



Kirklees Council
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Date: 29-Mar-2023
Our Ref: 2022/92621

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

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

I write with reference to your application to discharge the conditions for the above development as submitted on 03-Aug-2022.

Condition 3 – Materials

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

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 its 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

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

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

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

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.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with

Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Yours faithfully

Mathias Franklin
Head of Planning and Development