

**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:	2023/44/91656/W
Site Address:	David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD
Description:	Discharge of conditions 3 (Phase I Desk Study Report), 4 (Phase II Desk Study Report), 5 (Remediation Strategy), 8 (retaining walls), 9 (Air Quality Impact Assessment), 10 (CEMP), 11 (noise assessment), 12 (risk assessment), 13 (foul and surface water), 14 (drainage) and 15 (external materials) of previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works
Recommending Officer:	Ellie Worth

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 27-Feb-2024

Application: 2023/91656

Site: David Brown Santasalo UK Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD

Proposal: Discharge of conditions 3 (Phase I Desk Study Report), 4 (Phase II Intrusive Site Investigation Report), 5 (Remediation Strategy), 8 (retaining walls), 9 (Air Quality Impact Assessment), 10 (CEMP), 11 (noise assessment), 12 (Attenuation structures), 13 (foul and surface water), 14 (drainage) and 15 (external materials) of previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works.

Condition 3: Phase I Desk Study Report

3. There shall be no commencement of the development hereby permitted, as defined in section 56(4)(a) through to (d) of the Town & Country Planning Act 1990 (other than operations required for a site investigation report and the demolition of the existing building (section 56(4)(aa)), until actual or potential land contamination at the site has been first been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has first been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 15), particularly Paragraphs 183 and 184.*

Assessment

In support of condition 3 the following document has been submitted:

- A Phase I Report authored by Avie, dated April 2023 (ref: P3748)

KC Environmental Health have reviewed the aforementioned report and have provided the following comments.

The report describes the site as 'bounded by residential properties with Nabcroft Lane running south and west, with Park Road to the north and east.' The site is currently occupied by an industrial shed within the Park Works Site. Notable historic land uses include park gear works from 1930. The surrounding land use is predominantly residential however the report identifies one landfill within 500m and one historic landfill within 250m. A further three historic landfill sites are within 500m. The report considers the risk from on-site contamination to be high and several potential pollutant linkages are identified in the conceptual model presented in Section 6.4. A risk from landfill gases from off-site sources is also detailed and given a low to moderate risk rating. The report recommends that alongside a geotechnical investigation, a 'chemical analysis of the soils should also be undertaken to assess on site contaminants' and a period of ground gas monitoring.

Officers accept the findings of the Phase I report.

Condition 4: Phase II Intrusive Site Investigation Report

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to Condition 3, there shall be no commencement of the development hereby permitted, as defined in section 56(4)(a) through to (d) of the Town & Country Planning Act 1990 (other than operations required for a site investigation report and the demolition of the existing building (section 56(4)(aa)), until a Phase II Intrusive Site Investigation Report by a suitability competent person has first been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 15), particularly Paragraphs 183 and 184.*

Assessment

In support of condition 4 the following documents have been submitted:

- Phase 2 Geo-Environmental Investigation authored by Rogers Geotechnical Services Ltd, dated April 2023 (ref: C2901/22/E/4423)
- Gas Monitoring Report authored by Rogers Geotechnical Services Ltd dated 16th November 2023 (ref: C2901/23/E/5243)

KC Environmental Health have reviewed the aforementioned reports and have provided the following comments.

The document details the fieldwork undertaken in two phases, first in December 2022 and then in February 2023. Several boreholes were drilled, and five soil samples were retrieved for chemical analysis. The results of the analysis were compared against a commercial screening criterion. Made ground was identified in all exploratory positions, however the chemical analysis and comparison revealed no exceedances. Therefore, it was considered that no remediation for soils was necessary. Nevertheless, an indicative remediation strategy has been provided that details the validation sampling and testing requirements for any imported fill material and verification report proposals.

Further to the above, the Gas Monitoring report shows that the monitoring visits undertaken indicate negligible levels of methane (0.1%). Concentrations of carbon dioxide ranging between 0.1% and 6.8% were recorded, in association with oxygen levels of between 0.4% and 18.4%. A maximum flow rate of 0.1 litres per hour was recorded.

Development may be considered to conform to Type D. Therefore, on the basis of Table 4 Gas protection score by CS and type of building, the minimum gas protection score (points) is 1.5. The gas protection system should consist of at least two different elements.

The report details additional ground gas monitoring visits and recommends the installation of ground gas protection elements for a CS2 site.

The information submitted in support of condition 4 is accepted.

Condition 5: Remediation Strategy

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 4, there shall be no commencement of further groundworks until a Remediation Strategy by a suitably competent person has first 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 ensure the safe occupation of the site in accordance with Policy LP53 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 15), particularly Paragraphs 183 and 184.*

Assessment

In support of condition 5 the following documents have been submitted:

- Phase 2 Geo-Environmental Investigation authored by Rogers Geotechnical Services Ltd, dated April 2023 (ref: C2901/22/E/4423)
- Gas Monitoring Report authored by Rogers Geotechnical Services Ltd dated 16th November 2023 (ref: C2901/23/E/5243)

Although an indicative remediation strategy for fill materials has been provided in the Phase 2 Geo-Environmental Investigation, the document does not confirm any proposals. In addition, the Gas Monitoring Report states that the gas protection measures will be formalised in a remediation statement.

As officers are yet to have sight of a standalone remediation strategy for this development, an approval pursuant to condition 5 cannot be issued at this stage, and condition 5 must remain until further notice.

Condition 9: Air Quality Impact Assessment

9. There shall be no commencement of the development hereby permitted (other than for demolition of the existing building) until a full Air Quality Impact Assessment has first been submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- *determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)*
- *include a calculation of the monetary damages from the development and*
- *include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures.*

The approved low emission mitigation measures shall be implemented prior to the first use of the development and retained as such thereafter for the lifetime of the development.

Reason: *In the interest of maintaining good levels of residential amenity for neighbouring occupiers and conserving the natural environment from detrimental air quality impacts, in accordance with Local Plan Policies LP24 and LP51 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 15.*

Assessment

In support of condition 9 the following document has been submitted:

- Air Quality Assessment by SRL (ref: 81098-SRL-RP-YQ-01-S2- P3) (dated: 23rd February 2024)

The final comments of KC Environmental Health in respect of condition 9 are awaited. A decision relating to condition 9 will be issued in due course.

Condition 12: Attenuation design, management and maintenance

12. There shall be no commencement of the development hereby permitted (other than for demolition of the existing building) until a scheme detailing the design, maintenance and management of designed attenuation structures and flow control devices for each phase of development has first been submitted to and approved in writing by Local Planning Authority. The scheme should include a completed risk assessment and method statement forming an itinerary and schedule of tasks overseen by the Principal Designer under CDM Regulations 2015. The submitted scheme shall include a validation certificate of suitability of dead and lateral loading from a competent structural engineer in selecting a specified product, with lifespan guarantees from the manufacturer or independent testing (e.g., BBA certificate) to justify an expected lifespan and appropriate replacement interval. The design should include a groundwater assessment and suitability of the invert level in of the attenuation design in relation to this. Method statements should include safe access to and into any attenuation system for monitoring the structure, silt and debris clearance and maintenance of moving parts on flow control devices and emergency drain downs. No part or phase of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have first been completed. The approved maintenance and management scheme shall thereafter be implemented and retained for the lifetime of the development.

Reason: *In the interest of providing a satisfactory surface and foul water drainage strategy in accordance with Policy LP28 of the adopted Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

Assessment

In support of condition 12 the following documents have been submitted:

- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- Foul and Surface Water Drainage Strategy (reference DBS-AVE-00-XX-DR-C-1001_P05)
- Standard Construction Details Sheet 1 (reference DBS-AVE-00-XX-DR-C-1002_P01)
- Standard Construction Details Sheet 2 (reference DBS-AVE-00-XX-DR-C-1003_P02)
- Typical Attenuation Details (reference DBS-AVE-00-XX-DR-C-1004_P01)
- Existing Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1005_P03)
- Proposed Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1006_P02)
- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- 1 in 100 year Plus CC Phase 1 (reference P3748)
- Utility mapping (reference SUMO-11100)
- 1 in 1, 30, 100 year Plus CC (reference 30/12/2021)

The Lead Local Flood Authority (LLFA) have been formally consulted. Clarification is required on the setting of drainage parameters that should include the existing attenuation on site and its contributing areas, and how this is connected to a surface water pump.

The drawings submitted show aspects of drainage, subject to detailed design and confirmation work.

There is no indication that the connection levels to the existing sewer, nor even an indicative assessment based on interpolation of levels. The LLFA will need some satisfaction regarding a point downstream whereby a gravity connection can be met with an appropriate gradient for new pipework.

No maintenance or management plan has been submitted pursuant to condition 12 and queries regarding the indicative crate storage design have not been addressed.

Given the above concerns, an approval pursuant to condition 12 cannot be issued at this stage, and condition 12 must remain at this time. However, the LLFA would welcome a meeting with the applicant's drainage design team to break down this submission into stages to help move this application forward, avoiding any omissions from the requirements of the conditions set.

Condition 13: Foul and surface water

13. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: *In the interest of satisfactory and sustainable drainage, in accordance with Policy LP28 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 14.*

Assessment

In support of condition 13 the following documents have been submitted:

- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- Foul and Surface Water Drainage Strategy (reference DBS-AVE-00-XX-DR-C-1001_P05)
- Standard Construction Details Sheet 1 (reference DBS-AVE-00-XX-DR-C-1002_P01)
- Standard Construction Details Sheet 2 (reference DBS-AVE-00-XX-DR-C-1003_P02)
- Typical Attenuation Details (reference DBS-AVE-00-XX-DR-C-1004_P01)
- Existing Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1005_P03)
- Proposed Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1006_P02)
- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- 1 in 100 year Plus CC Phase 1 (reference P3748)
- Utility mapping (reference SUMO-11100)
- 1 in 1, 30, 100 year Plus CC (reference 30/12/2021)
- Discharge of condition 13 (reference By Avie Consulting LTD)

The LLFA have noted that condition 13 was suggested by Yorkshire Water, however, this site does not have separate systems for foul and surface water drainage and was never promoted as such.

Therefore, the discharge of condition 13 cannot be supported at this time.

Notwithstanding the above, the LLFA would again welcome a meeting with the applicant's drainage design team to help move this application forward.

14. Surface water drainage

14. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, until the details of which have first been submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

a) Evidence of existing positive drainage to public sewer and the current points of connection; and

b) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: *To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable*

drainage, in accordance with Policy LP28 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 14.

Assessment

In support of condition 14 the following documents have been submitted:

- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- Foul and Surface Water Drainage Strategy (reference DBS-AVE-00-XX-DR-C-1001_P05)
- Standard Construction Details Sheet 1 (reference DBS-AVE-00-XX-DR-C-1002_P01)
- Standard Construction Details Sheet 2 (reference DBS-AVE-00-XX-DR-C-1003_P02)
- Typical Attenuation Details (reference DBS-AVE-00-XX-DR-C-1004_P01)
- Existing Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1005_P03)
- Proposed Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1006_P02)
- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- 1 in 100 year Plus CC Phase 1 (reference P3748)
- Utility mapping (reference SUMO-11100)
- 1 in 1, 30, 100 year Plus CC (reference 30/12/2021)

The LLFA have noted that condition 14 was suggested by Yorkshire Water, and that its requirements are unlikely to be achieved. Therefore, LLFA would welcome a meeting with the applicant's drainage design team to help move this application forward.

The meantime, the discharge of condition 14 cannot be supported at this stage.

15. External materials

15. There shall be no construction of the development hereby permitted above slab level until details of all the external materials to be used have first been submitted to and approved in writing by the Local Planning Authority for each phase of the development. Each phase of the development shall then be carried out in accordance with the approved details. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason: *For the avoidance of doubt to ensure that the development is built to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape character, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.*

Assessment

In support of condition 15 the following documents have been submitted:

- Kingspan QuadCore Trapezoidal Roof Panels Data Sheet
- Kingspan QuadCore Trapezoidal Wall Panel Data Sheet
- Kingspan Colours and Coatings

The walls and roof would be predominantly finished in a Goosewing Grey clad (ref: RAL 080 70 05), with the feature staircase to be clad with Kingspan Optimo KS1000 in Citroen Red (ref: RAL 3000). The trims to corners, reveals and soffit would be in Merlin Grey (ref: RAL 180 40 05).

The above materials are considered acceptable, as they would match those of the other modern buildings on site. An approval pursuant to condition 15 can therefore be issued, subject to the development being built in accordance with the approved materials.

Dated: 27/02/2024

Decision notice text

Condition 3: Phase I Desk Study Report

In support of condition 3, you have submitted:

- A Phase 1 Report authored by Avie, dated April 2023 (ref: P3748)

The findings of the above-referenced report are hereby accepted.

Condition 4: Phase II Intrusive Site Investigation Report

In support of condition 4, you have submitted:

- Phase 2 Geo-Environmental Investigation authored by Rogers Geotechnical Services Ltd, dated April 2023 (ref: C2901/22/E/4423)
- Gas Monitoring Report authored by Rogers Geotechnical Services Ltd dated 16th November 2023 (ref: C2901/23/E/5243)

The findings of the above-referenced reports are hereby accepted.

Condition 5: Remediation Strategy

In support of condition 5, you have submitted:

- Phase 2 Geo-Environmental Investigation authored by Rogers Geotechnical Services Ltd, dated April 2023 (ref: C2901/22/E/4423)
- Gas Monitoring Report authored by Rogers Geotechnical Services Ltd dated 16th November 2023 (ref: C2901/23/E/5243)

Whilst an indicative remediation strategy for fill materials has been provided in the Phase 2 report, this document does not confirm any proposals. The gas

monitoring report also states that protection measures will need to be formalised in a remediation statement.

Therefore, in the absence of a standalone remediation strategy, condition 5 must remain until further notice. No approval or discharge is hereby issued pursuant to condition 5.

Condition 9: Air Quality Impact Assessment

In support of condition 9, you have submitted:

- Air Quality Assessment by SRL (ref: 81098-SRL-RP-YQ-01-S2- P3) (dated: 23rd February 2024)

The final comments of KC Environmental Health in respect of condition 9 are awaited. A decision relating to condition 9 will be issued in due course.

Condition 12: Attenuation design, management and maintenance

In support of condition 12, you have submitted:

- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- Foul and Surface Water Drainage Strategy (reference DBS-AVE-00-XX-DR-C-1001_P05)
- Standard Construction Details Sheet 1 (reference DBS-AVE-00-XX-DR-C-1002_P01)
- Standard Construction Details Sheet 2 (reference DBS-AVE-00-XX-DR-C-1003_P02)
- Typical Attenuation Details (reference DBS-AVE-00-XX-DR-C-1004_P01)
- Existing Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1005_P03)
- Proposed Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1006_P02)
- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- 1 in 100 year Plus CC Phase 1 (reference P3748)
- Utility mapping (reference SUMO-11100)
- 1 in 1, 30, 100 year Plus CC (reference 30/12/2021)

To support the discharge of this condition, clarification is required regarding the setting of drainage parameters that should include the existing attenuation on site and its contributing areas, and how this is connected to a surface water pump.

The drawings submitted show aspects of drainage subject to detailed design and confirmation work.

There is no indication that the connection levels to the existing sewer, nor even an indicative assessment based on interpolation of levels. The Lead Local

Flood Authority (LLFA) would need some satisfaction regarding a point downstream whereby a gravity connection can be met with an appropriate gradient for new pipework.

No maintenance or management plan has been submitted pursuant to condition 12 and queries regarding the indicative crate storage design have not been addressed.

The LLFA would welcome a meeting with your drainage design team to discuss the requirements of condition 12 to allow this application to move forward.

You are hereby offered 21 days from the date of this decision for you to submit the required information in relation to condition 12 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

For the above reasons, no approval pursuant to condition 12 can be issued at this time.

Condition 13: Foul and surface water

In support of condition 13, you have submitted:

- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- Foul and Surface Water Drainage Strategy (reference DBS-AVE-00-XX-DR-C-1001_P05)
- Standard Construction Details Sheet 1 (reference DBS-AVE-00-XX-DR-C-1002_P01)
- Standard Construction Details Sheet 2 (reference DBS-AVE-00-XX-DR-C-1003_P02)
- Typical Attenuation Details (reference DBS-AVE-00-XX-DR-C-1004_P01)
- Existing Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1005_P03)
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- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
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- Utility mapping (reference SUMO-11100)
- 1 in 1, 30, 100 year Plus CC (reference 30/12/2021)
- Discharge of condition 13 (reference By Avie Consulting LTD)

Condition 13 was suggested by Yorkshire Water. It is noted, however, that this development does not have separate systems for foul and surface water drainage, and was never promoted as such.

The LLFA would welcome a meeting to discuss the requirements of condition 13 and a way forward.

You are hereby offered 21 days from the date of this decision for you to submit the required information in relation to condition 13 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

For the above reasons, no approval pursuant to condition 13 can be issued at this time.

14. Surface water drainage

In support of condition 14, you have submitted:

- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- Foul and Surface Water Drainage Strategy (reference DBS-AVE-00-XX-DR-C-1001_P05)
- Standard Construction Details Sheet 1 (reference DBS-AVE-00-XX-DR-C-1002_P01)
- Standard Construction Details Sheet 2 (reference DBS-AVE-00-XX-DR-C-1003_P02)
- Typical Attenuation Details (reference DBS-AVE-00-XX-DR-C-1004_P01)
- Existing Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1005_P03)
- Proposed Impermeable Areas Plan (reference DBS-AVE-00-XX-DR-C-1006_P02)
- SUDS maintenance document (reference DBS-AVE-XX-RP-C-0001)
- 1 in 100 year Plus CC Phase 1 (reference P3748)
- Utility mapping (reference SUMO-11100)
- 1 in 1, 30, 100 year Plus CC (reference 30/12/2021)

Condition 14 was suggested by Yorkshire Water. The LLFA would welcome a meeting to discuss the requirements of condition 14 and a way forward.

You are hereby offered 21 days from the date of this decision for you to submit the required information in relation to condition 14 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

For the above reasons, no approval pursuant to condition 14 can be issued at this time.

15. External materials

In support of condition 15, you have submitted:

- Kingspan QuadCore Trapezoidal Roof Panels Data Sheet
- Kingspan QuadCore Trapezoidal Wall Panel Data Sheet
- Kingspan Colours and Coatings

The walls and roof would be predominantly finished in a Goosewing Grey clad (ref: RAL 080 70 05), with the feature staircase to be clad with Kingspan Optimo KS1000 in Citroen Red (ref: RAL 3000). The trims to corners, reveals and soffit would be in Merlin Grey (ref: RAL 180 40 05).

These materials are considered acceptable, and you are reminded that the development must be completed in full accordance with the approved works.