

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93667 Storthes Hall Student Village, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0WA		
Outline application for demolition of buildings and erection of residential development (up to 261 dwellings), redevelopment of Lodge Cottage for residential use and associated works		
Date Responded: 22nd January 2024	Responding Officer: RM	Responding Ref: WK/202400571
We have reviewed the application and supporting information and make the following comments and recommendations. Air Quality An Air Quality Assessment by SLR (ref: 410.064608.00001) (dated: August 2023) has been submitted in support of the application. It details the impact the development will have on air quality during the construction and operational phases, using national and local guidance. <u>Construction Phase</u> For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. A risk assessment was undertaken to identify all potential sources of dust, due to demolition, earthworks, construction and trackout. Based on this the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor locations within 350m from the site was determined. Including the potential significance impact of dust emissions associated with the development. The report concludes that there is the potential for air quality impacts due to fugitive dust emissions from the site. The site was identified as “high risk” in relation to dust soiling due to demolition and “medium risk” in relation to human health. The report concludes that providing mitigation measures such as those outlined in Table 8-1 pages 28 to 30 of the report are implemented, these impacts can be controlled. <u>Operational Phase</u> The application has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance which divides applications into 3 impact types (Minor, Medium and Major) using specific criteria. The proposed development has been classed as Medium in terms of air quality because it is not within an Air Quality Management Area (AQMA) or near to any roads of concern and falls below the criteria for a Major development. To fully assess the impact of the development on air quality due to increased vehicle movements and existing sensitive receptors, detailed dispersion modelling was undertaken. ADMS Roads dispersion model was used to determine changes in concentrations of NO₂, PM₁₀ & PM_{2.5} at 25 sensitive receptor locations along the affected road network for the following scenarios: • 2019 - verification/base year • 2032 - Do minimum (DM) opening year without the development inclusive of relevant committed development traffic		

- 2032 Do something (DS) opening year including all trips associated with the proposed development.

Using monitored data provided by Kirklees Council, Defra background maps and traffic data provided by Optima Highways & Transportation future pollutant concentrations were determined. The report concludes that concentrations of all pollutants at existing sensitive receptor locations because of the proposed development are predicted to be below the National Air Quality Objectives and are considered to be “negligible” in accordance with the EPUK & IAQM guidance (Environmental Protection UK & Institute of Air Quality Management).

Table 8-2 of the report lists the Type 1 and Type 2 mitigation measures proposed to offset the impact of the development on air quality. The proposals are in accordance with the WYLES Technical Planning Guidance, and are listed as follows:

- 1 electric vehicle (EV) charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking)
- Travel plan
- Support for free or reduced membership of the West Yorkshire car club and travel network
- Improved pedestrian links to public transport stops.
- Provision of bus infrastructure including stands, shelters, bus gates, information displays
- Provision of free ticketing with time limited uptake targets
- Provision of resident Low Emissions Vehicle (LEV) purchase support as an alternative to Metrocard with time limited uptake
- Supporting the extended provision of sustainable school travel into the development
- Site layout to include improved pedestrian pathways to encourage walking
- Improved convenient and segregated cycle paths to link to local cycle networks
- Provision of storage and support for cycle purchase or hire

Comment

We agree that the proposed development is classified as medium in accordance with WYLES and therefore agree with the methodology and conclusion of the Air Quality Assessment. We therefore recommend conditions to secure the implementation of the proposed mitigation measures for both the construction and operational phases.

Contaminated Land

According to our records the site of the proposed development is on/adjacent to land that is potentially contaminated due to its former uses (our site references 72X/16, 72/16 & 74/16) therefore land contamination will need to be considered and we recommend the necessary contaminated land conditions.

Loss of amenity caused by the construction of the development

Because of the large scale of the development and the proximity of residential properties to part of the site boundary there is a significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the construction phase of the development. We therefore recommend a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted.

Private Water Supplies

According to our records the current development at this location is served by a Private Water Supply (our reference WS354) supplying between 100-1000 people. This falls under the Private Water Supply (England) (Amendment) Regulations 2018 enforced by Kirklees Council. **Before the application is determined** the applicant must confirm proposals for a drinking water supply to this development. It is unclear whether it will be possible to connect to a Yorkshire Water mains supply. The applicant must also demonstrate the protection afforded to the existing supply and its collection grounds if this is to be maintained.

Recommendations

Before the application is determined we require further information regarding the proposal for a water supply to the development.

Air Quality Mitigation – Condition

Before the development is brought into use, the air quality mitigation measures as listed in Table 8-2 pages 30 and 31 of the Air Quality Assessment by SLR (ref: 410.064608.00001) (dated: August 2023) shall be implemented 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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.

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. 189 and 190 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. 189 and 190 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. 189 and 190 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). If 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. 189 and 190 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. 189 and 190 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.

CEMPC Construction Environmental Management Plan - Condition

Prior to demolition 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 must include a Dust Mitigation Plan as outlined in Table 8-1 on pages 28 to 30 of the Air Quality Assessment by SLR (ref: 410.064608.00001) (dated: August 2023)
- 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 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

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.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "*Guidance on the assessment of dust from demolition and construction*" Version 2.1 2023.

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.