

**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:	2026/44/91835/W
Site Address:	Land adj, 3, Vernon Close, Edgerton, Huddersfield, HD1 5QE
Description:	Discharge of details reserved by conditions 11 (parking), 13 and 14 (site investigation) on previous permission 2025/90829 for erection of detached dwelling with detached garage
Recommending Officer:	John Holmes

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 07-Sep-2026

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2025/90829 and permission granted for the erection of a detached dwelling with detached garage

The applicant is now seeking to discharge Conditions 11 (parking), 13 and 14 (site investigation)

ASSESSMENT

Condition 11

This condition reads as follows:

*Development shall not commence unless and until provision has been made within the site for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles and workforce associated with all construction works which shall be retained for the duration of construction works being undertaken.
Reason: In the interests of access and highway safety and residential amenity to accord with policies LP21 and LP22 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.*

The following has been submitted:

- Document and images detailing construction access and construction parking / storage areas.

Details have been submitted which demonstrate provision has been made within the site for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles and workforce associated with all construction works. Access from the highway has been made, with an area within the site cleared. As such it is considered that on the basis of undertaking the construction phase of the development in accordance with the submitted detail condition no.11 would be complied with.

Conditions 13 and 14

These conditions read as follows:

13. Development shall not 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 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 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 is a pre-commencement condition for the undertaking of remedial measures, prior to the commencement of development, which is considered to be necessary to ensure the safety and stability of the development, in accordance with Paragraphs 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.*

14. 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 safety and stability of the development, in accordance with Paragraphs 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.*

The following has been submitted:

- Document titled CMRA Follow-on Rotary Drilling Report (ref: G25226 Rev B) dated 8th September 2025
- Document titled 'Structural Calculations Garage'
- Document titled 'Structural Calculations'
- Letter dated 26th February 2026 (ref: C5336/26/E/9103) relating to foundations.

The Coal Authority has been consulted, regarding the submitted detail, stating the following:

We note that the application is accompanied by a CMRA Follow-On Rotary Drilling Report (8 September 2025, prepared by Geoinvestigate Ltd). This report identifies that there have been several recorded instances of ground movement attributed to shallow coal workings in the surrounding area which were subject to claims made to the Mining Remediation Authority's predecessor organisations. Given the potential for unrecorded shallow coal mine workings, the report indicates that three boreholes were drilled to maximum depths of 30.0m bgl to probe for any such workings in the vicinity of the proposed dwelling and garage. These works were carried out under Mining Remediation Permit ref. 30231.

The report indicates that the boreholes confirmed the presence of unrecorded mine workings in the Soft Bed Coal horizon at shallow depth beneath the site. It comments that 'Based on the 10T rule of thumb (where T is coal seam thickness or extraction thickness in this instance $T = 0.8$ to 1.2m) there is adequate thickness of 15m of rock

cover above the underground workings at 16.5m depth beneath the new building to safeguard the surface against crown hole collapse and subsidence, above typical room and pillar type mining method assuming this was the mining method used at this locality.'

Nevertheless, in cognisance of the previous subsidence claim history in the locality, the report suggests that 'the appropriate mitigation is pressurised injection grouting to stabilise the Soft Bed Coal/mining horizon between depths of 16.5 to 19m to ensure the future stability of the ground beneath the footprint of the new house as well as the garage to the rear.' It advises that 'As a further measure consideration should be given to supporting both new buildings on reinforced strip footings.'

The report goes on to comment that 'Whether in light of the seemingly minor surface mining related damage that has historically occurred in the area and the clients alternative proposal to adopt raft foundations rather than grouting for both house and garage would be acceptable requires further consultation and reaching agreement with the Coal Authority on this alternative outcome.'

We note that the application is also accompanied by a subsequent letter report from Rob Palmer, Engineering Director at RGS, dated 26 February 2026. Following a review of the content and recommendations of the earlier Geoinvestigate Ltd report, Mr Palmer advises that 'grouting is a not necessarily a preferential option on this occasion' and comments 'In RGS' view, a raft foundation would be suitable in this instance. A sufficient cover of rock (competent overburden) is recorded to be present; coal workings will be at varied depth in the area, but are at a sufficient distance beneath the site in question; the working beneath the site also appear to have collapsed, thus further movement is unlikely; previous movement in the immediate area may be attributable to root damage, rather than the collapse of coal workings.'

Based on the information submitted and the professional opinions contained therein, in this instance the Coal Authority's Planning & Development Team would have no objection to the construction of the approved scheme of development with suitably designed reinforced raft foundations as a means of mitigating coal mining legacy related ground movement, in lieu of the drilling and grouting of the identified workings. However, no information has been provided to confirm that the recommended mitigation measures have been fully implemented. As such, we are currently unable to recommend that the LPA should discharge Conditions 13 and 14 of the issued consent.

Having regard to the submitted detail and response of the Coal Authority it is considered that on the basis all remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, so identified in the submitted scheme have been implemented on

site in full, condition 13 is satisfied and discharged. Condition 14 is required to remain until such time that 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 has been submitted.

DECISION LETTER TEXT

Condition 11

The following has been submitted:

- Document and images detailing construction access and construction parking / storage areas.

Details have been submitted which demonstrate provision has been made within the site for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles and workforce associated with all construction works. Access from the highway has been made, with an area within the site cleared. As such it is considered that on the basis of undertaking the construction phase of the development in accordance with the submitted detail condition no.11 would be complied with.

Conditions 13 and 14

The following has been submitted:

- Document titled CMRA Follow-on Rotary Drilling Report (ref: G25226 Rev B) dated 8th September 2025
- Document titled 'Structural Calculations Garage'
- Document titled 'Structural Calculations'
- Letter dated 26th February 2026 (ref: C5336/26/E/9103) relating to foundations.

On the basis all remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, so identified in the submitted scheme have been implemented on site in full, condition 13 shall be considered satisfied and discharged. Condition 14 is required to remain until such time that 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 has been submitted.

