

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

**2023/90256 Shaley Farm, Shaley, Sandy Gate, Scholes, Holmfirth, HD9 1RY**

**Demolition of existing building and erection of new dwelling to be used as a holiday let**

**Responding Date:**  
**9<sup>th</sup> February 2023**

**Responding Officer:**  
**SR**

**Responding Ref:**  
**WK202303212**

**Comments**

We have reviewed application 2023/90256 and make the following comments and recommendations. The application appears to concern the demolition and of an existing farm building and the erection of a two bedroom holiday let with 2 car parking spaces.

**Electric Vehicle Charging Points (EVCP)**

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.

**Contaminated Land**

The site of the proposed development is not on land identified as potentially contaminated, however farm buildings may have had exposure to contamination associated with farm machinery, animal waste or agricultural chemicals and groundworks may be undertaken, we therefore recommend a condition in relation to unexpected contamination.

**Construction Noise**

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.

**Adequate Provision for Foul Drainage**

No detailed information has been provided regarding the proposals for providing an adequate system of foul water drainage which will be required by the building regulations. To avoid the possible need for a further planning application relating to the construction of a foul drainage system, it is recommended that the applicant provides detailed information to show how a satisfactory foul drainage system is to be provided for the proposed development. If necessary specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information.

Any discharge from a waste-water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application.

**Recommended Conditions**

**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.

#### **CLC6 Reporting of Unexpected Contamination - Condition**

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 development, 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. Groundworks 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 Validation 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 Validation 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. 178 and 179 of the National Planning Policy Framework

#### **CLC 7 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 2019. 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

**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.