

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

**2023/93759 12 George Street, Ravensthorpe, Dewsbury, WF13 3LL**

**Change of use from storage to garage, erection of single storey side extension and formation of vehicular access**

**Responding Date:**  
**29<sup>th</sup> January 2024**

**Responding Officer:**  
**SR**

**Responding Ref:**  
**WK202402224**

**Comments**

We have reviewed application 2023/93759 and make the following comments and recommendations. Looking at the photograph contained within the design/heritage statement it appears that Tee Motors is already established at the site.

**Noise**

The application informs us the business wishes to operate 09:00 and 19:00 Monday to Saturday and 11:00 – 17:00 on Sundays and Bank Holidays. We believe noise generated by the business over these opening hours may affect the amenity of nearby sensitive receptors, particularly at times when other commercial businesses and road traffic in the area is reduced, such as evenings and Sundays. We therefore recommend a condition to limit the hours of use in order to protect the amenity of nearby residents.

**Contaminated Land**

The proposed development site is not identified as being on potentially contaminated land or near landfill, it is however located in an area with an industrial legacy. The proposal involves groundworks we therefore recommend a condition in relation to unexpected contamination.

**Construction Noise**

The proposal involves an extension, in order to protect the amenity of nearby sensitive receptors we recommend a condition to ensure any construction at the site is limited.

**Recommended Conditions**

**HUC1 Hours of Use - Condition**

The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of:

09:00 and 18:00 Monday to Friday and

09:00 to 16:00 Saturdays.

No activities shall take place on Sundays or Bank Holidays

**Reason:** To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

**CLC6 Reporting of Unexpected Contamination - Condition**

In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission 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.