

**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: 2019/44/90891/E

Site Address: land adj, 163, North Road, Ravensthorpe, Dewsbury,
WF13 3AQ

Description: Discharge conditions 5 (Phase II), 6 (Remediation
Strategy) and 12 (materials) on previous permission
2018/92059 for erection of two semi-detached
dwellings with associated garden space and
hardstanding

Recommending Officer: Josh Kwok

DECISION – APPROVE DISCHARGE OF CONDITIONS 5, 6 AND 12

**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.**

Rebecca Drake

AUTHORISED OFFICER

Date: 18-Jul-2019

2019/90891 - Officer Report

This application relates to planning permission for the erection of two semi-detached dwellings with associated garden space and hardstanding; adjacent, 163 North Road, Ravensthorpe, Dewsbury – 2018/92059. This application seeks to discharge conditions 5 (Phase II), 6 (Remediation Strategy) and 12 (Materials).

Condition 5 – Phase II

5. Development shall not commence until the undertaking of the scheme of intrusive site investigations Intrusive Site Investigation Report (Phase II Report) and as outlined in Table 7.1.1 of the Coal Mining Risk Assessment prepared by Demeter Environmental Ltd ref: 18-05-18 Revision 0 (dated May 2018), to properly assess the ground conditions on the site and establish the risks posed to the development by past land contamination issues in addition to coal mining activity have been completed.

Reason: To ensure that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, and to establish the exact situation with respect to the Coal Mining Legacy in accordance the aims of Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage.

The application site was identified as being at risk from both recorded and unrecorded shallow coal mine workings in the Coal Mining Risk Assessment of the original application. Condition 5 was recommended in order to properly assess the ground condition of the site and to establish the risk posed to the development.

The applicant has submitted a Phase II Report and a Remediation Strategy, which have been assessed by the Coal Authority and the Council's Environmental Health Service. They confirmed in their consultation responses that the submitted details are adequate for the purpose of condition 5. As such, this condition is recommended to be discharged.

Condition 6 – Remediation Strategy

6. Where site remediation is recommended in the Intrusive Site Investigation Report approved pursuant to Condition 5 development shall not commence until a Remediation Strategy 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, and to establish the exact situation with respect to the Coal Mining Legacy accordance the aims of Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

The application site was identified as being at risk from both recorded and unrecorded shallow coal mine workings in the Coal Mining Risk Assessment of the original application. Condition 6 was recommended in order to mitigate the risk as identified in the Phase II Report.

The environmental health officer confirmed in the consultation response that the Phase II Report and the Remediation Strategy are both satisfactory for the contaminated land requirements of condition 6. Similarly, the Coal Authority considered that all the coal mining legacy issues as identified in the Phase II Report can be adequately addressed by the proposed Remediation Strategy. On this basis, the Coal Authority have no objections to the discharge of condition 6.

In accordance with the consultees' advice, it is recommended that condition 6 is discharged.

Condition 12 – Materials

12. The development shall be completed using natural stone facing material and tiles for the roof. Samples of the natural stone and tile shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the superstructure of the dwellings hereby approved.

Reason: To ensure the satisfactory appearance of the development on completion and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

At the application stage the dwellings were proposed to be constructed in natural stone and slate tiles. The applicant has provided a table to set out the specification of the construction materials. There are also two photographs to show the sample of the facing and roofing materials respectively.

The table indicates that the proposed development would be constructed in Rand and Asquith 140mm random length Yorkstone and Quinn Western slate, flat, smooth surfaced interlocking tile 420mm x 334mm. The photographs show the colour and texture of the natural stone and slate tiles the applicant

intends to use for construction. These materials would give the proposed dwelling a similar appearance as the existing dwellings in this area.

Officers consider the submitted samples to be adequate for purpose of condition 12. Therefore, condition 12 is recommended to be discharged.

Decision Text

Condition 5 – Phase II

You have submitted a Phase II Report and a Remediation Strategy, which has been assessed by the Coal Authority and the Environmental Health Service. It is considered that the submitted information is sufficient for the purpose of condition 5. Therefore, this condition can be discharged.

Condition 6 – Remediation Strategy

You have submitted a Phase II Report and a Remediation Strategy, which has been assessed by the Coal Authority and the Environmental Health Service. It is considered that the submitted information is adequate for the purpose of condition 6. Therefore, this condition can be discharged.

Condition 12 – Materials

You have submitted a table and two photographs to show the facing and roof materials of the proposed development. These are Rand and Asquith 140mm random length Yorkstone and Quinn Western slate, flat, smooth surfaced interlocking tile 420mm x 334mm. Officers consider the submitted samples acceptable for the purpose of condition 12. Subject to the dwelling being constructed in the approved materials, this condition can be considered discharged.

Report Dated: 17-Jul-2019