

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90839 - Rose And Crown Inn, 132 Knowl Road, Golcar, Huddersfield, HD7 4AN
Erection of 7 dwellings and associated infrastructure following partial demolition of existing public house (within a Conservation Area)
**Responding Date:
21 May 2024**
**Responding Officer:
Mohammed Nasim**
**Responding Ref:
WK202413910**
Comments
Noise

The applicant has submitted a Noise Assessment authored by Druk Limited dated 25 March 2024 Ref DRUK/ACC/RS/RCPHRD/3272. It assesses the existing noise climate in the immediate vicinity of the permitted development with a description of the site and neighbouring properties given in para 3.

Noise surveys were undertaken between 1600 to 1900hrs on Friday the 15th of March 2024, between 2300 to 0200hrs on Friday the 15th and Saturday the 16th of March 2024 and between 2030 to 2300hrs on Saturday the 16th of March 2024 to evaluate the existing noise climate in the vicinity of the former Rose and Crown public house. The late evening/early night time period and a Saturday evening period coincided with live music events which were taking place within both the Golcar Conservative and Liberal clubs. The measurement positions are given in figure 2.

A summary of the findings is given in tables 4 and 5 with comment made that the noise contributions were primarily from road traffic. Para 6.2 provides detail of the live music acts from both the Conservative and Liberal Clubs along with associated noise from the use of the smoking shelter and this is used in the modelling shown in figures 3-5.

Plots 1 and 2 will be formed from the original public house building whereas the remaining plots will be new. Based upon reasonable assumptions on the construction, the report specifies glazing and ventilation to ensure the internal levels meet with the requirements of BS8233 for both daytime and night time. Comment is made that consideration is given to providing plots 1 and 2 plots with an alternative means of ventilation which are termed as systems 3 and 4 as defined within Approved Document F, guidance to the Building Regulations. Whilst this is outside the remit of Environmental Health, it is imperative that any installed system does not increase the internal noise levels. The external amenity areas meet with the external requirements of BS8233 and no specific mitigation measures are required.

The findings of the report are accepted. A condition is recommended to secure the mitigation measures within the report.

Contaminated Land

A Phase I Desk Study and Phase II Ground Investigation Report authored by Ashton Bennett in February 2024 (ref: SDG 3534) has been received 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 aspect of the report.

The results of the field investigation identified made ground across the site. Laboratory analysis of the samples and screening against a residential with plant uptake assessment criteria confirmed the presence of lead (WS03 and WS05) and dibenz(a,h)anthracene (WS1) contamination. The report advises that the site will be mostly hard covered with low availability for skin contact with the soil but recommends the placement of 600mm depth of uncontaminated topsoil.

The report is accepted but does not confirm whether site-won material or imported material is to be used. In either case, we would expect the applicant to confirm the protocol to confirm these materials are suitable for the intended end-use. Nevertheless, a remediation strategy is necessary. For these reasons, we recommend the contaminated land conditions.

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. An advisory relating to charging points is therefore necessary.

Construction

A condition is recommended to control the construction phase in order to protect the amenity of neighbouring properties.

Recommended Conditions

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 Noise Assessment authored by Druk Limited dated 25 March 2024 Ref DRUK/ACC/RS/RCPHRD/3272 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.

CLC3 Submission of Remediation Strategy - Condition

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 the Phase I Desk Study and Phase II Ground Investigation Report authored by Ashton Bennett in February 2024 (ref: SDG 3534) 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.

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

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.