

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

**2025/91185 - Building at Back Chapel Lane, Moldgreen, Huddersfield, HD5 9BG**

**Demolition of redundant engineering building and erection of student accommodation block**

**Responding Date:  
09 July 2025**

**Responding Officer:  
Mohammed Nasim**

**Responding Ref:  
WK202518859**

**Comments**

**Contaminated Land**

A Phase 1 Preliminary Contamination Risk Assessment by Geol Consultants, dated 14/03/2025, ref: GEOL25-6569, 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 listed as potentially contaminated due to historic derelict land and the industrial history of the existing building.

A site walkover (no date), has been undertaken and site photographs are presented within Appendix 1. The report reviews historical Ordnance Survey mapping from 1851 onwards, informing the site comprised mixed development with demolition and rebuild on site over time and a wide variety of industrial uses nearby.

A summary of the Geological information informs *“the site lies within an area where superficial (drift) deposits are absent and bedrock deposits are present at or close to the surface, i.e. area of solid outcrop. Archive BGS boreholes sunk near to the site show bedrock deposits as shallow as 1.10m bgl comprising shale. The bedrock deposits beneath the site are shown to comprise the Pennine Lower Coal Measures Formation, consisting of mudstone, sandstone and siltstone, 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.”*

The author has obtained a Consultants Coal Mining Report, reference 51003480626001, from the Mining Remediation Authority. The information held within has been used to feed into the decision support tool for mine gas risk assessment (MGRA) contained within the CL:AIRE Publication ‘Good practice for risk assessment for coal mine gas emissions,’ dated 2021. The author concludes that the site is not underlain by past recorded or probable shallow coal workings associated with the 36 Yard coal seam or any other coal seams beneath the site and the site has been assessed to lie within a negligible-risk zone. Therefore a detailed mine gas risk assessment will not be required for the site.

A preliminary conceptual site model (CSM) is presented in table 8, identifying potential risks from possible made ground at the site.

Contamination sources identified on the preliminary conceptual site model are considered largely to be restricted to potential localised areas of made ground on site. 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.

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. If the nature of any made ground encountered or shallow coal that may have been worked are observed, we anticipate this will be reflected in any future CSM.

It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. We accept the report and recommend respective conditions.

### Noise

A Noise Survey by Clover Acoustics dated 16 April 2025 ref 5009-1-R1 has been submitted in support of the application. It outlines the proposal and identifies the neighbouring environment with particular emphasis on the A629 – Wakefield Road as shown in figure 3.

A background noise survey was undertaken on Friday the 28<sup>th</sup> of March 2025 from a single monitoring position at the proposed front façade and a summary of the findings is given in table 1a. As expected, road traffic was the dominant source with comment made that there was no identifiable noise from the neighbouring commercial uses.

In order to meet with the internal requirements of BS8233, mitigation measures are recommended and a specification for the level of glazing is given in Section 8. Due to the elevated noise levels, the internal levels would be exceeded when a window is opened and whilst it is not within our remit to comment on overheating, the report states a competent ventilation specialist should be appointed to design a suitable ventilation strategy giving minimum acoustic performance properties for any installed system.

There is some shared amenity space to the rear as shown in the drawing no. (100)05 from Acumen dated Feb 2025 which will benefit from screening from the proposed building.

The findings of the report are accepted. A condition is recommended for the mitigation measures recommended to be implemented.

### Construction

A condition is recommended to control the hours of construction during this phase in the interests of protecting the amenity of neighbouring properties.

### 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.

#### **NC1 Implement Agreed Noise Mitigation Measures – Condition**

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Survey by Clover Acoustics dated 16 April 2025 ref 5009-1-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 premises 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.

#### **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.