

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/91408 - Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ
Erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works
Date Responded:
4th July 2023
Responding Officer:
NH
Responding Ref:
WK/202318294

Environmental Health has considered the application for full permission and has reviewed the documents provided. We make the following comments and recommendations.

Contaminated Land

The proposed development is a major development on a site located close to a historic quarry (our map ref 49/9) and former mill/works (our map ref 53/9) that may have an adverse impact on the proposed development. Therefore, contaminated land issues need to be considered.

A Ground Investigation report by Georisk Management Limited, dated April 2023 (ref: 22052/1 – Revision 1) has been received in support of the application. The report is a combined Phase 1/Phase 2 report. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The report details that the site is approximately 0.25ha and has been recently cleared. The site is ‘bordered by Thomas Street to the north, Thorncliffe Street to the east and Brian Street to the south, with housing beyond these and bordering the site to the west.’ During the site walkover. No evidence of any potential significant contamination was noted.

The on-site and off-site historical land uses have been reviewed since 1893. The site has been used for residential since the late 1800s and was cleared in 2021. Notably, historic land uses surrounding the site include but are not limited to, a burial ground, a former landfill located approximately 180 m to the north-west, woollen mills and an iron works. Concerning coal mining, no potential coal mining issues were identified and the report states that ‘the proposed development of the site will not be affected by past coal mining activities.’ The main potential sources of contamination were identified as made ground associated with former development on-site and soil gases derived from made ground. Off-site sources of ground gases were also identified. The past 1 aspect of the report concludes that ‘the site is considered to represent a low to moderate/low risk to human health.’

Fieldwork was undertaken on 23rd and 24th March 2022 and included 7 trial pits excavated to 3.4m below the existing ground level (begl), and 6 boreholes excavated to 6.45m begl. Small disturbed samples were taken from the exploratory holes and sent for chemical analysis. A total of 2 gas monitoring wells were also installed at WS2 and WS and monitoring has been carried out on 4 occasions between 30th March and 12 May 2022. The response zones in WS2 covered natural soil and the response zone in WS4 covered made ground. Whilst the number of boreholes monitored for ground gas does not appear to be in accordance with best practice guidance, justification for the number of standpipes installed as been provided in Section 8.2.3 of the report.

Key findings include made ground 'generally between 1.0 and 3.0 m begl, with deeper Made Ground recorded in TP2, TP5 and WS3 that is more than 3.0 m thick and, in places, over 6.0 m thick.' This was underlain by Soft Bed Flags.

A summary of the ground gas monitoring results has been provided in Table 10 of the report. No methane was recorded during the monitoring and carbon dioxide peaked at 1.4% v/v. The minimum oxygen concentration reported was 19.1% v/v. No positive gas flow was recorded. Groundwater was recorded at approximately 2.9 m begl in WS2 during the first monitoring visit. The installations both remained dry throughout the remainder of the monitoring programme. The report reads 'For a 'Characteristic Situation 1' (CS1), the 'Typical Maximum Concentrations' for methane (1 % v/v) and carbon dioxide (5 % v/v) have not been exceeded.'

In justifying no further monitoring, the report added the made ground of the varying depths of made ground 'did not contain a significant organic or deleterious content that could give rise to hazardous soil-gas generation and; therefore, the Made Ground is considered to be very low risk in terms of potential soil-gas generation.'

The chemical test results are presented in Table 12. Exceedances of dibenz(ah)anthracene, benzo(a)pyrene, benzo(b)fluoranthene and dibenz(ah)anthracene were identified at several locations at the site. In addition, 'chrysotile fibres/clumps were identified in Made Ground from WS1 at 0.5 m begl. Subsequent quantification of the asbestos content revealed 0.002 % by weight of asbestos.'

The report concludes that 'no remediation is considered necessary at the site; however, due to the presence of Made Ground across the site, clean imported topsoil should be provided in the all soft-landscaped areas to provide a clean growing medium.' This is because WS1 and WS3 are described as beneath the building footprint and WS6 is beneath the proposed car park. TP7 is described as being in the proposed garden area.

We accept the Ground Investigation report by Georisk Management Limited, dated April 2023 (ref: 22052/1 – Revision 1). However, as imported material is necessary, the applicant must ensure that the material is suitable for the intended use and that the material does not contain unacceptable levels of contamination. Therefore, we need further information as to how this will be achieved.

Nevertheless, we do not object to developing the site subject to the following contaminated land conditions.

Construction Noise and Nuisance

The site is adjacent to existing residential properties. 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 amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP) a condition to secure one is required.

Odour

The site is to include dining and kitchen areas for the service users. So, we consider the proposed development will involve the preparation and cooking of food. As there are existing

residential properties around the proposed site, there is the potential to generate odours that may have an adverse impact on the existing residential amenity. Therefore, conditions are necessary for a detailed kitchen extract scheme.

Drainage at Food Premises

Due to the type of application proposed, it is possible that fats, oils, and grease enter the drainage network. Should these build up, they may block the sewerage system. Consequently, blockages can lead to the leakage of foul sewage or the internal flooding of properties or of neighbouring areas. For that reason, a condition is required in relation to the prevention of these substances in the drainage network.

Electric vehicle charging points

On-site parking is proposed, and we can see from the Proposed Site Roof Plan by ADG Architects, dated 2nd May 2023 (ref: H.21.81). 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. As such, a condition requiring charging points is therefore necessary.

External Lighting

No information has been provided regarding external lighting. It is unclear whether external lighting will be used at the site. A condition is necessary regarding any external artificial lighting, concerning glare and stray lighting to avoid the loss of amenity to nearby residential properties.

Recommended Conditions

LQ1 Imported Materials

Prior to materials being imported to the site associated with the erection of care home, associated access and sub station, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. Testing to demonstrate suitability shall then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report 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.

CLC6 Reporting of Unexpected Contamination - Condition

In the event that contamination, or the presence of coal not previously identified in the approved Ground Investigation report by Georisk Management Limited, dated April 2023 (ref: 22052/1 – Revision 1) prior to the grant of this planning permission is encountered during the development, all works 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 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 Verification 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 Verification 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. 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.

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.

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).

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

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).