Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/90956 - Globe Mills, Bridge Street, Slaithwaite, HD7 5JN		
Conversion of existing mill building to multi-storey car park, erection of external stair and lift cores with associated landscape and access arrangements (within a Conservation Area)		
Date Responded: **20th May 2024**	**Responding Officers:** **RM, SR, MN, NH**	**Responding Ref:** **WK/202413167**

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

Air Quality

An Air Quality Assessment by Dragonfly Consulting (ref: DC4470-AR1) (dated: 01/03/2024) has been submitted in support of the application. The application seeks permission for a multi-story car park with 193 spaces over 15 levels. The application has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance which divides applications into 3 impact types (Minor, Medium and Major) using specific criteria. The proposed development and has been classed as Medium in terms of air quality because it is not within an Air Quality Management Area (AQMA) or near to any roads of concern and falls below the criteria for a Major development.

A qualitative screening assessment has been undertaken for both the construction and operational phases to determine the impact of the development on local air quality.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. A risk assessment was undertaken to identify all potential sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor locations within 350m of the site. From this, the potential significance impact of dust emissions associated with the development was determined. The report concludes that in accordance with the IAQM guidance the proposed development has been identified as “medium risk” for dust soiling due to earth works and construction, and “negligible risk” for human health. It is considered that these impacts can be controlled by the implementation of dust mitigation measures. The recommended dust mitigation measures taken from the IAQM guidance are outlined in Appendix C of the report titled Construction Mitigation Measures.

Operational Phase

The screening assessment uses 2019 monitoring data provided by Kirklees Council, transport data provided by Paragon Highways, and Defra background maps to determine the impact of the development on local air quality. The report concludes that future pollutant concentrations because of the proposed development site are likely to be below the national air quality objectives in relation to Nitrogen Dioxide (NO_2), and Particulates (PM_{10} and $PM_{2.5}$) and therefore “not significant” in accordance with IAQM guidance. Furthermore, the predicted trip generation due to the development is considered to have negligible impact on local air quality.

To offset the impact of the development and in accordance with WYLES, the assessment recommends the provision of electric vehicle charging points as mitigation measures required for “medium” developments.

Comment
We agree that the proposed development is classified as medium in accordance with WYLES and therefore agree with the methodology and conclusion of the Air Quality Assessment. We recommend conditions to secure the implementation of the proposed mitigation measures for the construction phase.

Contaminated Land
Our records indicate that the site is on potentially contaminated land (site reference: 22/14). We have received the following reports in support of the application:

- A Phase 1 Desk Study Report (dated 29th January 2013, ref: 12-688) authored by Arc Environmental
- A Phase 2 Report (dated 15th April 2013, ref: 12-688) authored by Arc Environmental

The reports cover a wider area that includes the current application site. These reports have previously been reviewed by Environmental Health. Salient points relevant to the current application site are:

- Boreholes BH03, BH06, and BH10 fall within the application site. The remaining boreholes fall outside the current application site.
- Hydrocarbon odours were noted within the made ground at four locations during the fieldworks; one location (BH03) is within the application site.
- At least approximately 1.80m of made ground is present at the location of BH03.
- Aliphatic EC16-EC35 concentrations were found to exceed the generic assessment criteria values in groundwater samples at BH03. No other soil or groundwater samples from the application site exceeded the generic assessment criteria.
- Although only one gas monitoring standpipe was within the application site, the site was classified as Characteristic Situation 1 (CS1), and no significant vapours were recorded (maximum 4.2 ppm).

Comments
We expect the applicant to manage contaminated land risks under the Land Contamination Risk Management (LCRM) guidance. According to LCRM guidance, reports should provide current site information. We note that the reports are over 10 years old and confirm the presence of made ground and contaminated groundwater at the application site. Additionally, the plans propose soft landscaping to the rear of the mill and on either side of the access ramp.

We have concerns that the age of the reports may not accurately reflect any new potential sources of contamination that have emerged in the past decade. Since a portion of the site is to be soft-landscaped, there is a credible pollutant pathway if contamination is not thoroughly investigated.

For these reasons, before any groundworks commence, we require an updated risk assessment and conceptual site model informed by the current site status. Where potential pollutant linkages are identified, a new intrusive investigation will be necessary to determine the

level of remediation required. This should also address any proposals for the reuse of site-won material and/or imported material. In conclusion, we support the application but recommend contaminated land conditions.

Noise

The applicant has submitted a Noise Impact Assessment authored by Dragonfly Consulting dated 01 March 2024 Ref DC4470-NR1. It identifies the nearest noise sensitive receptors (NSRs) as 21-29 Bridge St, Slaithwaite, Huddersfield HD7 5JN as shown in Appendix C.

A noise survey was undertaken from the 14th to the 20th of February 2024 from a single monitoring position as shown in Appendix C. Some data has been removed as shown in table 4.1 due to weather conditions and a summary of the results is given in table 4.2. Comment is made that the dominant noise is from road traffic.

Modelling has been conducted based upon the data sources identified in Section 5 and a BS4142 assessment conducted for both daytime (table 6.1) and night time (table 6.2) with both periods showing a low impact. The night time L_{max} assessment for BS8233 shows it fails to meet with the requirement but the 90th percentile of all maximum noise level events as recorded throughout the survey's night-time periods is 64.6dB, with absolute maximum noise level events reaching up to 84.2dB, both of which exceed the predicted level of 63.3dB.

The findings of the report are accepted.

External Artificial Lighting

The applicant has submitted a report titled Globe Mills 2, External Lighting Impact Assessment Report, Ref: P002-PGS-E-RPT-001 Rev A, dated March 2024. Our comments are in relation to external fixed artificial light associated with the proposed development only.

The report provides details of the external lighting proposals for the proposed new ramped access/egress road to be formed off Bridge Street to the multi storey car park at Globe Mill 2. The proposal is to illuminate the new access/egress ramp using 5 x 4m low-level external lighting columns, with flat glass optics.

The report follows the Institution of Lighting Professionals Publications ILP Guidance Note 01 - The Reduction of Obtrusive Light 2021, attributing a zone 3, suburban environmental zone to the location, we agree with the zone 3 selection. The ILP guidance (table 2), informs that for a Zone E3 Suburban area (medium district brightness), vertical luminance at nearby sensitive receptors should not exceed 10Lux Pre-Curfew and 2 Lux Post Curfew.

The calculations within the report demonstrate that light spill and glare will be controlled within the advised limits of the ILP guidance.

We accept the report and recommend a condition to secure its implementation.

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.

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.

Recommended Conditions

DUST1 Implement agreed Dust Mitigation Scheme – Condition
Before any construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Appendix C of the Air Quality Assessment by Dragonfly Consulting (ref: DC4470-AR1) (dated: 01/03/2024) and retained for the duration of the construction period.
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

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition
Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 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.

LC5 Installation of the Agreed External Artificial Lighting – Condition
No external artificial lighting shall be used unless the lighting has been installed in accordance with the details provided in the report titled Globe Mills 2, External Lighting Impact Assessment Report, Ref: P002-PGS-E-RPT-001 Rev A, dated March 2024. The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.