Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2020/92307 - Penistone Road/Rowley Lane, Fenay Bridge, Huddersfield HD8 0JS		
Outline application for erection of residential development		
Date Responded: **02 September 2020**	**Responding Officer:** **Natalie Heaney &** **Richard Hume (Air Quality & Noise)**	**Responding Ref:** **WK/202021735**

Air Quality
The proposed development has a Major Development Classification in the terms of West Yorkshire Low Emissions Strategy (WYLES) because of the size of the development and its proximity to a highway which has a very high traffic flow. The development will potentially introduce new receptors to an area of poor air quality and also could lead to an adverse impact on the local air quality. Consequently, an Air Quality Impact Assessment will be required before the development can be determined.

Contaminated Land
A Phase 1 Geo-environmental Assessment by ECUS Ltd., dated 15th May 2020 (ref: 14699-P1) has been received. I have read the report supplied by the applicant. The Phase I report provides full onsite and offsite details, reporting that the site has been undeveloped since 1854 with an offsite history reflective of local industrialisation, such as mills, collieries and sandstone quarries. From this, the report indicated that there is a potential for contamination to pose a risk to the development, namely, a moderate risk from asbestos and metals related to made ground and a moderate risk of ground gasses from off-site infilled land. I generally agree with this aspect of the report.

The report concludes by giving recommendations for intrusive investigation. Specifically, intrusive works are to include a series of trial pits and windowless sample boreholes. Also, ground gas will be monitored a minimum of six times. Whilst I agree that soil sampling is necessary, the proposals for ground gas monitoring are unsatisfactory. Following C665 – *Assessing risks posed by hazardous ground gases to buildings* guidance, in addition to the number of visits proposed, the length of ground gas monitoring should be detailed relevant to the end-use and generation source potential. This information is missing from the submitted report. Furthermore, no information is provided on the number of gas monitoring wells to be installed. The submitted document is unsatisfactory. Additional information is required to clarify the planned ground gas monitoring regime at the proposed development. Contaminated land conditions are required.

Noise
A Noise Assessment by Miller Goodall dated 21 Aug 2020 (ref: 102384) has been submitted in support of the application. The report details measurements of existing noise levels at a single monitoring location at around the mid-point of the southern boundary of the site. The main noise source was found to be from road traffic on Penistone Road. Noise from the adjacent commercial uses on the southern and eastern boundaries was considered to be of low significance. An indicative site layout is included in the report; from the measurements

the report concludes that at some proposed properties, closest to and facing Penistone Road, unacceptable indoor sound levels will arise with windows open. The report also advises that noise levels at external amenity areas at the site will not exceed 55dB $L_{Aeq,16hour}$ which it considers satisfactory.

The report recommends that standard double glazing kept closed, together with acoustic trickle ventilators, will provide sufficient mitigation to achieve satisfactory indoor sound levels. The facades where these mitigation measures will be required are shown on the plan at Appendix 4 of the report.

There are considered to be a number of shortfalls in the report. For a site of this size, a single monitoring location is not ideal, particularly the chosen location which will have been screened, to a certain extent, from road traffic noise to the south on Penistone Road. In addition, the report fails to consider the whether the road traffic flows (and consequently noise levels) at the time of monitoring were typical. The monitoring was undertaken during the school summer holidays and at a time when coronavirus was having a widespread impact. It is therefore likely that the measured noise levels are lower than the levels that would typically occur during normal time and school term time. The proposed mitigation measures do however provide significantly more noise attenuation than the minimum required; they are therefore likely to still be adequate. But, depending on the final site layout, additional plots may also require these mitigation measures.

The report does not consider the potential impact from future noise from traffic on the indicated link road for the further phase of the development. However, the house facades facing this link road are included with those requiring windows to be kept closed and therefore addresses this issue.

At part 5.1.3 the report advises of the need for proposed ventilation and thermal comfort arrangements to be provided in situations where it is not practical to achieve internal noise level guidance with windows open. However, for the plots where the report recommends that windows need to be kept closed for noise mitigation reasons it provides no alternative ventilation proposals to ensure that thermal comfort is maintained in hot weather (without the need to open windows). It does recommend acoustic trickle ventilators, but these are for providing background ventilation and are insufficient alone to provide the level of ventilation that would normally be provided by an open window.

In several places the report advises that 50dB is the desirable guideline noise level for external amenity areas with 55dB being an upper guideline level. The report advises that the upper guideline level will be met but makes no proposals to show how the more desirable lower guideline level can be achieved.

Because additional plots may require noise mitigation measures, alternative ventilation measures are required for rooms which need to keep windows closed for noise mitigation purposes, and noise mitigation measures are necessary to achieve satisfactory noise levels at outdoor amenity areas conditions are necessary.

Also, parts of the proposed development are close to existing residential premises. Noise, vibration, dust and artificial light associated with the construction phase will have the potential to cause a loss of amenity to nearby residents. A condition is therefore necessary to require

the developer to employ best practice to minimise any such adverse impacts.

Electric Vehicle Charging Points
The application is for 75 houses, however, no information is provided relating to car parking spaces. In an application of this nature, 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 Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. As such, a condition requiring charging points is therefore necessary.

Recommendations

AQIAC 1 Air Quality Impact Assessment
Before the application is determined a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the existing and likely future air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact.
- determine the impact that the proposed development will have on local air quality taking into consideration the cumulative impact other local developments
- include a calculation of the monetary damages from the development and
- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures.

The approved low emission mitigation measures will be required to be implemented within a specific timescale
Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and XXXX of the Local Plan

AQIAF1 ***Air Quality Impact Assessment - Footnote***
For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.
In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.
Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and XXXX of the Local Plan

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition
Groundworks 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.
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

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report 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. 178 and 179 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 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. 178 and 179 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. 178 and 179 of the National Planning Policy Framework

CLC5 Submission of Validation Report - Condition
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. 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation 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. 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.

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

1. Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.

2. Clearly show which 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 additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB $L_{Aeq,16hour}$.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.
Footnote
A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

CEMPC Construction Environmental Management Plan - Condition
Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.

- Dust arising from all construction related activities.

- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxx of the Local Plan

CEMPF Construction Environmental Management Plan - Footnote
Noisy construction related activities should 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

Institute of Air Quality Management document *"Guidance on the assessment of dust from demolition and construction"* Version 1.1 2016 provided detailed information regarding dust control.

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.

EVC1 Electric Vehicle Charging Points - Condition
Before the electrical system is installed 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:

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential 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 single residential properties 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 least 16A (3.5kW) and have Type 2 sockets would 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.