

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

2023/91621 17 Stainecross Avenue, Crosland Moor, Huddersfield, HD4 5HZ

Erection of outbuilding for hairdressing salon with photovoltaic panels on the roof

Responding Date:
29th June 2023

Responding Officer:
SR

Responding Ref:
WK202318862

Comments

We have reviewed Application number 2023/91621 and the supporting plans and make the following comments and recommendations. The proposed development concerns a new structure measuring 3.5m x 7.5m in the rear garden of a residential premises with neighbours either side and backing onto recreational fields.

Contaminated land

Our records indicate the proposed development site is not situated on land identified as potentially contaminated but is close to former quarries which have been infilled. It would appear from the plans that the construction of the outbuilding will involve groundworks, we therefore recommend a condition in relation to unexpected contamination.

Noise

The new use has the potential to cause loss of amenity to nearby sensitive receptors from noise. The hours of operation have been given in the application as:

09:00 to 17:00 Monday to Friday

09:00 to 15:30 Saturday

For the avoidance of doubt, we recommend a condition to secure the proposed hours of operation.

No information has been given in relation to the numbers of customers at any one time or if there will be any amplified sound. Looking at the submitted plans the salon area is very small, we therefore recommend a condition to secure a noise management plan for the commercial operation that will ensure any equipment, music and customer noise is controlled.

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

CLC6 Reporting of Unexpected Contamination - Condition

In the event that contamination, or the presence of coal not previously identified by the developer 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.

HUC1 Hours of Use Open for Customers - Condition

The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of

09:00 to 17:00 Monday to Friday

09:00 to 15:30 Saturday

No activities 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.

PC2 Noise Management Plan – Condition

Before the salon in the outbuilding is brought into use a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely

noise sources so that it does not have an adverse impact on nearby residents. The plan shall include a scheme to deal with noise from:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those and those leaving the premises
- noise generating hairdressing equipment

The approved noise management plan shall be fully implemented before use commences and operated in accordance with the approved plan thereafter.

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.

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.