Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/90195 Simply Food and Drinks, 3, Church Lane, Newsome, Huddersfield, HD4 6JE		
Erection of first floor extension and exterior alterations to form dwelling		
Responding Date: 15th February 2022	**Responding Officer:** Shirley Reynolds	**Responding Ref:** WK/202202904

Comments

We have reviewed Application 2022/90195 and the plans submitted. The proposed development creates a 3-bedroom dwelling on a newly created first floor above the existing retail shop.

Noise and Sound Insulation
The proposed development is above an existing retail shop which generates noise from a number of sources including customer noise and noise from fixed plant and equipment. It is also positioned on a busy road to the front and open space to the rear which appears to be used as car parking, noise from which could lead to loss of amenity to future occupiers of the proposed dwelling. Conditions are therefore necessary.

Contaminated Land
The site of the proposed development is adjacent to land identified as potentially contaminated due to its former use as a factory. There appears to be no significant breaking of ground other than the creation of a new doorway to access the first-floor dwelling, with this in mind a condition for unexpected contamination is required.

Construction Noise
The proposed development is within a residential area where noise from construction activities has the potential to impact the amenity of nearby residents. Therefore, it will be necessary for a condition restricting construction working times.

Recommended Conditions

NC9 Noise Assessment Report and Mitigation Scheme - Condition
Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and noise from surrounding nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority.
The report shall:

a) Determine the existing noise climate
b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development.
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have

been carried out in full and such works shall be thereafter retained.

NC5B – W*here proposed commercial and residential share a party structure (floor / ceiling or wall etc) – Condition*
Before the development is brought into use the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party floor/wall of the development is of a minimum of 55 dB Dntw + Ctr. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use**.**

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.

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.
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 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.