

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:	2025/44/90387/W
Site Address:	Site of Former Perseverance House, St Andrew's Road, Huddersfield, HD1 6RZ
Description:	Discharge of details reserved by conditions 3 (Phase I Desk Study Report), 4 (Phase II Intrusive Site Investigation Report), 10 (materials), 12 (drainage strategy), 13 (temp surface water strategy), 15 (interceptor details) on previous permission 2024/91336 for erection of two storey office/workshop with detached store and associated works
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 23-Mar-2026

Officer Report

Application: 2025/90387

Site: Site of former Perseverance House

Proposal: discharge of details reserved by conditions 3 (Phase I Desk Study Report), 4 (Phase II Intrusive Site Investigation Report), 10 (materials), 12 (detailed drainage scheme), 13 (temporary drainage), 15 (oil and petrol interceptor) on previous permission 2024/91336 for erection of two storey office/workshop with detached store and associated works at Site of Former Perseverance House, St Andrew's Road, Huddersfield, HD1 6RZ

Assessment

Condition 3 (Phase I Desk Study Report)

3. Notwithstanding the submitted Contaminated Land Report, 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 189 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the possibility of contamination is investigated before groundworks commence.*

A Phase 1 Environmental Desk Study Report by RGS (dated 24/09/2024, C4483/24/E/6940) has been submitted.

This has been viewed by KC Environmental Health who, in their comments dated 06/03/2025, consider it to be acceptable. Officers support this assessment and it is recommended that the details are approved. As condition 3 has no ongoing requirements, it would be discharged in full.

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), 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 189 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the possibility of contamination is investigated before groundworks commence.*

The following has been submitted:

- Stockpile Testing Letter prepared by RGS dated 11/08/25, reference C4483/25/E/8304.
- Supplementary sheet by RGS showing photographs of stockpiles, reference C4483/25/E
- Email chain of correspondence between RGS and the applicant's agent, dated 21/11/2025
- Further email from RGS to the applicant's agent, dated 10/02/2026.

The submitted details have been reviewed by K.C. Environmental Health. In their consultation responses dated 06/03/2025 and 08/11/2025 they recommended that the details submitted pursuant to condition 4 were inadequate. This principally related to uncertainty regarding the status of stockpiles on site.

In response to the concerns the applicant submitted further details, with K.C. Environmental Health providing the following response in their comments dated 04/12/2025:

We are satisfied that the submitted information is satisfies our previous query raised in November 2025 (WK/202526164). Based on the professional judgement of the report authors and the evidence and interpretations presented in the contaminated land reports received, we have no objection to the discharge of the condition. We also consider there to be adequate information at this stage to meet the requirements of Condition 5, although we note that the applicant has not sought to discharge this condition.

The planning officer and applicant are advised that any fill materials, whether site won or imported, used within areas of public open space (or similar) must comply with the criteria set out in the Phase 2 report (C4483/24/E/6941). Evidence of the reuse or removal of materials on site will be required as part of a future application to discharge the relevant conditions before the site is brought into use. This is to ensure that the site is safe for occupation. At that time, Environmental Health should be consulted.

The above comments were shared with the applicant, who provided a written response within an email dated 10/02/2026. K.C. Environmental Health provided the following final comments on that email in their consultation response dated 04/03/2026:

The applicant has recently submitted additional information in the form of an email dated 10th February 2026 from Rob Palmer at Rogers Geotechnical Services Ltd, advising that

“Whilst guidance/standards advise that testing is required, Kirklees have said on their consultation that “the applicant are advised that any fill materials, whether site won or imported, used within areas of public open space (or similar), must comply with the criteria set out in the Phase 2 report”. As the stockpiled material is to go beneath hardstanding, we deem this not to be public open space (or similar). However, I have advised that the topsoil requires testing when that is brought onto site further down the line.

Environmental Health confirm that the advice within the email dated 10th February 2026 from Rob Palmer is correct - the hardstanding severs the pathway to the contaminated materials controlling to risk to site users. However, site workers will be required to wear PPE, until such time that the hardstanding is in situ.

The concluding paragraph in our previous response dated 4th December 2025 remains –

The planning officer and applicant are advised that any fill materials, whether site won or imported, used within areas of public open space (or similar) must comply with the criteria set out in the Phase 2 report (C4483/24/E/6941). Evidence of the reuse or removal of materials on site will be required as part of a future application to discharge the relevant conditions before the site is brought into use. This is to ensure that the site is safe for occupation. At that time, Environmental Health should be consulted.

Officers support the above assessment and recommend that condition 4 be discharged. As condition 4 has no ongoing requirements, it would be discharged in full.

Condition 5 of 2024/91336 states that ‘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’.

KC Environmental Health have clarified in subsequent correspondence (19/03/2026) that the extent of the remedial actions required, in their view, do not warrant the submission of a formal remediation strategy, but that the Council acting as Local Planning Authority must receive confirmation of the final treatment of the stockpiles (removed from site or reused on site). Therefore, condition 5 does not activate, however, an application should be made to discharge condition 7 (submission of validation report) clarifying this. A note to this effect is recommended to be included on the decision notice.

Condition 10 (materials)

10. Before work on the superstructure of the building commences, details shall be submitted to and approved in writing by the Local Planning Authority of all facing and roofing materials, and the development shall be undertaken using the approved materials.

Reason: To ensure that the building conserves and enhances the quality of the townscape and visual amenity, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

The following materials have been inspected on site:

- Artificial flat cladding (Goosewing Grey / Merlin Grey / with Poppy Red detailing on southern side elevation).
- Artificial profiled cladding, pale grey / white.
- Natural sandstone block samples.

The agent has confirmed that the stone is from a company called JLD, based in Bishop Auckland. The stone is variable in colour but is generally a pale yellow-grey. It is not a perfect match for locally-quarried sandstone but is very similar in texture. It is considered that in this instance, the stone used would be acceptable in view of the following factors:

1. The proposed building is not to be predominantly built in stone;
2. Whilst the building to the north, on the opposite side of Turnbridge Road, is built mainly in gritstone of a type and colour typical of the local area, other development adjacent to the site is mainly built in brick and artificial materials.

It is therefore considered that the proposed stone would result in a high-quality development that would harmonise with its surroundings.

A 3-D visualisation of the development (viewed from the south-west) was supplied with the original application (drawing reference 05) which indicatively shows the use of external materials. It indicated that pale grey cladding (either profiled or flat) would form the predominant material for the western and southern elevations, with the use of darker grey in vertical bands and the use of red cladding on the southern elevation and near the south-western corner. The applicant's agent has confirmed that the scheme of cladding colours used would accord with this drawing, which has been added to this Discharge of Condition application file.

The proposed materials are considered acceptable and it is recommended that approval is granted. The condition will be discharged by the completion of the development using the approved materials.

Condition 12 (detailed drainage scheme)

12. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details/design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP27 of the Kirklees Local Plan and paragraphs 173 and 175 of the National Planning Policy Framework. This information is required pre-commencement to ensure that appropriate drainage infrastructure is incorporated into the development during the construction phase.

The following documents have been submitted:

- Drainage Strategy, reference 24466-DR-C-0100, revision P03 by Dart Engineering Ltd has been submitted dated 17/07/2025.
- Drainage Calculations by Dart Engineers, 09/12/2024
- Maintenance and Management Schedule by Dart Engineers
- Percolation Report by Dart Engineers, 24466-FP-001, 05/12/2024

The drainage strategy shows drainage to the combined sewer to the west of the site with attenuation provided by cellular storage and a hydrobrake. KC Lead Local Flood Authority (LLFA) have viewed the drainage strategy and other submitted details. Following an objection in their comments dated 07/03/2025, in their consultation response dated 12/08/2025 they have confirmed that they consider them to be acceptable.

Yorkshire Water (YW) have provided comments dated 25/02/2025, where they have objected to the discharge of condition on the grounds that the developer has not fully demonstrated compliance with the drainage hierarchy, in particular providing evidence of existing impermeable areas draining to the public sewer. However, it was accepted by officers at the planning stage, following consultation with LLFA, that infiltration-based drainage solutions would not be suitable for the site. Drainage to a watercourse (the Colne) would also not be practicable because it would mean crossing third-party land. Drainage to the combined sewer is therefore the only practicable option.

It is therefore recommended that approval is granted for the details supplied in respect of Condition 12. The initial requirements of the condition will be met by the approved drainage scheme being provided on the site to serve the development before any part of it is occupied.

As the condition has an ongoing requirement it cannot be discharged in full. It is also recommended that the decision notice include a note of this ongoing requirement.

Condition 13 (temporary drainage),

13. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- i. phasing of the development and phasing of temporary drainage provision;*
- i. include methods of preventing silt, debris and contaminants entering existing*
- ii. drainage systems and watercourses and how flooding of adjacent land is prevented.*

The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: *To ensure that the site is drained in a safe and sustainable manner throughout the construction process and to accord with the aims of Policy LP28 of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable measures are place for the safe drainage of the site at all stages during the construction process.*

A document entitled Temporary Drainage, 24466-DR-C-0101, Revision P01 dated 17/07/2025 has been submitted.

Following an objection in their comments dated 07/03/2025, in their later comments dated 12/08/2025 KC LLFA have viewed the submitted proposals and consider them to be acceptable. Officers support this assessment and recommend the details be approved.

The condition has an ongoing requirement, preventing a full discharge at this time. A note of this ongoing requirement is recommended to be included on the decision notice.

Condition 15 (oil and petrol interceptor)

15. Development shall not commence until a scheme demonstrating that surface water from vehicle parking and hard standing areas will pass

through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage should not be passed through any interceptor. Reason: To prevent pollution of the water environment and to accord with the aims of Policy LP28(c) of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable measures to prevent pollutants entering the water environment are incorporated into the development during the construction phase.

The drainage layout plan referred to earlier in this report, reference 24466-DR-C-0100, proposes the installation of a Class 1 bypass interceptor NSBE010. These details have been viewed by KC LLFA who, in their comments dated 07/03/2025, confirm that they are acceptable.

YW have not specifically commented on this Interceptor. However, YW were not consulted on the original application, and the condition was imposed at the request of LLFA.

Officers support the assessment made by the LLFA. It is therefore considered that the details can be approved. The condition will be discharged by the installation of the interceptor as part of the drainage system approved under Condition 12 as set out above.

Summary

All the conditions applied for (3, 4, 10, 12, 13, 15) can have their details approved and/or be discharged.

Recommendation: Approve details

Report Dated: 19/03/2025

Proposed Letter Text

Condition 3 (Phase 1 Desk Study Report)

A Phase 1 Environmental Desk Study Report by RGS (27th September 2024, C4483/24/E/6940) has been submitted.

The submitted details are considered acceptable and are hereby approved. Condition (3) is hereby discharged.

Condition 4 (Phase II Intrusive Site Investigation Report)

The following has been submitted:

- Stockpile Testing Letter prepared by RGS dated 11/08/25, reference C4483/25/E/8304;

- Supplementary sheet by RGS showing photographs of stockpiles, reference C4483/25/E;
- Email chain of correspondence between RGS and your agent, Northern Design Partnership, dated 21/11/2025;
- Further email from RGS to Northern Design Partnership, dated 10/02/2026.

The details are hereby approved, and condition 4 is discharged.

Based on the submitted details, the provisions of condition 5 do not hereby activate (i.e., you are not required to submit a formal remediation strategy). However, be aware that the requirements of condition 7 are still applicable. Evidence of the reuse or removal of materials / stockpiles on site will be required as part of a future application to discharge conditions 7, before the site is brought into use. This is to ensure that the site is safe for occupation.

Condition 10 (materials)

The following materials have been inspected on site:

- Artificial flat cladding (Goosewing Grey / Merlin Grey / with Poppy Red detailing on southern side elevation).
- Artificial profiled cladding, pale grey / white.
- Natural sandstone block samples.

Your agent, Northern Design Partnership, has subsequently confirmed by email that the stone is from a company called JLD, based in Bishop Auckland.

Furthermore, your agent has confirmed that the use of external cladding materials is to be in accordance with those shown on drawing reference 05, submitted and approved for the original application 2024/91336.

The proposed materials are considered acceptable and are hereby approved. The condition has the below ongoing requirement, preventing a full discharge at this time.

. . .the development shall be undertaken using the approved materials.

Condition 12 (detailed drainage scheme)

You have submitted the following:

- Drainage Strategy, reference 24466-DR-C-0100, revision P03 by Dart Engineering Ltd has been submitted dated 17/07/2025.
- Drainage Calculations by Dart Engineers, 09/12/2024
- Maintenance and Management Schedule by Dart Engineers

- Percolation Report by Dart Engineers, 24466-FP-001, 05/12/2024

The submitted details are considered acceptable and are hereby approved. The initial requirements of the condition will be met by the approved drainage scheme being provided on the site to serve the development before any part of it is occupied.

The condition has the below ongoing requirement, preventing a full discharge at this time.

No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Condition 13 (temporary drainage)

You have submitted a document entitled Temporary Drainage, 24466-DR-C-0101, Revision P01 dated 17/07/2025.

The details are considered acceptable and are hereby approved.

The condition has the below ongoing requirement, preventing a full discharge at this time.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

For the avoidance of doubt, the above requirement's need for 'written notification' does not require a fresh Discharge of Condition submission. An email notification will suffice.

Condition 15 (oil and petrol interceptor)

The drainage layout plan referred to earlier in this letter, reference 24466-DR-C-0100, shows the installation of a Class 1 bypass interceptor NSBE010.

These details are considered acceptable and are hereby approved. The condition will be discharged by the installation of the interceptor as part of the drainage system approved under Condition (12) as set out above.