

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90531 - Highgate Beds Ltd, Bretton Street, Savile Town, Dewsbury, WF12 9DB		
Demolition of existing warehouse building and erection of mixed use retail warehouse (Use Class B8), showroom (Ea) and office (B2)		
Date Responded: 19 th June 2023	Responding Officer: NH	Responding Ref: WK/202310488
<p>Air Quality</p> <p>We have considered whether the development will have a significant detrimental impact on local air quality and also whether it will introduce sensitive receptors into an area of existing poor air quality. The application 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.</p> <p>The site of the proposed development is situated between two Air Quality Management Areas, it is close to a road of concern and the footprint of the site is above the threshold in Table 1(WYLES) -Technical Planning Guidance. The proposed development will be classed as a minimum, medium impact.</p> <p>Our primary concern is around vehicle emissions associated with the development and the impact this will have on air quality, the sensitivity of the future users should also be considered. Therefore, before the application is determined we would expect an Air Quality Screening Assessment to be submitted.</p> <p>Contaminated Land</p> <p>The following documents have been submitted in support of the application:</p> <ul style="list-style-type: none"> • Phase 1 Report by ARC Environmental, dated 25th October 2021 (ref: 21-775) • Phase 2 Report by ARC Environmental, dated 3rd November 2021 (ref: 21-775) <p>The reports include geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the reports.</p> <p>It is clear from the Phase 1 assessment (ref: 21-775) that the site (and/or adjacent land) has encountered potentially contaminative uses, indicating a need for further investigation. In particular, the report identified potential risks from soil-borne contaminants and ground gases. The report recommends carrying out an intrusive investigation to establish the conditions of the site.</p> <p>The Phase II report (ref: 21-775) details the findings from the site investigation undertaken in October 2021. Eight samples including samples of the made ground and natural material were analysed for the presence of inorganic and organic contaminants and screened against commercial end-use assessment criteria. No values returned were above the assessment criteria. Two samples were subjected to leachate screening and whilst some results exceeded the target concentrations (for arsenic, acenaphthene, acenaphthylene, fluorene,</p>		

phenanthrene and EPH aliphatic (>C16-C35)) the report considers a low risk to controlled waters from the proposed development due to the justification provided in Section 7.3. Finally, at the time of writing, only one ground gas visit to monitor three standpipes had been completed. The report indicates that data from an additional three visits will be provided. To date, a negligible ground gas flow has been detected (<0.1 l/h) and detectable concentrations of methane and carbon dioxide have been recorded, up to a maximum recorded level of 23.7% v/v and 4.7% v/v with associated oxygen concentrations (minimum 15.4% v/v). Whilst this results in a gas screening value of <0.07 for both carbon dioxide and methane, the report acknowledges that ground gas protection measures will be necessary due to the observed methane levels.

Having read the reports, we accept the Phase 1 Report by ARC Environmental, dated 25th October 2021 (ref: 21-775). However, we do not accept the Phase 2 Report by ARC Environmental, dated 3rd November 2021 (ref: 21-775). First, the site characterisation is incomplete therefore it is unclear how we can accept the report. Lastly, the ground gas monitoring proposed does not appear to be in line with CIRIA C665. Given the observed concentrations and potential ground gas sources identified (made ground and historic landfill) and the '*moderate*' risk from ground gases assigned during the Phase I assessment (ref: 21-775), we would expect a minimum of six visits over three months unless robust evidence can be provided to modify the period and frequency of the monitoring programme.

Overall, we accept the Phase 1 Report by ARC Environmental, dated 25th October 2021 (ref: 21-775). However, we do not accept the Phase 2 Report by ARC Environmental, dated 3rd November 2021 (ref: 21-775). Additional information relating to the Phase 2 intrusive investigation is necessary. Therefore, contaminated land conditions applying to a Phase 2 Investigation and the subsequent phases of land contamination risk management are necessary.

Noise

The application seeks permission to erect a commercial building including a warehouse, showroom and office space with an associated car park. Due to the type and scale of the proposals, a condition for a noise assessment is necessary as the proposed development is considered likely to generate noise which will have the potential to cause a loss of amenity to the occupiers of nearby noise sensitive premises.

Noise from site clearance, demolition and construction works may also impact local amenities. There may be unacceptable construction nuisance if the site is incorrectly managed. All reasonable steps must be taken to minimise and mitigate adverse effects from construction noise to protect nearby amenities. As the submitted documents do not include a Construction Environmental Management Plan (CEMP) a condition to that effect is necessary

Hours of Use

No information has been submitted regarding hours of use at the development. We have concerns relating to noise from customers, deliveries and dispatches that may have an adverse impact on nearby noise sensitive premises. A condition restricting the hours of use is therefore necessary.

Odour

It is unclear whether the site is to include dining and kitchen areas for staff. There is the

potential to generate odours that may have an adverse impact on the amenity at nearby properties. Therefore, conditions are necessary for a detailed kitchen extract scheme.

Electric Vehicle Charging Points

The proposed building will comprise a four-storey unit together with new areas of car parking to the southern and northern boundaries of the site, comprising parking for 42 vehicles to the south, including 3 disabled spaces and cycle parking, and 20 vehicle spaces to the north of the proposed building. 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.

External Lighting and Illuminated Advertisements

No information has been provided regarding any changes that will be made to the external lighting at the site, or whether the existing lighting will be retained with no additions or alterations. If there are to be any changes to the external lighting these need to be appropriate for the intended future use and designed so that they do not cause any significant loss of amenity to the occupiers of neighbouring premises. A condition is therefore necessary regarding any changes to the external lighting.

Drainage at Food Premises

The proposed development includes the facility for a kitchen where it is anticipated that hot fried food will be prepared. Therefore, there is the potential for fats, oils and grease to enter the drainage network due to food preparation and from dish-washing areas. Therefore, it will be necessary for a condition relating to pollution prevention.

Recommendations

Air Quality Screening Assessment – Before Determination

Before the development is brought into use an Air Quality Screening Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality taking into consideration any cumulative impact from other local developments
- consider the number and frequency of vehicle movements and the impact this will have on existing AQMA's
- determine the impact that the poor air quality in the area will have on the future occupiers
- detail any necessary mitigation

The approved low emission mitigation measures shall be implemented before the development is first brought into use and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

AQIAF1 Air Quality Impact Assessment - Footnote

For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures. 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](#).

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

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 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.

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of nearby premises including at the facades of the properties on Headfield Road, Saville Town
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

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.

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.

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing a Construction Environmental Management Plan (CEMP)

shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction of the development.

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.

CEMPF Construction Environmental Management Plan - Footnote

Noisy construction related activities should 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

Institute of Air Quality Management document "*Guidance on the assessment of dust from demolition and construction*" Version 1.1 2014 provides detailed information regarding dust control.

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.

HUC4 Hours of Use combined Open for Customers, Deliveries and Dispatches – Condition

The use hereby permitted shall not be open to customers outside the hours of 09:00 to 18:00 daily

and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

OC1 Kitchen Extract Scheme - Condition

Before food cooking commences details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details 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.
- 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).

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.

EVC1 Electric Vehicle Charging Points - Condition

Before first occupation, a scheme detailing the dedicated facilities that will be provided at the 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.

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.

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).

LC3a Illuminated Advertisements - Condition

The illuminated advertisement hereby permitted shall:

- be installed and maintained thereafter in accordance with the approved plans
- shall not be illuminated between the times of 23:00hrs to 06:00hrs
- have a luminance not exceeding 300 cd/m² at any part of the illuminated area.
- have illumination that is not flashing, intermittent or changing
- have an image that changes no more frequently than once every 5 seconds
- have the illumination turned off if any of the above requirements are not being met.

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

LC3F Illuminated Advertisements – Footnote

LED display screens should meet the requirements of the current (2014) Institution of Lighting Professionals guidance *"PLG05 The Brightness of Illuminated Advertisements"*. The acceptable night-time luminance levels are based on the environmental zone that the advertisement is located in (table 3, page 23) and the size of the advertisement (Night time maximum permitted recommended luminance, see Table 4, page 24). Ideally the illumination should be static (not flashing) and not left on overnight unless this is considered appropriate

or necessary.

DR08 Pollution Prevention (for food outlets including take-aways/restaurants)

Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with LP44 of the Local Plan and XXX of the NPPF