

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2024/91007 - adj, 208, Yew Tree Road, Birchenclyffe, Huddersfield, HD2 2EQ

Discharge of conditions 6 (Phase II report), 7 (Remediation Strategy), 10 (affordable housing), 11 (public open space), 12 (education), 13 (sustainable transport), 14 (temporary drainage), 16 (drainage scheme), 17 (attenuation and discharge rate), 18 (access point), 19 (estate roads), 21 (footway details), 23 (construction management plan), 24 (noise report), 25 (ecological design strategy) and 26 (electric vehicle charging) of previous permission 2018/90151 for outline application for erection of residential development

Date Responded:
 17th June 2024

Responding Officer:
 NH (6 and 7), SR (23 and 26) MN (24)

Responding Ref:
 WK/202413199

We have reviewed application 2024/9 in relation to conditions 6, 7, 23, 24 and 26 only, which are within the remit of Environmental Health.

Conditions 6 – Phase II Report

A Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated 12th July 2022 (Ref: C2213/21/E/3266) 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 aspects of the report.

Environmental Health have previously reviewed and commented on this document in response to application 2021/94363 (our reference: WK/202305492). Several points were raised that require attention to satisfy the requirements of Condition 6. These must be addressed for Site A. For these reasons, we recommend Condition 6 remain until further notice. Once additional new information has been received, Environmental Health consultation is advised to ensure safe development and occupation of the site.

Condition 7 – Remediation Strategy

A Phase 3 Remediation Strategy by Rogers Geotechnical Services Ltd, dated 20th July 2022 (ref: C2213/21/E/4366) 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 aspects of the report.

We acknowledge the report provided however, we reserve further comment until all matters are addressed in relation to Condition 6. For these reasons, Condition 6 must remain until further notice.

Condition 23 – Construction Management Plan

We have reviewed the Construction Plan dated November 2023, ref:2313-0314-P01 in relation to construction times only which is within the remit of Environmental Health. The plan confirms the construction times at the site as:- 0730 - 1800hrs - Monday to Friday, 0830 - 1300hrs – Saturday. These times meet our recommended construction times.

The condition contains controls which are beyond our remit and the planning officer is advised to consider comments from other consultees.

Condition 24 – Noise Report

The applicant has submitted a Noise Impact Assessment authored by ENS dated 24 May 2022 Ref NIA-10349-22-10510-v1. A baseline noise survey was undertaken on Tuesday the 17th May and Wednesday the 18th of May 2022 from 4 measurement locations as shown in appendix B. A summary of the results is given in table 3.2 and comment is made on the dominant source being road traffic.

In order to meet with the requirements of BS8233, glazing and ventilation is recommended, in particular for those properties that are closest to the roads. In order to meet with the external requirements of BS8233, an acoustic barrier at the edge of the most southwestern plot's garden area is an area of potential improvement. No mitigation measures are required for any other external amenity areas.

The findings of the report are accepted.

Condition 26 – Electric Vehicle Charging Points

The letter supporting the application by Henaghen Architecture dated the 6th of April 2024, ref: 2313, informs each dwelling is to be fitted with a charging point. The charging point is to be supplied within garages where the dwelling has a garage or externally where there is no garage. Wall mounted single outlet charging points are to be installed in a position that is accessible to electric vehicles. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 amp (3.7kW) for standard charge and a maximum demand of 32 amp (7kW) suitable for rapid charge per charging point. We accept this information.

Recommendations

Conditions 6 – Phase II Report

Environmental Health have previously reviewed and commented on this document in response to application 2021/94363 (our reference: WK/202305492). Several points were raised that require attention to satisfy the requirements of Condition 6. These must be addressed for Site A. Once additional new information has been received, Environmental Health consultation is advised to ensure safe development and occupation of the site.

Condition 7 – Remediation Strategy

We acknowledge the report provided however, we reserve further comment until all matters are addressed in relation to Condition 6. For these reasons, Condition 6 must remain until further notice.

Condition 23 – Construction Management Plan

We recommend that the construction times which are within the remit of Environmental Health contained within the Construction Plan dated November 2023, ref:2313-0314-P01 are approved. However, condition 23 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded that 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.

Condition 24 – Noise Report

The findings of the report are accepted. We recommend the condition is not discharged until the noise mitigation measures recommended are implemented and retained thereafter in accordance with the condition.

Condition 26 – Electric Vehicle Charging Points

We accept the information submitted within the letter supporting the application by Henaghen Architecture dated the 6th of April 2024, ref: 2313 but cannot recommend discharge of condition 26 until the EVCPs has been installed and are fully operational in accordance with the condition. We would remind the applicant that approval under the Building Regulations may be required for EVCPs, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.