

**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:	2021/44/94456/E
Site Address:	adj, 118, Drub Lane, Drub, Cleckheaton, BD19 4BU
Description:	Discharge condition 5 on previous permission 2019/92726 for erection of detached dwelling
Recommending Officer:	Elenya Jackson

DECISION – Discharge of Condition - Approve

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 01-Jun-2022

Officer report – Discharge of conditions application

The application has been submitted to discharge condition 5 (previous coal mining activity) on planning permission 2019/92726 for the erection of a detached dwelling.

Condition 5: Previous Coal Mining Activity

Prior to the commencement of development, a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, the submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority; the development shall thereafter be completed in accordance with those approved remedial works.

Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

Assessment

Several documents were submitted on 29/11/2021 by the applicant to support this application. The documents include:

- Ground Investigation Technical Report by G Fallon dated 29th November 2021 (no reference)
- Pressure Grouting Specification by Eastwood & Partners dated 29th March 2021 (ref: 45951-001)
- Report on Drilling and Grouting by Eastwood & Partners dated 8th September 2021 (ref: KE/GCB/45951-002)
- Ground Gas Testing Letter by Haigh Huddleston & Associates, dated 24th November 2021 (ref: E21/7852/JF/001)
- A letter titled 'Re: Development Adjacent 118 Drub Lane, Cleckheaton' by Haigh Huddleston & Associates, dated 7th February 2022 (ref: E21/7852/JF/001/REV-A)
- A coal authority site investigation permit certificate 20354
- Coal Authority Grouting permit certificate 22168
- Gas monitoring Borehole Plan

The Coal Authority were consulted on the current discharge of conditions application and made reference to comments made on application 2020/44/93691/E where a ground investigation technical report (16th November 2020) was submitted for consideration.

Previous reports indicated previous mining activity which would pose a risk to the stability of any future development. It went on to recommend that the workings should be consolidated and stabilised by means of drilling and grouting across the footprint of the dwelling. Recommendations were also made for the construction of the dwelling with reinforced foundations.

The current application has been supported by a 'Drilling and Grouting' report from 8th September 2021 which has been prepared by Eastwood and Partners. This outlines that the recommended stabilisation works have been completed under Coal Authority Report 22168. The report confirms, "The workings in the Middleton Main coal seams beneath the proposed development are considered to have been sufficiently remediated. No further seams of coal are within influencing distance of the proposed development." The report does, however, reiterate the expectation that the dwelling will be constructed with reinforced foundations.

Additionally, the submitted documents submitted have been reviewed by the Council's Environmental Health Officers. The reports include geotechnical information, which is outside the remit of Environmental Health and therefore, the response provided only relates to the land contamination aspects of the report.

The initial comments were that the Ground Investigation Report (no reference) details that Site investigation works were undertaken by GSS UK on the 15th of September 2020. Five rotary boreholes (R1 to R5) were advanced to depths ranging from 12.10 metres to 13.00 metres below ground level. Initially, borehole R1 was to be drilled down to a depth of 30 metres and boreholes R2, R3, R4 & R5 were to be drilled to a depth of 15.00 metres. However, loss of flush was identified, and the boreholes could not be advanced further than 13 metres below ground level. Gas monitoring was undertaken during the drilling and no methane or carbon dioxide was detected. Oxygen levels were 20.8% v/v.

The investigation identified abandoned mine workings in the Middleton Main Coal seam and concluded that remedial works would be necessary for geotechnical reasons. The two Eastwood & Partners reports (ref: KE/GCB/45951-002 and KE/GCB/45951-002) identified that drilling and grouting of mine workings in the Middleton Main seam were required prior to development and confirm that these were undertaken on 12 and 30 July 2021 and have therefore been remediated.

The Ground Gas Testing Letter (ref: E21/7852/JF/001) details that ground gas monitoring was undertaken to confirm if ground gas migration would be possible from the identified shallow mine workings. Notably, the monitoring took place following the drilling and grouting works described by Eastwood & Partners (ref: KE/GCB/45951-002 and KE/GCB/45951-002). Three standpipes were installed and monitored over 6 visits, between 11th August 2021 and 5th November 2021. Barometric pressure during the monitoring ranged from 985 mB to 1015 mB. and five of the reading were undertaken at falling pressure. The maximum carbon dioxide values reported were 2.3% v/v and the minimum oxygen levels

were 7.5 % v/v. No methane was detected, and the flow rate was negligible (<0.1 l/h)

From this, it has been concluded that the gas screening value is 0.0023 l/h and is therefore indicative of a Characteristic Situation 1 site. That is, no ground gas protection measures are necessary for the development

During the course of the application, additional details were requested by Environmental Health due to insufficient information being provided regarding reported Oxygen levels. This prompted the submission of 'Re: Development Adjacent 118 Drub Lane, Cleckheaton' by Haigh Huddleston & Associates, dated 7th February 2022 (ref: E21/7852/JF/001/REV-A). This provided commentary that acknowledges the depleted oxygen levels in full and satisfied previous concerns raised.

Having read the reports, Officers agree with the conclusions of the details submitted and on the basis of consultee responses, recommend that the details required for condition 5 have been satisfied and must be complied with for the duration of the development.

Conclusion

Recommendation: Approve

Officer report – Discharge of conditions application

The application has been received to discharge condition 5 (previous coal mining activity) on planning permission 2019/92726 for the erection of detached dwelling.

Condition 5, Previous Coal Mining Activity, reads as follows:

Prior to the commencement of development, a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, the submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority; the development shall thereafter be completed in accordance with those approved remedial works.

Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

Assessment

Several documents were submitted on 29/11/2021 by the applicant to support this application. The documents include:

- Ground Investigation Technical Report by G Fallon dated 29th November 2021 (no reference)
- Pressure Grouting Specification by Eastwood & Partners dated 29th March 2021 (ref: 45951-001)
- Report on Drilling and Grouting by Eastwood & Partners dated 8th September 2021 (ref: KE/GCB/45951-002)
- Ground Gas Testing Letter by Haigh Huddleston & Associates, dated 24th November 2021 (ref: E21/7852/JF/001)
- A letter titled 'Re: Development Adjacent 118 Drub Lane, Cleckheaton' by Haigh Huddleston & Associates, dated 7th February 2022 (ref: E21/7852/JF/001/REV-A)
- A coal authority site investigation permit certificate 20354
- Coal Authority Grouting permit certificate 22168
- Gas monitoring Borehole Plan

In order to discharge the above condition, The Coal Authority and Environmental Health were consulted on the submitted documents.

The reports include geotechnical information, which is outside the remit of Environmental Health and therefore, their response only relates to the land contamination aspects of the report.

Having assessed the reports, and on the basis of consultee responses, Officers agree with the conclusions of the details submitted and recommend that the details required for condition 5 have been satisfied and must be complied with for the duration of the development.

Dated 31st May 2022.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Ground Investigation Technical Report			29/11/21
Report by Eastwood and Partners Consulting Engineers entitled 'Pressure Grouting Specification' dated 29/03/21	45951-001		29/11/21
Report on Drilling and Grouting by Eastwood and Partners dated 8 th September 2021	KE/GCB/45951-002		29/11/21
Letter from Haigh Huddleston and Associates Structural Engineering Consultants dated 7 th February 2022	E21/7852/JF/001/REV-A		09/02/22

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Subsequent discussions led to the submission of revised gas monitoring information.

Report Dated: