

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/92737 - rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF

Discharge of details reserved by conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 14(a) (coal mining activity), 16, 17, 18, 19, 20 (drainage), 21 (CEMP), 23 (estate roads), 24 (acoustic barrier) on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls.

Date Responded:
Wednesday, 27 May 2026
Responding Officer:
HK
Responding Ref:
WK/202533227

Thank you for consulting Environmental Health on the above discharge of conditions on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls.

Our response relates to conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 21 (CEMP) and 24 (acoustic barrier).

Condition 10 States:

There shall be no commencement of the development hereby approved (other than the works specified under condition 22 of this permission and those required for site investigation report) until a Phase II Intrusive Site Investigation Report by a suitably competent person has first been submitted to and approved in writing by the Local Planning Authority.

Condition 11 States:

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 10, there shall be no commencement of any further groundworks or development (other than the works specified under condition 22 of this permission) until a Remediation Strategy by a suitably competent person has first been submitted to and approved in writing by the Local Planning Authority.

Condition 21 States:

There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until a Construction Environmental Management Plan (CEMP) has first been submitted to and agreed in writing with the Local Planning Authority.

Condition 24 States:

There shall be no commencement of site access and internal highways works (other than the works specified under condition 22 of this permission) until full details of an acoustic barrier (as demonstrated in the approved plan (21942)10_Access Road Elevations) have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier;
- Appearance and materials;
- The minimum height of the barrier relative to the adjacent ground level; and
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The access hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

COMMENTS

Condition 11: The applicant has submitted a supplementary investigation letter, Ref: E22/7944/MD/005, dated 19th February 2025, prepared by Haigh Huddleston & Associates. The letter references a previous Geo-Environmental Ground Investigation Report, Ref: E22/7944/R001 dated August 2023, however, this appears not to have been submitted for the discharge of condition 11. Environmental Health cannot consider the supplementary assessment work, or the discharge of condition 11 without the submission of the Phase II Geo-Environmental Ground Investigation Report, Ref: E22/7944/R001 dated August 2023.

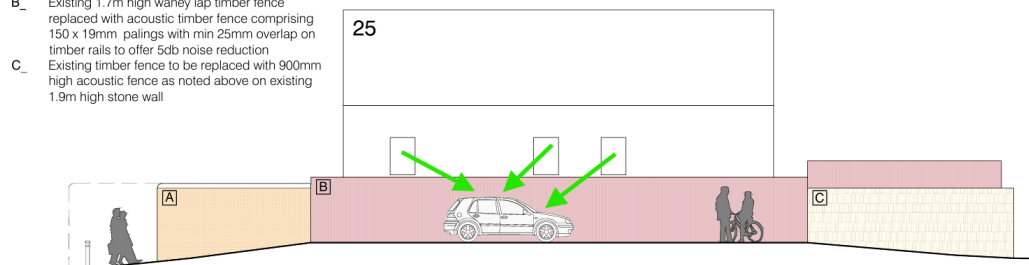
Condition 12: The applicant has submitted a Phase 3: Remediation Statement, Ref: C5115/25/E/8329, dated August 2025, prepared by Rogers Geotechnical Services Ltd. Environmental Health cannot consider a Remediation Strategy without being satisfied with a Phase II Intrusive Site Investigation Report, which has yet to be submitted for consideration.

Condition 21: The applicant has submitted a Construction Environmental Management Plan, dated 11th August 2025, prepared by Sidmar Construction Ltd. The submitted report covers details of the proposed works, site working hours, responsibilities on site for environmental issues such as noise, dust/air quality and hazardous substance storage.


The report is accepted for the purposes of discharging condition 21 – however, the report states “*All significant noise generating activities will be undertaken between Mon-Sat 6.30am to 6.30pm*”. 6:30am is not an acceptable start time for site activities as it is considered night-time in relation to the assessment of noise impacts. A later start time is required.

Condition 24: The submitted application form refers to: “*Condition 24: 21942-10 Access Road Elevations*” submitted for the discharge of condition 24. Environmental Health are not aware of the background / basis for condition 24, but it would appear that the purpose of an acoustic barrier in the location proposed would be to mitigate noise from road traffic accessing the site. Based on the information presented in the submitted drawing Ref: 21942-10 Access Road Elevations, dated July 2023, the proposed acoustic barrier could only achieve noise reductions at ground floor level. Noise from road traffic accessing the site will not be reduced by the installation of a noise barrier at first floor (bedroom window height). Noise reductions at first floor level could only be achieved by installing acoustic glazing – as can be seen in the drawing Ref: 21942-10 Access Road Elevations, dated July 2023:

- A_ Existing brickwork wall with stone coping reduced in length to respect visibility splay
- B_ Existing 1.7m high waney lap timber fence replaced with acoustic timber fence comprising 150 x 19mm palings with min 25mm overlap on timber rails to offer 5db noise reduction
- C_ Existing timber fence to be replaced with 900mm high acoustic fence as noted above on existing 1.9m high stone wall



Access Road Eastern Elevation (towards 25 Moor Lane) as proposed 1: 100

A direct line of site  from first floor windows will not be mitigated by the acoustic barrier at the neighbouring dwellings. Furthermore, without a report prepared by a competent acoustic consultant, it cannot be confirmed that the proposed noise barrier will achieve the 5dB noise reductions.

The applicant has submitted an Ambient Noise and Building Envelope Assessment Report, Ref: J005705-9002-CW-01, dated 28th July 2025, prepared by Philip Dunbavin Acoustics Ltd. The submitted report presents the findings of an environmental noise survey and provides recommendations for the glazing, ventilation and building façade elements required to achieve the internal noise criteria of BS8233:2014. It does not however detail any requirements for a noise barrier, as detailed in condition 24.

The submitted Ambient Noise and Building Envelope Assessment Report refers to condition 4 – which states “4. *The Reserved Matters referred to in Condition 1 shall include a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic), to first be submitted to and approved in writing by the Local Planning Authority*”. The submitted Ambient Noise and Building Envelope Assessment Report does however satisfy the requirements of condition 4. The applicant must ensure that they follow the acoustic advice set out in paragraphs 5.3, 5.4 and 5.5.

RECOMMENDATION

The submitted Construction Environmental Management Plan, dated 11th August 2025, prepared by Sidmar Construction Ltd is accepted and satisfies the requirements of condition 21, which may be discharged. *Please note our comments in relation to site start times.

Whilst not a part of this application, the submitted Ambient Noise and Building Envelope Assessment Report, Ref: J005705-9002-CW-01, dated 28th July 2025, prepared by Philip Dunbavin Acoustics Ltd satisfies the requirements of condition 4.

Conditions 11, 12 have not been satisfied for the reasons outlined above and must remain until further notice.

The applicant will need to resubmit an application for the discharge of conditions of 11 and 12 and consult with the contaminated land specialists to confirm which reports are relevant to the discharge of conditions 11 and 12. It appears from the information supplied that the following reports are required, but clarification should be sought from the applicants contaminated land consultants.

1. Geo-Environmental Ground Investigation Report, Ref: E22/7944/R001 dated August 2023.
2. Supplementary investigation letter Ref: E22/7944/MD/005, dated 19th February 2025, prepared by Haigh Huddleston & Associates.
3. Phase 3: Remediation Statement, Ref: C5115/25/E/8329, dated August 2025, prepared by Rogers Geotechnical Services Ltd.

Without further background, Environmental Health cannot comment further on condition 24.