

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

2025/92795 adjacent to 41 Ashbrow Road, Fartown, Huddersfield, HD2 1DX

Erection of retreat building

Responding Date:
18th December 2025

Responding Officer:
SR

Responding Ref:
WK202538611

Comments

Contaminated Land

In support of the application a Ground Investigation Report by Soil and Structures (21st December 2024, 20459 001 V01) has been received. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

This is a separate application for the erection of a single building with associated parking, garaging. The report refers to a Phase 1 Environmental Desk Study, but has not included it with the application. The report describes the proposed development as: - “the erection of mixed-use development of retreat building and 5 dwellings with integral garages.” We also note that the submitted Ground Investigation Report by Soil and Structures (21st December 2024, 20459 001 V01), was not accepted by Environmental Health when it was submitted for the adjacent site under application 2025/90821, due to the insufficient site investigation and characterisation at site. We note that the report is based on limited access to the site, as yet potential unidentified made ground and unknown specifics on a cut and fill operation.

For the above reasons we can only acknowledge the submitted information and await a further consultation when appropriate documentation has been submitted. At this stage we recommend the following conditions.

The report describes a limited investigation at the site, as Soil and Structures did not identify any harmful or polluting materials at the time of the site visit. Existing structures including the existing dwelling and dilapidated out buildings also limited the investigation. Two soil samples were taken from the site for chemical analysis to check the suitability for reuse as part of the development. One sample was taken from TP101 at a depth of 0.10-0.15 m and another from TP104 at the same depth.

Both samples contained brown loam and clay with gravel and vegetation. Made Ground deposits were not encountered in any of the exploratory hole locations but it is suggested these may be encountered beneath existing and former structures and hardstanding.

Laboratory analysis revealed elevated concentrations of Polycyclic Aromatic Hydrocarbons (PAHs) to a maximum concentration of 7.2 mg/kg. Soil and Structures state these are likely associated with coal ash. However, further testing is recommended to determine the risks to human health and assess the suitability of the topsoil for reuse.

Comments

We acknowledge the Ground Investigation Report by Soil and Structures (21st December 2024, 20459 001 V01) but agree that additional investigation work is required at this stage. We reserve further comment until a comprehensive intrusive investigation and updated risk

assessment are provided to support the application. Therefore, we recommend that Condition 18 remains in place until further notice. Environmental Health should be consulted for comment once new information has been received.

Construction Related Noise

The site of the proposed development is neighbouring existing residents, we therefore recommend a condition to ensure construction noise associated with the proposal, does not cause loss of amenity.

Recommended Conditions

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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 190 of the National Planning Policy Framework

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

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 190 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 190 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 190 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 190 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.