

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2022/93397 Highfields Centre, New North Road, Huddersfield, HD1 5LS

Discharge of conditions 3 (Construction Environmental Management Plan), 4 (cycle parking), 5 (electric vehicle charging), 6 (waste storage and collection), 7 (crime prevention), 8 (materials), 9 (windows schedule), 10 (boundary treatments), 11 (external lighting), 12 (sound insulation), 18 (landscaping) and 19 (Ecological Design Strategy) of previous permission 2019/90467 for conversion of former college buildings into 33 apartments including demolition of link canopy, partial demolition of link building, erection of additional storey to link building, and internal and external alterations (Listed Building within a Conservation Area)

Responding Date:
 8th July 2024

Responding Officer:
 SR & MN

Responding Ref:
 WK202419661

Comments

We have reviewed application 2022/93397, the plans and supporting information and make the following comments and recommendations.

Condition 3 Construction Environmental Management Plan

Our response is in relation to the residential amenity aspects of the condition and the Planning Officer is advised to seek the views of other consultees who may wish to comment. Following our earlier comments dated the 14th of February 2023 a Construction and Environmental Management Plan by Broadgrove, ref: 151/002, dated February 2024 has been submitted.

The plan sets out working times, construction schedule and communication methods. It recognises best practicable means for controlling fugitive dust and noise at the site and gives site specific controls. Monitoring and record keeping is to be undertaken; details of a complaint's procedure is listed. In addition, the plan informs the site will adopt and implement the Considerate Contractors Scheme. The mitigation within the Institute of Air Quality Management guidance has been recognised and adopted.

We would remind the applicant our standard working times differ slightly from those listed and this should be amended and contractors informed, should complaints arise due to noise early in the mornings we will insist on standard construction hours.

Condition 9 (Windows Schedule) & Condition 12 (Sound Insulation)

The applicant has submitted a Noise Assessment authored by Azymuth Acoustics UK dated 17 April 2024 Ref AA0126.1. Section 3 assesses the effectiveness of the glazing recommended in the approved Noise Assessment under the original application (2019/90467) and determines it meets with the internal requirements of BS8233 as shown in tables 3 (bedroom) and 4 (living room). This meets with the requirements of both Condition 9 (Windows Schedule) and Condition 12 (Sound Insulation) and is accepted.

Condition 22 – Biomass Boiler (Noise related aspects only)

Section 5 of the Noise Assessment also considers the noise aspect of the condition for the installation of the woodchip-fuelled biomass boiler and calculated the operational noise breakthrough will result in a low impact to the neighbouring flat. This information is accepted.

Condition 5 Electric Vehicle Charging Points (EVCP's)

In support of the discharge of condition 5 a plan Proposed Ground Floor Plan: Building A and toilet block and all floors: Link and Tower Building (18.007(2-)001.F-A1), shows 10 parking spaces with 5 EVCP'S detailed, annotation clarifies Mode 3 charging with a continuous output of 16A/3.5Kw. Whilst we accept this information, we made it clear in our earlier response dated the 14th of February 2023, that the applicant is required to provided details of all the parking and clarify if this is allocated or unallocated parking, therefore the information is insufficient to discharge the condition.

For clarity we reproduce the points in condition 5 below:

5. Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to 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 (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and*
- *One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.*

Condition 11 External Lighting

In support of the discharge of condition 11 a plan by Space Architecture and Design Limited, titled Existing and Proposed Elevations, drawing number 18.007(2-)001, revision A, dated 23/11/18 shows the position of existing lighting to the front elevation and additional low level lighting to the façade. We accept the information provided.

Our response is limited to the affect on amenity of nearby sensitive receptors and the Planning Officer is advised to consult other interested parties.

Condition 14 - Phase II Investigation Report

A Phase 2 Ground Investigation report, authored by Arc Environmental (dated May 2024, ref: 24-112) has been received in support of the application to discharge Condition 14. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

We accept the report but require additional information to satisfy the condition. The report details the findings of the intrusive investigation undertaken at the site. Five samples were taken and screened against a residential without home grown produce criteria. Several exceedances were identified and Arc Environmental conclude that remediation is necessary in areas of soft landscaping.

Ground gas and groundwater monitoring in three boreholes has also been undertaken and has provisionally been classified as a Characteristic Situation 1 (CS1) site (gas screening value = 0.0032 l/h). No groundwater was encountered during the monitoring. Arc Environmental conclude that a further four monitoring visits still need to be completed and once the monitoring programme has been completed, the gas risk assessment will be updated, and the results issued as an addendum letter report.

We accept the report provided; however, we recommend that Condition 14 remains. The results of the gas addendum must be submitted for approval. At which point, we recommend consultation with Environmental Health.

Recommendations

Condition 3 Construction Management Plan (CMP)

We recommend that the elements of the above-mentioned Construction and Environmental Management Plan by Broadgrove, ref: 151/002, dated February 2024, that are within the remit of Environmental Health are approved. However, condition 3 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded that 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.

Condition 5 Electric Vehicle Charging Points (EVCP's)

Due to the reasons listed above the submitted information is insufficient therefore we recommend that condition 5 is not discharged at this time.

Condition 9 (Windows Schedule)

The submitted information meets with the requirements of the condition. We therefore recommend this condition can be discharged.

Condition 11 External Artificial Lighting

The supporting information was accepted in our last response dated the 14th of February 2023.

Condition 12 (Sound Insulation)

The submitted information meets with the requirements of the condition. We therefore recommend this condition can be discharged.

Condition 14 - Phase II Investigation Report

We accept the report provided; however, we recommend that Condition 14 remains. The results of the gas addendum must be submitted for approval. At which point, we recommend consultation with Environmental Health.

Condition 22 – Biomass Boiler

The submitted information meets with part of the requirements of the condition. However, this is a compliance condition and we therefore recommend this condition is not discharged.