

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:	2025/44/93013/E
Site Address:	Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ
Description:	Discharge of details reserved by conditions 5, 7, 8, 9 on previous permission 2020/93432 (APP/Z4718/W/21/3274396) for outline application for erection of residential development
Recommending Officer:	Nicole Helliwell

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the partial 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: 27-Jan-2026

Officer Report

Reference No. 2025/44/93013/E

Site Address: Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ

Proposal: Discharge of details reserved by conditions 5, 7, 8, 9 on previous permission 2020/93432 (APP/Z4718/W/21/3274396) for outline application for erection of residential development

Assessment

Condition 5 – Intrusive Site Investigations

5. No development 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 details of the scheme and its findings have been submitted to and approved in writing by the local planning authority, 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.

Assessment of Condition 5

The applicant has submitted a document titled 'Coal Mining Investigation Report' (reference no. C3619/23/E/5493, dated 01/06/2023) in support of condition 5. The Mining Remediation Authority have reviewed the document and have confirmed that they would have no objection to the LPA discharging Condition 5 of approved consent.

Condition 7 – Ecological Design Strategy

7. No development shall commence until an ecological design strategy (EDS) addressing ecological mitigation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.*
- a. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.*
- b. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.*
- c. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.*
- d. Details of maintenance.*
- e. A timetable for the implementation of the EDS.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Assessment of Condition 7

The applicant has submitted a document titled 'Ecological Design Strategy' authored by Whitcher Wildlife Ltd. Ecological Consultants (reference no. 260147., dated 19th January 2026) in support of condition 7. The EDS has been reviewed by KC Ecology and officers have confirmed that it is acceptable in line with the requirements of the condition. Condition 7 has now been satisfied and can be discharged.

Condition 8 – Electric Vehicle Charging Points

8. Before the electrical system is installed into the dwellings hereby approved, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the local planning authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- *A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space*

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational in accordance with the approved details. Charging points installed shall be retained thereafter.

Assessment of Condition 8

The applicant has submitted a document titled 'Planning Drawing Conditions' (reference no. 07 Rev. B, dated 06/02/2024) in support of condition 8. The drawing shows the proposed installation of EV charger at the new dwelling. The information is acknowledged and accepted, however, approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Condition 9 – Contamination

9. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in

writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 7 days of the report being completed and approved in writing by the local planning authority.

Assessment of Condition 9

The applicant has submitted a document titled 'Phase I Environmental Desk Study Report' (reference no. C3619/23/E/5958, dated 22nd November 2023) in support of condition 9. The report confirmed that there were *"no visible signs of contamination present, and no obvious signs of invasive flora during the time of the walkover"*. The report identifies the historical use of the site from the year 1855 to present day (2023), throughout this time, *"the site appears to be an open field likely for agricultural use"*. The report summarises the available site data from the Site Plan, Historical Maps, Groundsure Reports and Photographs and produces a Preliminary Conceptual Site Model.

The report concludes that the: *"Phase 1 Desk Study shows that there are limited possible sources of contamination on the site. However, there are potential historical off-site sources and a pollution linkage is possible, albeit this is likely to represent low levels of harm. It is recommended that the near surface soils (i.e. topsoil) are subject to the following chemical contamination suite to confirm that the topsoil is suitable for residential end use:*

- *Metals – Cd, Cr, Cu, Hg, Ni, Pb, Zn, V.*
- *Semi Metals and Non Metals – As, Se, Free Cyanide.*
- *Hydrocarbons – Polycyclic aromatic hydrocarbons (PAH EPA16)*
- *Asbestos".*

Condition 9 requires that an assessment of the risks posed by any contamination, and that should any contamination (be) found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development. The submitted Phase I Desk Study is the start of this process, and the report has confirmed that there is a potential risk for off-site sources to have resulted in contamination of the site, albeit low.

KC Environmental Health accept the findings of the Phase I Desk Study report. The applicant is now required to undertake the next stage of the contaminated

land investigation process and commission a Phase II Intrusive Site Investigation, the findings of which will determine if further works are required to ensure that the site is deemed suitable for its proposed end-use. However, further information in relation to Condition 9 can be considered under the current application if received within 6 weeks from the date of this letter.

Decision Notice Text

Condition 5 – Intrusive Site Investigations

The following information has been submitted:

- Coal Mining Investigation Report' 9reference no. C3619/23/E/5493, dated 01/06/2023)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 5 and therefore the condition can be discharged.

Condition 7 – Ecological Design Strategy

The following information has been submitted:

- Ecological Design Strategy (reference no. 260147., dated 19th January 2026)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 7 and therefore the condition can be discharged.

Condition 8 – Electric Vehicle Charging Points

The following information has been submitted:

- Planning Drawing Conditions (reference no. 07 Rev. B, dated 06/02/2024)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 8 and therefore the condition can be discharged. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Condition 9 – Contamination

The following information has been submitted:

- Phase I Environmental Desk Study Report (reference no. C3619/23/E/5958, dated 22nd

KC Environmental Health accept the findings of the Phase I Desk Study report. The applicant is now required to undertake the next stage of the contaminated land investigation process and commission a Phase II Intrusive Site Investigation, the findings of which will determine if further works are required to ensure that the site is deemed suitable for its proposed end-use. However, further information in relation to Condition 9 can be considered under the current application if received within 6 weeks from the date of this letter.

