

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/92733 Spring Grove Gardens, 50 Paul Lane, Colne Bridge, Huddersfield, HD5 0PU		
Demolition of existing buildings, erection of detached dwelling and formation of new driveway		
Date Responded: 17 November 2023	Responding Officer: MN,RM,NH	Responding Ref: WK/202333386
<p>We have reviewed the application and supporting information and make the following comments and recommendations.</p> <p><u>Noise</u></p> <p>The applicant has submitted a Noise Assessment authored by Nova Acoustics dated 15 August 2023 Ref NP-009504. A background noise survey was conducted between the 5th and the 6th of June 2023 from three measurement positions (MPs) as shown in figure 2 and a summary of the findings is shown in table 2. The acoustic environment is deemed to be low to moderate in level and the noise profile is dominated by traffic emissions from the local road network</p> <p>Figure 2 also shows the location of the Yorkshire Shooting Centre (YSC) which is located approximately 130m to the north of the proposed site. It is understood that there are 2no. dedicated external shooting areas associated with YSC at approximately 175m and 230m from the proposed dwelling's northern façade. The YSC operating hours are:</p> <ul style="list-style-type: none"> • 1930hrs to 2300hrs Mondays and Wednesdays • 1030hrs to 1700hrs Fridays • 1230hrs to 1700hrs Weekends • Closed Tuesdays, Thursdays and Bank Holidays <p>The assessment notes that noise emissions from the YSC were audible at the development site during the daytime and has the potential to cause adverse impact. Due to the highly impulsive noise characteristics associated with the shooting range, it was considered appropriate to assess the resulting daytime L_{Amax} levels at the site. As there are no defined criteria for daytime L_{Amax} levels, the night-time criterion was adopted to assess internal noise levels and this is accepted.</p> <p>Reference is made to ProPG: Planning & Noise 2017 which states '<i>In most circumstances in noise sensitive rooms at night (e.g. bedrooms) good acoustic design can be used so that individual noise events do not normally exceed 45dB $L_{Amax,F}$ more than 10 times a night. However, where it is not reasonably practicable to achieve this guideline then the judgement of acceptability will depend not only on the maximum noise levels but also on factors such as the source, number, distribution, predictability and regularity of noise events.</i>'</p> <p>Figure 3 shows the L_{Amax} levels at MP3 which exceeds the 10 times a night limit with over 50exceedences in a 15min measured window. After applying the Shooting Noise Level (SNL) criteria, as shown in table 4, there is a high likelihood of annoyance to occur due to noise from the YSC.</p> <p>The assessment states no specific mitigation measures are required given the low daytime</p>		

levels in the absence of the noise from the YSC, and a specification is given for glazing to ensure the internal levels meet with BS8233. However, it is unclear if this specification will mitigate against the daytime L_{Amax} levels measured and this will require clarification.

The assessment states a MVHR system will be installed which will assist if windows will need to be kept closed due to the external noise from the YSC. It is imperative that this is installed competently so as not to raise internal levels above the requirements of BS8233

In order to assess the external noise levels from the YSC, guidance from the CIEH Clay Target Shooting: Guidance on the Control of Noise (2003) has been used. However, the guidance states "*The scope of (the) guidance is limited to clay target (pigeon) shoots. It should not be taken as having any application to other outdoor shooting events or other gun club activities*" and as such, the assessment is outside of the scope of the guidance. However, due to the lack of other more appropriate guidance, it is accepted that the CIEH document provides the most suitable criteria for this assessment.

The guidelines were used to predict the level of impact in the external areas of the proposed development and figure 3 shows the L_{Amax} levels associated with the daytime use. Based upon the calculated shooting noise level, table 4 shows it is highly likely for annoyance to occur. Whilst the measurement parameters are different (L_{Amax} vs L_{Aeq}), BS8233 does recognize that the guideline values for external amenity are not achievable in all circumstances where development might be deemed to be desirable and it is for the Planning Officer to determine 'desirability'. However, the '*caveat emptor*' principle may also be applicable and it is for the buyer/current owner to determine this.

The findings of the report are accepted but a condition is recommended for a further/addendum assessment to be submitted to clarify the specification of glazing required to mitigate against daytime noise from the YSC.

Contaminated Land

A Phase 1 Desktop Study and Preliminary Risk Assessment Report by GeoEnviro Solutions Ltd (ref: 3664-23 PI) (dated: July 2023) has been submitted in support of the application. 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 Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s, including a comprehensive preliminary conceptual site model. It has identified the potential for coal workings beneath the site and classifies the site as having a medium level of risk. In summary it recommends further intrusive site investigation including ground gas investigation. Notwithstanding this and according to our records there is also a former landfill within 100m north of the site (our ref: 146/4) filled with industrial waste.

We accept the Phase 1 Desktop Study and recommend contaminated land conditions for an intrusive site investigation. Any future reports and investigations must be undertaken in accordance with best practice guidance.

Foul Drainage

We note from the submitted information that there will be no connection to the main sewer system for the disposal of foul water and that the proposal includes a Klargestor package treatment plant. Whilst it is encouraging to see foul drainage proposals, the location of the package treatment plant appears to be outside of the planning application boundary. As such, it is not deemed in a suitable location. We need the applicant to demonstrate whether foul drainage provision can be implemented within the planning boundary. In addition, no details have been provided regarding the Klargestor and our concern is if it is of a suitable capacity to accommodate the size of the proposed development.

Without the above information, it remains unclear whether provision for foul drainage can be made at the site. We consider that the application should not be determined until adequate provision for foul drainage has been demonstrated.

Electric Vehicle Charging Points – (EVCPs)

We note from the Design & Access Statement by Rose Consulting and the Climate Change Statement, that the proposal includes electric vehicle charging points and this is welcomed. 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. A condition requiring charging points is therefore necessary.

Loss of amenity caused by the construction of the development

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. It is therefore necessary for a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

Recommended Conditions

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences, a further/addendum report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

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.

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

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. 183 and 184 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. 183 and 184 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. 183 and 184 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 (that part of) 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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. 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.

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:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

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.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would 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.

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.