

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/93782 - 14 Firth Street, Huddersfield, HD1 3BA
Erection of extensions and alterations to form 16 student apartments
**Date Responded:
25 March 2024**
**Responding Officers:
RM & MN**
**Responding Ref:
WK/202407036**

The application seeks permission to extend the existing building by creating an additional two floors to create a 16-student bedsit. This will consist of one unit on the lower ground floor, three on the ground floor and 4 on the first, second and third floors, with a communal kitchen area and sitting area on the lower ground floor.

We have reviewed the application and supporting information and make the following comments and recommendations.

Contaminated Land

A Phase1 Geo-environmental Report by JNP Group (ref: B25558-JNP-XX-XX-RP-G-1001 P01) (dated: October 2023) has been submitted in support of the application. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s. The conceptual site model has identified current and likely future receptors, potential sources of contamination and likely pathways. Based on the information in the risk assessment the site is considered to provide a low environmental risk. The report concludes that although most of the alterations to the proposed development will be internal, there is a risk of ground gas due to the alluvium below the site. It recommends internal gas monitoring of the existing basement as this is proposed for living space, and that the basement is tanked to prevent ingress of potentially contaminated groundwater. We therefore recommend contaminated land conditions.

Noise

An Acoustic Report by S&D Garritt Ltd. (dated: 05 December 2023) has been submitted. An attended noise survey was undertaken between 1400hrs and 1800hrs on the 22nd of November, between 2200hrs and 0015hrs on the 23rd of November and between 0550hrs and 1315hrs on the 1st of December 2023 and a summary of the findings is given in the tables in para 4.1. Comment is made on the fixed mechanical plant serving the neighbouring properties which include a convenience store and a takeaway business with the report stating the dominant sound source at all times was road traffic.

A BS4142 assessment concludes there would be no adverse impact on residential amenity from the identified fixed mechanical plant during both daytime and nighttime and this is accepted.

In order to meet with the internal requirements of BS8233, a specification for construction, glazing and ventilation is given. For the First and Second Floor Facing Firth Street and B6432/Kings Bridge Road, two options are given (Alternative 1 & 2). BS8233 requires internal levels for both daytime and nighttime to meet with those stated in para 2.2 and good acoustic

design guidance should be used to ensure there is no loss of amenity to the occupiers. The report states the regularity of compliance with the short duration peak criteria of the lower specification Alternative 1 will clearly depend on the peaks from traffic passages in any individual time period at night. Along with this reasoning, we do not accept the context of the site being used for student housing and not permanently residing families and therefore, we would expect the higher specification Alternative 2 to be implemented.

There is no identified external amenity area.

The findings of the report are accepted and a condition is recommended for the implementation of the mitigation measures referred to within.

Loss of amenity caused by the construction of the development

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, we recommend a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

Recommendations

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

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). 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. 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.

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. 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.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Acoustic Report by S&D Garritt Ltd. (dated: 05 December 2023): shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

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 Bank/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.