

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2024/90792 - Former Whiteley Engineering Works Site, St. Peg Lane, Cleckheaton, BD19 3SH**
**Use of land for storage and fit-out of acoustic containers with generator units and associated electrical equipment, with reinstatement of former access to St. Peg Lane, erection of security fence and siting of security and welfare cabins**
**Date Responded:  
24<sup>th</sup> June 2024**
**Responding Officer:  
MN and NH**
**Responding Ref:  
WK202417593**
Contaminated Land

Further to our comments dated 7<sup>th</sup> May 2024, we have received additional information in relation to the proposed groundworks, the foundation arrangements, service provision and the electrical distribution pod.

We understand from emails between Johnson Mowat and the planning officer, that no groundworks are proposed, save for the installation of fencing. The cabins will be sited above ground, elevated by 'concrete Lego blocks' where necessary, or sitting on the existing concrete surface. There is no foundation arrangement in the form of excavation/construction. Services will be above ground or utilise existing infrastructure within the site and the electrical pod will be a containerised substation/distribution board.

We acknowledge the above information received in support of the application. In the absence of information to confirm the ground conditions at this site, we recommend conditions for unexpected contamination and also recommend the LPA apply a condition to ensure an elevated structure due to potential risks from ground gases.

Hours of Use

The proposal is to operate standard weekday daytime hours with occasional weekend hours as per Para 3.12 of the submitted Planning Statement from Johnson Mowat dated 27 March 2024 Ref JM230119\_PS\_01. However, para 6.33 makes reference to oversized load movements which are expected outside of operational hours. Para 6.35 states the maximum number of oversized vehicle movements (i.e. low loaders transporting containers) is expected to be a two in-bound and two out-bound per week with a further one standard lorry movement in-bound and out-bound for each container brought to the site (as this delivers the generator machinery). A condition is recommended securing these timings.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition is recommended to secure this requirement.

Construction

The hours of any construction activities will need to be controlled and a condition is recommended.

## **Recommendations**

### **CLC6 Unexpected Contamination – Condition**

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

### **HUC2 Hours of Use for Deliveries and/or Dispatches– Condition**

There shall be no deliveries to or dispatches from the premises outside the hours of:

- 0700hrs to 2100hrs Monday to Friday and
- 0700hrs to 1200hrs Saturdays.
- No deliveries 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.

**EVC1 Electric Vehicle Charging Points - Condition**

Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained 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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

**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.