

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

2025/90927 2 Spa Bottom, Fenay Bridge, Huddersfield, HD8 0BB

Demolition of existing dwelling and outbuildings, erection of 2 detached dwellings with integral garages and associated works

Responding Date:
28th April 2025

Responding Officer:
SR

Responding Ref:
WK202511179

Comments

We have reviewed the application and supporting information, we offer the following comments. The application concerns the demolition of existing buildings on the site and new development comprising 2 detached dwellings.

Contaminated Land- Pre determination information required

The site of the proposed development is shown on our mapping system as being situated on land identified as potentially contaminated (former chemical works), it is located close to historic landfill and has nearby historic brickworks.

The proposed development will involve part demolition and groundworks. Due to the sensitive end use and the potential for serious chemical contamination on site we require pre determination information in the form of a minimum Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person and depending on the results of this initial assessment possibly a Phase II Intrusive Site Investigation Report by a suitably competent person. After submission and review we may be in a position to support the application with recommended conditions.

We require this information at this early stage to ensure the site is or can be made safe and suitable for the intended end use and 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 2021. 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.*

Construction Related Noise

There are existing residential dwellings adjacent, we therefore recommend a condition to ensure construction noise associated with the proposal does not cause loss of amenity to existing residents.

Electric Vehicle Charging Points

We would remind the applicant that approval under the Building Regulations may be required for EVCP's, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Recommended Conditions

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 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.