

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2021/91792 - Lower Sowood Farm, Healey Lane, Brierfield, Dewsbury, WF12 0NT
Erection of extension and alterations to outbuilding to create dwelling forming annex accommodation associated with Lower Sowood Farm, Healey Lane, Brierfield, Dewsbury, WF12 0NT
Date Responded:
24th November 2021
Responding Officer:
Natalie Heaney
Responding Ref:
WK/202116446

In our previous response dated 29th July 2021, we recommended that before determining the application, additional information was required relating to foul drainage. We also recommended conditions relating to contaminated land, electric vehicle charging points and construction hours.

Since then, additional information has been submitted regarding foul drainage and contaminated land.

Foul Drainage

In our previous response, we identified that a package treatment plant has been proposed to dispose of foul sewage. However, no details have been included that identify the particulars of the foul drainage system proposed such as the dimensions and a plan that identifies the location of the drainage system in relation to the proposed development.

Now, a Drainage Plan by Gagarin Studio dated 19th October 2021 (drawing no. 2101 REV) has been submitted. The plan shows that the annex property will be connected to the existing foul water drainage system that serves Lower Sowood Farm House. In principle, this is satisfactory. However, we still require evidence that confirms that the existing system is of sufficient size and capacity to serve the proposed outbuilding. These must be presented in support of the application and until adequate provision for foul drainage has been demonstrated, the application should not be determined.

Contaminated Land

In our previous response we advised that our records indicate the proposed development is within 200m of a mine shaft (our reference: 143/11) and that the site is in a Development High-Risk Area. At a minimum, we require a preliminary risk assessment to establish the risks from contamination including ground gas at the site.

Now, a Ground Sure report has been submitted. Note that a ground sure report is not a preliminary risk assessment (Phase I report) that we requested in our previous response.

Our records have indicated a potential contaminated land risk. Land contamination risk management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In the absence of a Phase I assessment, the sites historical land use, site setting and the associated risks from contaminants to receptors are unspecified. Consequently, it is unclear whether all potential risks to site receptors have been identified and assessed.

The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) have produced technical

guidance for the development on contaminated land. The *Development on Land Affected by Contamination: Technical Guidance for Developers, Landowners and Consultants* (dated June 2020, version 11.2) document details the requirements for a robust Phase I report and should be consulted.

For these reasons, contaminated land conditions are still necessary.

Recommendations

Our recommendations remain unchanged from our previous response and are as follows:

STA1 Adequate Provision for Foul Drainage – Before determining the application

It is understood that a mains drainage system is not available for the development. No detailed information has been provided regarding the proposals for providing an adequate system of foul water drainage which will be required by the building regulations. To ensure that it is feasible for the building regulations to be met and also avoid the possible need for a further planning application relating to the construction of a septic tank it is recommended that before determining the application the applicant provides detailed information to show how a satisfactory foul drainage system is to be provided for the proposed development. The submitted information needs to demonstrate that the requirements of The Building Regulations 2010 Approved Document H, Drainage and Waste Disposal can be met and if a small sewage treatment plant (i.e. septic tank or package treatment plant) is proposed that the “General binding rules for small sewage discharges” can also be met. The details must therefore include the following information:

- a) The location of the tank (which must not be so near to any inhabited building as to be liable to become a danger to health or a source of nuisance (a minimum of 7m is required but over 20m and down slope is preferable) or in an area where there is a risk of flooding).
- b) The discharge details for the tank (which must not present any risk of contamination to any watercourse, underground water or drinking water supply).
- c) Details showing how adequate means of vehicular access will be provided to allow the tank to be periodically emptied and maintained.
- d) Calculations demonstrating that the tank will be of adequate capacity for the highest number of persons that may use the tank.
- e) If an existing tank is to be used, details of its condition / state of repair demonstrating that it is operating correctly and is impermeable to liquids
- f) Details of the necessary porosity and percolation tests carried out to establish the suitability of land that is to be used for any soakaway/land drainage of effluent.

STA Adequate Provision for Foul Drainage - Footnote

Specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. These are currently:

- BS EN 12566:2016 - Small wastewater treatment systems for up to 50 PT.
- BS 6297:2007 +A1:2008 - Code of practice for design and installation of drainage fields for use in wastewater treatment

Any discharge from a waste-water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application

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) by a suitably competent person 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 by a suitably competent person 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 by a suitably competent person 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 by a suitably competent person 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 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.

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 by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *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.

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 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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

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.