

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2022/92882 749, New Hey Road, Outlane, Huddersfield, HD3 3YL
Conversion and extension of existing Listed barn to form one dwelling, part demolition and conversion of existing barn to form one dwelling and erection of one new-build dwelling with associated car parking and external works [Listed Building]
**Date Responded:
15th November 2022**
**Responding Officer:
Rebecca Muff – Air Quality
Mohammed Nasim - Noise**
**Responding Ref:
WK/202235662**

We have reviewed the application and supporting information and make the following comments and recommendations.

Air Quality

The site of the proposed development is not within or adjacent to an Air Quality Management Area or near to any roads of concern, however it is located close to the M62 motorway and will potentially be introducing new receptors into an area of existing poor air quality. Therefore, in accordance with the West Yorkshire Low Emissions Strategy (WYLES) - Technical Planning Guidance an Air quality Assessment was required to determine the likelihood of exposure of future residents to elevated pollution levels.

An Air Quality Assessment (ref: 6042r1) (dated: 3rd October 2022) by Redmore Environmental has been submitted in support of the application. The report details the impact of air quality on sensitive receptors during the construction and operational phases using techniques detailed in national and local guidance.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management Guidance on the Assessment of Dust Demolition and Construction v 1.1 2016. This involved a risk assessment to identify all potential sources of dust during the construction phase and the risk of impact at all sensitive receptor locations within 35m of the site boundary. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concludes that there is the potential for fugitive dust emissions during the construction phase, but these can be controlled by good practice mitigation measures as outlined in Table 21 of the report.

Operational Phase

For the operational phase detailed dispersion modelling was undertaken using ADMS-Roads (V 5.0.1.3) to determine the baseline and future pollutant concentrations likely to occur at the site due to the surrounding road network including the M62. The pollutants modelled were NO₂, PM₁₀ and PM_{2.5}, using traffic data supplied from the Department for Transport (DfT) and Defra Emission Factor Toolkit (v 11.0), a baseline year of 2019 and an opening year of 2024. Outputs were verified against monitored data supplied by Kirklees Council.

The report concludes that predicted annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} at all locations across the development site were below the relevant national Air Quality Objectives (AQO) and Air Quality Limit Values (AQLV) for those pollutants.

Comments

We accept the Air Quality Assessment (ref: 6042r1) (dated: 3rd October 2022) by Redmore Environmental and agree with the methodology and conclusions. Regarding the construction phase of the development, we recommend a condition to ensure the mitigation of fugitive dust emissions.

Noise

The applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated October 2022 Ref 8428MB. Noise monitoring was conducted from 30/09/22 to 03/10/22 from 2 monitoring positions (MPs) which are shown in figure 1. MP1 was adjacent to the M62 Motorway and MP2 was fronting New Hey Road. A summary of the results is shown in table 1 with the night time L_{max} levels shown in table 2. Based upon these levels, noise modelling has been conducted which is shown in section 4 and in considering the internal requirements of BS8233, the facades have been colour coded to correspond with the sound reduction values shown in Table 4. Glazing is specified in table 7 and the method of ventilation in table 8. Should mechanical ventilation be considered, then noise levels should not exceed those given in table 9.

As the external levels are elevated due to the M62 motorway, these areas will require mitigation and fencing is proposed which is specified in figure 7 with the report stating an example product that achieves the criteria is Jacksons '12k Envirofence'. However, even with specialist fencing installed, the levels exceed the upper level within BS8233 (55dB) by up to 7dB at Plot C. BS8233 does comment on these exceedances which may be accepted if the development is deemed to be desirable. The report also refers to the principle of *caveat emptor*.

The findings of the report are accepted but a condition is recommended to protect the amenity of the occupiers of the development.

Contaminated Land

The proposed development site is located close to an historic landfill site that may have an adverse impact on the proposed development (our site reference 4700/0733). Contaminated land conditions are therefore necessary.

Electric Vehicle Charging Points (EVCPs)

It appears that there will be the provision for car parking at the development, therefore 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.

Loss Of Amenity Caused By The Construction Of The Development

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. It is therefore it is necessary for a condition restricting the times when noisy construction activities will be permitted.

Recommended Conditions**DUST1 Implement agreed Dust Mitigation Scheme – Condition**

Before any demolition and/or construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and/or construction phase of the development shall be implemented in accordance with those detailed in (e.g. Table 21 of the Air Quality Assessment by Redmore Environmental (ref: 6042r1) (dated: 3rd October 2022) and retained for the duration of the demolition and/or construction period.

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.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of Noise Impact Assessment authored by Nova Acoustics dated October 2022 Ref 8428MB:

- 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.

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.

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

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.

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 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.

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 approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use 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.

CSC1 Construction Site Working Times - Condition

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 LP52 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.