

**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:	2025/44/91637/E
Site Address:	Land adj Healey Junior Infants and Nursery School, Healey lane, Healey, Batley, WF17 8BN
Description:	Discharge of details reserved by conditions 3 (coal investigation), 5 (Phase II report), 6 (Remediation Strategy) and 7 (remediation implementation and unexpected contamination) of previous permission 2024/91760 for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated works
Recommending Officer:	William Simcock

DECISION – Discharge of Conditions – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 22/09/2025

Officer Report

Reference: 2025/91637

Site: Land adj Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN.

Proposal: Discharge of details reserved by conditions 3 (coal investigation), 5 (Phase II report), 6 (Remediation Strategy) and 7 (remediation implementation and unexpected contamination) of previous permission 2024/91760 for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated works.

Assessment

Condition 3 – Coal investigation

Condition 3 states:

3. No development shall commence until:

3a. further intrusive site investigations have been carried out within the site, as recommended by Patrick Parsons (Section 9.1 / 10.0 of the Phase 2 Geoenvironmental Appraisal) in order to conclusively discount the presence of recorded mine entry (CA shaft ref: 422423-005), and;

3b. any remediation works and/or mitigation measures to address land instability arising from this feature, 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.

This should include the submission of the approved site layout plan, to illustrate the exact location and grid co-ordinates of the mine entry (if found within the site) and the zone of influence of this feature. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: *To ensure that the site is safe for occupation having regard to coal mining legacy and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.*

This information is required pre-commencement to ensure that any possible instability arising from coal mining legacy is addressed before groundworks begin.

In support of this Discharge of Condition application the applicant has submitted a letter report prepared by consultant Arc Environmental, reference 25-010.01L, dated June 2025. This incorporates the following attachments:

- Updated Site Walkover Photographic Record Sheet
- Investigation Works Record Sheet
- Mining Remediation Authority Permit (ref 29972)

- Shaft Plan and Data Sheets (ref 51003499308001)

The report concludes that no further investigation works are required. The authors of the report advise, as a precautionary measure, that foundations to the property closest to the potential mine entry (plots 8 and 9) should be extended and based wholly within the natural bedrock at a depth of c.1.80m below ground level.

In respect of shallow mine workings, the report's conclusion, based on earlier investigations, is that no further assessment is required.

The Mining Remediation Authority (MRA) have viewed the report and consider that the applicant has demonstrated compliance with condition 3a. The MRA also accept the mitigation measures proposed, and have no objection to condition 3 being discharged.

It is recommended that the submitted details can be approved, and that the initial requirements of condition (3), part (a), have been complied with.

Part (b) of Condition (3) states that the mitigation measures must be carried out before development commences. However, the mitigation measures relate to the construction of foundations, which would normally be classed as development.

Full discharge of the condition will be achieved by implementation in full of the mitigation measures to address land instability arising from this feature before any development, other than the mitigation measures themselves (i.e. the construction of foundations within plots 8 and 9).

Condition 5 – Phase II report

Condition 5 states:

5. Groundworks (other than those required for a site investigation report) shall not commence until a supplementary 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.*

This information is required pre-commencement to ensure that any possible land contamination is identified and dealt with at an appropriate stage.

KC Environmental Health have viewed the Investigation Works Record Sheet submitted as part of report reference 25-010.01L referred to above, and confirmed that it is acceptable for the purpose of the condition. It is recommended that the submitted details are approved. This condition is considered to be discharged.

Condition 6 – Remediation Strategy

Condition 6 states:

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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.*

This information is required pre-commencement to ensure that land contamination remedied at an appropriate stage.

A document by Arc Environmental entitled Remediation Statement and Validation Proposal Sheets, dated 09/06/25, was submitted. KC Environmental Health largely accepted the report but sought clarification with regard to clean capping system to all areas of gardens/soft landscaping (including areas around tree protection zones).

In response, the following documents were submitted:

- Remediation Statement and Validation Proposal Sheets, reference 25-010 Revision A (date on report unchanged from original, but received 13/08/2025)
- A supporting email from Arc Environmental dated 04/09/2025.

KC Environmental Health confirm that they accept the revised and additional information as meeting the requirements of the condition. It is recommended that these details are approved. The condition will be discharged upon completion of the remediation measures.

Condition 7 – Remediation implementation and unexpected contamination

Condition 7 states:

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning

Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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.

The implementation of the Remediation Strategy approved under condition 6 will discharge condition 7, provided that contamination not previously considered in the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is discovered. Discharge of this condition cannot be granted at the present time.

It is recommended that the developer be reminded of the requirement under condition 8 that following the implementation of any measures identified in the approved Remediation Strategy (or any approved revised Remediation Strategy) a Verification Report must be submitted to and approved in writing by the Local Planning Authority before any part of the site is brought into use. The approval of the Verification Report will provide confirmation that condition 7 has been complied with.

Recommendation: Approve details, subject to advice

Report Dated: 22/09/2025

Proposed Letter Text

Condition 3 – Coal investigation

A letter report prepared by consultant Arc Environmental, reference 25-010.01L, dated 09/06/2025, has been submitted. This incorporates the following attachments:

- Updated Site Walkover Photographic Record Sheet
- Investigation Works Record Sheet
- Mining Remediation Authority Permit (ref 29972)
- Shaft Plan and Data Sheets (ref 51003499308001)

The submitted details are considered acceptable and are approved. The initial requirements of condition 3, part a, are hereby discharged.

Full discharge of condition 3, part b, will be achieved by the implementation of the mitigation measures set out in the report before any development (other than the mitigation measures themselves) commences.

Your attention is drawn to the requirement of condition 4 that, prior to the occupation of the development, 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.

Condition 5 – Phase II report

The Investigation Works Record Sheet submitted as part of report reference 25-010.01L referred to above meets the requirements of condition 5 and is hereby approved. This condition is hereby discharged.

Condition 6 – Remediation Strategy

The following documents have been submitted:

- Remediation Statement and Validation Proposal Sheets, reference 25-010 Revision A (date on report unchanged from original version, but received by the Local Planning Authority 13/08/2025)
- A supporting email from Arc Environmental dated 04/09/2025.

The revised and additional information is considered acceptable and is hereby approved. The condition will be discharged upon completion of the remediation measures.

Condition 7 – Remediation implementation and unexpected contamination

The implementation of the Remediation Strategy approved under condition 6 will discharge the condition, provided that contamination not previously considered in the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is discovered.

Discharge of this condition cannot be granted at the present time.

Your attention is drawn to the requirement under condition 8 that, following the implementation of any measures identified in the approved Remediation Strategy (or any approved revised Remediation Strategy), a Verification Report must be submitted to and approved in writing by the Local Planning Authority before any part of the site is brought into use.

The approval of the Verification Report submitted to comply with condition 8 will also provide confirmation that condition 7 has been complied with.

