

**Town and Country Planning Act 1990
Application for Permission to Develop Land**

Response from Pollution & Noise Control

PNC Reference No:	WK/201702189
Name of Planning Officer dealing with the matter:	Emma Thompson
Application Number:	2016/93112
Proposed Development:	Outline application for erection of 37 dwellings and demolition of existing industrial unit
Location:	Headlands Works, Headlands Road, Liversedge, WF15 7NT
Date Required By Planning:	10th February 2017

COMMENTS

This application is similar to a previous application (2013/91037) for this site by the same applicant which I understand was withdrawn. I have reviewed the application and supporting information and have the following comments and recommendations.

Contaminated Land

A contaminated land report has not been submitted with this application. The site includes an area of land that has been identified as being potentially contaminated by its former use and the proposed development is one which is sensitive to land contamination. It is therefore necessary to require a contaminated land assessment for the site.

Noise

A noise report by Paul Horsley Acousics (Ref (J1987) dated 2/06/2013 has been submitted by the applicant in support of this application. This report identifies noise from road traffic and industrial noise from Birkby Plastics as potentially impacting on future occupiers of the proposed development and measures to be taken to protect the occupiers from such noise. I therefore recommend the following conditions.

Recommended conditions

1. CLC1 Submission of a Preliminary Risk Assessment (Phase 1 Report)

Development 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) has been submitted to and approved in writing by the local planning authority.

2. CLC2 Submission of an Intrusive Site Investigation Report (Phase II Report)

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

3. CLC3 Submission of Remediation Strategy

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) development shall not commence until a Remediation Strategy 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.

4. CLC4 Implementation of the Remediation Strategy

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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, 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.

CLC5 Submission of Validation Report

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Footnote

All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NC1

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Paul Horsley Acoustics Noise Report ref J41987-R1 dated 20/06/2013 :-

- I. shall be completed; and
- II. written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use

NC7

Before development commences, a ventilation scheme to show how habitable rooms to plots facing on to the former Birkby Plastics site to the North of the proposed development and facing on to Headlands Road to the east of the proposed development shall be ventilated without the need to open windows shall be submitted to and approved in writing by the LPA. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

Sustainable Transport

To promote sustainable transport electric vehicle charging points should be provided at the development.

CSF1

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Date:		Officer:	Michael Pogson Ext 860
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