

<b>Consultation Response from KC Environmental Health – Pollution &amp; Noise Control</b>		
<b>2020/91015</b>		
<b>Cuckoo Lane, Honley, Holmfirth, Kirklees</b>		
<b>Outline application for erection of 6 apartments (within a Conservation Area)</b>		
<b>Date Responded:</b> <b>7<sup>th</sup> May 2020</b>	<b>Responding Officer:</b> <b>Joanne Cooper</b>	<b>Responding Ref:</b> <b>WK/202009531</b>
<p>In regards the outline application for the development of 6 apartments off Cuckoo Lane in Honley, I have some concerns regarding the potential noise from Honley Liberal Club which would be located next to the proposed development. Noise from licensed premises may include noise from live and recorded music as well as other sources. Because of the nearby licensed premises I have listed a condition below for a noise report prior to determining the application.</p> <p>The applicant will need to consider how future residential site users may be both affected by and protected from noise from the licensed premises. This may involve insulation of walls, attenuation through glazing or the orientation of the building as appropriate.</p> <p>I have also listed a condition for the construction working times which would be applied as standard to any application of this nature. This is to protect nearby noise sensitive receptors from noise associated with construction activities.</p> <p>Listed below is also a standard condition for any unexpected land contamination which will need to be investigated if encountered during groundworks.</p> <p><b>Conditions</b></p> <p><b>Noise</b></p> <p><b>NA2 Noise Assessment Report Required Before Determining the Application (new noise sensitive use next to existing noise sources)</b></p> <p>Before the application can be determined, details of an assessment of all significant noise sources likely to affect the proposed development (including noise from licensed premises) by a suitably competent person must be submitted in writing to the Local Planning Authority. The report shall:</p> <ol style="list-style-type: none"> <li>a) Determine the existing noise climate</li> <li>b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development</li> <li>c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences. If the noise attenuation measures include windows being kept closed then details of alternative ventilation over background ventilation will be required.</li> </ol> <p>If levels predicted in the report are unacceptable, it may be necessary to refuse the</p>		

application. Otherwise, it may be necessary to specify attenuation measures as conditions of consent.

## **Construction Activities**

### **CSC1 Construction Site Working Times - Condition**

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours , Saturdays

With no noisy activities on Sundays or Public Holidays

### **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.

## **Land Contamination**

### **CLC6 Reporting of Unexpected Contamination - Condition**

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation 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. 178 and 179 of the National Planning Policy Framework

