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

2023/93082 - Land Adjacent, 60 Northgate, Cleckheaton, BD19 3NB

Discharge of conditions 3-13, 22, 23 and 25 of previous permission 2022/91730 for demolition of former dairy/snooker centre/storage and erection of 9 light industrial units

Responding Date: **31 January 2024**	**Responding Officer:** **Mohammed Nasim**	**Responding Ref:** **WK202402182**

Note – These comments relate to Conditions 5 and 9 ONLY. We provided comments for conditions 11, 12 & 13 on 23 November 2023.

Comments

Condition 5 - Construction Environmental Management Plan

In our response dated the 23rd of November 2023 we largely accepted the information provided but required additional clarification in regard to construction hours for the site and timetable of construction. Further information has been provided in the form of a revised Construction Environmental Management Plan, Rev 1, and an undated Programme of works schedule. We accept the new information and a condition is recommended.

Condition 9 – Noise

The applicant has submitted a Noise Impact Assessment (the report) authored by Clover Acoustics dated 10 January 2024 Ref 4824-R2. A background noise survey was undertaken on Thursday the 6th of April 2023 from two measurement positions (MPs) as shown in figure 1. The report identifies the nearest noise sensitive receivers as the neighbouring residential dwellings on Northgate to the west of site (MP1) and Scott Lane to the north (MP2). A summary of the findings is given in tables 1a & 1b for MP1 and in tables 2a & 2b for MP2. Subjectively the background sound climate was moderate with consistent road traffic noise from the surrounding area.

Modelling has been conducted with roller shutter doors open and closed with upper limits on internal noise levels given for each scenario. The modelling is based on typical construction and recommends a wall upgrade to units A, C & D as shown in figure 4. Modelling has also been conducted for the HGV deliveries based upon the levels within BS5228-1:2009 and the findings are shown in the tables in section 6 and in figures 5, 6 and 7.

Based upon the findings from the modelling, a BS4142 assessment has been conducted. A penalty of +6dB has been applied to the units for impulsive and intermittent noise and a penalty of +6dB has been applied for HGV movements for impulsivity. The respective tables indicate a low impact.

The findings of the report are accepted.

Recommendations

Condition 5 - Construction Environmental Management Plan

We accept the revised Construction Environmental Management Plan, Rev 1, and undated Programme of works schedule and recommend the elements of the Condition 5 that are

within the remit of Environmental Health are discharged. However, condition 5 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded that 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.

Condition 9 – Noise
The submitted information meets with the requirements of the condition. However, we recommend the condition is not discharged until all of the measures recommended within the Noise Impact Assessment authored by Clover Acoustics dated 10 January 2024 Ref 4824-R2 are implemented and retained thereafter.