

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2020/94203 - Clough House, 236, Leeds Road, Birstall, Batley, WF17 0HW

Outline application for demolition of dwelling and associated outbuildings and the erection of 30 dwellings

**Date Responded:
25 January 2021**

**Responding Officer:
Natalie Heaney
(Contaminated Land)
Mohammed Nasim (Noise)**

**Responding Ref:
WK/202037910**

Comments

The applicant seeks permission for the demolition of an existing dwelling and associated outbuildings and the erection of thirty dwellings. The application site is bound by -

- Leeds Road (A643) to the south.
- Clough Drive (residential housing estate) to the east.
- Moat Hill Farm Drive / Jason Terrace (residential housing estates) to the west.
- Open field to the north with Pennine View industrial estate further beyond.

Noise

The applicant has submitted a Noise Impact Assessment authored by Environmental Noise Solutions Limited dated 15 Jul 2020 (ref: NIA/9188/20/9208/v1/236 Leeds Road. The objectives of the noise impact assessment were to:

- Determine external noise levels at the application site.
- Assess the potential impact of the ambient noise climate on the proposed (outline) residential development with reference to the National Planning Policy Framework Planning Practice Guidance on Noise and other pertinent guidelines.
- Provide outline recommendations for noise mitigation measures (be it layout, enhanced building envelope and/or boundary treatments) to avoid any unacceptable loss of amenity due to noise.

A noise survey was undertaken on Thursday 9th July 2020 and the early hours of Friday 10th July 2020 and shows the dominant noise to be road traffic on the A643 Leeds Road with the daytime ambient noise level at MP1 measured/calculated at 67dB LAeq (66dB + 1dB correction for lower traffic volume) and the night time ambient noise level at MP1 measured/calculated at 59dB LAeq (58dB +1dB correction for lower traffic volume).

Consideration must be given to the design and siting of the properties in order to afford maximum noise attenuation for the occupiers. Detailed plans are not available at this stage but based on an assumption that the development footprint will 'front onto' the surrounding road network with dwelling facades circa 6 to 10 metres to the nearside kerb of the A643 Leeds Road (which is consistent with existing residential dwellings in the locality), a scheme of sound insulation works is recommended to ensure the internal noise levels meet with the

relevant British Standard. Internal noise levels within proposed habitable rooms have been calculated with closed windows and so mechanical ventilation may be deemed to be more appropriate.

In order to protect garden amenity at the proposed residential development:, it is recommended that dwellings are positioned between the gardens and Leeds Road, or gardens are positioned between the dwellings and Leeds Road and are shielded from road traffic noise using a circa 1800 mm high acoustic barrier (e.g. solid masonry wall or close boarded timber fence with a mass per unit area ≥ 10 kg/m²). Conditions are therefore necessary to ensure the development meets the criteria, both internally and externally, within the relevant Standard.

Electric Vehicle Charging Points (EVCP)

There is a proposal for an additional 71 car parking spaces on the development. 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.

Contaminated Land

A Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated 14th January 2020 (ref: 44688-001) has been submitted in support of the application. I have read the report provided. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The Phase I report provides an appraisal of the site history and previous surrounding land uses, since the 1800s. From this, the preliminary conceptual model identifies several sources of contamination including but not limited to landfill, made ground and old tanks. The report concludes by giving recommendations for an intrusive investigation to examine the ground conditions and contamination status of the site. I generally agree with the report.

For these reasons, contaminated land conditions are required relating to the Phase II investigation and subsequent phases of the development.

Recommendations

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Environmental Noise Solutions Limited dated 15 Jul 2020 (ref: NIA/9188/20/9208/v1/236 Leeds Road

- a) shall be completed; and
- b) 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 Ventilation of habitable rooms if windows need to be kept closed - Condition

Before construction commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation Scheme shall show how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

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
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

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.

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 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

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 **xxxxxxx** 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.