

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2021/94121 63 Marsden Lane, Marsden, HD76AF		
Demolition of existing conservatory and erection of single storey front and side extensions and exterior alterations		
Responding Date: 1 st December 2021	Responding Officer: Shirley Reynolds	Responding Ref: WK/202138044
<p><u>Comments</u></p> <p>We have reviewed the application and have the following comments.</p> <p>Contaminated Land The proposed development is located on land which is identified on our mapping system as potentially contaminated due to it being within the 250m of a former landfill (site ref 104/14 Refuse tip, Manchester Road). Although it is unlikely that the site of the development is contaminated, there is potential for unexpected contamination being encountered during groundworks. Therefore a condition is necessary to protect the amenity of the occupiers of the proposed development.</p> <p>Noise Construction noise has the potential to cause loss of amenity to those living in neighbouring residential properties. Therefore a condition is necessary to restrict the construction hours of operation.</p> <p><u>Recommended Conditions</u></p> <p>CLC6 Reporting of Unexpected Contamination - Condition In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.</p> <p>Following completion of any measures identified in the approved 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 that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the</p>		

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 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.