

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2023/90076 - Units A & B, Leeds Road Retail Park, Leeds Road, Huddersfield, HD1 6PF**
**Erection of store entrance and entrance canopy, formation of trolley bays, external alterations including additional glazing, block up existing entrances, formation of new entrances, associated remedial works on rear elevation, formation of improved pedestrian access from Bradley Mills Road, reconfiguration of customer car park and parking spaces and associated landscaping works**
**Responding Date:**  
**15 February 2023**
**Responding Officer:**  
**Mohammed Nasim**
**Responding Ref:**  
**WK202302058**

Para 4.9 of the submitted Planning & Retail Statement from Stantec dated December 2022 Ref 34131 states Units A and B will be combined and refurbished to form a single unit, with works to the service yard and car park. The development includes:

- External alterations to the unit façade to enable the amalgamation;
- Refurbishment of the front elevation to reflect the amalgamation, including new glazing and entrance features;
- Provision of an entrance canopy to ensure the store entrance, shopping trolleys and customers are protected from inclement weather;
- New signage zones;
- Alterations to the rear elevation to reflect the new internal layout;
- Alterations to the rear elevations to infill certain existing access points, creation of new access points, and replacement cladding to provide a consistent design approach;
- Rationalisation of car park layout (with a minor loss of spaces), with works to improve the car park surface and appearance;
- Introduction of accessible car parking spaces;
- Improved pedestrian access from Bradley Mills Road into the site, and improved routes through the area of the site adjacent the store; and
- Consequential alterations and improvements to the retail park landscaping.

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

**Noise**

**Note** – These comments are to be read in conjunction with application number 2023/90075 - *Variation of conditions 15 (opening hours) & 20 (goods restriction) on previous permission 93/04925 for retail park and associated uses*

A Noise Impact Assessment Report authored by JPM Acoustics dated 29 July 2022 Ref 0362022 has been submitted under 2023/090075 - *Variation of conditions 15 (opening hours) & 20 (goods restriction) on previous permission 93/04925 for retail park and associated uses*. A BS4142 assessment for deliveries and fixed mech plant was conducted and show a low impact. The report is accepted but there is a query on the timings requested in the variation which will need to be clarified.

A condition is recommended for a Delivery Management Plan to be submitted which should

detail the measures the applicant will take to control the operational aspect of the deliveries. This includes, but is not limited to, the use of reversing alarms, installation of delivery matting, operatives behaviour (shouting/radio's) etc.

### **Electric Vehicle Charging Points (EVCPs)**

In an application of this nature and to future proof the development, 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 necessary for a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

### **Recommendations**

#### **NC11 Delivery Management Scheme – Condition**

Before the development is brought into use, a Delivery Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the noise mitigation measures that will be used at the proposed development to control noise from deliveries and it shall demonstrate that the noise will not cause a loss of amenity at nearby noise sensitive premises. The approved scheme shall be implemented before the development is brought into use and retained thereafter.

**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.

#### **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 the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. 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**

- 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.
- 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 in relation to Approved Document S.

**CSC1 Construction Site Working Times - Condition**

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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.