Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90729 Warwick House 10 Smithies Moor Lane, Birstall, Batley, WF17 9AT		
Prior notification for change of use from commercial/business/service to one dwelling		
Responding Date: 7th August 2025	**Responding Officer: SR**	**Responding Ref: WK2025223938**

Comments

Following our response dated the 24th Of March 2025, new information has been provided in the form of a Tier 1 Preliminary Risk Assessment Report by Geoenviro Solutions Limited, ref: 5461-25 T1, dated June 2025. The report contains geotechnical information which is beyond the remit of Environmental Health, we provide the following comments and recommendations in relation to contaminated land only and all other earlier comments and recommendations in relation to noise and construction remain.

The report is based on the presumption that the building is to be redeveloped in its current form and no groundworks are to take place. The site history and environmental setting since 1854 have been listed, a site walkover was conducted on the 19th of June 2025, with no visual or olfactory contaminants noted, with no staining to floors, photographs are presented in Appendix 2 (we note photographs include areas of the structure which are not within the red line boundary of the development). The site history demonstrates the structure was part of Birstall smithies, in 1933 the development appears in its current format.

In relation to the coal risk the report author has provided a Coal Mining Report from the Coal Authority , the report author has examined the information available and informed: - "Moreover, given the coal risk from shall coal seams identified it is our opinion that exploratory drilling is required to establish at what depth coal seams and mine workings occur beneath the site and what their condition is as well as to accurately establish drift/bedrock depth, rock cover thickness and coal seam/mine working thickness and depth beneath the new development. Gas monitoring must be carried out during drilling."

A conceptual site model is presented in Table 9, attributing a low or very low risk rating to potential pollutant linkages to risks within the remit of Environmental Health, the report does however require clarification of the gas risk at site by way of atmospheric monitoring of the cellar areas. The report recommends a watching brief in relation to any unexpected contaminants.

We accept the report and provide amended conditions in relation to contaminated land; this will ensure updated information in regard to gas risk and updated information on potential worked shallow coal at site are provided and a conceptual site model is provided in a phase 2 report. We would advise that should evidence of worked shallow coal be found it is likely we would anticipate robust gas monitoring to be undertaken in line with good practice guidance.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment,

residential occupation or groundworks of any kind (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 nos. 189 and 197 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition
Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) residential occupation or groundworks of any kind, 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: 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

CLC4 Implementation of the Remediation Strategy - Condition
Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). 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 works in relation to the conversion and occupation as residential, 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 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 paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition
Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 Verification Report in respect of those remediation measures 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.