

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2021/91795 - Manashay Cottage, Upper Brow Road, Paddock, Huddersfield, HD1 4UP**
**Erection of 7 dwellings with formation of associated access and parking**

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| <b>Responding Date:</b><br>12 <sup>th</sup> July 2021 | <b>Responding Officer:</b><br><b>Mohammed Nasim - Noise</b><br><b>Natalie Heaney - Contaminated Land</b> | <b>Responding Ref:</b><br><b>WK/202114497</b> |
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The applicant has submitted a Design and Access Statement authored by Northern Design Partnership dated April 2021. In summary, it states the two most recent applications on this site, 2017/90169 and 2017/92229, were approved for three and four dwellings respectively and this current application combines the two application sites with a layout very much based on the previous approvals.

**Noise**

The development site sits from the junction of Upper Brow Road and Johnny Moores Hill Road rising north to within 30m from the train line and consideration must be given to any road traffic and/or train noise affecting the amenity of the occupiers of the proposed development.

A noise report was requested under application no. 2017/90169 and this was submitted under application no. 2017/92229, - Environmental Noise Survey authored by Paul Horsley Acoustics Ltd (PHA) dated 20 June 2017 Ref J2624. Although this was in relation to the proposal to erect 4no. dwellings and is a number of years old, it can still be applicable to this site. Section 11 of the report analyses the results of the monitoring undertaken and the table shows the noise levels which meet with the standard.

Section 12 lists 3 areas to consider during construction to ensure the buildings protect the amenity of the future occupiers. A condition is recommended to ensure that the construction meets at least with the minimum standard of construction detailed in the report.

**Electric Vehicle Charging Points**

Para 3.04 of the Design and Access Statement states each property will have an electric vehicle recharging point but no details are given on the specification. 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 and their specification is therefore necessary.

### **Contaminated Land**

This site has been identified on our mapping system as potentially contaminated land due to its previous use as a quarry. Several other nearby potentially contaminated sites have also been identified by this service.

A Report on a Geo-Environmental Investigation by Rogers Geotechnical Services Ltd dated November 2015 (ref: J3220/15/E) has been received in support of the application. 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 report includes a limited appraisal of the site history, previous surrounding land uses and a limited assessment of the environmental setting. Notably, no walkover was conducted, and it is unclear whether the site has been subjected to any previous investigation. Moreover, no preliminary conceptual model and risk assessment were undertaken. Rather, the report details fieldwork undertaken from 27<sup>th</sup> June to the 21<sup>st</sup> October 2015.

We consider there to be several shortfalls in the information provided:

1. The Phase I aspect of the report considered insufficient for the reasons detailed above. The Phase II aspect of the report is also missing key information such as the laboratory data to support the findings presented. This does not appear to be in line with Land contamination risk management (LCRM) guidance. No separate Phase I report has been provided.

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. Further information is required.

2. We also consider that given the date of the report, it is plausible that the site conditions have changed since the time of writing (e.g. fly tipping activities, burning of wastes etc). This has not been fully considered or demonstrated in the information provided.
3. Concerning contamination at the site, the Design and Access Statement by Northern Design Partnership dated April 2021 reads:

*‘As part of Application (2017/92229), a Phase 2 Intrusive Investigation was carried out and reported on by RGS. The site has remained unaltered since the previous application, therefore the findings are relevant.’*

In our appraisal of the submitted reports as part of 2017/92229 we considered that the Phase II report referred to failed to sufficiently characterise contamination at the site. Moreover, it is unclear what evidence has been provided to demonstrate the site remains ‘unaltered’. Further information is necessary to support this statement, especially given the sensitive end-use proposed.

Overall, our records indicate the site is potentially contaminated. The submitted information is considered unsatisfactory. Full contaminated land conditions are necessary.

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 and II report and should be consulted.

### **Recommended Conditions**

#### **NC1 Implement Agreed Noise Mitigation Measures – Condition**

Before the development is first brought into use, all works which form part of the Environmental Noise Survey authored by Paul Horsley Acoustics Ltd dated 20 June 2017 Ref J2624 -

- 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

#### **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.

**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 (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 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

**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 **xxxxxx** 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.