

**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: 2020/44/90727/E

Site Address: Flush Mills, Westgate, Heckmondwike, WF16 0EN

Description: Discharge of condition 14 (site investigation) of previous permission 2018/92005 for demolition of existing industrial units and erection of new industrial units and formation of car parking

Recommending Officer: Glenn Wakefield

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application to discharge condition 14 for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 16-Apr-2020

Officer Report

Reference: 2020/90727

Applicant: Cleckheaton Construction Ltd.

Proposal: Discharge of condition 14 (site investigation) of previous permission 2018/92005 for demolition of existing industrial units and erection of new industrial units and formation of car parking

Condition 14

14. No development shall commence until site investigations have been carried out with regard to the previous coal mining legacy associated with this site. Such investigations shall include:

- intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;*
- the submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary (which may include shaft stabilisation/treatment and capping specifications, together with specific foundations designs to be incorporated); and*
- the submission of a layout plan which identifies the location of any mine entries and their resultant zones of influence and how these relate to the development proposed;*

Any remedial works and/or mitigation measures shall be implemented in full prior to the development of the site.

Assessment

The applicant has provided information to address the requirements of the above condition and, following consultation, the Coal Authority has confirmed that the ground investigation and all remedial works for the mine shafts have been approved as part of the permitting process.

The Coal Authority has therefore indicated that if the LPA is satisfied that the wording of the condition has been duly complied with, and are in receipt of the supporting site investigation report, they would have no objection to the LPA discharging Condition 14 of issued consent 2018/92005 subject to all approved remedial works being completed prior to the erection of the new industrial units.

A site investigation report has now been provided and it is therefore considered that the requirements of condition 14 have been satisfactorily addressed.

Proposed decision letter text

It is considered that the information provided in the following plans and documents satisfactorily addresses the requirements of condition 14 of the above mentioned planning permission:

- Guidance for Filling of Shafts (Extract from Construction over mines)
- Drawing No. 0016 Revision B: Co-ordinates Plan
- Drawing No. 7577_200: Mine Shaft Cover Slab Details
- 2x photographs of mine shaft(s)
- Phase 2 Geo-environmental Report ref: E19/7577/R001

It is therefore considered that the development of the site in accordance with the above plans and documents is in accordance with the Kirklees Local Plan and the National Planning Policy Framework and I hereby confirm that the details submitted pursuant to condition 14 of planning permission 2018/92005 are approved.

Conditions 14 will be fully discharged upon completion of the development in accordance with the approved details.

Report Dated: 16 April 2020