

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:	2025/44/90335/W
Site Address:	John Shaw And Son Ltd, Canker Lane Garage, Leeds Road, Huddersfield, HD2 1XT
Description:	Discharge of details reserved by condition 5 (Phase I Geo-environmental Report), 6 (Phase II Geo-environmental Report) on previous permission 2023/92597 for change of use from B2 to Class E, Conversion of existing car garage to retail unit
Recommending Officer:	Molly Storer

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: 23-Sep-2025

DISCHARGE OF CONDITIONS

Site: John Shaw And Son Ltd, Canker Lane Garage, Leeds Road, Huddersfield, HD2 1XT

Proposal: Discharge of details reserved by condition 5 (Phase I Geo-environmental Report), 6 (Phase II Geo-environmental Report) on previous permission 2023/92597 for change of use from B2 to Class E, Conversion of existing car garage to retail unit.

ASSESSMENT

Condition 5 (Phase I Desk Study Report)

5. The development shall not be brought into use 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. 189 and 190 of the National Planning Policy Framework.*

As part of this application the following has been submitted: -

- Phase 1 Geo-environmental Report authored by JNP Group Consulting Engineers dated April 2024 (ref: B25657-JNP-XX-XX-RP-G-1001 P01)

Consultee response:

KC Environmental Health have been consulted on the above details and made the following concluding comments:

A Phase I Geo-Environmental Report by JNP Group (April 2024, B25657-JNP-XX-XX-RP-G1001 P01) has been received in support of the application to discharge Condition 5. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

On 26th March 2024, JNP conducted a site walkover. Minor fly-tipping was observed. The report notes that the site has been used as a garage and contains an underground fuel tank. JNP identified potential sources of asbestos, heavy metals, hydrocarbons, and soil gases. Consequently, JNP determined the site conditions to pose a medium environmental risk, warranting an intrusive investigation. We accept the report and recommend that Condition 5 is discharged.

Taking account of the response of the Environmental Health team and the content of the submitted Phase I report it is considered that the submitted

Phase I is sufficient to enable the discharge of condition no.5 and this condition is therefore recommended to be discharged.

Condition 6 (Phase II Intrusive Site Investigation Report)

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 the development shall not be brought into use 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. 189 and 190 of the National Planning Policy Framework.

As part of this application the following has been submitted: -

- Phase II Geo-environmental Report authored by JNP Group Consulting Engineers dated July 2024 (ref: B25657-JNP-XX-XX-RP-G-1002 P04)
- Detailed Commentary on the Sampling Methodology and Explanation of Deviations statement authored by JNP Group Consulting Engineers dated June 2025.

KC Environmental Health have been consulted on the above details and made the following concluding comments:

A Phase II Geo-environmental Report by JNP Group (January 2025, B25657-JNP-XX-XX-RPG-1002 P04) has been received in support of the application to discharge Condition 6. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

The report describes a field investigation conducted in Summer 2024. Visual and olfactory evidence of contamination was noted. Elevated levels of VOCs, PAHs, and ground gases were confirmed through sampling and comparison with assessment criteria and ground gas monitoring. The report suggests that elevated hydrocarbons may be the source of increased ground gas concentrations. JNP then recommend that remediation measures will be necessary, including ground gas protection and the removal of underground tanks.

We have reviewed the report and generally accept its findings. However, we request clarification on the VOC sampling methodology before making any recommendations.

The agent provided a detailed commentary on the sampling methodology and explanation of deviations and the Environmental Health office found this to be sufficient to discharge condition 6.

Taking account of the response of the Environmental Health team, the content of the submitted Phase II Interpretative Report and additional information on

the VOC sampling method it is considered this is sufficient to enable the discharge of condition no.5 and this condition is therefore recommended to be discharged.

DECISION LETTER TEXT

Condition 5

You have submitted the following: -

- Phase 1 Geo-environmental Report authored by JNP Group Consulting Engineers dated April 2024 (ref: B25657-JNP-XX-XX-RP-G-1001 P01)

Taking account of the response of the Environmental Health team and the content of the submitted Phase I report it is considered that the submitted Phase I is sufficient to enable the discharge of condition no.5 and this condition is therefore discharged.

Condition 6

You have submitted the following: -

- Phase II Geo-environmental Report authored by JNP Group Consulting Engineers dated July 2024 (ref: B25657-JNP-XX-XX-RP-G-1002 P04)
- Detailed Commentary on the Sampling Methodology and Explanation of Deviations statement authored by JNP Group Consulting Engineers dated June 2025.

Taking account of the response of the Environmental Health team, the content of the submitted Phase II Interpretative Report and additional information on the VOC sampling method it is considered this is sufficient to enable the discharge of condition no.5 and this condition is therefore discharged.

Report dated: 17th September 2025