

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

2023/90348 Former Hillhouse Bowling Club, King Cliff Road, Birkby, Huddersfield, HD2 2RR

Erection of community sports complex (within a Conservation Area)

Responding Date:
25th April 2023

Responding Officer:
SR

Responding Ref:
WK202311292

Comments

We have reviewed application 2023/90348 and make the following comments and recommendations. The application appears to consist of a large indoor sports complex with a number of different sports being accommodated, a café forms part of the proposal.

Noise (Pre determination information required)

The proposed development has the potential to cause noise disturbance to nearby sensitive receptors from customers inside and outside the venue, impact noise from sports activities and any other associated use that has not been listed, for example amplified sound for classes.

We also note the application has not identified any hours of use for the proposed facility. To protect the amenity of nearby sensitive receptors we therefore require a robust noise assessment prior to determination of the application.

Before the application can be determined, details of a noise assessment by a suitably competent person must be submitted in writing to the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises.
- c) detail the proposed opening hours
- d) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate
- e) a written scheme of any necessary noise attenuation measures and demonstrate how nearby residents will be protected from noise from the proposed development

The assessment shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations.

If the levels predicted in the report are unacceptable, it may be necessary to refuse the application. Otherwise, it may be necessary to specify attenuation measures as conditions of consent.

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.

Air Quality (Pre determination information required)

This development has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) -Technical Planning Guidance. This document divides applications into 3 impact types (Minor, Medium and Major) using specific criteria to determine the type. Actions and mitigation requirements are dependent on the development use class and which impact type it is classified as.

Looking at the footprint of the site, we consider that the application will likely to be classified as a Medium Impact type, dependant on the traffic volumes / compositions. Therefore, an Air Quality Screening Assessment must be undertaken prior to determination to establish if a more detailed Air Quality Impact Assessment is required.

Air Quality - Footnote

For further information refer to the West Yorkshire Low Emission Group document [Air Quality and Emissions - Technical Planning Guidance](#) which is part of the [West Yorkshire Low Emissions Strategy 2016-2021](#).

Contaminated Land

According to our mapping the site of the proposed development is adjacent to land identified as potentially contaminated (site ref 82/9 and 83/9 works/industrial), The area is also on land with a coal legacy which is considered by the Coal Authority as a high-risk development area. A Coal Mining Risk Assessment by RB Geotechnical, dated April 2023 has been submitted in support of the application, whilst we welcome the report, we consider this to be largely geotechnical in nature which is outside the remit of Environmental Health.

Land contamination risk management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In the absence of a Phase I assessment, the sites historical land use, site setting and the associated risks from contaminants to receptors are unspecified. Consequently, it is unclear whether all potential risks to site receptors have been identified and assessed.

In order to protect the amenity of future occupiers of the site and nearby sensitive receptors we recommend contaminated land conditions to fully assess the contaminated land legacy at the site.

Odours

The proposed development includes the provision of a café with associated kitchen facilities, no information has been provided in relation to the nature of food to be offered. Hot food preparation and cooking can give rise to loss of amenity by way of odours to nearby sensitive receptors, we therefore recommend a condition to provide an odour assessment and propose any necessary mitigation.

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.

Artificial Lighting

No information has been provided in regard to any external artificial light that may be required on walkways/car parking or the perimeter of the proposed building. We therefore recommend a condition in relation to artificial external lighting to protect the amenity of nearby sensitive receptors from stray light or glare.

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.

Recommended Conditions

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 Report] 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.

OC3 Odours Impact Assessment Report

Before any cooking commences, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.

If an extraction system is required:

- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus

plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.

- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises 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.

OC1F Kitchen Extract Scheme - Footnote

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ May 2022 (2nd Edition).

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.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- 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.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the *“Guidance Note 01/21 for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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.

Recommendations

FS1 Food Safety - Footnote

It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

HSF1 Health & Safety - Footnote

All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk