

**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:** 2021/44/90742/E

**Site Address:** Pog Hall Farm, Penistone Road, High Flatts,  
Huddersfield, HD8 8XU

**Description:** Discharge condition 6 on previous permission  
2019/92422 for erection of agricultural building and  
demolition of existing building

**Recommending Officer:** Katie Wilson

**DECISION – APPROVE DISCHARGE OF CONDITION 6**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 27-May-2021**

## OFFICER REPORT – 2021/90742

This application relates to planning permission 2019/92422 for the erection of an agricultural building and demolition of existing building in the corner of a field at Pog Hall Farm.

The application seeks to discharge conditions 6 (Intrusive site investigations), as follows:

### Condition 6

6. No development shall commence until;

a) a scheme of intrusive site 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 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:** The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

### Assessment

The reason for this condition is that the site is in an area defined as high risk of coal mining legacy. A coal mining risk assessment was submitted which recommended that intrusive ground investigation works are necessary. The Coal Authority were consulted and recommended the above condition.

The current application has been submitted with a site investigation report prepared by Haigh Huddleston & Associates dated 12<sup>th</sup> February 2021.

The Coal Authority were re-consulted and noted that in the professional opinion of the authors of the report, the borehole investigations proved that the coal encountered at shallow depth beneath the proposed property had not been worked. In addition to this, there was over ten times the seam thickness of competent rock strata above the coal seams, concluding that the site is not under the influence of coal workings at a shallow depth.

On the basis of the information submitted, the Coal Authority Planning and Development Team would have no objection to the discharge of condition 6.

As such, condition 6 is discharged.

### **Decision Text**

#### Condition 6 (Intrusive Site Investigations):

You have submitted a letter by Haigh Huddleston & Associates dated 12<sup>th</sup> February 2021. This has been assessed by The Coal Authority and the Local Planning Authority and is acceptable to discharge condition 6.

Condition 6 is therefore discharged.

27.05.2021