

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/92194 - Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ		
Outline application for erection of care home (Use Class C2) of up to 60 beds with associated access		
Date Responded: 6th September 2022	Responding Officer: Natalie Heaney	Responding Ref: WK/202225491
Environmental Health has considered the application and the supplied documents. We make the following comments and recommendations. Contaminated Land The proposed development site is located close to a historic quarry (our map ref 49/9) and former mill/works (our map ref 53/9) that may have an adverse impact on the proposed development. Therefore, contaminated land issues need to be considered. A Ground Investigation report by Georisk Management Limited, dated May 2022 (ref: 22052/1) has been submitted in support of the application. The report is a combined Phase 1/Phase 2 report. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. The report details that the site is approximately 0.25ha and has been recently cleared. The site is 'bordered by Thomas Street to the north, Thorncliffe Street to the east and Brian Street to the south, with housing beyond these and bordering the site to the west.' During the site walkover. No evidence of any potential significant contamination was noted. The on-site and off-site historical land uses have been reviewed since 1893. The site has been used for residential since the late 1800s and was cleared in 2021. Notably, historic land uses surrounding the site include but are not limited to, a burial ground, a former landfill located approximately 180 m to the north-west, woollen mills and an iron works. Concerning coal mining, no potential coal mining issues were identified and the report states that 'the proposed development of the site will not be affected by past coal mining activities.' The main potential sources of contamination were identified as made ground associated with former development on-site and soil gases derived from made ground. Off-site sources of ground gases were also identified. The past 1 aspect of the report concludes that 'the site is considered to represent a low to moderate/low risk to human health.' Fieldwork was undertaken on 23rd and 24th March 2022 and included 7 trial pits excavated to 3.4m below the existing ground level (begl), and 6 boreholes excavated to 6.45m begl. Small disturbed samples were taken from the exploratory holes and sent for chemical analysis. A total of 2 gas monitoring wells were also installed at WS2 and WS and monitoring has been carried out on 4 occasions between 30th March and 12 May 2022. Key findings include made ground 'generally between 1.0 and 3.0 m begl, with deeper Made Ground recorded in TP2, TP5 and WS3 that is more than 3.0 m thick and, in places, over 6.0 m thick.' This was underlain by Soft Bed Flags.		

A summary of the ground gas monitoring results has been provided in Table 10 of the report. No methane was recorded during the monitoring and carbon dioxide peaked at 1.4% v/v. The minimum oxygen concentration reported was 19.1% v/v. No positive gas flow was recorded. Groundwater was recorded at approximately 2.9 m begl in WS2 during the first monitoring visit. The installations both remained dry throughout the remainder of the monitoring programme. The report reads 'For a 'Characteristic Situation 1' (CS1), the 'Typical Maximum Concentrations' for methane (1 % v/v) and carbon dioxide (5 % v/v) have not been exceeded.'

In justifying no further monitoring, the report added the made ground of the varying depths of made ground 'did not contain a significant organic or deleterious content that could give rise to hazardous soil-gas generation and; therefore, the Made Ground is considered to be very low risk in terms of potential soil-gas generation.'

The chemical test results are presented in Table 12. Exceedances of dibenz(ah)anthracene, benzo(a)pyrene, benzo(b)fluoranthene and dibenz(ah)anthracene were identified at several locations at the site. In addition, 'chrysotile fibres/clumps were identified in Made Ground from WS1 at 0.5 m begl. Subsequent quantification of the asbestos content revealed 0.002 % by weight of asbestos.'

The report concludes that 'no remediation is considered necessary at the site; however, due to the presence of Made Ground across the site, clean imported topsoil should be provided in the all soft-landscaped areas to provide a clean growing medium.' This is because WS1 and WS3 are described as beneath the building footprint and WS6 is beneath the proposed car park. TP7 is described as being in the proposed garden area.

We do not accept the Ground Investigation report by Georisk Management Limited, dated May 2022 (ref: 22052/1) for the following reasons:

- The number of boreholes monitored for ground gas does not appear to be in accordance with best practice guidance. Justification for the number and period of monitoring is required.
- No justification has been provided regarding the response zones of the gas monitoring wells. We require this information.
- No total organic content or soil organic matter analysis appears to have taken place, however with the depth of made ground identified we would expect this to be included in the analysis.
- Leachate analysis does not appear to have been included in the analysis. Clarification is required.

Overall, we accept the Phase I aspect of the report but do not accept the Phase 2 aspect of the report. Nevertheless, we do not object to developing the site subject to the following contaminated land conditions.

Construction Noise and Nuisance

The site is adjacent to existing residential properties. There may be unacceptable construction nuisance if the site is incorrectly managed. All reasonable steps must be taken to minimise and mitigate adverse effects from construction noise to protect nearby amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP) a condition to secure one is required.

Odour

The site is to include dining and kitchen areas for the service users. So, we consider the proposed development will involve the preparation and cooking of food. As there are existing residential properties around the proposed site, there is the potential to generate odours that may have an adverse impact on the existing residential amenity. Therefore, conditions are necessary for a detailed kitchen extract scheme.

Drainage at Food Premises

Due to the type of application proposed, it is possible that fats, oils, and grease enter the drainage network. Should these build up, they may block the sewerage system. Consequently, blockages can lead to the leakage of foul sewage or the internal flooding of properties or of neighbouring areas. For that reason, a condition is required in relation to the prevention of these substances in the drainage network.

Electric vehicle charging points

On-site parking is proposed. 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 appear to have been made for electric vehicle charging points. As such, a condition requiring charging points is therefore necessary.

External Lighting

No information has been provided regarding external lighting. It is unclear whether external lighting will be used at the site. A condition is necessary regarding any external artificial lighting, concerning glare and stray lighting to avoid the loss of amenity to nearby residential properties.

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 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 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.

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*

CEMPC Construction Environmental Management Plan - Condition

No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- a) timetable of all works;
- b) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- c) the parking of vehicles of site operatives and visitors;
- d) details and location of signage;
- e) loading and unloading of plant and materials;
- f) storage of plant and materials used in constructing the development;
- g) measures to be taken to minimise the deposit of mud, grit and dirt on public highways

by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;

- h) measures to control and monitor the emission of dust and dirt during construction;
- i) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- j) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
- k) artificial lighting used in connection with all construction related activities and security of the construction site;
- l) site manager and resident liaison officer contact details (including their remit and responsibilities); and
- m) details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

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 13.00 hours, 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 2014 provides 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.

OC1 Kitchen Extract Scheme - Condition

Before food cooking commences details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- Details showing the proposed location of all the major components of the extract

system.

- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Footnote

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ Sep 2018 which is an update of “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by DEFRA 2005.

DR08 Pollution Prevention (for food outlets including take-aways/restaurants)

Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) and the NPPF.

FS1 Food Safety- Footnote

It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

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 providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-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 LP20, LP24 and LP47 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) and up to 32A (7kW). The higher output is 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 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of 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.

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.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and xxxxx of the Local Plan

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 E3 - Suburban).