

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/91116 - Land off, Primrose Lane, Hightown, Liversedge, WF15
Erection of 77 dwellings, with access from Darley Road and associated works
Date Responded:
27th February 2024
Responding Officer:
NH
Responding Ref:
WK/202404236

Further to our comments dated 7th August 2023, the applicant has amended the proposals to include a further 10 dwellings, bringing the total proposed dwelling to 77. We note the changes however this does not change our recommendations as dated 7th August 2023.

Recommendations

We consider that the supporting information provided to date fails to wholly meet NPPF guidelines and some of the information provided has failed to meet the necessary requirements for contaminated reports as detailed in the LCRM guidance. Without further information, we are unable to fully evaluate the suitability of the site for the intended development and therefore require additional information **before the application is determined**.

The following conditions are recommended for other aspects of the application. Please note our recommendations are not final and are subject to satisfactory contaminated land information being submitted and approved before the application is determined.

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, in accordance with Table 7-1 page 23 of the Air Quality Assessment by SLR (Ref: 410.064882.00001) (dated: November 2022)
- 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.