

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2020/93358 - Land east of Abbey Road, Shepley, Huddersfield HD8 8FG
Erection of 52 dwellings
Date Responded:
03 Feb 2021

Responding Officer:
Richard Hume &
Natalie Heaney (Contaminated Land)

Responding Ref:
WK/202031337

Noise

A Background Noise Assessment by Clover Acoustics dated 03 Aug 2020 (ref: 4423-R1) has been submitted. The report details an assessment of the existing noise levels at the site which is based on measurements made on 23 & 24 Jul 2020 at two monitoring locations and includes a 24-hour monitoring period. Road traffic was found to be the main source of noise. The report advises that to achieve satisfactory indoor sound levels noise mitigation measures are required. Part 7 of the report provides various recommendations for acoustic glazing together with examples of glazing that will provide the required noise attenuation for the two monitoring locations. It also advises that steps will need to be taken to ensure that any ventilation does not compromise the noise mitigation that is provided by the recommended glazing.

The report also considers the noise levels at external amenity areas and advises that the measured levels exceed the guide levels at the Abbey Road boundary of the site. It refers to plots 50 and 44 which are adjacent to this boundary and recommends that these will require acoustic screening with a close boarded fence which will reduce the measured 65dB to around 54dB, just below the 55dB criterion of serious annoyance.

The report is considered to make a satisfactory assessment of the existing noise climate and provide satisfactory recommendations for the general noise mitigation measures that will be necessary. However, the recommended noise mitigation measures only relate to the two monitoring locations and do not consider what specification of noise mitigation, if any, is required across the whole of the site or even for which facades the mitigation measures are necessary. Therefore, what is still required is a detailed noise mitigation specification for each façade of each plot together with a clear indication of which facades of which plots will not need noise mitigation. Where mitigation measures are necessary then they also need to include a recommended acoustic specification for any trickle vents. In addition, for rooms at plots that require windows to be kept closed for noise mitigation purposes, details of alternative ventilation needs to be provided. The alternative ventilation will need to be sufficient to replace the ventilation that would otherwise be provided by an open window, in particular it must be capable of providing sufficient ventilation to minimise the risks of overheating during hot weather.

Regarding the noise at outdoor amenity areas, it is noted on the Master Plan – Phase 2 Proposals by Parker Peel dated Jan 2020 (Dwg. No. 1914-MP-01G With Revision G dated 23 Sep 2020) that Plots 32, 46 & 50 all have their main outdoor amenity area immediately adjacent to the Abbey Road boundary. From the monitoring data provided in the report it appears likely that these areas will be exposed to noise levels that exceed the recommended

50dB, even with acoustic screening. It is acknowledged that guidance considers an upper guidance level of 55dB, but this is not considered appropriate when 50dB could be achieved with an improved layout.

Because of the likely excessive noise levels at outdoor amenity areas at some plots, which are adjacent to Abbey Road, it difficult to support this application, particularly where an improved layout could resolve this issue. If this can be resolved then conditions regarding the provision of noise mitigation measures would be necessary.

Contaminated Land

A Phase 1 Geo-environmental Report by Haigh Huddleston dated Oct 2020 (ref: E19/7465/R003) has been received. I have read the document provided. The Phase I report delivers a comprehensive assessment of the environmental setting. Although the site has been recorded as open fields since the 1850s, the surrounding historic land uses, and underlying geology have been identified as possible pollutant pathways with may impact the site. Namely, there is a landfill situated 10m northeast and probable shallow mine workings beneath the eastern two thirds of the site. These are identified as sources of landfill and ground gas. The report concludes by recommending a detailed Phase 2 investigation. This is to include rotary boreholes to assess ground conditions, ground gas monitoring and soil sample analysis.

It is noted that the Groundsure report provided in the appendix does not correspond to the proposed site for Phase 2 of the development. However, I generally agree with the report findings. As a Phase 2 has been recommended and the proposed development is for 10 or more residential dwellings, contaminated land conditions are necessary for the next stages of development.

Electric Vehicle Charging Points

The development includes car parking at each property. 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. A condition requiring charging points is therefore necessary.

Construction Environment Management Plan

This will be a large development and there are existing residential used nearby. There is potential for noise, vibration, dust and artificial light associated with the construction phase to have an adverse impact on the amenity of the nearby residents. It is therefore necessary for a condition requiring the developer to demonstrate how these will be effectively controlled by the use of best practice.

Recommendations

Noise

Because the proposed layout places outdoor amenity areas immediately adjacent to Abbey Road it results in these areas being exposed to unacceptable high noise levels, even with

acoustic screening being provided. Because of this we are unable to support the application with the current layout.

If the layout can be changed so that acceptable noise levels can be achieved at outdoor amenity areas of all plots, then the following condition are recommended,

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

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:

- 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.
- 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 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 shall be completed prior to occupation of the aforementioned plots and retained thereafter.

NF7 - Footnote to accompany condition NC7

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.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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

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 guidance in:

- *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

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 providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

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 LP20, LP24 and LP47 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) and up to 32A (7kW). The higher output is 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 socket outlet 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.

CEMPC Construction Environmental Management Plan - Condition

Prior to groundworks or construction 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 13.00 hours, 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 2014 provides 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.