

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93388 Dene End Funeral Home, 50 North Road, Kirkburton, Huddersfield, HD8 0RW		
Change of use from domestic to commercial, demolition of existing workshop and erection of three storey office building (within a Conservation Area)		
Responding Date: 7 th October 2024	Responding Officer: SR Environmental Health	Responding Ref: WK2024
<u>Comments</u> These comments relate to contaminated land matters only. <u>Contaminated Land</u> In our comments dated the 26th of September, we requested a Phase 1 report in accordance with good practice guidance. We have received a Phase 1 Geo-environmental Investigation, authored by Rogers Geotechnical Services Ltd, dated the 4th of October 2024 (ref: C4025/24/E/6211). 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. We have considered the document in support of the application and have been able to appraise the Phase 2 document fully. The Phase1 report includes details of a site walkover on the 12th of December 2023, it gives an appraisal of the site history since 1854. Information from boreholes at an adjacent site has informed the potential coal risk at the site is low. The preliminary conceptual site model demonstrates that a medium risk exists at the site and has recommended a sampling regime. We accept the Phase 1 report. The Phase 2 Geo-environmental Investigation, authored by Rogers Geotechnical Services Ltd, dated February 2024 (ref: C4025/23/E/6125), 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 fieldworks were undertaken on the 24th and 25th of January 2024. A total of eight windowless trial pits were excavated , cores were logged and retrieved for chemical analysis. The ground conditions were proven as made ground and topsoil over clay. 3 samples were submitted, the results of the chemical analysis are given in Appendix 4. Some contaminants were found to be above the Soil Screening Values (SSV's), for commercial development. RGS considered that the criteria for no free product should be adopted for the PAHs and TPHs at this site, concluding that the site is generally uncontaminated. It should be noted that the development has no soft landscaping. The updated Conceptual Site Model, Table 10 has reflected this. The report goes on to clarify "On completion of the groundworks a careful site inspection of the sub-grade would be required. Should visual or olfactory evidence of contamination be revealed then further testing may become necessary." We accept the report and recommend a condition in relation to unexpected contamination.		

We also previously recommended a condition in relation to Construction noise which is reproduced below.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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. 189 and 190 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. 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.

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.