

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/91121 St Marys Vicarage, Spen Lane, Gomersal, Cleckheaton, BD19 4LS		
Demolition of existing vicarage and erection of 10 apartments		
Responding Date: 4 th July 2025	Responding Officer: SR	Responding Ref: WK202518762
<p><u>Comments</u> We have reviewed the application and make the following comments and recommendations. The application appears to involve the demolition of an existing vicarage and the redevelopment of the site with 10 single storey dwellings with private gardens, areas of public open space and associated infrastructure.</p> <p><u>Contaminated Land</u> A Preliminary Appraisal Report by Sirius Geotechnical Ltd, dated April 2025, ref: C10452, has been submitted in support of the application. 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. Our mapping indicates the site is not situated on potential contaminated land but there are nearby identified areas and the site is adjacent to a graveyard.</p> <p>The report reviews historical Ordnance Survey mapping informing, the site comprised undeveloped land until the construction of the existing Vicarage in the early 1970s, and the site configuration has largely remained unchanged since this time. Significant historical features in the surrounding area include a church and associated graveyard immediately to the west, a coal pit located c. 120m to the south east, and a mill with associated mill pond (which was subsequently demolished/infilled) c. 40m north west.</p> <p>The site history and environmental setting since 1854 have been listed, a site walk over was undertaken on the 1st of April 2025. Observations found an existing residential property with tarmacadam driveway, mature trees to site boundary with some recent felling evident. There were no visible signs of contamination or fly tipping present during the time of the walkover.</p> <p>A summary of the Geological information is presented in table 2.4. It is anticipated that made ground may be present beneath the existing structure. We are informed the solid geology underlying the site is recorded as Lepton Edge Rock (LER), described by the BGS as ‘a fine-grained, cross-bedded flaggy sandstone’ from the parent unit of the Pennine Lower Coal Measures Formation (PLCM). Information is presented demonstrating shallow coal may be present beneath the site.</p> <p>Information summarised from the Envirocheck report demonstrates a number of small areas within 250m of site that may have been subject to historic filling describing as possible ponds.</p> <p>Potentially contaminative sources identified are listed as the following: - Localised made ground beneath and within the immediate vicinity of the existing residential property. Possible</p>		

shallow unrecorded coal workings.

A preliminary conceptual site model (PCSM) has been developed for the proposed future land use, a schematic is presented in Appendix A.

Contamination sources identified on the preliminary conceptual site model are considered largely to be restricted to potential localised areas of made ground beneath the existing residential property. Such made ground may contain elevated concentration of heavy metals, hydrocarbons, polycyclic aromatic hydrocarbons (PAH), elevated sulphates and pH, and asbestos which may pose a potential risk to human health via direct contact, ingestion and inhalation pathways. The nature of the risks should be further investigated through an intrusive ground investigation with sampling, analysis and generic quantitative risk assessment.

At this stage it is considered that no significant potential sources of hazardous ground gases have been identified on, or in the vicinity of, the site. The report acknowledges that unrecorded underground coal workings are present at shallow depth beneath the site (i.e. <30m bgl), considering it prudent to undertake rotary probing to determine the presence or absence of coal of workable thickness beneath the site. If shallow mine workings are present, then it is recommended that ground gas monitoring wells be installed, and a programme of monitoring be undertaken.

It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. We anticipate that the rotary probing will be undertaken as part of a robust Phase 2 intrusive investigation.

We accept the report and recommend the following conditions.

Construction Related Noise

The area generally is residential in nature and we recommend a condition to ensure construction noise associated with the proposal does not cause loss of amenity to existing residents.

Recommended Conditions

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

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: 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) 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: 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 groundworks 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification 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 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.

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.