

**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:	2021/44/92427/W
Site Address:	48, Stile Common Road, Primrose Hill, Huddersfield, HD4 6DE
Description:	Discharge conditions 9 and 10 on previous permission 2020/91228 for demolition of existing dwelling and erection of residential development to form student accommodation with associated access and parking
Recommending Officer:	Laura Yeadon

DECISION – Details for conditions 9 and 10 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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 08-Feb-2022

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92427>

This application relates to Planning Permission 2020/91228 for the demolition of existing dwelling and erection of residential development to form student accommodation with associated access and parking. The application relates to conditions 9 and 10.

Condition 9

9. 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 precommencement condition to address the legacy of coal mining activity at the site and remove unacceptable risks to human health and the environment to accord with Policy LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Assessment of Condition 9

The discharge of condition application is accompanied by a Coal Investigation Report, dated 10th June 2021 prepared by Rogers Geotechnical Services Ltd. As the condition relates to coal mining, the Coal Authority were formally consulted regarding the above report. The Coal Authority have confirmed that the written consent was obtained proper to the commencement of the works and carried out in accordance with the terms and conditions of Permit ref: 21138.

The Coal Authority has advised that as a result of the gas monitoring works, Section 8 of the Report informs that the drilling phase suggests that there is a low risk of gases associated within the mine workings however further monitoring will be undertaken. It was advised that the LPA should liaise with the Council's Environmental Health Team. As such, The Coal Authority has no objection to discharging condition 9.

The Council's Environmental Health Team were consulted as advised and initial concerns were raised that readings in terms of gas monitoring were from only one borehole were deemed unsatisfactory given the sensitivity of the site and the proven coal mining legacy on site. It was therefore requested that Character Situation Level 3 (CS3) gas protection measures at the site to secure safe occupation of the site. A letter by Rogers Geotechnical Services Ltd titled 'Gas Protection Measures – Application no. 2021/92427 Stile Common Road' dated 13th January 2022 (ref: C337/19/E/R) has been submitted.

Environmental Health Officers consider that the proposals for CS3 gas protection measures are acceptable. These measures must be installed in

accordance with details provided on pages 6 and 7 of the Ground Gas Letter titled 'Ref: 48 Stile Common Road, Newsome HD4 6DE' by Rogers Geotechnical Services Ltd dated 18th November 2021 ref: C337/E/3443) and retained thereafter. Subject to this the condition can be considered 'satisfied'.

Condition 10

10. Where the findings of the intrusive site investigations (required by Condition 9) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation 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 works shall be implemented on site in complete accordance with the approved details.

Reason: To address the legacy of coal mining activity at the site and remove unacceptable risks to human health and the environment to accord with Policy LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Assessment of Condition 10

A remediation strategy was provided within the Coal Investigation Report, dated 10th June 2021 prepared by Rogers Geotechnical Services Ltd under Section 9.1 which considered that the most cost effective and practical measures would be to excavate the workings/remnant coal and re-instate with suitably compacted material. Consultation with the Coal Authority has concluded that this approach is acceptable to create a stable development platform and is a suitable solution, thus complying with the reason for the condition and Policy LP53.

Subject to the remedial works being implemented on site in complete accordance with the approved details, the condition shall be satisfied.

Please note that permission will be required from the Coal Authority Permit and Licensing Team to remove the coal and obtain an Incidental Coal Agreement.

Decision Text

You have submitted the following:

- Coal Investigation Report dated 10th June 2021 prepared by RGS Environmental Geotechnical Specialists ref: C337/20/E/1956
- Ground Gas Letter addendum dated 18th November 2021 prepared by RGS Environmental Geotechnical Specialists ref: C337/19/E/GM
- Gas Risk Assessment dated 18th November 2021 prepared by RGS Environmental Geotechnical Specialists ref: C337/21/E/3443
- Detailed GA Plans prepared by Farrah Bamforth Associates Ltd ref: 19D52-FBA-ZZ-XX-DR-A-2001-P03

- Detailed Elevations and Sections prepared by Farrah Bamforth Associates Ltd ref: 19D52-FBA-ZZ-XX-DR-A-2002-P03
- Gas Protection Measures Letter dated 13th January 2022 prepared by RGS Environmental Geotechnical Specialists ref: C337/19/E/R
- Specification document prepared by Farrah Bamforth Associates Ltd ref: 19/D52

Condition 9 (intrusive site investigations)

The Coal Authority have confirmed that their written consent was obtained proper to the commencement of the works and carried out in accordance with the terms and conditions of Permit ref: 21138. In addition, further information and consultation has taken place regarding gas monitoring.

Most recently a letter by Rogers Geotechnical Services Ltd titled 'Gas Protection Measures – Application no. 2021/92427 Stile Common Road' dated 13th January 2022 (ref: C337/19/E/R) has been submitted. Consultation with Environmental Health has concluded that the proposals for CS3 gas protection measures, as set out in this document, are acceptable.

The gas protection measures set out in the aforementioned letter must be installed in accordance with details provided on pages 6 and 7 of the Ground Gas Letter titled 'Ref: 48 Stile Common Road, Newsome HD4 6DE' by Rogers Geotechnical Services Ltd dated 18th November 2021 ref: C337/E/3443). Provided that the measures are retained thereafter the condition shall be satisfied.

Condition 10 (remediation scheme)

A remediation strategy was provided within the Coal Investigation Report, dated 10th June 2021 prepared by Rogers Geotechnical Services Ltd under Section 9.1.

Subject to the remedial works being implemented on site in complete accordance with the approved details, the condition shall be satisfied.

Please note that permission will be required from the Coal Authority 'Permit and Licensing' Team to remove the coal and obtain an Incidental Coal Agreement.

Report dated 8th February 2022

