

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:	2022/44/92621/E
Site Address:	23, Fall Lane, Hartshead, Liversedge, WF15 8AP
Description:	Discharge conditions 3 (materials), 5 (Phase 1 Desk Study Report), 6, 7 (Phase II Intrusive Site Investigation Report) 11 (noise), 12 (boundary treatments) on previous permission 2022/90223 for variation condition 2 (plans and specifications) on previous permission 2021/92116 for erection of detached dwelling and single and two storey rear extension to existing dwelling
Recommending Officer:	Callum Harrison

DECISION – APPROVE DISCHARGE OF CONDITIONS

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: 29-Mar-2023

Application: 2022/92621 - 23 Fall Lane, Hartshead, Liversedge, WF15 8AP

Proposal: Discharge conditions 3 (materials), 5 (Phase 1 Desk Study Report), 6 (Phase II Intrusive Site Investigation Report), 7 (Remediation Strategy), 11 (noise), 12 (boundary treatments) on previous permission 2022/90223 for variation condition 2 (plans and specifications) on previous permission 2021/92116 for erection of detached dwelling and single and two storey rear extension to existing dwelling

Condition 3 – Materials

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwelling hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide SPD.

To discharge this condition the agent has submitted:

- Brick Samples (no ref), received on 24/08/2022 and 26/08/2022
- Photos of roof tiles (no ref) received on 04/08/2022
- Photos of white render (no ref) received on 04/08/2022

In regard to the proposed brick, the agent has submitted samples of two different bricks, one is labelled as 'Anglesey Weathered' and the other has no reference but is a red brick with weathering. Both samples submitted would be considered acceptable in this case. Both samples respect the character of the area and are in keeping. The proposed roof tile, despite no description, appears to be slate or artificial slate. Its appearance is satisfactory would sit well within the modern design proposed. Finally, the use of white render also sits well within the street scene. Overall, all the materials would sit well together to create a high quality, modern finish. As such, condition 3 can be considered discharged for the sake of the recommencement condition, however the development must now be completed using the approved materials as per condition 3.

Condition 5 - Phase 1 Desk Study Report

5. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority. Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

To discharge this condition the agent has submitted:

- Phase One Desk Study, by Rogers Geotechnical Services Ltd, dated April 022 (ref: C1800/21/E/3923)

KC Environmental Health and The Coal Authority have been consulted on this application. KC Environmental Health agree with the report and it's conclusion. As the report the identified potential sources of ground gas/mine gases on and near to the site and the sensitive end-use, Officers informed the application that a period of ground gas monitoring was required as per condition 6. Nevertheless, the Phase One Desk Study, by Rogers Geotechnical Services Ltd, dated April 2022 (ref: C1800/21/E/3923) satisfies the requirements of the condition. Therefore, condition 5 is discharged.

Condition 6 - Phase II Intrusive Site Investigation Report

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and in writing by the Local Planning Authority. Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

To discharge this condition the agent has submitted:

- An Intrusive Coal Mining and Ground Gas Risk Assessment by RB Geotechnical, dated December 2022 (ref: RBG292).
- A document titled 'Land at 23 Fall Lane Ground Gas Monitoring Assessment'.

KC Environmental Health and The Coal Authority have been consulted on this application. The reports detailed studies of the site. No coal seams were encountered in any of the boreholes and no evidence of workings were identified (e.g. voids/loss of flush etc). In Section 7 a conceptual site model is presented, and the report considers a low risk for all identified potential pollutant linkages. The report adds, 'upon carrying out a ground gas monitoring assessment, no elevated levels of ground gases were measured and therefore no further measures will be necessary related to ground gases'. As such, the Case Officer, KC Environmental Health and The Coal Authority all agree that the Intrusive Coal Mining and Ground Gas Risk Assessment by RB Geotechnical, dated December 2022 (ref: RBG292) submitted is considered acceptable for the purpose of discharging Condition 6.

Condition 7 - Remediation Strategy

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall

include a timetable for the implementation and completion of the approved remediation measures. Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

No documents have been submitted with regard to this condition. At this stage, no remediation strategy is required for this site given the findings of the reports submitted in relation to condition 7. As per Condition 8, in the event that contamination not previously considered in the approved reports is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Condition 7 is discharged.

Condition 11 - Noise

11. Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development eg the adjacent children's playground and recitation ground shall be submitted to and approved in writing by the Local Planning Authority. The report shall: a) Determine the existing noise climate b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained Reason: So as not to detract from the amenities of future occupiers by reason noise disturbance and to accord with Policy LP24 of the Kirklees Local Plan and key principles of the Housebuilders Design Guide SPD.

To discharge this condition the agent has submitted:

- Noise Assessment Report authored by Clover Acoustics dated 08 June 2022 Ref 4712-R1.

KC Environmental Health were consulted in regard to this condition. The report correctly states that the use of BS 4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound is inappropriate for this assessment as it states the standard is not intended to be applied to the rating and assessment of sound from a) recreational activities and f) people. As such, BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings is deemed more appropriate and this is accepted and in order to meet with the internal requirements of BS8233, glazing is specified along with ventilation with a caveat that any ventilation system must ensure internal levels do not exceed those within the standard. The Background survey

measurements also indicate the amenities of future occupiers would not be harmed by reason noise disturbance. As such, condition 11 can be considered discharged for the purpose of the pre-commencement condition, however, the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Condition 12 – Boundary Treatments

12. Notwithstanding the submitted plans and information, full details of all boundary treatments and retaining walls, including their height and material, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained. Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide SPD.

To discharge this condition the agent has submitted:

- Plan ref 2691 (100)08 titled 'Boundary Treatment'.

The proposed development will retain the existing walling and fence that fronts on to the highways. All new fences and boundary treatments are within the site and not set fronting on to the highway. All of the boundary treatments proposed are 1.8m or less. The final development would see a combination of existing and proposed fencing, hedgerow, timber gates and rendered retaining wall to bound the site. The proposed boundary treatments would accord with policy set out in the condition in respect to visual amenity and create a high quality finish when complete. As such, condition 12 can be considered discharged for the purpose of the pre-commencement condition, however, the development must now be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Decision Text:

Condition 3 – Materials

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appears to be slate or artificial slate. Its appearance is satisfactory would sit well within the modern design proposed. Finally, the use of white render also sits well within the street scene. Overall, all the materials would sit well together to create a high quality, modern finish. As such, condition 3 can be considered discharged for the sake of the recommencement condition, however the development must now be completed using the approved materials as per condition 3.

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Condition 6 - Phase II Intrusive Site Investigation Report

To discharge this condition the agent has submitted:

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Condition 7 - Remediation Strategy

No documents have been submitted with regard to this condition. At this stage, no remediation strategy is required for this site given the findings of the reports submitted in relation to condition 7. As per Condition 8, in the event that contamination not previously considered in the approved

reports is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Condition 7 is discharged.

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