

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

2023/92795 37 Upper George Street, Springwood, Huddersfield, HD1 4AW

Erection of single storey rear extension and alterations to convert existing dwelling into House of Multiple Occupation (within a Conservation Area)

Responding Date:
14th November 2023

Responding Officer:
SR

Responding Ref:
WK202334596

Comments

We have reviewed application 2023/92795 and make the following comments and recommendations. The application concerns a ground floor extension to the existing property, housing 4 additional bedrooms. The internal layout of the existing residential property is to be reconfigured. The proposed property as a whole will be joined via a connecting doorway.

Contaminated Land

The site of the proposed development is not located on land identified as potential contaminated land on our mapping systems, it is however within a development high risk area for coal. We have reviewed the Coal Mining Risk Assessment by the Coal Authority, dated the 24th of October 2023. The applicant is reminded that the document contains geotechnical information, which is outside the remit of Environmental Health, this response therefore only concerns contaminated land aspects of the assessment.

We acknowledge the report and recommend contaminated land conditions in relation to unexpected contamination, during construction works. The actual presence of shallow coal would require further investigation (due to possible risks of spontaneous combustion or mine gas), the recommended condition will ensure this.

Noise

The current property is described as rented residential accommodation; its new use is to remain the same.

We recommend a condition in relation to construction hours to protect the amenity of neighbouring residential properties during the construction process. Any noise from one domestic dwelling to another would be dealt with under statutory nuisance legislation.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination - Condition

In the event that contamination, or the presence of coal 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.

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.