

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/92712 - Land adjacent 36 Oxford Road, Dewsbury, WF13 4LL		
Erection of 40 bed care home and 12 independent supported living units (use class C2) with associated works including the formation of car park and service access		
Responding Date: 10 November 2023	Responding Officer: Mohammed Nasim	Responding Ref: WK202332766
<p><u>Comments</u></p> <p><u>Noise</u></p> <p>The applicant has submitted a Noise Impact Assessment authored by Infinity Acoustics dated September 2023 Ref A078RT v001. Para 1.4 states the aims of the noise survey and the measures provided, where necessary, to ensure the amenity of any future residents and existing residents in the area.</p> <p>A noise survey of the site was undertaken between Monday the 18th of September and Wednesday the 20th of September 2023 from 2 measurement locations as shown in Appendix B. A summary of the results for both measurement locations is given in tables 4 and 5 and the lowest measured L_{Aeq} levels are shown in table 6 which will be used to assess the access road and car park noise associated with the development. Modelling was conducted based upon the measured results and this is shown in Appendix D. This has considered the surrounding roads and also the sports pitches from the neighbouring school.</p> <p>An assessment of the results indicates a variation dependent upon the location and the facades are therefore colour coded. In order to meet with the internal requirements of BS8233, the required sound reduction for each façade is given in table 9. Section 7 details the construction and specifies appropriate measures to ensure the sound reduction is achieved. The external amenity areas meet with BS8233 and no mitigation is required.</p> <p>Para 7.5 gives an upper limit for any fixed mechanical plant to ensure it does not lead to an increase in measured background levels.</p> <p>The findings of the report are accepted. Conditions are recommended to ensure the recommendations are implemented and any fixed mechanical plant does not exceed background levels.</p> <p><u>Odours</u></p> <p>The application acknowledges the potential cooking odours from the development site and Page 24 of the submitted Planning Statement states <i>'The kitchen and rehab kitchen are relatively domestic in scale and proposed use. The kitchen/dining areas provides a bistro style food service that operates from 8am to 8pm'</i>. It goes on to say <i>'The Kitchen systems will be designed and installed to comply with HVCA DW 172 (Kitchen ventilation systems), HVAC DW 144 (Sheet metal ductwork) and Part F of the Building Regulations. Consideration will be given to noise and odour control with guidance given in the DEFRA document "Guidance on the control of odour and noise from commercial kitchen extract systems."</i> A condition is recommended for the submission of a kitchen extraction scheme in order to protect the amenity of neighbouring properties.</p>		

Construction Environmental Management Plan

The application is classed as a Major and a Construction Environmental Management Plan will need to be submitted to ensure the construction is managed and all environmental emissions are controlled to ensure there is no loss of amenity during this phase. A condition is recommended.

Electric Vehicle Charging Points (EVCPs)

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. The submitted plan from Farrell & Clark Architects dated June 2023 Ref 410004-FCA-01-00-DR-A- shows 4no. EVCPs and this is accepted. However, no detail is given on the specification and so a condition is recommended to ensure it meets with the guidance.

Lighting

Page 10 of the submitted Planning Statement from Farrell & Clark Architects dated October 2023 Ref 410004-FCA-01-ZZ-RP-A-3801 states the car park areas to the south are to be well lit. No detail is provided on the type and locations of any external lighting and so a condition is recommended to ensure there is no loss of amenity to neighbouring properties.

Contaminated Land

The application is classed as a Major and a condition is recommended for unexpected contamination should it be encountered during the course of the construction.

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 attenuation scheme as specified in the Noise Impact Assessment authored by Infinity Acoustics dated September 2023 Ref A078RT v001:

- a) shall be completed; and
- b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

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.

NC10 Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

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.

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 the 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 into the extract system and details of the likely resulting noise levels that will be caused by the operation of the extract system, in particular the noise level 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).

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

Noise from any construction related activities shall not be audible outside the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

Noise from any construction related activities shall not be audible outside the site boundary at any time 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.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided 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 at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a

lower number of charging points may be acceptable.

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained 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

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours), Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- 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.

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.

The external artificial lighting shall be installed and operated thereafter 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. E3).

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 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. Groundworks 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.