

Consultation Response from KC Environmental Health – Pollution & Noise Control
2022/92081
Huddersfield Road, Birstall, Batley, Kirklees
Demolition of existing buildings and erection of retail food store with associated parking and landscaping
Date Responded:
8 July 2022
Responding Officer: Kevin
Ellam
Responding Ref:
WK/202222601

I have reviewed the information submitted by the applicant and recommend the following planning conditions:

AIR QUALITY
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 is brought into use & retained thereafter.

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.

CONTAMINATED LAND

This site has been identified on our mapping system as potentially contaminated land due to its previous commercial use and its proximity to a landfill site (Site 126/2) Contaminated land conditions are therefore necessary.

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.

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.

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.

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 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.

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

HOURS OF USE

Customers

The use hereby permitted shall not be open to customers outside the hours of 07.00 to 23.00 Monday to Sundays

Deliveries

There shall be no deliveries to or dispatches from the premises outside the hours of 07.30 and 19.00 Monday to Saturdays and 10.00 and 18.00 Sundays

BARRIER

Before the development is brought into use details of an acoustic barrier to the entire south-western boundary as recommended in section 5.04 of the report by Environmental Noise Solutions Ltd - dated 22 February 2022 (Ref: NIA/9103/20/9089/v2/2 Huddersfield Road) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

FIXED EXTERNAL PLANT

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

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).

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 13.00 hours, 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.