

**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: 2021/44/90289/E

Site Address: adj, 29, Cornmill Lane, Liversedge, WF15 7DZ

Description: Discharge conditions 4 and 5 on previous permission
2020/91533 for erection of detached dwelling

Recommending Officer: Olivia Roberts

DECISION – DISCHARGE OF CONDITIONS 4 & 5 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.**

Paul Dowd

AUTHORISED OFFICER

Date: 24-Mar-2021

Officer Report

The application seeks to discharge conditions 4 and 5 on previous permission 2020/91533 for the erection of detached dwelling.

The wording of the conditions and an assessment is as follows:

Condition 4: Intrusive Site Investigation

4. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: This is a 'pre-commencement' condition where such details are fundamental to ensure that the impact of past coal mining legacy on the site has been fully investigated and the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Condition 5: Remediation/Mitigation Scheme

5. Where the findings of the intrusive site investigations (required by condition 4 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation/mitigation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial/mitigatory works shall either be implemented on site or be integral to the development in complete accordance with the approved details.

Reason: This is a 'pre-commencement' condition where such details are fundamental to ensure that the impact of past coal mining legacy on the site has been fully investigated and the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

A Rotary Drilling Report prepared by Michael D Joyce Associates LLP, dated October 2020 (reference 4062), has been submitted with the application.

Assessment

The Coal Authority has been consulted as part of the consideration of the application and it considers the report to provide confirmation that the only

coal seam encountered was intact with sufficient competent above to ensure ground stability. Even if it had been previously worked, the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has now been adequately investigated and, consequently, it has raised no objections to the proposal. Accordingly, Condition 4 can be considered discharged. Condition 5 requires any remedial/mitigatory works identified to be integral to the development in complete accordance with the approved details. Subject to this, the condition can be considered discharged, also.

Recommendation: **Approve discharge of conditions 4 and 5**

Decision Notice Text

Condition 4: Intrusive Site Investigation

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Condition 5: Remediation/Mitigation Scheme

5. Where the findings of the intrusive site investigations (required by condition 4 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation/mitigation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial/mitigatory works shall either be implemented on site or be integral to the development in complete accordance with the approved details.

Reason: This is a 'pre-commencement' condition where such details are fundamental to ensure that the impact of past coal mining legacy on the site has been fully investigated and the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

You have submitted A Rotary Drilling Report prepared by Michael D Joyce Associates LLP, dated October 2020 (reference 4062). The Rotary Drilling Report is considered acceptable for the purposes of conditions 4 and 5. Condition 5 requires any remedial/mitigatory works identified to be integral to the development in complete accordance with the approved details. Accordingly, both conditions 4 and 5 are hereby discharged.

Report Dated:

22/03/2021
