

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/92356 - Clough House, 236 Leeds Road, Birstall, Batley, WF17 0HW		
Erection of 17 dwellings and change of use and alterations to Clough House and Barn to form 6 flats [Listed Building]		
Date Responded: 12 October 2022	Responding Officer: Mohammed Nasim (Noise) Natalie Heaney (Contaminated Land)	Responding Ref: WK/202230298
The site currently comprises of Clough House and some outbuildings situated in the centre of the land surrounded by garden. The applicant proposes to alter and change the use of Clough House and the Barn to provide 6 no. flats alongside the erection of 17 no. dwellings. The land is bound by Leeds Road (A643) to the south, Clough Drive residential housing estate to the east, Moat Hill Farm Drive housing estate to the west and an open field to the north. <u>Noise</u> The applicant has submitted a Noise Impact Assessment authored by Environmental Noise Solutions Limited dated 31 March 2022 Ref NIA/9188/20/9208/v3/236 Leeds Road. A noise survey was undertaken on Thursday the 9th of July 2020 and the early hours of Friday 10th July 2020 from the following noise monitoring positions - • MP1 was located on the southern boundary of the application site at circa 6 metres from the near side kerb of Leeds Road at 4 metres above ground level (AGL) • MP1A was located the same as MP1 at a height of 1.5 metres AGL • MP2 was located at circa 13 metres from the nearside kerb of Leeds Road at 1.5 metres AGL • MP3 was located at circa 26 metres from the nearside kerb of the Leeds Road at 1.5 metres AGL • MP4 was located on the northern boundary at 4 metres AGL. A summary of the findings is shown in table 3.1 with the dominant source being road traffic. A -3dB correction is applied to equate for the shortened daytime measurement period and based on this figure (66dB LAeq(0700-2300)), a calculation of the night time noise level is given as 58dB LAeq(2300-0700). Consideration has been given to the industrial estate to the north of the proposed development site and comment is made that no significant noise was noted and that there is a 40m buffer between the two sites. Further consideration is given to the level of traffic due to COVID restrictions in place and a correction of -1dB has been applied based on Calculation of Road Traffic Noise (CTRN) methodology. Section 5 looks at mitigation and calculates glazing and ventilation based upon the distance from the road in order to meet with the internal requirements of BS8233. Table 5.1 provides a specification for habitable rooms in plots 1 to 4 with acoustic vents and a spec for habitable rooms in the remaining plots with standard vents. A caveat is given should mechanical ventilation be proposed by saying it is the responsibility of the mechanical ventilation supplier to ensure that the noise generated by any ventilation units is compliant with the internal noise level targets.		

A 2.1m high acoustic barrier is proposed for the external amenity area along plots 1 to 4 and a specification is given. It is imperative that this barrier is installed as recommended and is fully sealed i.e. no gaps or holes.

The findings of the report are accepted but a condition is recommended for the works within to be implemented and retained.

Contaminated Land

The development is for 10 or more residential units and is therefore a major application. Furthermore, this site has been identified on our mapping system as potentially contaminated land due to its previous use. Contaminated land conditions are therefore necessary.

A Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated 14th January 2020 (ref: 44688-001) has been submitted in support of the application. We have read the report provided. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

Environmental health has previously commented on the Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners, when submitted in support of application 2020/94203. Application 2020/94203 sought outline permission for the demolition of a dwelling and associated outbuildings and the erection of 30 dwellings. The application was withdrawn as Clough House, including associated barn and garden wall was listed as a Grade II building during the course of the planning application. Although the application herein is for the erection of 17 dwellings and change of use and alterations to Clough House and Barn to form 6 flats, there are no changes to our previous comments as the contents of the report are still applicable.

The Phase I report provides an appraisal of the site history and previous surrounding land uses, since the 1800s. From this, the preliminary conceptual model identifies several sources of contamination including but not limited to landfill, made ground and old tanks. The report concludes by giving recommendations for an intrusive investigation to examine the ground conditions and contamination status of the site. We generally agree with the report.

For these reasons, contaminated land conditions are required relating to the Phase II investigation and subsequent phases of the development.

Electric Vehicle Charging Points (EVCP)

The applicant proposes a total of 53 car parking spaces. 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. A condition requiring charging points is therefore necessary.

Construction

The construction of the proposed development will need to be controlled to prevent a loss of amenity to the occupiers of neighbouring properties. A condition is recommended for a Construction Environmental Management Plan to be submitted prior to the commencement of works.

Recommended Conditions**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 Impact Assessment authored by Environmental Noise Solutions Limited dated 31 March 2022 Ref NIA/9188/20/9208/v3/236 Leeds Road -

- 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 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.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

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. 183 and 184 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. 183 and 184 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 Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated 14th January 2020 (ref: 44688-001) 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. 183 and 184 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 Verification 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. 183 and 184 of the National Planning Policy Framework

CLC7 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 2021. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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 providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and 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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

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 least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and 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, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included. 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 LP52 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.