Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90171 - Land at Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW		
Demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type)		
Responding Date: **3rd April 2023**	**Responding Officer:** **NH & MN**	**Responding Ref:** **WK/202307223**

Contaminated Land
The following documents have been received in support of the application:

- Phase I Desk Study by Met Engineers Ltd dated 2nd July 2018 (ref: P18-00854)
- Report on a Phase 2 Geo-environmental Investigation by Rogers Geotechnical Services dated August 2021 (ref: C1913/21/E/2940)
- Report on Rotary Probing by Rogers Geotechnical Services Ltd dated September 2021 (ref: C1913/21/E/3053)

The reports include geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the reports.

We accept all the contaminated land reports provided. The Phase 2 report has identified the presence of PAH contamination in the made ground therefore remediation will be necessary at this site before development commences. The Report on Rotary Probing has also identified potential coal workings beneath the site. Therefore, we agree with the recommendations of the Phase 2 report that ground gas monitoring is necessary. Therefore, we recommend conditions to secure a completed Phase 2 investigation (to include ground gas monitoring), a remediation strategy, remediation of the site and a verification report. These are necessary to ensure safe occupation of the site and should be applied to any permission granted alongside the contaminated land footnote.

Noise
The applicant has submitted a Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022. Noise monitoring was conducted from 1130hrs on Thursday the 4th of August 2022 to 0930hrs on Wednesday the 10th of August 2022 and the findings are shown in the table in para 3.1. Based upon these findings, mitigation measures are necessary to ensure the development site meets with the internal and external requirements of BS8233. Glazing and ventilation is specified to habitable rooms with a higher spec required for windows overlooking Barnsley Road and colour coded facades are shown on the plan in para 4.4.

Ventilation is covered in para 6.2 and units 1 & 2 and the farmhouse fall into the high risk category for noise if open windows are relied upon for ventilation. The report also looks at overheating stating it appears likely that outdoor sound levels are sufficiently high that the recommendation of the AVO guide and Part O compliance will be for the fitment of a mechanical ventilation supply in Units 1 & 2 and possibly the farmhouse. Therefore, it would

appear prudent to consider the fitment of mechanical ventilation system at this development. The applicant will need to ensure any installed fixed mechanical plant meets with the internal requirements of BS8233. A condition is recommended for the implementation of these measures to ensure there will be no loss of amenity to future occupiers.

The external amenity area is exposed to high levels of noise and mitigation is required. The report recommends that all garden areas are surrounded by a 2.0m high imperforate timber fence constructed using overlapped or tightly butted boards with no sightlines or gaps through them. Gravel or similar should be used at the bottom of the fence to prevent any gaps between the bottom edge of the fence and the earth. We would advise the applicant to avoid butt jointing boards as gaps occur due to shrinkage and movement. A condition is recommended for details to be provided to ensure there will be no loss of amenity to future occupiers.

Electric Vehicle Charging Points (EVCP)
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 Hours
Restricting the hours of construction is appropriate to minimise any adverse impacts on the occupiers of nearby properties. For that reason, conditions relating to construction times are required.

<u>Recommended Conditions</u>
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 Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Reports 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.

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 Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022:

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

BC1 Acoustic Barrier – Condition
Before the development is brought into use, details of an acoustic barrier (as recommended in the Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained and maintained thereafter**.**
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.

EVC1 Electric Vehicle Charging Points - Condition
Before first occupation, a scheme detailing the dedicated facilities that will be provided at [each dwelling house/premise] 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. Before the individual [dwelling house/premise] are occupied the EVCPs should be installed in that [dwelling house/premise].
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.