

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90476 Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth, HD9 2SD
Demolition of Pole Barn and erection of one dwelling
Date Responded:
 15th April 2024

Responding Officer:
 RM

Responding Ref:
 WK/202410035

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

Contaminated Land

The proposed development site is not shown as being potentially contaminated from its former use and is not within 250m of any historic landfill sites. However, as the proposed development will involve ground works, we recommend conditions relating to unexpected contamination being encountered during the construction phase.

Foul Drainage

Due to its location the proposed development will not be able to connect to a mains foul drainage system. The proposal is to replace the existing septic tank with a Klargestor Alpha septic tank Ref: STS04610 with a capacity of 4600 litres, servicing a maximum of 17 people. We accept the information that has been submitted and recommend a condition to secure the installation of the septic tank.

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.

Electric Vehicle Charging Points (EVCPs) - Advisory

We note from the submitted information that the proposal includes an electric vehicle charging point. Approval under the Building Regulations may be required, and the applicant should contact their Building Control Provider for further information in relation to EVCPs and Approved Document S.

Private Water Supply - Advisory

It appears that the proposed development will not be able to connect to a Yorkshire Water drinking water supply and will therefore be connecting to an existing private borehole supply (our ref: WS45). This may result in the re-classification of that private water supply which may result in an increase in the required frequency of sampling to determine its wholesomeness. Wholesomeness is defined in Part 2 Regulation 4 of the Private Water Supplies (England) Regulations 2016 or in any new legislation that supersedes this.

Recommendations
CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings 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. 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.

Implement Agreed Foul Drainage Scheme - Condition

Before the development is first brought into use all works which form part of the foul drainage scheme as specified in the Foul Drainage Assessment by Hinchcliffe and the submitted plan titled "Pole Barn Redline Boundary & FW Drainage" (drawing no. 227-24-PL102) (dated: 15.02.2024) shall be implemented.

Reason: 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.

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.

EVF1 Electric Vehicle Charging Points – Advisory Footnote

- 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.
- 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.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group

PWSF Private Water Supply - Footnote

It is understood that the proposed development will be served by a Private Water Supply. The proposed development, if implemented may result in the classification of the private water supply changing which may then result in an increase in the required frequency of sampling of water from the supply for analysis. The sampling is a statutory requirement carried out by Kirklees Council and is something that we make a charge for. If you require more information, please contact us at watersampling@kirklees.gov.uk