

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2025/90261 York House 198 Barnsley Road, Denby Dale, Huddersfield, HD8 8TS

Reserved matters application pursuant to outline permission 2022/91024 for demolition of existing works and erection of residential development (3 detached dwellings)

Responding Date:
5th August 2025

Responding Officer:
SR

Responding Ref:
WK202523691

Comments

Contaminated Land

Desk Study

In support of the application, a Phase 1 Desk Study Report by RGS, dated the 20th of June 2024, ref: C3900/23/E/5909 has been submitted.

The report contains geotechnical information which is beyond the remit of Environmental Health. This consultation response therefore only relates to the land contamination aspects of the report. We have reviewed the report and make the following comments and recommendations.

A site walk over was undertaken on the 4th of June 2024 and the site is described as industrial units/offices with associated hardstanding/yard area and rough gravel ground. No visible evidence of contamination was observed. The site history and environmental setting since 1854 have been listed with the site described as initially fields until Inkerman mill is shown on site in 1891.

Solid geology to the site is described as Pennine lower coal measure formation. Table 3 presents a summary of the Coal Authority Consultant Mining Report Information with no probable unrecorded shallow workings, two adits located approximately 75m and 85m SE. No landfill is detailed within 250m of the site.

Potentially contaminative sources identified are listed in Table 7, including but not limited to: -

- reservoirs
- historic construction
- previous site use

A preliminary conceptual site model is presented in Table 8; it is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

We accept the report.

Intrusive Investigation

A Phase 2 Geo Environmental Report by RGS dated 04/07/2024, ref: C3900/24/E/5910 has been submitted in support of the application. 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 refers to the earlier Phase 1 report by RGS. Fieldworks were undertaken on the 5th of June 2024 consisting of four windowless sample boreholes with standard penetration tests (SPTs).

Data obtained informs general strata conditions of the borehole records indicate that made ground of both cohesive and granular material is present at all locations to depths of between 0.15m and 0.45m below ground level (begl). Beneath this made ground, cohesive and granular materials anticipated to be representative of completely weathered fractions of the underlying Pennine Lower Coal Measures Formation were present. These soils were recorded at all positions at depths of between 1.38m and 2.10m begl. It was noted that underlying these weathered soils within WS01, WS02 and WS04, sandstone was found to be present at depths of between 1.45m and 2.15m begl. It is thought that this rock is the beginning of the undifferentiated strata of the underlying Pennine Lower Coal Measures Formation i.e. solid geology. firm to stiff slightly gravelly silty clay present to depths of between 0.85m and 2.1m below ground level. Underlain by weathered rockhead of the Pennine Lower Coal Measures Formation. No groundwater strikes were observed during the investigation.

A suite of testing was conducted on 3 samples from across the site and the following regime was undertaken –

- Metals – Cd, CrVI, Cu, Hg, Ni, Pb, V and Zn.
- Semi and Non-Metals - As, Se, Free CN- and Phenols.
- Polycyclic aromatic hydrocarbons (PAHs).
- Petroleum hydrocarbons (TPHs).
- Others – pH, organic content and total/soluble SO₄²⁻
- Asbestos.

The results of all of the chemical testing are presented in Appendix 3. No asbestos was found in any of the samples tested. Whilst contaminants were detected they were below the associated Soil Screening Values. the results of the investigation have concluded that the site is generally uncontaminated with respect to the proposed end use. In relation to gas risk the report informs no sources of gas noted during investigation and no credible sources noted within the surrounding area during the desk study.

The CSM presented in table 9 attributes a low risk rating and concludes that no further testing is required, it is therefore not be necessary to undertake any specific remediation at this site. A watching brief is advised during construction for any evidence of unexpected contamination.

We accept the report and recommend the following:- a condition in relation to unexpected contamination. The report is unclear regarding the re use of site won materials or the use of imported materials but does set out basic principles of verification. For the avoidance of doubt, we expect the applicant to verify imported soils and clean cover in accordance with YALPAG Guidance - Verification requirements for cover systems (version 4.1, June 2021) and a condition to secure appropriate verification is recommended.

Noise

A Noise Survey Report by Clover Acoustics, dated the 28th of Feb 2024, ref: 4894-R1—has been submitted in support of the application. It identifies the dominant noise affecting the proposed site is road noise from the A635 north of the site.

A noise survey was undertaken on Sunday the 18th of February 2024 at a position that had direct line of site to the A road identified. The day was chosen due to the continued operation of the works on site which would not exist once the development begins. Monitoring position as shown in figure 5 and a summary of the findings is given in Section 6.

The dominant source was road traffic from the A635. The measured noise levels are elevated for both daytime and night time, where windows and gardens with direct line of site to the main road.

Therefore, mitigation measures are required to reduce noise levels with the application of double glazing to living rooms and bedrooms that face the A road and to gardens with direct line of site to the road.

In order to meet with the internal requirements of BS8233, mitigation is shown in Section 9. We are informed: - “– In living areas to ensure the values identified in Table 4 of BS8233:2014 for suitable “*Indoor ambient noise levels for dwellings*” are achieved a minimum glazing performance of 21dB RTRA is required and in bedroom areas a minimum glazing performance of 25dB RTRA is required. The specified glazing is recommended for properties facing Leeds Road in living and bedroom areas.” The provision of indoor ventilation is a requirement of the building regulations, which is beyond the remit of Environmental Health, the applicant must ensure all necessary ventilation is applied in accordance with the approved document.

In order to meet with the external requirements of BS8233, the report informs: - “*External levels are marginally in excess of the upper guideline value of 55dB(A) for outdoor living areas. Predominantly the garden areas are to be screened to the rear of the proposed houses behind existing dwellings. Where required any area with line of sight to the road (dependent upon final layout) would benefit from screening. A 2-meter barrier may be erected with a minimum superficial mass of 15Kg/m² to ensure the barrier attenuation is not compromised by sound passing through the barrier. The screen should be of solid construction with timber thickness of at least 20mm in all places. 25mm timber boards mass is around 16Kg/m². The timber boards should continue across fence posts and with large overlaps to prevent gaps appearing over time.*”

Whilst we accept the methodology of the report and the mitigation proposed, it will be for the Planning Officer to determine if the alteration of the site layout is such that a further report is required. No plans are provided which show clearly the windows and fence areas that require the specified mitigation, as a minimum we advise the planner to secure a plan detailing the necessary mitigation. We recommend a condition to secure the implementation of the recommended mitigation measures.

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 197 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.

LQ1 Imported Materials

If materials are imported to the site or site won materials are re used, testing to demonstrate suitability must then be carried out in accordance with YALPAG Guidance - Verification requirements for cover systems (version 4.1, June 2021). Following importation and placement of the materials a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification

Report 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 197 of the National Planning Policy Framework.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of the sound mitigation as specified in the Noise Survey Report by Clover Acoustics, dated the 28th of Feb 2024, ref: 4894-R1 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating sources 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.