

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:	2025/44/92368/E
Site Address:	89, Whitcliffe Road, Cleckheaton, BD19 3EA
Description:	Discharge of details reserved by conditions 4 (materials), 5 (boundary treatments), 6 (Phase I Desk Study Report), 7 (Phase II Intrusive Site Investigation Report), 11 (bird/bat roost box), 12 and 13 (intrusive investigations) on previous permission 2023/92066 for erection of two semidetached dwellings with associated alterations
Recommending Officer:	Nicole Helliwell

DECISION – APPROVE DISCHARGE OF CONDITIONS

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15-Jan-2026

Officer Report

Reference No. 2025/44/92368/E

Site Address: 89, Whitcliffe Road, Cleckheaton, BD19 3EA

Proposal: Discharge of details reserved by conditions 4 (materials), 5 (boundary treatments), 6 (Phase I Desk Study Report), 7 (Phase II Intrusive Site Investigation Report), 11 (bird/bat roost box), 12 and 13 (intrusive investigations) on previous permission 2023/92066 for erection of two semidetached dwellings with associated alterations

Assessment

Condition 4 – Materials

4. Prior to development commencing on the superstructure of the dwellings hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: *This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

Assessment of Condition 4

The applicant has submitted a document titled 'Discharge of Condition 4' (revision A, dated August 2025) and an email (dated 19th September 2025) which details the walling and roofing materials proposed. The proposed walling materials would be natural stone from Woodkirk Stone, Britannia Quarries. It is also noted that the roofing materials would be Grey slate roof tiles. The material palette would be in keeping with those used in the surrounding area and as such, these details are deemed to be acceptable for the purposes of the condition. Therefore, condition 4 can be discharged subject to the development being completed using the approved materials.

Condition 5 – Boundary Treatments

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwellings hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: *This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.*

Assessment of Condition 5

The applicant has submitted a document titled 'Site Plan with Boundary Materials' (reference no. 215 rev. B, dated October 2025) which details the location, height and materials of the proposed boundary treatments. The existing stone wall to the front of the application site would be retained and reduced to 1m in height. It is also noted that a 0.9m high tanalised hit and miss fence would be installed to enclose the front garden areas and a 2m high tanalised hit and miss fence would be installed to enclose the private outdoor amenity spaces to the rear of the plots. The proposed boundary treatments would not cause any significant harm to visual amenity. Therefore, these details are deemed to be acceptable for the purposes of the condition and therefore condition 5 can be discharged. This is subject to the hereby approved boundary treatments being completed in accordance with the approved details and thereafter retained.

Condition 6 – Phase I Desk Study Report

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: *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.*

Assessment of Condition 6

In support of the discharge of condition 6, a Phase 1 Desk Study Site Investigation Report (reference no. G25122, dated May 2025) has been submitted. The report informs the current garden land is to be utilised to develop residential properties. Anticipated geology and BSG borehole results nearby demonstrate, sandstone bedrock belonging to the Pennine Lower Coal Measures probably present, commencing from shallow depth, with generally show thin topsoil or made ground deposits over sandy boulder clay with sandstone bedrock generally commencing from depths of between 1m and 2m.

The site history and environmental setting since 1854 have been listed, with nearby industrial development. a site walkover was conducted during the site investigation on the 10th of April 2025, informing: no obvious evidence of physical hazards or odours, staining, or residues that might be indicative of the presence of chemical (including hydrocarbon) contamination. On the basis of the walkover inspection only, the risk of a serious contamination hazard occurring at this site would be assessed to be very low given the current condition of the site and use.

The Mining Remediation Authority's Coal Mining Risk Assessment and Coal Mining Report informs worked shallow coal may impact the site. Potential

Human Exposure Pathways are presented in the report, confirming further intrusive investigation is required to confirm contamination analyses and ground gas monitoring.

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase 1 Report, KC Environmental Health have no objection to the discharge of condition 6. However, officers remind the applicant that any unexpected contamination encountered during groundworks, must be reported to the LPA, as per the requirements of Condition 9.

Condition 7 – Phase II Intrusive Site Investigation Report

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: *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.*

Assessment of Condition 7

In support of the discharge of condition 7, a Phase 2 Intrusive Site Investigation Report authored by Geo Investigate (dated May 2025, reference no. G25122) has been submitted.

A ground investigation comprised Three boreholes were undertaken at the site to depths of between 2.60m and 2.80m below ground level (bgl) with associated soil sampling. Two rotary open hole boreholes undertaken to depths of between 19.20m and 30.00mbgl, two hand excavated trial pits to provide additional information on near-surface ground conditions, and to collect additional samples for contamination analysis, including from proposed soft landscaping and/or garden areas. The installation of three ground gas monitoring wells in boreholes BH1, BH2 and BH4.

Ground conditions are presented in section 3.1. The natural strata below the made ground (topsoil) comprised initial horizon of firm, sandy and gravelly clay with fine to coarse gravel constituents of sandstone and coal. This stratum extended to depths of between 0.30m (BH2) and 1.40m (BH2). Below this initial clay a thin lens of extremely weak poor-quality coal and was found at depths between 0.90m (BH3) and 1.60m (BH2). Extremely weak, weathered mudstone bedrock commenced below the coal and extended to the base of each borehole where they met refusal at depths between 2.60m (BH2) and 2.80m (BH1 & BH3). No groundwater was observed during exploration.

No broken/weak ground or voids were encountered during the drilling process but a thin band of coal 200-300mm thick was encountered in both boreholes at 13.40m (RH1) and 13.50m (RH2). The results of the gas monitoring visits at the site are presented in Table 4, the report informs monitoring included periods of falling pressure and six visits were undertaken. Methane was below detectable limits, carbon dioxide maximum recorded was 2.5% with gas flow rates below detectable limits, no groundwater was encountered. Gas monitoring results have been calculated within the limits for Characteristic Situation 1 (CS1) classification.

Five samples of topsoil and natural subsoil from a depth of 0.50m recovered from across the site were tested for a range of substances. These samples were tested for a range of substances, depending on their origin, the requirements of the investigation, and the assessment of the attending engineer. Test suites variably included metals/metalloids, PAHs and asbestos. Leachate from two of the samples was analysed also to determine if there might be any risk of mobile contamination, with testing including TPH where appropriate. The results of the contamination testing are included in Appendix 3.

No visual and/or olfactory evidence of contamination was found in any of the encountered soils, including no visible evidence of asbestos contamination. No asbestos was found in any of the samples tested. The analyses have shown elevated concentrations of a number of speciated PAHs. A summary of the exceedances determined during laboratory testing and subsequent assessment are shown in table 2.

The report author informs the exceedances were found in trial pits that will be situated beneath the footprint of the new development with new garden area samples; TPA and TPB, positioned within garden areas returning acceptable concentrations, therefore indicating that although similar made ground (topsoil) is present across the site, the elevated PAHS are limited to the area within the building footprint, and as such would be confined beneath the building and encapsulated, removing any pathway to the site's end users. The report author concludes that given the location of the exceedances the site does not represent a significant risk of harm to the end users and can remain in-situ, with the site being deemed suitable for residential use. The report goes on to present the result of 2 samples tested for potential leachate contamination, informing the results demonstrate; soils at the site have generally been shown to not be leaching any potential contaminants at levels that would be expected to have any significant impact on local ground and surface water bodies.

The conceptual ground hazard model is presented in Figure 1; it indicates a low risk to receptors. The report has stipulated controls on site with regard to

ensuring topsoil containing exceedances are covered with hardstanding/building and the applicant is reminded if any contaminated topsoil are to be removed from site they must be treated appropriately, not reused on site and not allowed to contaminate any other site areas or site won materials.

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase 2 Intrusive Site Investigation Report by Geoinvestigate Limited, KC Environmental Health have no objection to the discharge of condition 7.

Further to KC Environmental Health's earlier comments (dated 4th November 2025) additional samples of shallow soils have been sent for chemical analysis. The additional Intrusive Site Investigation Report (dated November 2025, reference no. G25122b) demonstrates that shallow soils at the site contain exceedances and site remediation is required.

Whilst an indication of the type of remediation has been postulated, this does not constitute a remediation strategy for the site, which requires site specific, detailed information (ensure any relevant information relating to root protection areas is provided), and including suitability of imported materials. officers anticipate the submission of a remediation strategy as per condition 8.

Condition 11 – Sparrow House and Bat Box

11. Prior to development commencing on the superstructure of the dwellings hereby approved, a plan detailing the positioning, location and specification of one house sparrow (Schwegler 1SP sparrow terrace, or similar) and one bat roost box (Schwegler 1FE bat box, or similar) installed on or integral to the south elevation shall be submitted to and approved in writing to the local authority. The boxes shall be installed and retained as detailed in the approved plans.

Reason: *In order to provide an enhancement to biodiversity in line with Policy LP30 and the requirements of section 15 of the National Planning Policy Framework.*

Assessment of Condition 11

A document titled 'Site Plan with Location of Bat and Bird Boxes' (dated August 2025, reference no. 221), has been submitted in support of the application to discharge condition 11. KC Ecology have reviewed the submitted information and have confirmed that the information is reasonable and acceptable in line with the condition 11. This condition will be discharged by the installation of the bat and bird boxes prior to occupation of the development, and its retention thereafter.

Condition 12 – Intrusive Investigations

12. 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 shallow coal mining activity; and
- (a) 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.

Condition 13 – Signed Statement or Declaration

13. 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 of Conditions 12 & 13

The applicant has submitted a Coal Mining Risk Assessment (dated 13th December 2023) and a Phase 2 Intrusive Site Investigation Report authored by Geo Investigate (dated May 2025, reference no. G25122) in support of the application to discharge conditions 12 and 13.

Item 2 includes the findings of a ground investigation conducted on the subject site as a result of recommendations made within the earlier CMRA. Two boreholes were drilled to a depth of 30.00m (identified as RH1 & RH2). The rotary boreholes encountered rockhead at depths between 1.20m and 1.30m comprising varying bands of mudstone, siltstone, sandstone and shale, which was proven to the base of each borehole. The findings are summarised as:

‘No broken/weak ground or voids were encountered during the drilling process but a thin band of coal 200-300mm thick was encountered in both boreholes at 13.40m (RH1) and 13.50m (RH2). Full flush return was maintained throughout the drilling process.’

The authors then confirm their interpretation that: *‘Although this coal seam was encountered in both RH1 and RH2 at 13.40m and 13.50m respectively, no voids or broken ground were encountered indicative of the seam being worked and so does not pose a threat to ground surface stability beneath the proposed development.’* Geoinvestigate from these findings then conclude that:

‘Therefore, no evidence of mining is present within 30m of the site surface and an ample 12m of unbroken rock cover has been confirmed. When referencing the ten-times thickness rule of thumb discussed above, there appears to be an ample competent rock cover to the seam thickness ratio.’

On the basis that the recommendations for investigations made within the Coal Mining Risk Assessment have been undertaken and the competent person/s have confirmed that no mitigation measures are required in respect to mining related ground instability, the Mining Remediation Authority’s Planning Team considers that the applicant has complied with the requirements of the relevant conditions and have no objection to the LPA discharging Conditions 12 and 13 of the approved consent.

Decision Notice Text

Condition 4 – Materials

The following information has been submitted:

- Discharge of Condition 4 (revision A, dated August 2025)
- Email (dated 19th September 2025)

It is considered that the proposed walling and roofing materials are acceptable for the purposes of condition 4. However, condition 4 can only be fully discharged when the proposal is constructed and maintained in accordance with the details approved.

Condition 5 – Boundary Treatments

The following information has been submitted:

- Site Plan with Boundary Materials’ (reference no. 215 rev. B, dated October 2025)

In conclusion, it is considered that the proposed boundary treatment details are acceptable for the purposes of condition 5. However, condition 5 can only be fully discharged when the boundary treatments are constructed and maintained in accordance with the details approved.

Condition 6 – Phase I Desk Study Report

The following information has been submitted:

- Phase 1 Desk Study Site Investigation Report authored by Geo Investigate (reference no. G25122, dated May 2025)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 6 and therefore the condition can be discharged. However, officers

remind the applicant that any unexpected contamination encountered during groundworks, must be reported to the LPA, as per the requirements of Condition 9.

Condition 7 – Phase II Intrusive Site Investigation Report

The following information has been submitted:

- Phase 2 Intrusive Site Investigation Report authored by Geo Investigate (dated May 2025, reference no. G25122)
- Additional Intrusive Site Investigation Report (dated November 2025, reference no. G25122b)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 7 and therefore the condition can be discharged. However, officers anticipate the submission of a remediation strategy as per condition 8.

Condition 11 – Sparrow House and Bat Box

The following information has been submitted:

- Site Plan with Location of Bat and Bird Boxes (dated August 2025, reference no. 221)

The bat and bird boxes to be installed are acceptable for the purposes of condition 11. This condition will be discharged by their installation prior to occupation of the development, and retention thereafter

Condition 12 – Intrusive Investigations

The following information has been submitted:

- Coal Mining Risk Assessment (dated 13th December 2023)
- Phase 2 Intrusive Site Investigation Report authored by Geo Investigate (dated May 2025, reference no. G25122)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 12 and therefore the condition can be discharged.

Condition 13 – Signed Statement or Declaration

The following information has been submitted:

- Coal Mining Risk Assessment (dated 13th December 2023)
- Phase 2 Intrusive Site Investigation Report authored by Geo Investigate (dated May 2025, reference no. G25122)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 13 and therefore the condition can be discharged.

