

**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:	2023/44/91200/E
Site Address:	Land off, Briestfield Road, Briestfield, Dewsbury, WF12 0NR
Description:	Discharge conditions 5, 6, 7 on previous permission 2021/93111 (APP/Z4718/W/22/3300539) for erection of agricultural building
Recommending Officer:	Nicole Helliwell

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: 07-Jul-2023

Officer Report

Reference No. 2023/44/91200/E

Site Address: Land off, Briestfield Road, Briestfield, Dewsbury, WF12 0NR.

Proposal: Discharge conditions 5, 6, 7 on previous permission 2021/93111 (APP/Z4718/W/22/3300539) for erection of agricultural building

Assessment

Condition 5 – Access Details

5. No development shall commence until details of the proposed construction of the access and internal service areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Assessment of Condition 5

The applicant has submitted Access and Internal Service Area Details (21099D-05-P01, 18th April 2023) and Access & Internal Service Area Details 2 (21099D-06-P01, 26th June 2023) with the discharge of condition application. KC Highways Development Management have commented on this information in relation to condition 5.

The first plan shows the turning movements of an HGV within the site and the second an agricultural tractor. However, the applicants have confirmed in an email dated 27th June that the largest vehicle that will regularly visit the site will be a tractor. The plan demonstrates that the tractor will have sufficient space to stand in front of the existing gates without obstructing the highway. Furthermore, the plans confirm that the first 6m of the access will be surfaced in tarmac and that the boundary wall will have a height of 1.0m to assist visibility onto Briestfield Road. Public right of way DEW/79/40 is also displayed on the plans. KC Highways are satisfied with the submitted information and therefore Condition 5 will be discharged by the implementation of the approved details prior to first occupation, and their retention thereafter.

Conditions 6 and 7 - Site Investigations and Remedial Works

6. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Assessment of Conditions 6 and 7

The applicant has submitted a site investigations letter (C578/01/ATS, 27th March 2023) prepared by G&M Consulting Ltd with the discharge of condition application. The Coal Authority have commented on this information in relation to conditions 6 and 7.

The letter confirms the undertaking of an intrusive investigation on the site comprising of rotary boreholes. The findings confirm that the site is not unduly affected by shallow coal mining workings, and only an intact coal seam was encountered. Therefore, the site is considered to be safe and stable from a mining viewpoint.

The Coal Authority are satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated and therefore, the information submitted is acceptable for the purposes of discharging conditions 6 and 7.

Decision Text

Conditions 5 - Access Details

The following has been submitted:

- Access & Internal Service Area Details (21099D-05-P01, 18th April 2023)
- Access & Internal Service Area Details 2 (21099D-06-P01, 26th June 2023)

In conclusion, it is considered that the submitted details are acceptable for the purposes of condition 5. However, Condition 5 will be discharged by the implementation of the approved details prior to first occupation, and their retention thereafter.

Conditions 6 and 7 - Site Investigations and Remedial Works

The following has been submitted:

- Site Investigations Letter (C578/01/ATS, 27th March 2023)

In conclusion, it is considered that the information submitted is acceptable for the purposes of discharging conditions 6 and 7.

Dated: 27th June 2023

