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:	**2026/44/90346/E**
Site Address:	former Conservative Club, Stocks Lane, Batley, WF17 8PA
Description:	Discharge of details reserved by conditions 3 (Phase 2 Report) and 4 (Signed Declaration) on previous permission 2024/93155 for change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to main entrance, erection of extension to form two retail units and plant room (within a Conservation Area)
Recommending Officer:	Sarah Longbottom

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 29-Apr-2026

Application Ref: 2026/90346

Discharge of details reserved by condition 3 (Phase 2 Report) and 4 (Signed Declaration) on previous permission 2024/93155 for change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to main entrance, erection of extension to form two retail units and plant room (within a Conservation Area).

The application seeks approval for the discharge of Condition 3 and 4 on the above permission.

Condition 3:

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 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 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**: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.*

Condition 4

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. 196 and 198 of the National Planning Policy Framework. To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.*

The application has submitted the following documents to support the application:

- Ground Gas Risk Assessment -Report No.4482, dated 26th January 2026, produced by Michael D Joyce Associates LLP
- Supplementary Phase 2 Ground Investigation Report (Report No.4482), dated December 2025, produced by Michael D Joyce Associates LLP

Since receipt of consultee comments, an updated full Ground Gas Risk Assessment (dated 17th February 2026) has been received. It was not considered necessary to re-consult the Mining Remediation Authority on this due to the nature of the consultation response received from them, which raised no concerns in relation to Ground Gas, and the fact that the conclusions set out within the Final Report remained the same as those set out within the interim report dated 26th January 2026.

Assessment

Condition 3 was imposed to ensure the safety and stability of the site in the context of past coal mining legacy at the request of the Coal Authority (Mining Remediation Authority), and require the undertaking of intrusive site investigations, the implementation of any necessary remedial measures and verification. The Mining Remediation Authority has been consulted on the current application.

The Mining Remediation Authority notes the submitted Supplementary Phase 2 Ground Investigation Report (dated December 2025) from MDJA Ltd, which has been submitted in support of the discharge of Condition 3. The content of the Report confirms the sinking of three rotary boreholes to confirm ground conditions and to identify any necessary remedial measures. The Report provides confirmation that only an unworked coal seam was encountered. On the basis of the above, the Mining Remediation Authority have confirmed that they have no objections to the discharge of Conditions 3 and 4**.**

The submitted information is acceptable for the purposes of Conditions 3 and 4, and these conditions will be discharged by the carrying out of the intrusive site investigations and remedial works in accordance with authoritative UK guidance.

Recommendation: Approve Discharge of Conditions 3 and 4

Decision Text

The application has submitted the following documents to support the application:

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The submitted information is acceptable for the purposes of Conditions 3 and 4, and these conditions will be discharged by the carrying out of the intrusive site investigations and remedial works in accordance with authoritative UK guidance.