

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2021/91914 - rear of 28 Northorpe Lane, Northorpe, Mirfield, WF14 0QN
Demolition of one dwelling, erection of 45 dwellings with access and associated infrastructure
**Date Responded:
08 June 2021**
**Responding Officer:
Natalie Heaney
Mohammed Nasim (Noise)**
**Responding Ref:
WK/202116150**
Contaminated Land

A Preliminary Geoenvironmental Investigation by Lithos dated April 2021 (ref: 3433/1B) has been supplied in support of the application. The report indicates that the site is currently fields. However, from the appraisal of historic land uses it is apparent that there may have been potentially contaminative uses on the site (and/or adjoining land) which could impact upon the development and/or the environment. We consider the submitted report satisfactory and contaminated land conditions are required for the next phase of the development. Contaminated land conditions are also warranted due to the scale of the development.

Air Quality

The proposed development is for 45 houses with two parking space each thus totalling 90 car parking spaces. It is possible that a development of this size may generate 30 or more two-way vehicle movements in any hour and/or 100 or more two-way vehicle movements per day. Whilst the site is not adjacent to an Air Quality Management Area (AQMA), we have also noted an AQMA at Ravensthorpe, c. 950m southeast of the development. This raises the concern that increased vehicle movements down North Road onto Huddersfield Road and into the AQMA may exacerbate air quality issues in this area.

For these reasons, we consider that the development should be classed as a "Medium" development in line with the West Yorkshire Low Emissions Strategy (WYLES). We require evidence that determines the impact that the development will have on local air quality. Conditions are therefore required in relation to an air quality impact assessment.

Noise

The applicant has submitted a Noise Impact Assessment authored by Environmental Noise Solutions limited dated 26 March 2021 ref NIA/9654/21/9697/v1/Northorpe Lane. The objectives of the noise impact assessment were to:

- Determine external noise levels at the application site
- Assess the potential impact of the external noise climate (particularly neighbouring commercial uses) on the proposed residential development, with reference to relevant guidelines
- Provide recommendations for a scheme of sound attenuation works, as necessary, to protect future occupants of the proposed residential development from a loss of amenity due to noise

The report states that Humac Associates Supplies Ltd. is set back at least 60 metres from the application site, and provides storage and distribution of janitorial supplies (B8 Use Class only with no manufacturing). The operating hours are also restricted by Condition 3 of Planning Permission ref: 2014/62/94029/E, as follows - *'The use hereby permitted shall not be open*

outside the hours of 06:00 to 20:00 Monday to Friday and 08:00 to 13:00 Saturdays with no opening on Sundays or Bank Holidays.'

The topography of the surrounding area is such that the land slopes up to form the circa 3-metre-high railway embankment, and then drops away by circa 6 metres at Humac Associates Supplies Ltd. As a consequence, the business is significantly screened from the application site by the embankment.

Northorpe Working Men's Club was not operating at the time of the survey due to Covid-19 restrictions. However, it is noted that the club is set back at least 70 metres from the application site and significantly screened by the aforementioned embankment, and that there are numerous existing residential dwellings in the immediate vicinity.

A noise survey was undertaken on Wednesday 17th March 2021 through to Thursday 18th March 2021 with measurement position 1 (MP1) located along the eastern boundary of the application site and measurement position 2 (MP2) located along the Western boundary of the application site. Table 3.1 summarises the measurement data.

Measured levels at MP1 were 48dB $L_{Aeq, T}$ (daytime) and 35 $L_{Aeq, T}$ (night time). Measured levels at MP2 were 41dB $L_{Aeq, T}$ (daytime) and 35 $L_{Aeq, T}$ (night time). In the absence of birdsong, daytime and night time ambient noise levels throughout the application site were ≤ 42 dB $L_{Aeq, T}$ and ≤ 35 dB $L_{Aeq, T}$ respectively. Maximum noise levels during the night time were ≤ 52 dB L_{AFMax} .

Based on the measured noise levels and taking into account the distance, the report considers that noise from both Humac Associates Supplies Ltd. and Northorpe Working Men's Club is wholly negligible at the application site.

Table 5.1 summarises the external levels and noise mitigation measures and shows that Ambient noise levels throughout the application site are relatively low. The measured levels are within the BS8233 parameters both internally and externally and as such, mitigation measures are not required.

The findings of the report are accepted.

Electric vehicle charging points

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. In the submitted documents, no provisions have been made for electric vehicle charging points. As such, a condition requiring charging points is therefore necessary.

Construction Environmental Management Plan

The submitted documents do not include a Construction Environmental Management Plan (CEMP). A CEMP should be provided to ensure that all reasonable steps are taken to minimise and mitigate adverse effects to neighbouring amenity from construction nuisance. For that reason, a condition is necessary in relation to a CEMP.

Recommended Conditions**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 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

AQIAC 1 Air Quality Impact Assessment – Impact of new development on the area-Condition

Before the development is brought into use a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)
- include a calculation of the monetary damages from the development and
- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before the development comes into use and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

AQIAF1 Air Quality Impact Assessment - Footnote

For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

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 Report by Environmental Noise Solutions limited dated 26 March 2021 ref NIA/9654/21/9697/v1/Northorpe Lane:

- 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 (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential 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.

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 LP24 and LP51 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). A 32A (7kW) is however 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 at least 16A (3.5kW) and have Type 2 sockets 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 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 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 13.00hours , 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 2016 provided 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.