

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2020/91875 - Bankgate Mills, Unit 2, Bank Gate, Slaithwaite, Huddersfield HD7 5DL		
Change of use from B2 (General Industrial) to D2 (Assembly and Leisure) for use as a gym		
Date Responded: 23 Jul 2020	Responding Officer: Richard Hume	Responding Ref: WK/202016763
Noise The proposed development is close to existing residential premises which are in an elevated position overlooking the roof of the application premises. I have significant concerns regarding the potential of noise from loud music and amplified voice, which are both typical at gyms, to have an adverse impact on the nearby residents. The main noise breakout from the gym is likely to be through windows and the roof structure, both of which would generally provide much less resistance to noise than the main structural walls. It is therefore necessary for a condition to restrict the amount of noise that is allowed to escape from the premises. In addition, a D2 use includes a number of activities, some of which would be unsuitable for the premises such as music and concert halls. It would therefore be necessary to restrict the use within the use class. Electric Vehicle Charging Points (EVCPs) The proposals detail the provision of parking for customers, but this is located outside the boundary of the application site. As parking provision is an important element of this application then the provision of EVCPs needs to be considered and it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and <i>Air Quality & Emissions Technical Planning Guidance</i> from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary. It may be necessary for the applicant to achieve this through a s.106 agreement. Contaminated land The proposed development is on land that has been identified as being potentially contaminated from its historical use. However, it is understood that the proposals will not involve significant alterations to the building or involve any significant ground works. Also, the end use is not one which is particularly sensitive to land contamination issues. A condition relating to unexpected contamination is therefore considered to be appropriate and necessary. <u>Recommendations</u> Music etc. Inaudibility Noise from amplified and non-amplified music, singing and speech at the premises shall be controlled so as to be inaudible inside nearby residential premises. Inaudibility being defined		

as:

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

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.

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.

Restriction of D2 use class activities

The premises shall be used as a gym and only for activities normally associated with a gym, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity, as a different form of use falling within Class D2, such as a music or concert halls, could result in an undue disturbance to the amenities of nearby residential occupiers beyond that associated with a gym, so as to accord with Policies PLP24 and PLP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

EVC1 Electric Vehicle Charging Points - Condition

Before the new use commences a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated commercial parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained 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 LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points – Footnote

- A Standard electric vehicle charging point is one which is capable of providing a

continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof

- Standard charging points for that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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

CLC 7 Contaminated land - Footnote

All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.