Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93271 Lower Crawshaw Farm, Stringer House Lane, Emley, Huddersfield, HD8 9SU		
Erection of extension and alterations to ancillary buildings to create dwelling forming annex accommodation associated with Lower Crawshaw Farm, Stringer House Lane, Emley, Huddersfield, HD8 9SU		
Responding Date: 13th December 2023	**Responding Officer:** SR	**Responding Ref:** WK202338192

Comments

We have reviewed application 2023/93271 and make the following comments and recommendations. The application appears to concern the extension of former farm buildings and a change of use to residential accommodation.

Provision of a Drinking Water Supply – *Before determining the application*

Before the application can be determined, the applicant is required to demonstrate that a suitable, sufficient and wholesome drinking water supply can be provided for the proposed development and that the use of the proposed supply will not adversely impact on other private water supplies in the vicinity. The drinking water must comply with drinking water quality standards so as not to constitute a potential danger to human health, and it must be acceptable to consumers in appearance, odour and taste.

We require this information to prevent future occupiers of the development from being put at unacceptable risk from poor drinking water quality, to accord with the accord with the aims of the Kirklees Local Plan LP34 and LP52 and Chapters 15 of the National Planning Policy Framework.

Drinking water Supply - Footnote

Wholesome is defined in Part 2 Regulation 4 of the Private Water Supplies (England) Regulations 2016 or in any new legislation that supersedes this. For further information regarding Private Water Supplies contact: watersampling@kirklees.gov.uk.

Adequate Provision for Foul Drainage – *Before determining the application*

It is understood that a mains drainage system is not available for the development. No detailed information has been provided regarding the proposals for providing an adequate system of foul water drainage which will be required by the building regulations. To avoid the possible need for a further planning application relating to the construction of a foul drainage system, it is recommended that before determining the application, the applicant provides detailed information to show how a satisfactory foul drainage system is to be provided for the proposed development. The details must therefore include the following information:

a. The location of the tank (which must not be so near to any inhabited building as to be liable to become a danger to health or a source of nuisance (a minimum of 7m is required but over 20m and down slope is preferable) or in an area where there is a risk of flooding).The discharge details for the tank must not present any risk of contamination to any watercourse, underground water or drinking water supply.

b. Demonstrate that the tank will be of adequate capacity for the highest number of persons that may use the tank, and ensure it is in good working condition.

We require this information to prevent loss of amenity by way of foul effluent polluting the local environment and impacting drinking water quality, to accord with the aims of the Kirklees Local Plan LP34 and LP52 and Chapters 15 of the National Planning Policy Framework.

Adequate Provision for Foul Drainage - Footnote
Specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. 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.

Any discharge from a waste-water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application.

Contaminated land
The end use proposed is classed as sensitive.
The proposed development site has been identified as being located in an area with a coal mining legacy, a Coal Mining Risk Assessment by Lyons CMC, dated the 14th of November 2023 has been submitted in support of the application.
The report includes geotechnical information, which is beyond the remit of Environmental Health, our comments relate to contaminated land only. The report acknowledges the risks to the proposed development from underground mining and shallow coal and assesses the gas risk as moderate. It goes on to recommend a site investigation and suggests potential remediation.
The proposed site has been used as ancillary buildings to a working farm, it is located close to a landfill site and former quarries and has a coal mining legacy. Whilst we do not object to the proposal we recommend full contaminated land conditions in order to fully appraise the risks at the site and ensure any necessary remediation is undertaken before occupation.

Electric Vehicle Charging Points
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
We would remind the applicant that approval under the Building Regulations may be required for an EVCP, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Construction Noise
Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, the access road to the site passes several other residential properties, for this reason a condition is necessary to limit the hours of operation for the site.

Recommended Conditions

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition
Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use 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

- 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.
- 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 in relation to Approved Document S.

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.