

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/93555 - Land off, Jagger Lane, Kirkheaton, Huddersfield, HD5 0QY		
Erection of detached dwelling (modified proposal)		
Date Responded: 02 March 2026	Responding Officer: Hannah Kent	Responding Ref: WK/202603741
Thank you for re-consulting Environmental Health on the above application for the erection of a detached dwelling. Environmental Health has previously commented on the original application 2023/93461 on the 2nd January 2024 recommending contaminated land conditions due to there being an existing garage building on site and construction site working times to prevent loss of amenity to neighbouring residential dwellings. <u>Observations & Comments</u> Contaminated Land The applicant has submitted a Phase 1 Contaminated Land Assessment Report: 2950-1, dated May 2025 authored by Martin Environmental Solutions Ltd in support of the application. The Phase I assessment concluded: <i>Following the site walkover and review of the available information it has been concluded that there is no contamination existing on or off that is likely to present a significant risk of significant harm to the identified receptors and the site is considered to be safe and suitable for the intended use.</i> <i>The report further recommends that a watching brief is maintained throughout the construction of the new dwellings and any signs of potential contamination found are fully investigated, with appropriate remedial action taken as necessary.</i> The report also advised that: <i>Our investigations exclude surveys to identify the presence or indeed absence of asbestos in buildings/infrastructure on site. If asbestos is suspected to be present, we recommend specialists in the identification and control / disposal of asbestos are appointed prior to commencement of any works on site or, if appropriate, purchase of the site.</i> Due to the age of the building's, asbestos may be present within the fabric of the building, and a cautious approach should be taken when demolishing the existing building. Following our review of the Phase I Desk Study which concluded, based on a review of the available information, that the site is considered to be safe and suitable for its intended use. We would suggest the applicant follow the recommendation that a watching brief is maintained, as well as amending the contaminated land conditions to one which places a duty on the applicant to report (and remediate), any contamination not previously identified on site. Noise 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:

CLC6 Reporting of Unexpected Contamination - Condition

If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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.