

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/93423 - 2 Brewery Yard, Fenay Bridge, Huddersfield, HD8 0AR		
Demolition of existing dwelling and erection of detached dwelling		
Date Responded: 02 March 2026	Responding Officer: Hannah Kent	Responding Ref: WK/202603692
<p>Thank you for consulting Environmental Health on the above application for the demolition of existing dwelling and erection of detached dwelling.</p> <p><u>Observations & Comments</u></p> <p>Contaminated Land</p> <p>The applicant has submitted a Phase One Desk Study & Coal Mining Risk Assessment Report Ref: C5085/25/E/7746, dated April 2025 prepared by Rogers Geotechnical Services Ltd in support of the application. The Phase I assessment identifies that:</p> <p><i>The site comprises an unoccupied building associated with the former brewery. The building has numerous basements with some redundant brewing vats still in place.</i></p> <p>The DoE industry profile for breweries states:</p> <p><i>According to the Desk Reference Guide to Potentially Contaminative Land Uses, published by ISVA, the potential for contamination from food industry activities is diverse but is mostly related to the disposal of wastes. Potential contaminants include Acids and alkalis, organic compounds, pathogens, Metals, and inorganic compounds.</i></p> <p>However, the Phase I assessment concludes that:</p> <p><i>The Phase 1 Desk Study shows that there no possible sources of contamination on the site and in the surrounding area. In view of the above, it is not considered necessary to undertake an intrusive geo-environmental investigation.</i></p> <p>It is therefore unclear why the phase I assessment has concluded that there are <u>no possible sources of contamination on the site</u>. There clearly is a risk that historical uses dating back to before 1855, could have led to contamination of the site. Furthermore, the report also confirms that:</p> <p><i>The study site is located within the specified search distance of an identified mining area.</i></p> <p>It is therefore also possible due to the proximity of the site to coal mining, that locally sourced mining waste materials may have been used for any site levelling or infilling at the site, furthering the possibility of contaminants being present at the site. Environmental Health disagree with the conclusions of the Phase One Desk Study & Coal Mining Risk Assessment Report Ref: C5085/25/E/7746, dated April 2025 prepared by Rogers Geotechnical Services Ltd.</p> <p>Due to the age of the building, asbestos may be present within the fabric of the building, and a cautious approach should be taken when demolishing the existing building.</p> <p>Noise</p>		

During the demolition, site preparation, construction and landscaping phases of the development, noise from the site will impact neighbouring residential noise sensitive receptors and will require consideration.

External Lighting

Artificial lighting has the potential to increase artificial lighting levels locally impacting biodiversity and the amenity of nearby dwellings. The applicant must ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare.

Recommendations

In light of the aforementioned, Environmental Health would recommend the following conditions are included when determining the application:

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 2021. 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.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location of all the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site

- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the *“Guidance Note 01/21 for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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.

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Informative

Destructive Asbestos Survey of Buildings

A destructive asbestos survey is required to be submitted to Building Control to ensure that risks from asbestos in the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. Prior to the

commencement of works on site, a destructive asbestos survey of buildings should be submitted by the applicant to Building Control.

- The survey must locate and identify all asbestos containing materials before any structural work begins at a stated location or on stated equipment at the premises.
- Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out. Development shall not be carried out other than in accordance with the approved details.

Footnote: Asbestos cement sheet and textured coating (artex) materials may be removed by non-licensed contractors but should be done in accordance with the guidance:

<https://www.hse.gov.uk/pubns/guidance/a14.pdf> HSE - Asbestos: Asbestos essentials.

Most other asbestos materials must be removed by a contractor licensed by the Health and Safety Executive. If at any stage during the demolition process asbestos is suspected, the work should stop immediately, and the material should be investigated. Details are required to be submitted to Building Control prior to commencement of works to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.