

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

2024/90421 Helme Edge Farm, 31, Crosland Edge, Meltham, Holmfirth, HD9 5RS

Erection of single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room

Date Responded:
5th April 2024

Responding Officer:
RM

Responding Ref:
WK/202408533

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

Foul Drainage

We understand from the supporting information that the intention is to connect into the existing foul water treatment system. However, no detailed information has been provided regarding this and we have concerns that it has sufficient capacity to cope with the additional volume of foul water that the proposed development will create.

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.

Hours of Use

We note the rural location of the proposed development, and the proximity of nearby residential properties therefore we have concerns relating to noise from customers, deliveries and dispatches that may have an adverse impact on nearby residents. A condition restricting the hours of use is therefore necessary.

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

Subject to satisfactory information regarding the foul drainage system being received and approved in writing by the LPA, we would then support the following conditions and advisory being applied to consent granted:

HUC1 Hours of Use Open for Customers - Condition

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

10:00 and 18:00 hrs Monday to Saturday

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.

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.

Advisory re Licensing

It is recommended that the applicant should contact the Licensing Team at Kirklees Council to discuss the proposals. The Licensing Team can be contacted on 01484 22100 (ask for Licensing) or by email at Licensing@kirklees.gov.uk.