition should remain as the submitted documents does not fully satisfy the requirements of Condition 10.

**Decision Notice Text**

Condition 10

The following has been submitted:

- Shallow Mining Investigation by G&M Consulting, dated 21<sup>st</sup> of January 2025, Ref C723/01/ATS

The submitted information does not fully satisfy the requirements of condition 10, therefore the condition remains.