

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2022/93248 Piazza Centre, Princess Alexandra Walk, Huddersfield, HD1 2RS</b>		
<b>Demolition of existing Piazza shopping centre; part removal of Queensgate Market; demolition/retention of service tunnels; redevelopment of the site to form new public realm space (including public park and gardens, play areas, public square/outdoor event space); refurbishment and change of use of existing Queensgate Market Hall into food hall (Use Class E (b) sale of food and drink for consumption, mostly, on the premises); refurbishment and extension of existing library and art gallery building to form museum (Use Class F.1); change of use of part existing market hall building and extension to form public library (Use Class F.1); erection of indoor event venue incorporating multi-storey car park below (Sui-Generis); erection of public gallery building (Class F.1); associated infrastructure on land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre (part Listed Building/part within a Conservation Area)</b>		
<b>Date Responded: 28<sup>th</sup> October 2022</b>	<b>Responding Officers: Rebecca Muff – Air Quality Natalie Heaney – Contaminated Land Mohammed Nasim – Noise Shirley Reynolds – CEMP</b>	<b>Responding Ref: WK/202234289</b>
<p>We have reviewed the application and supporting information and make the following comments and recommendations.</p> <p><b><u>Air Quality</u></b>  An Environmental Statement: Volume 1 Main Report and Figures (dated: 30.09.22) has been submitted by Pegasus Group in support of the application. Chapter 9 of this Statement refers to Air Quality. The site is located within Kirklees Councils Air Quality Management Area (AQMA) No.9 which encompasses Huddersfield Town Centre and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO<sub>2</sub>).</p> <p>An Air Quality Assessment has been undertaken by Ove Arup &amp; Partners Limited (ARUP). The report details the impact the development will have on existing air quality, and how this will impact existing sensitive receptors, by considering dust emissions during the construction phase and air pollution from additional traffic during the operational phase. The pollutants modelled were nitrogen dioxide (NO<sub>2</sub>), and fine particulates PM<sub>10</sub> and PM<sub>2.5</sub>, using techniques detailed in Defra Local Air Quality Management Technical Guidance (LAQM. TG16).</p> <p><b><u>Construction Phase</u></b>  A qualitative assessment of construction phase impacts associated with fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction (2016). The guidance considers the potential for dust emissions from dust-generating activities, such as demolition, earthworks, construction and trackout, and the potential dust impacts on sensitive receptors. The report identifies that there are between 10-100 sensitive receptors within 20m of the site boundary. These include restaurants, shops, the University of Huddersfield Queensgate Campus and Kirklees College.</p> <p>A risk assessment was undertaken to identify all sources of dust and the dust emission</p>		

magnitude of the construction phase and the risk of impact at sensitive receptor locations. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined.

At the time of writing there was no detailed information regarding construction traffic. However, the assessment states that the construction traffic management plan (CTMP) will include a commitment to limit HGV movements to less than 25 movements per day. This will ensure that the change in traffic flow remains below the Environmental Protection UK/ Institute of Air Quality Management (EPUK/IAQM) screening criteria and would be considered insignificant.

The report concludes that the potential impacts of fugitive dust emissions associated with the construction phase is “high risk” and “low risk” for health impacts. In summary it goes on to say that these can be controlled with the use of good site-specific mitigation measures. Section 9.6.2 of the assessment lists the mitigation measures taken from the IAQM guidance that should be included in the Construction Management Plan.

#### Operational Phase

A quantitative assessment was undertaken using ADMS-Roads (version 5.0.0.1) dispersion model to assess the impact of the development on air quality and existing sensitive receptors. The assessment was undertaken in accordance with Defra guidance and monitored data taken from Kirklees Councils 2021 Annual Status Report (ASR) and the latest Defra vehicle Emission Factor Toolkit (EFT v11).

Twenty-two sensitive receptors were selected across the study area. These were chosen as being representative of human receptor locations on the roads “predicted to experience the greatest change in pollutant concentrations due to the operation of the site”. These are listed in Table 9.4 of the Air Quality Assessment. The closest sensitive receptor is U2 (University of Huddersfield Queensgate campus) which is located directly opposite the site boundary.

Traffic flow data was provided by Arup the Transport Consultants for the project. The traffic data predicts an increase of greater than 100 LDV (Light Duty Vehicles) AADT (Annual Average Daily Traffic) on the A62 (Huddersfield ring road) as a result the development. The modelled road network is shown in Figure 9.3 of the Air Quality Assessment. Other committed development traffic has been included in the future year traffic data.

The model was used to predict changes in levels of pollutants experienced due to changes in traffic levels because of the development based on Environmental Protection UK (EPUK) guidance. This guidance is used to compare the percentage long term average concentration at the receptor locations in the assessment year against the air quality objectives, and grades the overall impact as being negligible, slight, moderate or substantial, taking into consideration the cumulative impact of other committed development within the study area.

The model predicted concentrations based on three scenarios using a baseline year of 2019 (using 2019 traffic volumes and Defra 2019 background concentrations), and an opening year of 2027 with, and without the development. Emission rates were calculated using the Defra (EFTv11) and 2027 vehicle emission factors.

The report concludes that relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> are predicted

to be met at all existing and proposed human receptors, and that the impact of the operational traffic because of the development is predicted to be negligible at all human receptor locations.

#### Car Park Emissions

The proposed development includes a multi-storey car park with 350 parking spaces which is to be located beneath the Venue. Exhaust fumes are to be extracted at street level from two ventilation systems, one on Alfred Street on the eastern boundary of the site and the other on the A62 on the southern boundary. As these locations are both close to sensitive receptors and pedestrians using the pavement next to these ventilation outlets, an air quality assessment was undertaken to assess the impacts of these outlets on air quality. The short-term NO<sub>x</sub> and PM<sub>10</sub> emissions were modelled to determine the impact of street-level vents on pedestrians and the amenity of users in the streets surrounding the site and the car park vents. The modelled emissions were based on a conservative approach of cold starts from diesel vehicles and used a high-resolution grid covering a 200m x 200m area with points at 5m intervals and a height of 1.5m to determine the impact of the emissions from the car park on pedestrians.

The results of the car park emissions assessment indicated that the magnitude of change to short-term NO<sub>2</sub> at all but three receptors within the modelled grid are predicted to be negligible. However, the modelled points directly next to the vents are predicted to experience a small change in short term air quality due to increases in NO<sub>2</sub> emissions, resulting in a slight adverse impact. There are no exceedances of the short-term air quality objectives for NO<sub>2</sub> or PM<sub>10</sub>.

The assessment goes on to say that these results are conservative and represent a worst-case scenario of only diesel vehicles using the car park and producing cold start emissions, and that a more diverse fleet of petrol and electric vehicles would be unlikely to have an adverse impact on air quality in the streets surrounding the car park ventilators.

Finally, the report recommends that “the street design close to the car park vents considers how to reduce pedestrian exposure, such that members of the public are kept 4m away from the vent and queues for events are not directly adjacent to the vent locations”.

#### On-site Emissions Assessment

The proposals include five-life saving (backup) generators. Two on the lower ground floor for the food hall and library and three on the roof for the venue, museum, and gallery. These are to be tested for a maximum of 30 minutes each month and 3 hours annually. The generators on the lower ground floor are to emit into the service tunnels and then be expelled through the car park ventilators at street level.

The report goes on to say that “Due to the short term and emergency use only these generators are a low risk in terms of exceeding the EPUK/LAQM criteria of 18 exceedances of 200 µg/m<sup>3</sup> per year due to the short nature of testing and their positions on site. Therefore, an assessment on the impact of the generators on sensitive receptors has been screened out of further assessment”.

#### Damage Costs

In accordance with the West Yorkshire Air Quality Low Emission Strategy (WYLES) –

Technical Planning Guidance a damage cost calculation has been undertaken. This is to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with Defra guidance using the most recent Defra Emissions Factor Toolkit (EFT) version 11 and provides a five-year exposure value to the sum of £667,251 for the proposed development. The report goes on to say that the calculated figure will be put towards various embedded mitigation measures, which will help to reduce emissions. The car park is to be provided with 70 electric vehicle charging points which equates to 20% charging from day one and the remaining 80% of spaces will have passive provision for future installation of electric car charging points to enable 100% in the future. A travel plan has also been produced to deliver sustainable modes of transport and includes aims to improve public transport, pedestrian and cycle networks.

### Comments

Overall, we accept the Air Quality Impact Assessment by Ove Arup & Partners Limited (ARUP) and make the following comments:

- We recommend a Dust Management Plan to control fugitive dust emissions during the construction phase is included within the site-specific Construction Environmental Management Plan.
- We accept that the Construction Traffic can be scoped out of any further assessment provided that the Construction Management Plan limits the number of HGV movements to less than 25 movements per day.
- Regarding the car park emissions, we have concerns regarding the impact that the car park vents will have on pedestrians queuing to enter the Venue. For clarification we require further modelling to determine the 1-hour mean NO<sub>2</sub> concentrations, at both of the car park vents. This should include the background concentrations and other sources. We would also ask that receptors are modelled to a height of 0.5m, to determine the impact of the emissions from the vents on children queuing at the Venue.
- We recommend a condition requiring a scheme to be submitted regarding the Electric Vehicle Charging Points
- We accept that the back-up generators can be screened out of any further assessment.
- Regarding the damage costs we accept that the various embedded mitigation measures that are to be implemented across the development is over and above what would normally be expected to off-set the impact that the development will have on air quality.

### Ventilation

A Ventilation and Extract Statement (ref: CDT430201-ARP-XX-XX-RP-N-00052) (dated: 30.09.2022) has been submitted by Ove Arup & Partners Limited on behalf of Kirklees Council in support of the application. We have reviewed the report and comment on the aspects which are within the remit of Environmental Health.

### Food and Beverage Units

Dedicated Air Handling Units (AHUs) are to be provided for the Food and Beverage Units located within the Venue and Food Hall.

To reduce odours in the exhausts at roof level and service tunnel vents, the kitchen AHU heat recovery units are to be fitted with enhanced filtration (electrostatic and ultraviolet filters).

Primary and grease baffle filters are to be provided at the hood opening with an additional secondary grease baffle filter at the neck. Odour control is to be fitted within the hood in between the secondary grease filter and the fan, with a particle bag filter fitted before the fan to reduce smoke and fine particulates. To ensure enhanced elimination of remaining cooking odours and ozone carbon filters with a suitable grade of carbon are to be incorporated into the extract ducting.

#### Comment

We accept the proposals for the control of smoke and odours in the kitchens within the Venue and Food Hall and recommend a condition to secure this.

Furthermore, regarding noise mitigation, based upon the measured data, the submitted noise reports state the mechanical plant will be designed to comply with the requirements of Kirklees Council i.e., 5dB below background levels.

#### **Contaminated Land**

Our records indicate the proposed development site is on potentially contaminated land (our site references: 578/9, 577/9 and 373/9). The following documents have been submitted in support of the application:

- A Phase 1 Geo-Environmental Report by AECOM (ref: 60613541) 23 January 2020
- A Geotechnical and Geoenvironmental Technical Note (P02) by Arup Limited dated 26 September 2022 (ref: CDT430201-ARP-XX-XX-RP-CG-000001)

The latter document is an addendum to the AECOM report and these should be read in conjunction. Together these reports apply to the entire application site. The documents include some geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the document.

The site is in Huddersfield town centre 'bounded to the south and southeast by Queensgate, to the northeast by Queen Street, to the north by King Street, and to the west by Victoria Lane, Peel Street and Alfred Street.' An appraisal of the historic maps available suggests most of the site and surrounding area were 'already developed' by 1854 and the site has been used for many different purposes with potential contaminative land uses such as 'saw mill, timber yard, fire station on site and a variety of different works and garages adjacent to the site.' However, the report adds that these uses were 'relatively small scale and have not been present for several decades.' Notably, a former landfill has been identified 170m north of the site that accepted 'commercial and industrial waste.' The report explains that no close date was given but the landfill licence was issued in 1986.

Made ground is anticipated at the site which is within a 'Development High Risk Area' in terms of mining legacy. A mining report for the central and northern part of the site indicates the site to be underlain by 'probable shallow workings, associated with the Soft Bed Coal.' A previous investigation in the southern part of the site found no evidence of coal or workings. The report suggests it is possible that the coal is 'deeper than expected (e.g. due to geological faulting or

the dip of strata) or it may be locally absent due to washout.’ The report adds there are no mine entries beneath the site with the nearest being 300m east. However, unrecorded mine entries may be present beneath the site. Given the conditions described, the report considers the coal mining legacy risks to include gas migration from mine workings and combustible coal.

A conceptual model is provided in Section 5.4 of the technical note summarises the several potential sources of contamination including contaminated made ground, contaminated perched and shallow water, infilled land and mine workings. In addition, several potential pollutant linkages are identified. The risk assessment undertaken assigns these linkages with a high to moderate/low risk and from this the report concludes that ‘significant data gaps remain that should be addressed by further ground investigation and assessment.’

The technical note states that at the time of writing, a ground investigation is underway, and the aims of that investigation include but are not limited to, identifying the potential contamination of made ground across the site and the presence of ground gas monitoring across the site. It is acknowledged that the risk assessment will require revision based on the findings of the investigation.

Whilst we have not had sight of any proposals for the site investigation that is reportedly underway, we agree that an intrusive investigation is necessary given the potential contamination identified in the reports submitted. Therefore, we accept the Phase 1 Geo-Environmental Report by AECOM, dated 23rd January 2020 (ref: 60613541) and the Geotechnical and Geoenvironmental Technical Note (P02) by Arup Limited, dated 26 September 2022 (ref: CDT430201-ARP-XX-XX-RP-CG-000001). As such we have no objection to the application subject to the necessary contamination land conditions being applied to any permission granted.

We also understand that Bradley Environmental have undertaken an asbestos survey for the site. We would remind the applicant that removal of asbestos should be undertaken in accordance with the appropriate regulations.

## **Noise**

The applicant has submitted the following Noise Assessment Reports

- Indoor Venue dated 27 September 2022 Reference: IR430299-ARP-XX-XX-RP-YA-000002
- Library dated 27 September 2022 Reference: IR430301-ARP-XX-XX-RP-YA-000003
- Food Hall dated 27 September 2022 Reference: IR430321-ARP-XX-XX-RP-YA-000004
- Museum dated 27 September 2022 Reference: IR430300-ARP-XX-XX-RP-YA-000005
- Gallery dated 27 September 2022 Reference: IR430320-ARP-XX-XX-RP-YA-000006
- Outdoor Venue dated 27 September 2022 Reference: CDT430201-ARP-XX-XX-RP-YA-000007

The reports identify the nearest noise sensitive receptors (NSRs) as follows:

- The Stay Hotel - a three storey hotel opposite the venue on Alfred Street
- Buxton House - an 11-storey residential tower block on Albion Street comprising 57

residences

- The Huddersfield Hindu Temple - a temple to the west of the site on Zetland Street

In considering the application, we would look to the applicant to control and where necessary, mitigate noise from the following:

- Mechanical Plant Noise
- Noise Breaking into Residential Properties
- Noise Breaking into Hotel Rooms
- Entertainment Noise

An unattended baseline noise survey was undertaken between 05 May 2022 and 06 May 2022 with attended measurements taken on 05 May 2022 from the following locations -

- Location 1 – Buxton House (New Street)
- Location 2 – Buxton House first floor (car park)
- Location 3 - Queensgate
- Location 4 – Peel Street
- Market Hall roof (Peel Street) (Unattended)

In all of the reports, the locations are shown in figure 1 and a summary of the measured data is given in Appendix B.

#### Fixed Mechanical Plant

Based upon the measured data, the submitted reports state the mechanical plant will be designed to comply with the requirements of Kirklees Council i.e. 5dB below background levels. However, para 1.3 of the Noise Assessment for the Gallery (Reference: IR430320-ARP-XX-XX-RP-YA-000006) states plant equipment will be operational during the day and evening but it does not state that it will meet with our requirements. This will need to be stated in order to ensure there is no loss of amenity to neighbouring properties.

#### Food Hall

Music will be played within the Food Hall and at para 4.2, the report (Reference: IR430321-ARP-XX-XX-RP-YA-000004) states any events will need to comply with the internal requirements of BS8233 for both residential and hotel occupiers. It proceeds to state the internal sound levels will need to be limited to ensure these levels are met and they will be calculated once the design of the Food Hall has been finalised. A condition is recommended for a further/addendum report to be submitted once this information has been confirmed to ensure it will not lead to a loss of amenity to neighbouring properties.

#### Indoor Venue

The report (Reference: IR430299-ARP-XX-XX-RP-YA-000002) states the indoor venue's external envelope and ventilation systems will be designed to comply with the noise limits. Noise modelling will be used to define 'in situ' sound insulation performances for each envelope component (e.g. section of wall and roof) and 'in service' sound insertion losses for the ventilation system attenuators to ensure compliance with the noise limits. Therefore, there will not be an impact on the nearest NSRs. A condition is recommended for a further/addendum report to be submitted to confirm it will not lead to a loss of amenity to neighbouring properties.

### Outdoor Venue

The proposed entertainment noise criteria are based on standard industry references for entertainment noise (The Noise Council: 'Code of Practice on Environmental Noise Control at Concerts', and the 'Working Draft Annex on Criteria, Measurement Guidelines and other relevant information' published in 2002 by the Institute of Acoustics working group responsible for producing the 2003 'Good Practice Guide on the Control of Noise from Pubs and Clubs'). This will be dependent on the frequency of events as the criteria becomes more stringent for more frequent entertainment events.

The types of events anticipated are as follows -

- Medium/large scale music events - 1 to 3 times per annum
- Small music and Arts events - 4 to 30 times per annum
- Markets, Art, Food and similar events - Greater than once per week

The noise limits for events is given in table 3 and the report (Reference: CDT430201-ARP-XX-XX-RP-YA-000007) states the layout of the outdoor venue and staging for music events, and the allowable operating sound levels, will be designed such that the noise limits given in table 3 will be met at the nearest NSRs for the anticipated range of events and assuming all events end before 2300hrs. There is a caveat within the report for events more than once a week and for more than 30 times per annum which says that music events are not anticipated to be held this frequently and that further measurements will be required if they are. It may be necessary for a further/addendum report to be submitted to confirm it will not lead to a loss of amenity to neighbouring properties.

### Comments

The submitted reports are accepted but further information will be required once design details have been finalised. A condition is therefore necessary.

### Artificial Lighting

In support of the application a Public Realm Lighting Strategy by Arup (ref: CDT430201-ARP-ZZ-ZZ-RP-YL-00002), dated 30th Sept 2022, has been submitted. Our comments relate to the potential effects of spill light or glare causing loss of amenity to nearby sensitive receptors only.

The Lighting Strategy outlines the proposed approach to the public realm lighting strategy for the town centre redevelopment project and refers throughout to the Guidance Notes for the Reduction of Obtrusive Light by the Institution of Lighting Professionals (ILP GN 01). It has correctly identified the Town Centre as being within an Environmental Zone 4. The overall plan appears to contain the lighting effects within the area of the proposal. Section 3 gives details regarding the different operating modes referring to the need to diminish lighting to safety levels only during the early hours.

Section 6 gives more detail regarding the luminaires, "All column mounted luminaires shall be flat glass design with 0 degree upward tilt. Projectors on multi-head columns shall have an upward tilt of no more than 70 degrees. Luminaires shall utilise louvres, cowls and snoots etc to prevent light spill outside of the task area and minimise direct view of the light source. The luminance intensity of all luminaires shall comply with the recommended limits presented in

ILP GN 01 Table 4. Ground recessed and low level lighting to trees, planting, sculptures etc, shall be adjustable to allow light to be focused on the surface or item being illuminated. The lighting scheme shall be designed so as not to surpass the maximum values of vertical illuminance on properties as detailed in ILP GN 01 table 3.”

We accept the lighting strategy and therefore recommend a condition to secure the mitigation as detailed in the accepted report.

### **Construction Environment Management Plan**

We have concerns regarding fugitive dust and noise during the construction phase, and the impact of this on the amenity of sensitive receptors living and working in the Town Centre. The Environmental Statement Vol 1 by Pegasus dated 30<sup>th</sup> September 2022, “Chapter 8, 8.8.9 states a Construction Environmental Management Plan (CEMP) will be agreed and implemented by the contractors”.

The Environmental Statement goes on to say in 9.2.28 “The Institute of Air Quality Management (IAQM), provides guidance to development consultants and environmental health officers on how to assess air quality impacts from construction. The IAQM guidance provides a method for classifying the significance of effect from construction activities based on the ‘dust magnitude’ (high, medium or low) and proximity of the Site to the closest receptors.”

Given the high numbers of sensitive receptors surrounding the site boundary and the lengthy construction period, we consider it important to control fugitive dust at this site and expect to see site specific details of proactive dust suppression within a future Construction Environmental Management Plan.

Although the Environmental Statement goes on to list the general mitigation for dust control from the IAQM guidance, this does not constitute a site-specific Construction Environmental Management Plan. It also fails to address the possible loss of amenity from noise during construction.

We therefore recommend a condition requiring a site-specific Construction Environmental Management Plan.

### **Recommendations**

#### **AQIAC 1 Air Quality Impact Assessment –Addendum - Condition**

Before the multi-storey car park (MSCP) is brought into use a supplementary Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- Include further modelling to determine the 1-hour mean NO<sub>2</sub> concentrations, at both of the car park vents. This should include the background concentrations and other sources. We would also ask that receptors are modelled to a height of 0.5m, to determine the impact of the emissions from the vents on children queuing at the Venue.

**Reason:** For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

**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
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will 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 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.
- 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) Fast (7-23kW) or Rapid (43kW+) charging points will 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 and the installation must comply with all applicable electrical requirements in force at the time of installation.

**OC2 Implement agreed Kitchen Extract Scheme - Condition**

Before any food cooking commences the kitchen extract systems as specified in the Ventilation and Extract Statement (ref: CDT430201-ARP-XX-XX-RP-N-00052) (dated: 30.09.2022) by Ove Arup & Partners Limited shall be installed and operational. The kitchen extract system shall thereafter be retained, operated at all times during the preparation and cooking of food and maintained in accordance with the manufacturer's instructions.

**Reason:** To ensure the proposed development does not cause harmful odour pollution 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.

**CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition**

Demolition, site clearance of former structures or any groundworks (other than any

groundworks 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 works 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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

### **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.

### **NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition**

Before construction work commences, a further Noise Impact Assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, 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.

### **NF4 Competent Person - Footnote**

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

### **NC10 Noise from Fixed Plant & Equipment - Condition**

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.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, 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.

### **PC1 Entertainment Noise Inaudibility – Condition**

Where entertainment events take place more than once per week or continues beyond 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled so as to be inaudible inside the nearest residential premises. Inaudibility being defined as:

- if the external  $L_{Aeq, (1min)}$  (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external  $L_{A90}$  (of the background with no music etc. noise) at the façade of the nearest residential premises, and
- if the external  $L_{10 (5min)}$  (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external  $L_{90}$  (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place more than 30 times per year, not more than once in a single week and ends by 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled such that:

- the external  $L_{Aeq, (1min)}$  (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external  $L_{A90}$  (of the background with no music etc. noise) by more than 5 dB at the façade of the nearest residential premises, and
- the external  $L_{10 (5min)}$  (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external  $L_{90}$  (of the background with no music etc. noise) by more than 5 dB in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place up to 30 times per year, suitable alternative external noise limits will be allowed based on the criteria set out the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council, 1995).

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, 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.

### **PCF Inaudibility Footnote**

A simple "sound check" can be carried out outside the nearest noise sensitive property by listening to the music etc. coming from the application premises. If the music etc. is clearly audible, then it is likely that this condition is being breached. Therefore, steps should be taken to reduce the level that the music etc. is being played at.

### **LC Installation of the Agreed External Artificial Lighting – Condition**

The external artificial lighting shall be installed in accordance with the details provided in the Public Realm Lighting Strategy by Arup (ref: CDT430201-ARP-ZZ-ZZ-RP-YL-00002), dated 30th Sept 2022, including the mitigation measures to control spill light and glare.

**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 LP52 of the Local Plan.

**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. This should be provided in the form a Dust Management Plan (with reference to the Air Quality Assessment by Ove Arup & Partners Limited (ARUP) Chapter 9 of Environmental Statement: Volume 1 Main Report and Figures (dated: 30.09.22).

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and sensitive receptors.

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.