

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90194 adj to 92 Somerset Road, Almondbury, Huddersfield, HD5 8HZ		
Erection of subterranean House of Multiple Occupation		
Responding Date: 22 nd February 2023	Responding Officer: SR	Responding Ref: WK202304313
<p><u>Comments</u></p> <p>We have reviewed application 2023/90194 and make the following comments and recommendations.</p> <p><u>Contaminated Land</u></p> <p>We have considered whether the development site is on or near to land that is potentially contaminated from its historical use and the risks that this may present to the proposed development. We have also considered the scale of the development in relation to these risks.</p> <p>The site is not shown on our mapping system as being potentially contaminated from its former use, and it is not located close to any historic landfill sites that may have an adverse impact on the proposed development. However, looking at the proposed design the development will involve groundworks. Therefore, we recommend conditions relating to unexpected contamination being encountered during the construction.</p> <p><u>Noise</u></p> <p>We have considered whether the proposed development may be adversely affected by existing noise sources and whether noise from the proposed development may have an adverse impact on nearby noise sensitive receptors.</p> <p>The proposed development faces onto Somerset Road noise from which is likely to have an impact on future occupiers of the site, there are also a number of industrial buildings opposite the development which may give rise to noise. Therefore, we recommend a condition requiring a noise impact assessment to determine the existing noise climate taking all likely noise sources into consideration and how this will affect the proposed development. It is expected that the noise assessment should also detail any noise mitigation measures that will be required so that satisfactory sound levels will be achieved both indoors and at any outdoor amenity areas at the development. If windows need to be kept closed to achieve satisfactory indoor sound levels, then the mitigation measures will also need to include specific details of the alternative ventilation that will be provided as a substitute to opening windows.</p> <p><u>Construction Noise</u></p> <p>Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the site.</p> <p><u>Recommended Conditions</u></p> <p>CLC6 Reporting of Unexpected Contamination - Condition</p> <p>In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the</p>		

development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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.*

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and nearby industry shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and the courtyard daytime, bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

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.

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.

CSC1 Construction Site Working Times - Condition

Noisy 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.