

**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:	2023/44/92747/W
Site Address:	O Cot Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW
Description:	Discharge conditions 3-5 (land contamination) and 8 (noise) on previous permission 2023/90180 for erection of single storey extension to building for meat processing, handling and cold storage
Recommending Officer:	Katie Chew

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.**

John Holmes

AUTHORISED OFFICER

Date: 20-Mar-2024

Site Address - O Cot Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW

Proposal – Discharge conditions 3-6 (land contamination) and 8 (noise) on previous permission 2023/92747 for erection of single storey extension to building for meat processing, handling and cold storage.

Condition 3 (Phase 1 Desk Study)

‘3. 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. 178 and 179 of the National Planning Policy Framework’.*

Condition 4 (Phase II Intrusive Site Investigation)

‘4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (3) 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. 178 and 179 of the National Planning Policy Framework’.*

Condition 5 (Remediation Strategy)

‘5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (4) 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. 178 and 179 of the National Planning Policy Framework’.*

Condition 8 (Noise Assessment Report)

‘8. Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: a) an assessment of all of the noise emissions from the proposed development a) details of existing background and predicted future noise levels at the boundary of noise sensitive premises b) a written scheme of how the occupants of the abovementioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation The

development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: *To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework’.*

Officers Assessment

Condition 3 (Phase 1 Desk Study)

A Phase 1 Environmental Desk Study Report by Rogers Geotechnical Services Ltd, dated 6th June 2023 (ref: C3581/23/E/5426) has been submitted alongside this discharge of condition application.

This report outlines that a site walkover was conducted on the 11th May 2023. The site comprises a farmyard with several farm buildings and slopes towards the north. The surface cover of the site is generally gravel, grassed areas and concrete. The consultant found no visible signs of contamination present during the time of the walkover.

An appraisal of historical maps indicates the onsite land use to have been a farm since at least 1854. Within 250m there have been other farm buildings, residential houses and quarries. The underlying geology is believed to be Marsden Formation and the site is not within the specified search distance of an identified mining area. Active landfill, unspecified pits and quarries have also been identified within 250m of the site area.

In Table 7 of the report a conceptual site model and preliminary qualitative risk assessment has been presented that shows several potential pollutant linkages to be present at the site. Consequently, the report concludes that a site investigation is necessary as there are potential sources of contamination on the site and in the surrounding area. The report specifies that soil sampling, chemical analysis and ground gas monitoring should be undertaken.

The Council’s Environmental Health Officers were consulted on the proposals and note that they accept the details within the report provided and therefore recommend that Condition 3 is discharged. Officers have no reason to disagree with this conclusion and therefore also support the discharge of Condition 3.

Condition 4 (Phase II Intrusive Site Investigation)

A Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd has also been submitted referenced: C3581/23/E/5427, dated 5th July 2023.

The report details fieldwork undertaken on June 5th, 2023. The investigation included three windowless sample boreholes, the retrieval of soils for chemical analysis and the installation of three gas monitoring standpipes. Ground gas

and groundwater was monitored on four occasions between 13th June and 3rd July 2023. Atmospheric pressure ranged between 966 mb to 978 mb and the monitoring programme included steady and rising atmospheric pressure.

The investigation confirmed the geology at the site as made ground over clay and siltstone. The ground gas monitoring revealed peak methane and carbon dioxide concentrations of 0.2 % v/v and 8.7% v/v respectively. Negligible flow rates were detected (0.1 l/h). No free product was observed during the investigation, therefore only one exceedance (benzo[a]pyrene at WS01, 0.2m depth) was identified when the chemical analysis results were compared against a commercial assessment criteria. Considering the results, the report recommends remediation and presents an indicative remediation strategy.

The Council's Environmental Health team were consulted, and they accept the Phase 2 Geo-Environmental Report and recommend that Condition 4 is discharged. Again, Officers have no reason to dispute this conclusion and therefore support the discharge of Condition 4 on this occasion.

Condition 5 (Remediation Strategy)

The applicant has submitted a Phase 3 Remediation Strategy Report authored by Rogers Geotechnical Services Ltd, dated 02/08/2023 (ref: C3581/23/E/5633) to support the discharge of Condition 5.

Concerning ground gas protection measures, the report considers the building to be classes as Type D as described in BS8485:2015+A1:2019. To achieve the necessary score, the report proposes a combination of a cast in situ ground bearing floor slab, pressure relief pathway and a gas resistant membrane are recommended for installation. The report also states that the protection measures will be verified in accordance with CIRIA C735. Regarding fill materials, in Section 3.4 of the report, a screening strategy for site-won and imported material is provided.

Whilst Environmental Health generally accept the Phase 3 Remediation Strategy Report authored by Rogers Geotechnical Services Ltd, dated 02/08/2023 (ref: C3581/23/E/5633), they do not agree with the Type D classification by Rogers, given that the plans appear to include smaller rooms. Nevertheless, the proposals include a combination of elements to achieve a score sufficient for the development under BS8485: 2015.

Environmental Health Officers have requested that before the condition is discharged, the applicant must confirm that no soft landscaping is included in the development. The applicant's agent has confirmed via email on the 12th March 2024 that no soft landscaping is proposed. It is therefore concluded that Condition 5 can be discharged.

Condition 8 (Noise Assessment Report)

The applicant has submitted a Noise Impact Assessment Report (NIA) authored by KP Acoustics dated 26 June 2023 Ref 26674.NIA.01. This Report indicates

that a noise survey was undertaken between 1500hrs on 01 June 2023 and 1530hrs on 02 June 2023 from measurement positions as described in Table 2.1 and shown in Figure 2.1 and a summary of the results is given in tables 3.1 and 3.2. The report states it is understood that the site only operates during hours between 0600hrs and 2200hrs and that the use of the site is steady throughout the year. Generally, noisy on-site works would occur no more than 20no. times a day between the aforementioned hours.

A BS4142 assessment has been conducted based upon 'noisy works' but no description of these is given. Table 5.2 assesses the daytime activity and after applying a +3dB correction for intermittency, concludes that there would be a +17dB increase over the background level indicating a significant adverse impact. Table 5.3 assesses the night-time activity and similarly, after applying a +3dB correction for intermittency, concludes that there would be a +18dB increase over the background level also indicating a significant adverse impact.

Para 5.4 offers mitigation by recommending a barrier is installed, screening the line of sight from the neighbours to the proposed extension and this is shown in figure 5.2. A specification it should be at least 2.7 metres in height, or high enough to screen the line of sight from the extension to the upstairs windows of the NSR (whichever is higher) with a weight of at least 10kg/m², such as a close-boarded timber fence is given.

The BS4142 assessments are recalculated allowing a -6dB correction for the recommended barrier and the daytime excess is +11dB and the night-time is +12dB over the background level indicating a significant adverse impact for both time periods.

The report proceeds to offer context as allowed for in BS4142 stating the area in question is a rural environment with very few sources of noise, and low noise levels, other than those caused by agricultural work. Therefore, due to the nature of the area, it would be deemed typical for agricultural work, such as the activities engaged on site to be audible. The identified, worst-case noise sensitive receiver is the only nearby residential receiver that is not directly owned by the farm itself and the author states they understand that there have been no noise complaints due the current operation for the site. The site is not expected to produce noise levels higher than those already present and therefore the nearest residential receptors should not notice any perceived change from the current operation.

The NIA does not consider noise from the increase in vehicular movements due to an expansion of the building which also has the potential to affect the amenity of neighbouring properties.

Based upon the findings of the submitted information, Environmental Health Officers have concerns that the noise from the development site will lead to a loss of amenity. They do not accept the lack of complaints made as an indicator of acceptance of the working environment and it is incumbent on the applicant to consider reducing any impact through the use of the proposed development.

The applicant is reminded that circumstances and situations do change so we cannot accept the findings of the report.

Reference is made to the construction of the extension with the NIA stating it is proposed to use a steel frame, with profile steel sheeting to roof and walls, with some low-level stone walling. However, no detail has been given on the level of sound insulation using these materials. It is also intended to install rooflights within the extension to reduce the need for artificial lighting but this could lead to noise breakout. A suggestion is made for the applicant to consider a review of the materials which may offer a higher level of sound insulation thus reducing the break out and the impact on the nearest residential property. The proposed barrier will afford some mitigation but the 2.7m height may lead to visual amenity issues and the applicant is asked to review this mitigation measure.

Following receipt of the above comments dated 23 October 2023, which highlighted a number of shortcomings with the submitted report and details, the applicant has sought to submit a Noise Impact Assessment Report (NIA) authored by KP Acoustics dated 26 June 2023 Ref 26674.NIA.01 Rev A in response.

The report considers noise from the internal operations, the construction and sound insulation and section 6 calculates the resultant breakout, concluding in a low impact to NSRs as stated in para 6.4. This is based upon a worst-case scenario and is accepted. Based upon the noise levels for the vehicle deliveries as shown in table 7.1, a BS4142 assessment has been conducted and with a +3dB correction for intermittency, it concludes in a low impact to NSRs as shown in table 4.2. The Council's Environmental Health Team consider that the findings of the revised report are acceptable and therefore Condition 8 can be discharged. Officers have no reason to dispute this conclusion but do highlight that the condition stipulates that the development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained, and therefore this condition remains in perpetuity until these works have been completed in accordance with the approved Noise Assessment Report.

Decision Notice Text

Condition 3 (Phase I Desk Study)

You have submitted the following details:

- Phase 1 Environmental Desk Study Report authored by Rogers Geotechnical Services Ltd, dated 06/06/2023 (ref: C3581/23/E/5426), received 15th September 2023.

The submitted details meet the requirements of condition 3, and are considered to be acceptable, to enable the discharge of this condition. Condition 3 is therefore discharged.

Condition 4 (Phase II Geo-Environmental Report)

You have submitted the following details:

- Phase 2 Geo-Environmental Report authored by Rogers Geotechnical Services Ltd, dated 05/07/2023 (ref: C3581/23/E/5427), received 15th September 2023.

The submitted details meet the requirements of condition 4, and are considered to be acceptable, to enable the discharge of this condition. Condition 4 is therefore discharged.

Condition 5 (Remediation Strategy)

You have submitted the following details:

- Phase 3 Remediation Strategy Report authored by Rogers Geotechnical Services Ltd, dated 02/08/2023 (ref: C3581/23/E/5633), received 15th September 2023.
- Email from applicant's agent Mick Walker dated 12th March 2024, confirming that no soft landscaping is proposed to be included within the development.

The submitted details meet the requirements of condition 5, and are considered to be acceptable, to enable the discharge of this condition. Condition 5 is therefore discharged.

Condition 8 (Noise Assessment Report)

You have submitted the following details:

- Noise Impact Assessment Report (NIA) authored by KP Acoustics dated 26 June 2023 Ref 26674.NIA.01 Rev A, received 2nd February 2024.

The submitted details meet the requirements of condition 8, and are considered to be acceptable, to enable the discharge of this condition. This condition will be discharged in full once all of the works comprised within the measures specified in the above approved Noise Impact Assessment Report have been completed. There is an ongoing requirement that the works are thereafter retained. As such, the condition remains in perpetuity.

Report Dated: 19th March 2024.

