

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

**2025/92161 - Land adj 17 Whitehall Road West, Birkenshaw, BD11 2LS**

**Discharge of details reserved by conditions 4-8 (intrusive investigations), 11 (Remediation Strategy and Verification Report ), 12 (CEMP), 13 (noise), 14 (Arboricultural Method Statement), 15 (CMP), 16 (highway), 17 (visibility), 18 (Safety Audit), 19 (estate streets), 20 (waste collection), 21 (surface water attenuation), 24 (bin storage), 25 (bicycle storage), 26 (drainage), 28 (drainage), 29 (CEMP: Biodiversity),-30 (landscape), 34 (solar panel array), 35 (materials), 38 (boundary treatments) on previous permission 2024/92281 for erection of 23 dwellings**

**Responding Date: 27th August 2025      Responding Officer: SR, MN**

**Responding Ref: WK202524501**

### Comments

#### Contaminated Land

Environmental Health do not comment on geotechnical issues or stability and the planner is advised to seek the opinion of additional consultees. This response is in relation to conditions 7 to 11 only.

The letter by APR Geotechnical Ltd, ref: ORH/20/AJjcl1, dated the 5th of September 2023 refers to earlier reports including ARP Combined Stage 1/Stage 2 Geo-environmental Report (Reference ORH/20r1 dated 11th August 2023) and a CON29M Coal Mining Report. These have not been submitted to enable the discharge of conditions 7 and 8 of decision notice 2024/92281.

Condition 7 clearly requires the provision of a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person, condition 8 requires the provision of a Phase II Intrusive Site Investigation Report by suitably competent person. It is imperative that any necessary/relevant documents are supplied with an application.

The submitted Supplementary Investigation by Groundtec Consulting, dated October 2024 cannot be reviewed in isolation without the Phase 1&2 contaminated Land reports.

We are therefore unable to proceed with review and recommend that all Environmental Health related contaminated land conditions, namely conditions 7 through 11 remain in place.

#### Condition 12 (CEMP)

The applicant has submitted a Construction Environmental Management Plan dated July 2025 which is accompanied by undated statements re: the management of Noise, Dust, Lighting and a Communications Plan. Whilst unconventional in format, it meets with the requirements of the condition and is accepted.

#### Condition 13 (Noise)

The applicant has submitted a Planning Noise Assessment authored by Miller Goodall dated 29 August 2024 Ref 103182. It describes the proposal and identifies the neighbouring sources of noise.

A background noise survey was undertaken between 1430hrs on 24 July 2024 through to 1030hrs on 26 July 2024 from a single monitoring position as shown in Appendix 3. and a summary of the findings is given in table 4. The dominant source would be from road traffic and comment is made in para 6.2 that that there was no noise evident from the substation to the south of the site and there was no activity witnessed on the minor roads. Any noise associated with the operation of the commercial unit has been recorded within the noise survey but was not distinct from other noise sources at the site.

Noise modelling has been conducted and in order to meet with the internal requirements of BS8233, glazing and ventilation is specified according to the façade (1 - ground floor and 2 – first floor). It would be appropriate to use façade 1 throughout the site but not façade 2 throughout and that all façades marked with green may utilise openable windows. This is reflected in the colour coded plan within Appendix 5.

In order to meet with the external requirements of BS8233, acoustic barriers of varying heights are proposed as shown in Appendix 6. Para 10.3 states that in order to achieve the desired level of 50dB  $L_{Aeq, 16hr}$ , a 4.5m high barrier would be required which we agree, would be unreasonable. A 2m high barrier would only afford mitigation to 59dB  $L_{Aeq, 16hr}$  which exceeds the upper guideline value of 55dB  $L_{Aeq, 16hr}$  but BS8233 does state ‘...*, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.*’ The alternative is for a 2.8m high barrier to be installed which would ensure the external amenity areas meet with the upper limit of 55dB  $L_{Aeq, 16hr}$  and it is for the Planning Officer to determine which of these options is acceptable.

Comment is made in para 2.2 that the neighbouring West Yorkshire Fire and Rescue Services HQ directly across the road appears to be a training facility with parking space for smaller first-responder type vehicles and does not appear to incorporate emergency services vehicles generally. Noise from this facility has therefore not anticipated to include sirens from emergency services operations which would not be required for training purposes. This is not the case as it operates both as a fire station and a training centre (see application no. 2022/91138). As such, this aspect will need to be covered and so the submitted information is rejected

### **Recommendations**

#### **Conditions 7 through to 11**

Due to the reasons listed above conditions 7 through 11 we recommend remain in place.

#### **Condition 12 (CEMP)**

The submitted information is accepted. However, this is a compliance condition and the approved plan shall be adhered to throughout the construction of the development.

#### **Condition 13 (Noise)**

Further information is required and so we recommend this condition is not discharged.