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:	2026/44/90405/W
Site Address:	Land south of railway line, Scar Lane, Milnsbridge, Huddersfield, HD3 4PN
Description:	Discharge of conditions 3 (noise assessment), 5 (Phase I Desk Study Report), 6 (Site Investigation Report), 7 (Remediation Strategy), 15 (foul, surface, land drainage), 16 (seperate drainage systems) and 17 (surface water drainage) on previous permission 2024/91381 for variation of condition 2 (plans) on previous permission 2022/91789 for erection of four industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units
Recommending Officer:	Katie Chew

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: 12-Jun-2026

Officer Report

Application: 2026/90405

Application Site: Land south of railway line, Scar Lane, Milnsbridge, Huddersfield, HD3 4PN.

Proposal: Discharge of conditions 3 (noise assessment), 5 (Phase I Desk Study Report), 6 (Site Investigation Report), 7 (Remediation Strategy), 15 (foul, surface, land drainage), 16 (separate drainage systems) and 17 (surface water drainage) on previous permission 2024/91381 for variation of condition 2 (plans) on previous permission 2022/91789 for erection of four industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units.

Assessment:

Condition 3 (Noise Assessment)

> *3. 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; b) Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises; and c) A written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from the 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:** This is a pre-commencement condition to ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise, 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.*

The applicant has submitted the following pursuant to Condition 3:

- BS4142 Assessment Report, Ref: 28470.BS4142.01, authored by KP Acoustics Group, dated 07/01/2026, received 12/02/2026.

This condition has been reviewed by KC Environmental Health who have provided the following response in their consultation dated 25/02/2026:

> *The report identifies the purpose of the BS4142 noise assessment stating that:*

The proposal is for the "erection of four industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units (within a conservation area)". The proposed units fall under Use Class E(g)(iii), which is defined as industrial processes capable of being carried out in a residential area "without detriment to its amenity". This inherently restricts the nature and scale of future activities within the development. Operations involving heavy machinery, significant external plant or large vehicle movements (e.g. HGV deliveries) would not fall under this use class and are therefore not considered representative.

The report confirms that:

On this basis, the assessment focuses on the credible noise-generating activities associated with E(g)(iii), namely: cars and vans accessing the site, light-touch operational noise typical of small workshops, and hand-loading associated with small-van deliveries. These represent the worst-case sound sources compatible with the proposed lawful use and form the basis of the assessment presented in this report.

A baseline environmental noise measurement survey was undertaken between 15:00 on 22/11/2023 and 18:00 on 25/11/2023 to establish the noise climate currently experienced across the site. Whilst on site, the surveyor identified that:

the background noise profile at the monitoring location was driven by distant road traffic, with noise from passing trains dominating intermittently. Intermittent but frequent noise was also clearly audible from nearby industrial uses, including dumping of materials and operation of heavy machinery.

The results of the noise survey confirm that:

The derived levels for the proposed operational period are shown in Table 3.1

Time Period	Typical Background Sound Level, dB $L_{A90,1h}$	Residual Sound Level, dB $L_{Aeq,1hr}$
Operational Period 07:30 – 19:00	44	52 - 63

Table 3.1 Measured noise levels

The BS4142 assessment has predicted future operational noise levels to include passenger vehicles (cars) x20/hr, light commercial vehicles x3/hr and operational noise breakout with shutters open (as a worst case assumption), and has predicted noise levels at the nearest noise

sensitive receptors NSR 1 and NSR2 to be 43 dB LAeq,1h and 42 dB LAeq,1h respectively, which is below the current background noise level.

A fixed plant noise impact assessment was also undertaken as presented below:

> *The following fixed plant noise emission limits are therefore proposed to apply at 1 m from the nearest noise sensitive receptor in accordance with the guidance contained within BS 4142:2014. These limits would be subject to the approval of Kirklees Council.*

Time Period	Fixed Plant Rating Level Limit
Daytime 07:00 – 23:00	44 dB $L_{Ar,1h}$
Night-time 23:00 – 07:00	38 dB $L_{Ar,15min}$

Table 6.1 Proposed plant noise emission limits

The fixed plant levels suggested are at background sound level which would not result in significant noise impacts, however, in order to protect the amenity of nearby noise sensitive receptors at night, we recommend a nighttime noise limit of 5dB below background in order to prevent background noise creep.

RECOMMENDATION

The submitted noise assessment satisfies the requirements of condition 3 (noise assessment), and the condition can now be discharged.

Officers concur with the above assessment made by KC Environmental Health Officers and recommend that the details submitted are approved. However, Condition 3 has the below ongoing requirement which must be adhered to, to ensure ongoing compliance, a note of which is recommended to be included on the decision notice:

> *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.*

Condition 5 (Phase I Desk Study Report)

> *5. 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:** This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees*

Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

The applicant has submitted the following pursuant to Condition 5:

- Phase 1: Desk Study, Ref: RT073 Issue 5, authored by Solmek Ltd, dated May 2024, received 11/03/2026.

This condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 17/04/2026:

Environmental Health has been consulted on the discharge of the Phase 1… Contaminated Land condition, and this response will therefore address Condition 5 (Phase I Desk Study Report… on previous permission 2024/91381 for variation of condition 2 (plans) on previous permission 2022/91789.

The applicant has submitted the following documents pursuant to the above discharge of condition:

• Phase 1: Desk Study, Ref S240420, dated May 2024, prepared by SOLMEK Ltd.

During the Phase 1 desk study investigation, a site walkover was undertaken, and it was noted that the site consists of three levels sections of land with a gravel road connecting them. The site showed evidence of a variety of previous uses as noted:

> *"Site surface consists made ground. Brick walls present in the northwest, relating to the historic coal drops.*
> *Other residential and commercial waste materials present south on the site.*
> *A small wood structure is present with wood cutting machine. Wood waste is present in the northwest and south of the site.*
> *Rocks, bricks, railway line, steel pipes, possible fuel leakages, residential and industrial waste noticed on the site".*

The site history demonstrates a significant on and off-site industrial past, and concludes that:

> *"The site has been exposed to contamination, with construction/demolition waste, railway waste, timber waste and possibly oils or fuel from vehicle spills during construction and demolition work on or next to the site the most likely sources of contamination. Asbestos may be present on the site from previous construction and demolition next to the site.*
> *..a ground gas assessment is considered necessary for the site to observe standing groundwater levels and to allow measurements to be made of hazardous gases and contamination levels in groundwater. Monitoring should be*

undertaken following site works on a minimum of six occasions over three months."…

RECOMMENDATION
The submitted Phase 1: Desk Study, Ref S240420, dated May 2024, prepared by SOLMEK Ltd satisfies the requirements of condition 5 which may be discharged.

Officers concur with the above assessment made by KC Environmental Health Officers and recommend that the details submitted are approved.

Condition 6 (Site Investigation Report)

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5), 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:** This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.*

The applicant has submitted the following pursuant to Condition 6:

- Phase 2: Site Investigation, Ref: RT049 Issue 4, authored by Solmek Ltd, dated June 2024, received 26/02/2026.
- Ground Gas Risk Assessment, Ref: S240420/GAS, authored by Solmek Ltd, dated 18/10/2024, received 17/04/2026.

This condition has been reviewed by KC Environmental Health who have provided the following response in their consultation dated 17/04/2026:

The Phase 2 intrusive site investigation was undertaken on the 9th May 2024 comprising:

• 5no small percussive boreholes (BH01 to BH05 inclusive) to a maximum depth of 2.00m below ground level (bgl).
• Gas monitoring wells were installed in BH's 02, 03 & 05.
• 7no machine excavated trial pits (TP01 to TP07) were dug to a maximum depth of 3.50mbgl.

Sampling for contaminants identified:

"The levels of contaminants across the site are generally low with exceedances limited to two of the six samples tested, as summarised below:

• TP02 - 0.10-0.20m (Made Ground – granular) recorded elevated benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene and total PAH
• TP03 - 1.00-1.10m (Made Ground – granular) recorded elevated levels of nickel and asbestos (chrysotile)".

The report suggested that:

"Based on the shallow soil contamination testing, it is considered that the levels of contamination are unlikely to pose a risk to future users of the site, as all contaminated areas will be covered either by buildings or hardstanding". However, during the construction phase, construction workers and users of nearby sites may be at risk, and therefore appropriate PPE should be worn by construction workers, and dust suppression used during dry weather to prevent dust. Additionally, the report advised that "further asbestos may be present elsewhere on the site that has not been sampled or tested during this investigation. It is therefore advised that having a qualified asbestos surveyor present during the initial site strip and any excavation works is given careful consideration. All works should be undertaken in accordance with the Control of Asbestos Regulations (2012) and CIRIA C733 Asbestos in soil and made ground: a guide to understanding and managing risks".

Additional advice is given in relation to construction materials such as concrete and water pipes, unexpected contamination and waste classification.

A ground gas assessment is presented in section 8. The report advised that:
""as monitoring is via measuring emissions from three standpipes (BH02, BH03 & BH05) that were installed during the sitework. The gas monitoring will consist of six visits over a period of three months. The gas monitoring results will be presented as an addendum to this report.
The rationale of the ground gas installations was to capture ground gas emissions from across the site, with BH03 in particular targeting deep made ground, and BH02 and BH05 providing additional spatial coverage".

No ground gas addendum has been submitted with this report. The addendum will require submission before Environmental Health can conclude their assessment and consider the discharge of condition 6.

Following receipt of the above comments, the applicant sought to submit a Ground Gas Risk Assessment, of which KC ENVH provided the following comments (06/05/2025):

Environmental Health has previously responded to this application for the discharge of the Contaminated Land conditions, and were awaiting the Ground Gas Addendum as advised in the Phase 2 Assessment:

> *"As monitoring is via measuring emissions from three standpipes (BH02, BH03 & BH05) that were installed during the sitework. The gas monitoring will consist of six visits over a period of three months. The gas monitoring results will be presented as an addendum to this report.*
>
> *The rationale of the ground gas installations was to capture ground gas emissions from across the site, with BH03 in particular targeting deep made ground, and BH02 and BH05 providing additional spatial coverage".*

The applicant has now submitted a Ground Gas Risk Assessment letter report, Ref: 18th October 2024, prepared by Solmek. The assessment included gas monitoring under a range of rising and falling atmospheric pressures ranging between 992 and 1018 millibars during the surveys. The results of the monitoring confirmed:

- *Methane was not detected*
- *Carbon dioxide concentrations were recorded between 0.0% and 3.0%.*
- *Oxygen levels were between 17.0% and 20.8%.*
- *No significant flow rates were recorded.*

"The gas screening values from the monitoring visits would place the site in Characteristic Situation 1".

The submitted addendum is accepted. Environmental Health can now consider the Phase 2 Site Investigation Report and the Remediation Strategy Report – conditions 6 and 7.

The Phase 2: Site Investigation, Ref: S240420, dated June 2024, prepared by SOLMEK Ltd confirms that 6 samples consisting of made ground were tested:
"The samples selected are considered to provide coverage of both the made ground and shallow natural strata from across the site that would be most likely to be exposed during future site works".

- *"Significantly elevated concentrations of Nickel were encountered in TP03 (1.00-1.10m), in the centre of the site.*
- *Soluble sulphates (potentially aggressive to foundation concrete) were recorded between 61 and 410mg/l.*
- *TP02 – 0.10-0.20m recorded elevated benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene and total PAH*
- *TP03 – 1.00-1.10mbgl Chrysotile (white) comprised 0.005% asbestos fibre by mass"*

The contamination conceptual model indicates that:

> *"In general terms, construction materials, are potentially most at risk as pollution linkages may be present for each of these receptors. Users of the site, construction workers, users of surrounding site and potential future users of the site are potentially at risk from contamination in the soils on site. Controlled waters and vegetation are at potentially less of a risk".*

The Phase 3: Remediation Statement, Ref: S240420/REM, dated August 2025, prepared by SOLMEK Ltd:

> *"Outlines the objectives of the remediation works that are required to render the site suitable for the proposed development and its immediate surroundings".*
>
> *The statement reiterates the results of the contamination testing, confirming that:*
>
> *"The below exceedances were noted within the six samples tested:*
>
> - *TP02 - 0.10-0.20m (Made Ground – granular) recorded elevated benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene and total PAH*
> - *TP03 - 1.00-1.10m (Made Ground – granular) recorded elevated levels of nickel and asbestos (chrysotile, quantified as 0.005%)".*

The report goes on to outline the general remediation strategy, which is considered acceptable, and confirm the requirements for the site contractor to maintain records including volumes of materials, waste disposal records, surveys for base digs etc.

The submitted information is considered acceptable for the purposes of discharging conditions 6 and 7, namely:

- *The Phase 2: Site Investigation, Ref: S240420, dated June 2024, prepared by SOLMEK Ltd*
- *Ground Gas Risk Assessment letter report, Ref: 18th October 2024, prepared by Solmek; and*
- *The Phase 3: Remediation Statement, Ref: S240420/REM, dated August 2025, prepared by SOLMEK Ltd*

RECOMMENDATION

The additional submitted Ground Gas Addendum along with the Phase 2 Site Investigation, and the Phase 3: Remediation Statement satisfies the requirements of conditions 6 and 7 which may be discharged.

Officers concur with the above assessment made by KC ENVH and recommend that the submitted details are approved.

Condition 7 (Remediation Strategy)

> *7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) 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: This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.*

The applicant has submitted the following pursuant to Condition 7:

- Phase 3: Remediation Statement, Ref: S240420/REM, authored by Solmek Ltd, dated August 2025, received 12/02/2026.

This condition has been reviewed by KC ENVH who have provided the following response in their consultation dated 02/03/2026:

> *The applicant has submitted the following documents pursuant to the above discharge of conditions:*
>
> - *Phase 3: Remediation Statement, Ref S240420/REM, RT074 Issue 2, dated August 2025, prepared by SOLMEK Ltd.*
> - *Soil Sample Analysis, DETS Certificate Number 24-10279, dated 29th May 2024**
> -
>
> ** Note: This is not a contaminated Land report, but what is usually appended to a Phase II Contaminated Land Site Investigation Report.*
>
> *The Phase 3: Remediation Statement, Ref S240420/REM, RT074 Issue 2, dated August 2025 introduces the remediation statement confirming that:*
>
> *The following reports have already been issued in respect of the site:*
>
> - *Solmek Phase 1 Desk Study (S240420) May 2024*
> - *Solmek Phase 2 Site Investigation (S240420) June 2024*
> - *Solmek Ground Gas Risk Assessment (S240420/Gas) October 2024*
>
> *I am not aware that Environmental Health have previously been consulted on the discharge of contaminated land conditions.*

Environmental Health will not review a Remediation Statement report in isolation of the accompanying contaminated land reports (identified above). There is insufficient information at the current time to consider the submitted Phase 3: Remediation Statement, Ref S240420/REM, RT074 Issue 2, dated August 2025.

In order for Environmental Health to consider the Phase 3: Remediation Statement, Ref S240420/REM, RT074 Issue 2, dated August 2025, it must be considered with reference to the Solmek Phase 1 Desk Study (S240420) May 2024, Solmek Phase 2 Site Investigation (S240420) June 2024 and the Solmek Ground Gas Risk Assessment (S240420/Gas) October 2024 (that support the submitted Phase 3: Remediation Statement). Should the applicant submit the required reports, the planning officer is advised to reconsult Environmental Health.

On this basis we are unable to complete our review and therefore condition 5, 6 and 7 must remain.

RECOMMENDATION

Environmental Health are unable to consider the submitted Remediation Statement report in isolation of the contaminated land reports that accompany it and provide the relevant information to make sense of the remediation statement.

We therefore cannot recommend discharge of the contaminated land conditions and therefore conditions 5 (Phase I Desk Study Report), 6 (Site Investigation Report), 7 (Remediation Strategy) must remain.

Following receipt of the above, the applicant sought to submit a Phase 1, Phase 2, and a Ground Gas Risk Assessment report. As outlined above under the Condition 6 assessment ENVH consider in their comments dated 06/05/2026 that:

The Phase 3: Remediation Statement, Ref: S240420/REM, dated August 2025, prepared by SOLMEK Ltd:

"Outlines the objectives of the remediation works that are required to render the site suitable for the proposed development and its immediate surroundings".

The statement reiterates the results of the contamination testing, confirming that:

"The below exceedances were noted within the six samples tested:

- *TP02 - 0.10-0.20m (Made Ground – granular) recorded elevated benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene and total PAH*

- *TP03 - 1.00-1.10m (Made Ground – granular) recorded elevated levels of nickel and asbestos (chrysotile, quantified as 0.005%)".*
-

The report goes on to outline the general remediation strategy, which is considered acceptable, and confirm the requirements for the site contractor to maintain records including volumes of materials, waste disposal records, surveys for base digs etc.

The submitted information is considered acceptable for the purposes of discharging conditions 6 and 7, namely:

- *The Phase 2: Site Investigation, Ref: S240420, dated June 2024, prepared by SOLMEK Ltd*
- *Ground Gas Risk Assessment letter report, Ref: 18th October 2024, prepared by Solmek; and*
- *The Phase 3: Remediation Statement, Ref: S240420/REM, dated August 2025, prepared by SOLMEK Ltd*

RECOMMENDATION

The additional submitted Ground Gas Addendum along with the Phase 2 Site Investigation, and the Phase 3: Remediation Statement satisfies the requirements of conditions 6 and 7 which may be discharged.

Officers concur with the above assessment made by KC ENVH Officers and recommend that the details submitted are approved. The associated conditions 8 and 9 hereby activate, a note of which is recommended to be included on the decision notice.

Conditions 15 (Foul, Surface, Land Drainage), 16 (Separate Drainage Systems) and 17 (Surface Water Drainage)

15. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings 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 to which the dwellings relate and retained thereafter.
***Reason:** To deliver effective sustainable systems that will be operated, maintained and managed for the lifetime of the development that it will serve, and to ensure that surface water flows away from the adjacent railway, in accordance with Policies LP19 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that all site drainage measures are agreed at an appropriate stage of the development process.*

16. The site shall be developed with separate systems of drainage for foul and surface water on and offsite, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. There shall be no pump stations used for the discharge of foul and surface water from the site.
***Reason:** To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that all site drainage measures are agreed at an appropriate stage of the development process.*

17. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3.5 litres per second to the combined sewer in Scar Lane has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Volumes generated by storms greater than the 1 in 30-year critical event, up to and including the critical 1 in 100-year event with an appropriate allowance for climate change can be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.
***Reason:** To reduce the risk of flooding to the proposed development and future users, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that all site drainage measures are agreed at an appropriate stage of the development process.*

The applicant has submitted the following pursuant to Conditions 15, 16 & 17:

- Drainage GA, Drawing No. LM22250-DYSE-XX-ZZ-DR-C-1001, Rev P02, received 14/05/2026.
- Construction Environmental Management Plan (CEMP) & Temporary Surface Water Drainage During Construction Method Statement, received 12/02/2026.
- Surface Water Calculations, authored by Causeway, dated 28/04/2026, received 14/05/2026.
- Technical Note 1, ref: LM22250-DYSE-XX-ZZ-TN-C-0001, Rev P01, authored by DYSE Structural Engineers, dated 15/05/2026, received 14/05/2026.

These conditions have been reviewed by both KC LLFA and Yorkshire Water who have provided the following response in their consultations outlined below:

Yorkshire Water provided the following comments dated 05/03/2026:

> *Yorkshire Water has no objection to the discharge of conditions 15, 16 and 17.*
>
> *Yorkshire Water has no objection in principle to:*
>
> *1) The proposed separate systems of drainage on site with combined off-site*
> *2) The proposed amount of curtilage surface water to be discharged to the public combined sewer at a restricted rate of 3.5 (three point five) litres/second*
> *3) The proposed point of discharge of foul and surface water to the public 600mm diameter combined sewer in Scar Lane*
> *4) The proposed use of the petrol separator submitted on drawing LM22250-DYSE-XX-ZZ-DR-C-1001 (revision P01) dated 22/11/2022 that has been prepared by DYSE Structural Engineers.*

KC LLFA provided the following comments dated 18/03/2026:

> *<u>Condition 15</u>*
>
> *The diameter of the surface water pipe between SW MH 09 and 10 is shown as 225mm dia on the submitted Drainage GA drawing, however the upstream drain from SW MH 08 is shown as 300mm dia and a reduction in diameter is not acceptable. Also, the hydraulic calculations indicate that the pipe between SW MH 09 and 10 is 300mm dia. Please resubmit the drawing showing the correct pipe diameter.*
>
> *Therefore, Condition 15* ***cannot be*** *discharged until a revised drawing is submitted.*
>
> *<u>Condition 16</u>*
>
> *A separate foul and surface water drainage system is indicated on the Drainage GA drawing.*
>
> *Therefore, Condition 16 can be discharged.*
>
> *<u>Condition 17</u>*
>
> *The submitted hydraulic Surface Water Calculations indicate that a climate change allowance for the 1 in 100 year rainfall event of 20% has been used. Kirklees Council's requirements are for a minimum of 30%. Please re-submit the calculations showing the correct climate change allowance.*
>
> *Therefore, Condition 17* ***cannot be*** *discharged until revised calculations are submitted.*

Following receipt of the above comments the applicant sought to submit revised hydraulic surface water calculations and revised general drainage arrangement plan, KC LLFA have reviewed these revised calculations and note in their comments on 12/06/2026 that:

> *Condition 15:*
>
> *The LLFA notes that the pipe diameters on the Drainage GA have been revised to address the issue raised in the LLFA's previous response dated 16/03/2026. It is further noted that the volume of the attenuation tank has also been increased following the revisions to the hydraulic calculations as noted below.*
>
> *Therefore, Condition 15 can be discharged.*
>
> *Condition 17:*
>
> *The LLFA notes that the correct Climate Change Allowance (30%) has now been applied and confirms that the calculations are accepted.*
>
> *Therefore, Condition 17 can be discharged.*

Officers concur with the above assessments made by both KC LLFA and Yorkshire Water and recommend that the details submitted are approved. However, each of conditions 15, 16 & 17 have an ongoing requirement which must be adhered to, to ensure ongoing compliance. These are to be noted on the decision notice.

Summary

All the conditions sought to be discharged may have their details approved.

Recommendation: Approve details.

Report Dated: 12/06/2026.

Recommended Decision Notice Text

Condition 3 (Noise Assessment)

Pursuant to Condition 3, you have submitted:

- BS4142 Assessment Report, Ref: 28470.BS4142.01, authored by KP Acoustics Group, dated 07/01/2026, received 12/02/2026.

The submitted details are deemed to be acceptable for the initial requirements of Condition 3 and are hereby approved.

However, be aware that Condition 3 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

> *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.*

Condition 5 (Phase I Desk Study Report)

Pursuant to Condition 5, you have submitted:

- Phase 1: Desk Study, Ref: RT073 Issue 5, authored by Solmek Ltd, dated May 2024, received 11/03/2026.

The submitted details are acceptable for the requirements of Condition 5 and are hereby approved.

Condition 6 (Site Investigation Report)

Pursuant to Condition 6, you have submitted:

- Phase 2: Site Investigation, Ref: RT049 Issue 4, authored by Solmek Ltd, dated June 2024, received 26/02/2026.
- Ground Gas Risk Assessment, Ref: S240420/GAS, authored by Solmek Ltd, dated 18/10/2024, received 17/04/2026.

The submitted details are acceptable for the requirements of Condition 6 and are hereby approved.

Condition 7 (Remediation Strategy)

Pursuant to Condition 7, you have submitted:

- Phase 3: Remediation Statement, Ref: S240420/REM, authored by Solmek Ltd, dated August 2025, received 12/02/2026.

The submitted details are deemed to be acceptable for the requirements of Condition 7 and are hereby approved.

Further to the above, the conclusion of Condition 7 activates the requirements of Conditions 8 and 9, which are repeated below for convenience:

> *8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). 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 two 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 paragraphs 196 and 197 of the National Planning Policy Framework.*

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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 paragraphs 196 and 197 of the National Planning Policy Framework.*

<u>Conditions 15 (Foul, Surface, Land Drainage), 16 (Separate Drainage Systems) and 17 (Surface Water Drainage)</u>

Pursuant to Conditions 15, 16 & 17 you have submitted:

- Drainage GA, Drawing No. LM22250-DYSE-XX-ZZ-DR-C-1001, Rev P02, received 14/05/2026.
- Construction Environmental Management Plan (CEMP) & Temporary Surface Water Drainage During Construction Method Statement, received 12/02/2026.
- Surface Water Calculations, authored by Causeway, dated 28/04/2026, received 14/05/2026.
- Technical Note 1, ref: LM22250-DYSE-XX-ZZ-TN-C-0001, Rev P01, authored by DYSE Structural Engineers, dated 15/05/2026, received 14/05/2026.

The submitted details are acceptable for the initial requirements of Conditions 15, 16 and 17 and are hereby approved. However, all three conditions do have the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

Condition 15

None of the buildings 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 to which the dwellings relate and retained thereafter.

Condition 16

There shall be no pump stations used for the discharge of foul and surface water from the site.

Condition 17

There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.