Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90956 rear of 1 Sparks Road, Oakes, Huddersfield, HD3 4BX		
Erection of 4 dwellings		
Responding Date: 14th May 2024	**Responding Officer: SR**	**Responding Ref: WK202414206**

Comments

We have reviewed application 2024/90956 and make the following comments and recommendations. The application concerns the erection of 4 new dwellings on land to the rear of an existing established property.

Noise

The proposed development is close to a busy road with high traffic volumes. In support of the application the applicant has submitted a Noise Impact Assessment Report authored by Peak Acoustics, dated 23/05/2023, Ref: 2804231NR. A baseline noise survey was carried out on the 10th-11th of May 2023, from one monitoring location as shown in figure 1. Noise affecting the development was determined to be primarily from road traffic on New Hey Road.

The executive summary informs that noise levels to outdoor amenity areas of the proposed development are within the 'desirable' criteria of BS8233.

Mitigation is however necessary to ensure conditions in habitable rooms remain within the desired design criteria of BS8233:2014. Table 4, titled Glazing & Ventilation Scheme specifies the level of glazing and ventilation attenuation required to meet with the internal requirements of BS8233.

The report appears to have been authored for 5 dwellings not the current 4, however it would appear the position and orientation of the dwellings appears the same. The findings of the report are accepted but conditions are recommended to ensure the mitigation measures are implemented and retained thereafter.

Contaminated Land

The site has been identified on our mapping system as potentially contaminated land (our site ref: 134/9 former mill site and mixed industrial). Whilst we have no objections to the proposed development, we recommend contaminated land conditions to ensure the site is safe and suitable for its intended purpose.

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.

Electric Vehicle Charging Points

We would remind the applicant that approval under the Building Regulations may be required for EVCP's, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Recommended Conditions

NC1 Implement Agreed Noise Mitigation Measures – Condition
Before the development is first brought into use all works which form part of the sound mitigation scheme as specified in the Noise Impact Assessment Report authored by Peak Acoustics, dated 23/05/2023, Ref: 2804231NR: shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.
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.

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. 189 and 190 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. 189 and 190 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. 189 and 190 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. 189 and 190 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. 189 and 190 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.

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.