

Consultation Response from KC Environmental Health – Pollution & Noise Control		
2021/91801		
151 Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 3NS		
Outline application for erection of petrol filling station		
Date Responded: 19 May 2021	Responding Officer: Kevin Ellam	Responding Ref: WK/202116004
I have reviewed the information submitted by the applicant and recommend the following planning conditions: NOISE I have significant concerns regards the impact this development will have from noise on nearby residential properties. Therefore, I recommend the following condition: Before the application can be determined, details of a noise assessment by a suitably competent person must be submitted in writing to the Local Planning Authority. The report shall include: - a) an assessment of all noise emissions from the proposed development b) details of existing background and predicted future noise levels at the boundary of 143 Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 3NS, 15-25 Spen View, Dewsbury Moor, Dewsbury ,WF13 3PZ and 126-146 Heckmondwike Road, Dewsbury Moor, Dewsbury , WF13 3NS c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate d) a written scheme of any necessary noise attenuation measures and demonstrate how nearby residents will be protected from noise from the proposed development The assessment shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations. If the levels predicted in the report are unacceptable, it may be necessary to refuse the application. Otherwise, it may be necessary to specify attenuation measures as conditions of consent. 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. AIR QUALITY 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 <i>Air Quality & Emissions Technical Planning Guidance</i> from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points		

is therefore necessary.

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: -

- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial 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.

EVC1 *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
- At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may 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.

CONTAMINATED LAND

I have reviewed the Phase I Contaminated Land Report by Demeter Environmental Ltd dated June 2020(Ref:17-04-03 Revision 1) and agreed with its conclusions. Therefore, I recommend the following contaminated land conditions:

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.

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.

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.

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.

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.

LIGHTING

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information: -

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the *“Guidance Notes for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone (i.e. E0 to E4).

HOURS OF USE

No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 07.00 and 22.00 Monday to Friday and 07.30 to 22.00 Saturdays and Sundays

PERMITTING

PPF1 *Pollution Prevention Control - Footnote*

The plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should seek advice from Environmental Health at Flint Street, Fartown, Huddersfield HD1 6LG, telephone 01484 221000, or email pollution@kirklees.gov.uk

CONSTRUCTION

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 13.00hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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.