Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/92597 John Shaw and Son Ltd, Canker Lane Garage, Leeds Road, Huddersfield, HD2 1XT		
Change of use from B2 to Class E, Conversion of existing car garage to retail unit		
Responding Date: 3rd November 2023	**Responding Officer:** SR	**Responding Ref:** WK202333869

Comments

We have reviewed application 2023/92597 and make the following comments and recommendations. The application concerns the change of use class of the former garage to provide retail accommodation. The design and access statement by 93 Architects, dated August 2023, ref:P1 informs us the site is proposed to be used for the display and sale of beds and mattresses under Use Class E.

Contaminated Land

The site of the proposed development has ben identified as being on land that is potentially contaminated due to its former use (our site ref:49/10) and being close to former landfill (our site ref:45/10).

A design and access statement by 93 Architects, dated August 2023, ref:P1 has been submitted in support of the application. We have concerns that there appears to be contradictory information within, in that section 1.2.3 identifies sub ground fuel tanks whereas section 3. Informs us said tanks are to be removed without breaking ground.

Due to contradictions in the submitted information and potential contamination at the development site, we believe the contaminated land legacy at the site requires full investigation and therefore recommend the following conditions.

Hours of Use

The proposed business abuts residential properties, there is some potential for noise from the business and customer movements to cause loss of amenity. The application describes the proposed hours of use as:

Monday to Friday: Start Time: 09:30 End Time: 17:30
Saturday: Start Time: 09:30 End Time:17:30
Sunday / Bank Holiday: Start Time: 10:00 End Time: 16:00

We accept this and recommend a condition to secure the opening times for customers in order to limit the loss of amenity by way of noise and disturbance.

Recommended Conditions

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has 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

Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has 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 Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition
Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has 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 Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC4 Implementation of the Remediation Strategy - Condition
Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except 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. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition
Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by

the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC7 Contaminated land - Footnote
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:
· Land Contamination Risk Management (LCRM)
· BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
· Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. 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. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

HUC1 Hours of Use Open for Customers - Condition
The premises, shall not be open for business outside the hours of:
09:00 to 17:30 Monday to Saturday and
10:00 to 16:00 Sunday and Bank Holidays

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.