



Kirklees Council
Planning and Development Service
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Date: 12-Dec-2022
Our Ref: 2022/93299

Dear Sir

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

Discharge conditions 10 (Phase 2 Site Investigation Report), 11 (Coal Investigation and Remediation Statement), 14 (Noise Report), 16 (Bat Survey and Statement) on previous permission 2019/92238 for demolition of existing buildings, renovation of farmhouse and erection of 4 dwellings including garages and formation of new access

**land at, Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW
Application Number: 2022/93299**

I write with reference to your application to discharge the conditions for the above development as submitted on 05-Oct-2022.

Condition 10

The applicant has submitted the following:

- Phase 2 Geoenvironmental Report ref (C1913/21/E/2940) undertaken by Rogers Geotechnical Services Ltd, dated 12 August .2021.
- A Coal Investigation Report by Rogers Geotechnical Services Ltd dated 2nd September 2021 (ref: C1913/21/E/3053)

In respect of the land contamination aspects of the report, The Phase 2 report details the findings of fieldwork undertaken on the 9th of July 2021. The report on rotary probing details the fieldworks undertaken in August 2021 to prove that coal workings were not present to a depth of up to 30m below the site.

The contents of the Phase 2 Report by Rogers Geotechnical Services Ltd, dated 12th August 2022 (ref: C1913/21/E/2940) and the Coal Investigation Report by Rogers

Geotechnical Services Ltd dated 2nd September 2021 (ref: C1913/21/E/3053) are considered acceptable by KC Environmental Health who consider remediation necessary for the PAH contamination identified, however, it will be necessary to update the risk assessment and report to incorporate any changes following a ground gas risk assessment and monitoring. They also require the risk from combustible coal to be considered.

In respect of coal mining legacy, The Coal Authority notes the Coal Investigation Report (2 September 2021, prepared by RGS Ltd), which accompanies this discharge of condition application. Section 10 of the Report confirms that remedial measures are necessary in view of the voids encountered associated with mining at shallow depth. On the basis that the remedial proposals are considered acceptable in principle, the Coal Authority would have no objections to the discharge of Condition 10.

In summary, whilst the details submitted in relation to Condition 10 and coal mining legacy are considered to be acceptable to discharge this part of the condition, the condition cannot be fully discharged in relation to contaminated land until such time that a ground gas risk assessment has been submitted for approval.

Condition 11

The Coal Authority has confirmed that in respect of coal mining legacy, the details submitted within Section 10 of the report on Rotary Probing by Rogers Geotechnical Services Ltd dated 2nd September 2021 (ref: C1913/21/E/3053) are considered to be acceptable, and the requirements of this part of Condition 11 are satisfied. No information has been submitted for consideration by KC Environmental Health and as such this Condition can only be partly discharged.

Condition 14

The applicant has submitted a Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022. Noise monitoring was conducted from 1130hrs on Thursday the 4th of August 2022 to 0930hrs on Wednesday the 10th of August 2022 and the findings are shown in the table in para 3.1. Based upon these findings, mitigation measures are necessary to ensure the development site meets with the internal and external requirements of BS8233.

The findings of the report are accepted and this condition will be discharged by the implementation of the mitigation measures prior to occupation, in addition to their retention thereafter.

Condition 16

An updated bat survey report dated October 2022 (undertaken by Quants Environmental) has been submitted in support of the discharge of condition 16. The report details what



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precautionary measures will take place in order to avoid the structures on site that contain roosting bats and that works to the buildings that contain roosting bats shall only commence once an appropriate Natural England licence has been obtained.

Since submission of the updated bat survey report, further information has been submitted (received on 7 December 2022) in the form of a 'Bat Watching Brief' dated 28th November 2022. Re-consultation has taken place with the Council's Ecology officer in relation to this, and a response is awaited. As such, this condition can be partially discharged at this time and a further letter will be sent once further comments have been received from the Ecology officer.

Yours faithfully

Mathias Franklin
Head of Planning and Development