

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

2025/92443 - Huddersfield Open Market, Brook Street, Huddersfield, HD1 1DY

External works to Market Building and wider site including alteration and demolition of modern additions to the Market building, new glazed screens, new WC and welfare facilities, provision of services and lighting including associated works, remodelling to the stone annexe, alterations to catering facilities, and self-contained commercial units, works to floor surfaces of Market Building. Use of Market Building and Market Yard for a mix of uses (sui generis) including retail, hot food takeaway, drinking establishment, restaurant / café uses, market office, public welfare facilities, storage facilities as well as provision of areas that provide a mix of fixed and flexible indoor and outdoor market stalls. Creation of areas for open market and market yard, siting of associated structures, installation of new fixed market stalls demolition of external bin store and creation of waste compound area, creation of new pavilion, storage compounds, vehicular parking, remodelling and surfacing of areas of hardstanding, street furniture, car park layout, landscaping and associated works (Listed Building within a Conservation Area)

**Responding Date:
01 October 2025**

**Responding Officers:
SR - Contaminated Land
MN - Noise**

**Responding Ref:
WK202528796**

Comments

Contaminated Land

In support of the application the following documents have been submitted:

- Phase One Desk Study by Rogers Geotechnical Services Ltd dated October 2016 (ref: J3644/16/EDS)
- Groundsure Screening Report
- Phase 2 Ground Investigation Report by Cc Geotechnical Limited ref: CCG-C-24-15006, dated May 2025

These documents include geotechnical information which is outside the remit of Environmental Health. This response focuses solely on the land contamination aspects of the reports.

Preliminary Risk Assessment

Phase One Desk Study by Rogers Geotechnical Services Ltd dated October 2016 (ref: J3644/16/EDS). The development has been assessed on the basis of commercial end use with no soft landscaping.

A site walkover was conducted on the 29th of September 2016; the site is used for market trade and as a car parking area. A building is present to the west of the site and there is a two storey car park immediately to the north. The main market hall is to the south. During the site walkover, no visible signs of contamination were observed. The historical land use of the site and within a 250-metre radius has been presented and reviewed since 1854.

The conceptual site model in Table 9, identifies several potential pollutant linkages. There are risks associated with contaminated soils, gas migration and migration of contaminants

to water. The report recommends an intrusive investigation.

Whilst the report is historic, the site has remained a working commercial market since 2016 and we therefore accept the report.

Phase 2 Intrusive Investigation

Whilst a historic Phase 2 Geo-environmental Investigation authored by Rogers Geotechnical Services Ltd dated November 2016 has been submitted in support of the application, we have reviewed the submitted up to date Ground Investigation Report by Cc Geotechnical Limited ref: CCG-C-24-15006, dated May 2025.

The document received includes geotechnical information which is outside the remit of Environmental Health. This response focuses solely on the land contamination aspects of the report.

The report describes the proposed development as the existing Grade II Listed 1880's open market building is to be retained and refurbished by the installation of 4no. steel framed mezzanine structures, providing additional floor space accommodating community kitchens/bar, ancillary offices, and welfare facilities at ground floor level, with dining seating areas at first floor level. It is further proposed that an adjoining car park fronting onto Brook Street is to be partially redeveloped as a market yard and pavilion by the construction of 2no. single storey structures, each constructed in traditional brick elevations, with associated communal seating areas. Section 3 of the report confirms the collation of data on soil and groundwater contamination, insofar as they may adversely impact on human and/or environmental receptors.

The report describes the findings from fieldworks undertaken February/June 2025. Works were undertaken within the Market and the car park including manual inspection pits, windowless boreholes and rotary bored boreholes. The layout of intrusive works is provided in Appendix A.

The observed stratigraphy is presented in Table 6. Generally, the investigation showed the presence of hard pavement cover at all exploratory positions overlying made ground deposits extending to depths varying between 0.4m > 1.4mbgl overlying natural drift deposits generally consisting of firm becoming stiff brown boulder clay extending to depths varying between 11.5m > 14.9mbgl, underlain with grey weathered becoming competent mudstone with occasional thin siltstone horizons, proven to 41mbgl. 3no. boreholes advanced to circa 41mbgl in the bedrock did not detect any loss of flush and/or loss of returns. No mine gas emissions were detected. Nor were any viable coal seams penetrated in the borehole depths.

Gas monitoring over four visits showed undetected methane, peak carbon dioxide at 1.1% v/v and atmospheric pressure between 1012-1023mbar. Cc Geotechnical Limited have classified as Characteristic Situation Level 1.

Section 11 includes tables 10 through 13 which summarise the results of sampling undertaken from the site. The above human health risk assessment confirms the presence of elevated concentrations of:

- Benzo(b)fluoranthene in soils recovered from BH06
- Benzo(a)pyrene in soils recovered from BH06
- Dibenz(ah)anthracene in soils recovered from Bh06
- Asbestos containing materials' in the form of Chrysotile (loose fibres) in soils recovered from 4nr borehole positions. Quantification testing on the positive Asbestos detection confirm the presence of <0.001% - 0.002% ACM.

The report goes on to advise mitigation in relation to the contaminants observed including good site practice to protect workers and members of the public during construction and informs:- *"In considering the above human health risk assessment, taking account of the low incidence of chemical contamination and given that the post development site configuration will comprise full hard pavement cover with no areas of soft landscaping proposed, then no radical remedial works are required since hard cover will break all plausible pathways and no complete pollutant linkages will be present."*

A Post Investigation Conceptual Model is presented in Table 16 demonstrates pathways exist in relation to soil contamination, ingestion and inhalation, indicating the need for remediation. Remediation options are shown the report author has clarified that they are unaware of any soft landscaping to the final development.

We accept the report. Due to the need for remediation with confirmation of any soft landscaping and careful controls during construction, we recommend respective conditions.

Noise

The applicant has submitted a Noise Impact Assessment authored by Apex Acoustics dated 21 August Ref 12671.1001 RevB. It evaluates the potential noise impacts from fixed mechanical plant, amplified events, and traffic movements associated with the proposed redevelopment using BS 4142 for plant noise, DMRB criteria for traffic noise, and the Code of Practice for Environmental Noise Control at Concerts.

A 24-hour baseline noise survey was undertaken on the 20th and the 21st of May 2025 from two monitoring positions (P1 and P2), shown in Figure 2 which also shows the nearest noise sensitive receptors (NSRs). A summary of the results is given in table 5.

Modelling has been conducted based upon the manufacturers data for the proposed plant as shown in table 6. Comment is made that it is understood that all of the proposed plant items will be working simultaneously during the daytime and that Air Source Heat Pumps (for heating), extract fans and kitchen AHU will be switched off during nighttime (from 2300hrs to 0700hrs). A BS4142 assessment has been conducted and after applying a +3dB correction, table 9 indicates a low impact and this is accepted.

Section 7 states the Market Hall will be used between 4 and 12 amplified events in a multifunctional space with a stage and an audience area. An in-house PA system will be installed with events typically finishing by 10 pm and never operating past 11 pm.

Modelling has been conducted based upon library data for a music bar and the resultant figures in table 12 indicate a low impact to both NSRs. This is assumed to be based on all doors being kept closed but it is not stated and so we ask that this be clarified. Comment is

made that access/egress should be restricted to Lord Street and Brook Street but there is an identified NSR at Brook Street and we ask what impact noise breakout from access/egress will have on this occupier.

The market hall is highly reverberant based upon the glass and concrete structure and the author caveats the report in para 7.13 by stating the results should be verified during the first few events at the identified NSRs, to determine if internal reverberant noise levels in the Open Market Hall must be limited at the Front of House, for certain frequencies. A condition is recommended for a further/addendum report to be submitted based upon monitoring for the first few events and it is for the Planning Officer to determine the timings.

Traffic noise has been assessed based upon the details within para 8.5. This is an already established market in the town centre area and no new noise source will be introduced. The assessment shows a negligible impact, well below levels that would cause adverse effects on residential amenity and appropriate for the established commercial character of the area. No specific traffic noise mitigation measures are required but comment is made that operational management, including restricted delivery hours and designated loading areas, will help minimise potential impacts on nearby residents even further.

The findings of the report thus far are accepted but some clarification is required before we can fully accept the report and recommend any subsequent conditions.

Hours of Use

The Noise Impact Assessment refers to events running until 2300hrs and the Planning Officer is advised to consider a suitably worded condition for this use.

Recommended Conditions

CLC3 Submission of Remediation Strategy - Condition

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.

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.

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction

A communications plan detailing the responsible person, their contact details and how this

will be communicated to residents and the Local Authority must be included.
The agreed plan shall be adhered to throughout the construction of the development.

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.

CEMPF Construction Environmental Management Plan - Footnote

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.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "*Guidance on the assessment of dust from demolition and construction*" Version 2.2 2024.

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.