

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2026/90232 New Mills, Brougham Road, Marsden, Huddersfield, HD7 6AZ

Redevelopment of mill complex of 11,584sqm for mixed use development, including building demolition, site clearance, site remediation works, the removal of buildings and floor slabs to open up the River Colne, repairs to retained buildings, conversion of lower ground floor of western mill to Class E (food and non-food retail, restaurant and cafe), new buildings providing light industrial / R&D uses (limited to Use Classes Eg(ii)(iii)), the alteration and repair of an office building (Use Class Eg(i)), the creation of a new public square and associated hard and soft landscaping, circulation and servicing space, car parking and ancillary structures (within a Conservation Area)

Responding Date:
 19th May 2026

Responding Officer:
 SR

Responding Ref:
 WK202612390

Comments

The application concerns the part demolition of existing structures on the site/part retention and construction of structures for mixed office, commercial and light industrial use. Car parking, a depot / yard and minor areas of soft landscaping/amenity space. The River Colne traverses the site in the northern portion, trending east to west and is partially culverted beneath current built structures.

Contaminated Land

The site of the proposed development is located on land identified as potentially contaminated by virtue of its use for industrial mills with associated ponds, our site ref 123/14. It is located close to a historic landfill to the west across the waterway our ref: 126/14.

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

- Phase 1 Desk Top Study by Arc Environmental, ref: 23-1041
- Phase 2 Site Investigation Report by Solmec, ref: S250431, dated June 2025
- Ground Gas Risk Assessment by Solmec, ref: S250431/GAS, dated 24/11/2025

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.

Phase 1 Desk Top Study

The historical land use of the site and surrounding area has been presented and reviewed since 1854, demonstrating industrial uses since this time. Currently the site consists of a parcel of vacant derelict land, with redundant buildings / structures and possible basement areas, associated with the former mill. A commercial premise (Labtex Ltd) is present in the southeast. The site is not identified by the Coal Authority as within a high risk development area and the report concludes a low likelihood of worked shallow coal beneath the site.

A site reconnaissance survey was undertaken by Dudley's Consulting Engineers with the results and photographs appended to the report. A conceptual site model is appended, the report informs there is a low to moderate risk linked to infilling on and off site and the industrial legacy on site. These potential pollutant linkages necessitate further intrusive investigation.

With possible post demolition investigation. We accept the report.

Phase 2 Site Investigation Report by Solmec, ref: S250431, dated June 2025

The Phase 2 report references earlier reports: Sirius Geoenvironmental Appraisal (C0823) June 2005 and Arc Environmental Phase 1 Desk Top Study (23-1041) December 2023. We are informed a re-appraisal of the site was conducted by Solmek prior to the intrusive works on 12th May 2025. Fieldworks were undertaken on the 12th to the 14th of May 2025 and included the following:

- 14no small percussive boreholes (BH01 to BH14 inclusive) to a maximum depth of 3.50m below ground level (bgl).
- 2no surface drills/cores in lieu of boreholes (BH15A and BH15B), BH15A was drilled to inspect the underlying void, BH15B was cored to inspect the underlying void.
- 7no hand excavated trial pits (FETP01 to FETP07) were dug to a maximum depth of 1.40mbgl.
- Gas monitoring wells were installed in BH's 03, 04, 06, 10, 11 & 12. The wells were spaced at <25-50m centres evenly around the site in accordance with CIRIA C665

Plans and results are appended to the report.

Made ground was encountered to depths of between 0.60mbgl and 3.50mbgl, particularly within the areas of infilled former mill ponds in the northwestern and central eastern areas. In the area of the former pond in the east of the site, BH07, BH10 & BH11 each recorded made ground to 3.20-3.50mbgl, likely related to the pond infilling.

Voids present locally in the northwest and northeast to max depth 3.00m.

Where present, drift deposits comprised loose to medium dense silty sandy gravel, proven to between 1.90 and 3.00mbgl. Suspected sandstone rockhead encountered between 0.73 (although it is noted this could have been a large sandstone boulder) and 3.25mbgl.

10 made ground samples were retrieved and tested, with the chemical results presented in Appendix C. Based on the proposed commercial development of the site the report author concludes, no elevated organic or inorganic determinants. Asbestos was identified in BH09, quantification result remain outstanding.

Leachate analysis was also undertaken on 2 samples from BH05 – 0.25-0.60m (Made ground – cohesive), BH13 – 0.20-0.40m (Made ground – granular), elevated PAHs was encountered in 1no leachate sample. In addition, Two water samples were retrieved from the River Colne, upstream (West) and Downstream (East) of the site; we are informed no exceedances were observed.

An updated conceptual site model is presented indicating low/moderate or moderate risk in relation to gas and asbestos. Additional commentary is required in relation to imported soils for landscaping and quantification of asbestos.

Gas addendum report - Ground Gas Risk Assessment by Solmec, ref: S250431/GAS, dated 24/11/2025

We are informed that during the investigation works; the made ground did not generally contain a significant content of putrescible material and mostly comprised “inert” materials such as sandstone, concrete and brick. Sample analysis informed; ground was found to contain an average TOC of 2.31% (calculated from the recorded SOM). An earlier monitoring assessment Sirius in 2005 is mentioned.

Monitoring points were installed into BH03, BH04, BH06, BH10, BH11 & BH12 during the fieldwork. 6 visits were made between the 16th of July and the 17th of September 2025. Air pressures recorded were between 978 and 999 millibars during the surveys, rising and falling pressures were noted but no monitoring was undertaken above 1000millibars. No flow rates were observed, groundwater was encountered in wells during the monitoring period, the report author has not indicated if this impacted the results.

Maximum methane levels recorded at 9.2%v/v, well BH10, with 4 of the six visits recording methane above 1%v/v. Maximum carbon dioxide levels recorded at 3.0%v/v at well BH06.

The report goes on to calculate the gas screening value using the 9.2%V/V methane result and a flow rate of 0.1, indicating a characteristic level of 1. The report incorrectly informs the number of methane results over the 1%v/v action level. The report author concludes gas protection measures are not necessary at this site.

BS 8485 states: “*The presence of significantly elevated concentrations of methane or carbon dioxide with zero flow rates should be assessed and not dismissed.*” CIRIA 655 indicates additional factors may be present with monitoring above 1%. The monitoring visits have exclusively been taken at air pressures below 1000mb, this is not ideal, the report author makes assumptions about likely construction methods of the final build and has provided insufficient commentary regarding the source of the methane encountered.

Comments on intrusive investigations

Whilst we do not object to the proposal and accept large parts of the Phase 2 Site Investigation Report by Solmec, ref: S250431, dated June 2025 and the Ground Gas Risk Assessment by Solmec, ref: S250431/GAS, dated 24/11/2025. We require the quantification results of the sample containing asbestos. We do not accept the current gas report or the CS1 classification. We require any revised phase 2 report to include details of the post demolition investigation strategy (particularly in relation to tanks), and additional commentary regarding clean cover provision in landscaped areas. For this reason we recommend contaminated land conditions.

Air Quality

The proposed development is not located within an Air Quality Management Area; the total internal floor area to be provided is 4013m² and the total site area is 11,584sqm. We are informed 128 car parking spaces are to be provided.

An Air Quality Assessment by Tera Tech, ref: 784-B070552, dated the 26th of January 2026 has been submitted in support of the application. The report author appears to be slightly misinformed in that they describe the development as including residential provision.

The report details the impact that the development will have on existing air quality, and how

this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national guidance, such as Environmental Protection UK Guidance (EPUK), and the Institute of Air Quality Management (IAQM) Technical Guidance. Baseline information has been provided for year 2024, Emley Moor meteorological station results and Kirklees monitoring data being used.

Construction Phase

A qualitative construction phase dust assessment was undertaken in accordance with Institute of Air Quality Management guidance. The report demonstrates that with the listed mitigation in place during construction the impacts of dust emissions would be considered not significant.

Operational Phase

The report considers potential impacts during the operational phase, both in terms of vehicle emissions; and assesses the risk of exposure of future users and modelled receptors to poor air quality. The Emission factors for the 2024 baseline and 2029 projected 'Do Minimum' and 'Do Something' scenarios have been calculated using the Emission Factor Toolkit (EFT) Version 13.1 (March 2025). Data gathered has been subjected to Atmospheric Dispersion Modelling Software (ADMS) to predict impacts on receptors, we are informed *"The long-term (annual) assessment of the effects associated with the proposed development with respect to Nitrogen Dioxide (NO₂) is determined to be 'negligible'. With respect to PM₁₀ and PM_{2.5} exposure, the effect is determined to be 'negligible' at all identified existing sensitive receptor locations. All proposed receptor locations are expected to be exposed to air quality below the Air Quality Objectives for NO₂, PM₁₀ and PM_{2.5}. No further mitigation is required to protect future occupants."*

Whilst the consultant has not considered the West Yorkshire Low Emissions Strategy (WYLES), it has offered the following mitigation, which aligns with the mitigation required within WYLES for a development of this type and scale: -

- Preparation of a Travel Plan to promote active and sustainable travel to the Site for staff and visitors.
- Installation of Electric Vehicle charging points in accordance with Building Regulations to promote to uptake of low emission vehicle technologies.
- Provision of dedicated cycle parking.
- Appointment of a Travel Plan Coordinator

Comment

We agree with the overall methodology and approach of the air quality assessment; we accept the conclusions of the report. We have recommended a condition for Electric vehicle charging points, which is within the remit of Environmental Health, we also recommend a condition to secure the Dust mitigation within the assessment.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the site.

NOISE

The proposed development site is a former mill comprising multiple buildings, located

between Warehouse Hill Road and Brougham Road surrounded by residential dwellings in all directions. It is proposed to demolish large portions of the existing structures on site and construct a mixed-use development at the site location. The proposals include large commercial units to the east (building ref: A, B & C), and mixed-use retail and residential use to the west (East and West Mill). Vehicle parking will be available for all commercial, retail and residential use on site, including a large open air gravel car park designated for the West Mill retail and residential use.

The applicant has submitted a Noise Impact Assessment, Ref: DC4936-NR1, dated 24th November 2025, prepared by Dragonfly Consulting in support of the application.

The report presents a summary of a Baseline Environmental Noise Survey undertaken between 9th-14th of April 2025 at 4 monitoring locations.

The report also presents assessments of the potential noise impacts against selected assessment criteria for noise from fixed plant, service deliveries and car park noise impacts.

The report considers noise mitigation to ensure noise levels are below the selected LOAEL criteria, this includes restricting service deliveries to daytime only, and restrictions on the use of tonal reversing alarms.

The report also considers noise levels in habitable spaces on a façade by façade basis and has confirmed that the use of open windows to provide ventilation will not be possible - *“based on the results of the assessment, an alternative glazing and ventilation strategy will be required to ensure noise levels fall within the criteria set within BS 8233:2014”*.

The report acknowledges that due to the early design stage the development, a detailed BS 8233:2014 assessment cannot be undertaken. However, an indicative assessment has been undertaken in order to assess the suitability of the site for the proposed use.

The assessment confirms that with appropriate noise mitigation measures, internal noise levels can meet BS 8233:2014 criteria for the residential dwellings that form part of the proposals. The assessment suggests that a suitable ventilation strategy along with increased noise attenuated glazing should afford sufficient noise reductions to meet internal noise levels in accordance with BS 8233:2014 criteria.

The report concludes that:

“Based on the assessment detailed within this report, it is not considered that noise should be a barrier to the development”. Environmental Health accept the conclusion that noise should not be a barrier to development and recommends the following conditions are incorporated into any decision notice:

Recommended Conditions

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

Groundworks including demolition (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 197 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 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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 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.

LQ1 Imported Materials

Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved 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 until a Verification Report 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.

DUST1 Implement agreed Dust Mitigation Scheme – Condition

Before any construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those mitigation measures for the proposed development are highlighted green and detailed in Table 7-1 of the Air Quality Assessment by Tera Tech, ref: 784-070552, dated the 26th of January 2026 and retained for the duration of the demolition/construction period.

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

EVC1 Electric Vehicle Charging Points – Condition

Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for parking at the premises must be submitted to and approved in writing by the Local Planning Authority. The scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document; 10% of parking spaces which may be phased with 5% initial provision and the remainder within 5 years of occupation. The approved facilities must be installed before occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

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.

NC3 Noise mitigation measures (where they are required and their specification) - Condition

Before construction work commences a further/an updated noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. The report must:

- Clearly show on a plan which habitable rooms in which plots/apartments will not achieve satisfactory indoor sound levels and for these rooms provide a detailed specification of the noise mitigation measures that are necessary. Any necessary alternative ventilation scheme must demonstrate how habitable rooms of these plots/apartments shall be provided with sufficient ventilation without the need to open windows. This should also demonstrate that the air intake is located away from the sources of noise and/or poor air quality.
- If there are to be external amenity areas, clearly show where external amenity areas at which plots will have daytime noise levels that exceed 50dB $L_{Aeq,16hour}$ and for these plots provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB $L_{Aeq,16hour}$ to be achieved at these plots.

All works which form part of the approved scheme for each plot/apartment shall be completed prior to the occupation of the specified plots/apartments and retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NF5 Noise Mitigation Scheme – Footnote

A satisfactory noise mitigation scheme would normally refer to relevant guidance documents to show that the required objectives have been achieved. However, if at noise sensitive premises, the noise is inaudible at their boundary during the daytime and inside at night-time satisfactory mitigation will be considered to have been achieved.

NC6 For use where proposed commercial and residential share a party structure

(floor / ceiling or wall etc) – Condition

Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB $D_{nTW} + C_{tr}$ shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

HUC2 Hours of Use for Deliveries and/or Dispatches – Condition

There shall be no deliveries to or dispatches from the premises outside the hours of: 08:00 and 20:00 Monday to Saturday and 10:00 and 16:00 Sundays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

PC1 Entertainment Noise Inaudibility – Condition

Where entertainment events take place more than once per week or continues beyond 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled so as to be inaudible inside the nearest residential premises. Inaudibility being defined as:

- if the external $L_{Aeq, (1min)}$ (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external L_{A90} (of the background with no music etc. noise) at the façade of the nearest residential premises, and
- if the external $L_{10 (5min)}$ (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external L_{90} (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place more than 30 times per year, not more than once in a single week and ends by 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled such that:

- the external $L_{Aeq, (1min)}$ (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external L_{A90} (of the background with no music etc. noise) by more than 5 dB at the façade of the nearest residential premises, and
- the external $L_{10 (5min)}$ (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external L_{90} (of the background with no music etc. noise)

by more than 5 dB in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place up to 30 times per year, suitable alternative external noise limits will be allowed based on the criteria set out the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council, 1995).

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

PCF Inaudibility Footnote

A simple "sound check" can be carried out outside the nearest noise sensitive property by listening to the music etc. coming from the application premises. If the music etc. is clearly audible, then it is likely that this condition is being breached. Therefore, steps should be taken to reduce the level that the music etc. is being played at.