

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/91023 - Land Off Woodhead Road, Brockholes, Honley, Holmfirth
Erection of 4 dwellings with landscaping and associated infrastructure
Date Responded:
13 May 2024
Responding Officer:
RM & MN
Responding Ref:
WK202412991
Comments

The application seeks permission for an additional four dwellings in relation to a previously approved planning application (2021/62/92206/W) for 137 dwellings. We have reviewed the application and supporting information and make the following comments and recommendations.

Air Quality

An Air Quality Statement has been submitted by BWB consulting (ref: WRB-BWB-ZZ-ZZ-RP-LA-0001-TN) (dated: 11th March 2024) in support of the application. The statement is supplemental to the Air Quality Assessment (AQA) by BWB (ref: WRB-BWB-ZZ-ZZ-RP-LA-0001-AQA/LDP2535-001) (dated: November 2021) which was prepared for a previously permitted development for 137 dwellings (2021/62/92206/W).

The original Air Quality Assessment classified the site as “medium” in accordance with the West Yorkshire Low Emissions Strategy (WYLES) - Technical Planning Guidance. For the operational phase the report concluded that concentrations of NO₂, PM₁₀ and PM_{2.5} across the development site were predicted to be below the national air quality objectives and therefore the impact of the development was predicted to be negligible. A quantitative assessment was undertaken for the construction phase, and it was considered that the development was “high risk” in terms of dust impacts and that this could be controlled by the implementation of best practice mitigation measures.

The original AQA was reviewed again in consideration of the additional four dwellings. The assessment considered that the additional vehicle movements generated by the 4 dwellings was negligible and concluded that pollutant concentrations across the site would be below the national air quality objectives and that the overall impact of the proposed development on air quality would be negligible.

We accept the Air Quality Statement by BWB and agree with the conclusion and therefore have no further comments to make.

Contaminated Land

The site of the proposed development is not shown as being on land that is potentially contaminated and is not within 250m of any former landfill sites. However, the proposals involve groundworks therefore we recommend conditions relating to unexpected contamination being encountered during the construction phase, and to demonstrate that any imported soils are suitable for use on the site.

Noise

The applicant has submitted a Noise Impact Assessment authored by Environmental Noise Solutions dated 18 March 2024 Ref NIA-11377-24-11637-v1 Honley.docx. The additional plots are shown in figure 1.1 and sit to the south of the development granted under 2021/92206.

Noise monitoring was carried out on Monday the 26th through to Tuesday the 27th of February 2024 from a single noise monitoring location as shown in Appendix 2. A summary of the findings is shown in table 3.1 with comment made on road traffic controlling the noise climate and no noise noted from other sources.

In order to meet with the requirements of BS8233, glazing and ventilation is recommended along with the ceiling (and side cheeks to the dormer windows) in any room-in-roof bedrooms which require enhanced glazing should be double boarded, with 100 mm (minimum) mineral wool insulation above. The glazing requirements are also applicable to 'Velux' windows. The external amenity areas will require mitigation and a 2.4m high acoustic barrier is recommended. A specification and method of construction is given in figure 4.1. These mitigation measures are reflected in the layout as shown in Appendix 3.

The findings of the report are accepted and a condition is recommended to secure the mitigation measures in the interests of protecting the amenity of the occupiers.

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 would recommend a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

Electric Vehicle Charging Points (EVCPs)

We note from the plan titled EVCPLayout by Miller Homes (drawing no. 2108.1030 (dated; 22.02.2024) that each dwelling will be provided with a Mode 3 16A 3.5kW charging point.

Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to EVCPs and Approved Document S.

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.

LQ1 Imported Materials

Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved 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 until a Verification Report 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.

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 Impact Assessment authored by Environmental Noise Solutions dated 18 March 2024 Ref NIA-11377-24-11637-v1 Honley.docx 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.

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.

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.