

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90957 Old Moll Lane, Netherton, Huddersfield, HD4 7DN
Demolition of existing building and erection of replacement building
Date Responded:
15th May 2024
Responding Officer:
RM
Responding Ref:
WK/202413333

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

Contaminated Land

The proposed development site is on land that has been identified as being potentially contaminated due to its former use (our site ref: 108/15). In accordance with NPPF Paragraph 190, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. We also note that the application site is within 250m of two historic landfill sites. From the information provided we understand that the replacement building is steel framed with insulated wall panels and a metal roller shutter door and access door. It is to be sited at the same location as the current industrial building on the existing concrete base. We would remind the applicant that any attempt to encapsulate or insulate the building and/or create internal rooms in future would compromise the natural ventilation and may put receptors within the building at risk.

We recommend conditions relating to unexpected contamination being encountered during the demolition /construction phases of the development.

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 demolition / construction phases of the development. Therefore, we recommend a condition restricting the times when noisy demolition / construction activities (including deliveries) will be permitted.

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.

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.