

**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:	2023/44/93640/E
Site Address:	Thistledome Farm, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 0AZ
Description:	Discharge conditions 6 (Phase 1 Desk Top Study), 7 (Preliminary Ecological Appraisal), 9 (sewage treatment) on previous permission 2019/91940 for erection of agricultural workers dwelling
Recommending Officer:	Sarah Longbottom

DECISION – DISCHARGE OF CONDITIONS APPROVED

**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.**

Emma Thompson

AUTHORISED OFFICER

Date: 28-Feb-2024

Discharge conditions 6 (Phase 1 Desk Top Study), 7 (Preliminary Ecological Appraisal), 9 (sewage treatment) on previous permission 2019/91940 for erection of agricultural workers dwelling

This application seeks approval for the discharge of Conditions 6, 7 and 9 on previous permission 2019/91940 for erection of agricultural workers dwelling.

Condition 6 - (Phase I Desk Top Study)

Prior to the occupation of the dwelling, hereby approved, intrusive investigation works, relating to former mine workings shall be carried out in accordance with the

recommendations of the Coal Mining Risk Assessment (19-044-REP-001, dated 22/05/19) by Matrix Consulting Engineers and in accordance with the guidance provided in CIRIA Special Publication 32, Construction Over Abandoned Mine Workings, though the exact scope of the investigation should be established by means of a detailed Phase 1 Desk Top Study

Reason: *To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

Assessment

In support of the application a Coal Mining Risk Interpretation Report by Lyons CMC Coal Mining & Geotechnical Consultancy dated 1st November 2023, Ref: SI 00302 has been submitted. The report is geotechnical in nature.

A permit was obtained from the Coal Authority to undertake a ground investigation by three boreholes to 15m below rock head to determine the presence of shallow mine workings.

The intrusive site investigation and subsequent competent Coal Mining Risk Interpretation Report by Lyons CMC (November 2023) identifies that Borehole number 1 proved what is believed to be an old mining void at 9.5m to 10.5m deep, where flush was lost with no returns in solid strata to completion at 11m deep with no gas emissions noted. Borehole number 2 proved an in-tact coal seam of 0.9m thickness at 9.5m deep, with firm silty grey mudstone beneath the seam to completion at 11m deep. In the case of Borehole 2 the flush was maintained throughout with no indications of any gas emissions.

Given the above, the report indicates that old underground coal workings were encountered in what is considered to be the 'Flockton Thin' coal seam, which is known to have been worked via underground methods in the wider vicinity. The report suggests that a firm base below the coal/workings is likely to be circa 10m to 12m deep across the site of the proposed dwelling and that in this instance, the required cover above the mine-workings is not quite achieved (9m

required; only around 8m achieved).

The report subsequently indicates that a remediation could include one or a combination of a grouting exercise of the voids, a piled foundation solution or strengthened foundations (strip or raft) to span 3m. The Planning Team at the Coal Authority is pleased that the applicant has undertaken intrusive site investigations with regard to coal mining legacy and notes that alternative options for addressing the identified instability risk have been outlined. However, given the lack of a clear preferred option (backed up by a statement from a competent structural engineer if it is a foundation solution), the Coal Authority would typically expect the undertaking of drilling and grouting to stabilise the workings.

On the basis of the above, providing the remedial grouting works are undertaken in accordance with authoritative UK guidance, the Coal Authority has no objection to the discharge of Condition 6.

The comments of KC Environmental Health have also been shared with the agent in respect of gas monitoring.

Condition 7 – (Preliminary Ecological Appraisal)

7. Prior to the development being brought into use, a Preliminary Ecological Appraisal, which also covers the access route, shall be undertaken by a suitably qualified ecologist. A report of findings arising from this appraisal and any mitigation measures considered necessary shall then be submitted to, and approved in writing by, the local planning authority. Implementation of the mitigation measures shall then take place prior to commencement of the development hereby approved.

Reason: *To ensure appropriate mitigation measures are in place, having regard to the fact that due to the nature of the site and the access route, and the status of the adjoining habitats as part of the Kirklees Wildlife Habitat Network, there is some potential for ecological harm.*

Assessment

In support of the discharge of Condition 7, a Preliminary Ecological Appraisal (PEA) has been submitted (report ref: 231116). Overall, the report details that the site is of minimal ecological value, primarily comprising modified grassland and hardstanding, with some areas of scrub also present.

The findings of the PEA are accepted, however, in order for the Condition to be discharged, the recommendations detailed throughout section 5 of the report should be strictly adhered to throughout the development, in order for the proposals to come forward, in line with Policy LP30 of the Kirklees Local Plan.

Condition 9 – Sewage Treatment Plant

The applicant has submitted 'Proposed Site Plan – Foul Drainage' (ref CTFD - MWA - XX - XX - DR - A – 0101 Rev A) in support of the discharge of Condition 9. The submitted information meets with the requirements of the condition within the remit of Environmental Health. The applicant is reminded that approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority.

DECISION TEXT

Condition 6

In support of the application a Coal Mining Risk Interpretation Report by Lyons CMC Coal Mining & Geotechnical Consultancy dated 1st November 2023, Ref: SI 00302 has been submitted. The report is geotechnical in nature. The report subsequently indicates that a remediation could include one or a combination of a grouting exercise of the voids, a piled foundation solution or strengthened foundations (strip or raft) to span 3m. Given the lack of a clear preferred option (backed up by a statement from a competent structural engineer if it is a foundation solution), the Coal Authority would typically expect the undertaking of drilling and grouting to stabilise the workings.

Providing the remedial grouting works are undertaken in accordance with authoritative UK guidance, the Coal Authority has no objection to the discharge of Condition 6.

Condition 7

In support of the discharge of Condition 7, a Preliminary Ecological Appraisal (PEA) has been submitted (report ref: 231116).

The findings of the PEA are accepted, however, in order for the Condition to be discharged, the recommendations detailed throughout section 5 of the report should be strictly adhered to throughout the development.

Condition 9

The applicant has submitted 'Proposed Site Plan – Foul Drainage' (ref CTFD - MWA - XX - XX - DR - A – 0101 Rev A) in support of the discharge of Condition 9. The submitted information meets with the requirements of the condition within the remit of Environmental Health. The applicant is reminded that approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority.

