Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/91199 - 140A Manchester Road, Longroyd Bridge, Huddersfield, HD1 3JA		
Demolition of existing building and erection of student accommodation with ancillary spaces, associated garden area, store and landscaping, access, and car parking		
Date Responded: **11th June 2024**	**Responding Officer:** **RM, NH, MN**	**Responding Ref:** **WK202416328**

The application seeks permission for the demolition of the exiting building and the erection of student accommodation, comprising of a total of 49no. study bedrooms comprising of a mixture of self-contained studios and shared cluster flats. The proposal also includes a gym, common room, shared garden area and cycle storage facilities. We have reviewed the application and supporting information and make the following comments and recommendations.

Air Quality

The site of the proposed development is partly within an Air Quality Management Area, (AQMA 10) which was declared due to exceedances in NO_2 concentrations and is also next to a road of concern (A62 Manchester Road).

An Air Quality Assessment by Redmore Environmental (ref: 7881r) (Dated: 11th April 2024) has been submitted in support of the application. The assessment details the impact of the development on air quality during both the construction and operational phases. Throughout the assessment consideration has been made to the increases in pollution concentrations from vehicles traveling to and from the site, as well as the exposure of future residents to poor 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 Demolition and Construction v2.2 2024. This involved a risk assessment to identify all potential sources of dust from demolition, earthworks, construction and trackout and the risk of impact at all sensitive receptor locations within 250m of the site access. From this the significance of dust effects arising from the construction phase was determined. The report concludes that there is the potential for fugitive dust emissions during the construction phase and that this can be controlled through the implementation of effective site-specific mitigation measures. The report recommends fugitive dust mitigation measures in accordance with the IAQM guidance which are outlined in Table 15 pages 25 and 26 of the assessment, and it is recommended that these are incorporated into a Construction Environmental Management Plan.

Operational Phase

For the operational phase a screening assessment was undertaken in accordance with IAQM guidance to determine whether new receptors would be exposed to levels of poor air quality. Existing conditions at the site were considered using DEFRAs "NO_2 Fall-Off with Distance Calculator (v. 4.2) in addition to monitoring data obtained from Kirklees Councils 2023 Annual Screening Report (ASR). The assessment concluded that pollutant concentrations for NO_2 across the whole of the development site are predicted to be below the National Air Quality Objectives NAQO) and future occupiers would not be exposed to poor air quality.

Comment

Whilst we agree with the conclusion of the Air Quality Report, we have reviewed the application 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 Assessment classifies the proposed development as Medium in terms of air quality because it is a Residential institution (C2) with less than 50 beds, however because it is partly within an (AQMA) and next to a road of concern it meets the criteria for a Major development. That said data gathered from the Local Authority monitoring tube located less than 20m from the site confirms that the air quality at the site is predicted to be below the national air quality objective. Further to this, as there is only provision for 3 car parking spaces, it is considered that vehicles traveling to and from the site are predicted not to impact air quality.

Contaminated Land

A Phase I report authored by Haigh Huddleston & Associates, dated 11th June 2024 (ref: E24/8164/R001). The report includes geotechnical information which is outside the remit of Environmental Health. This response focuses solely on the land contamination aspects of the report.

A Phase I report has been provided which assesses the potential source pollutant linkages at the proposed developmet and recommends a site investigation to establish the geoenvironmental conditions of the site. In Section 7.3, the report recommends that topsoil and subsoils should be sampled and tested for and any suspected areas of contamination should also be targeted for metals, metalloids, EPA 16 PAHS and asbestos.

We accept the report provided and support a Phase II investigation at the site. For these reasons, we recommend the following conditions and footnote be applied to any consent granted.

Noise

The applicant has submitted a Residential Noise Assessment authored by Nova Acoustics dated 22 April 2024 Ref NP-010863 Rev02. It considers the sources of noise in the immediate area including road and rail traffic, commercial operators and takeaway businesses as stated in para 2.2.

A background noise survey was undertaken between the 15th and 16th of March 2024 from 3 monitoring positions (MPs) as shown in figure 2. A summary of the findings is given in tables 2 and 3. Comment is made that the acoustic environment is deemed to be moderate in level and the noise profile is dominated by heavy road traffic noise emissions on Manchester Road with very few lulls during the site visits.

Noise modelling has been conducted for both daytime and night time as shown in figures 3-5 with predicted levels higher than the measured levels at MP3, ensuring a robust assessment and further corroborating that road traffic noise is dominant at the site. In order to meet with the requirements of BS8233, a specification for glazing and ventilation is given dependent upon the façade as shown in figure 6. This is also applicable to the room-in-roof construction as specified in para 4.3.

Section 5 proceeds to detail the ventilation requirements where rooms cannot be opened due to elevated noise levels, recommending the provision of a mechanical extract ventilation system

where appropriate. Whilst outside of the remit of Environmental Health, it is imperative any installed system meets with the internal requirements of BS8233.

The submitted plans from Fibre Architects show a gym on the ground floor with a common roof above. Above that are Studio flats S9 & S10 and consideration has been given to the level of sound insulation between the residential and non-residential use. The report recommends a high level of sound insulation as shown in table and a specification is given in para 6.2 to ensure there is no loss of amenity to the occupiers from the use of the room below.

The report states that the external amenity area consisting of a garden and patio area to the rear of the development meets with the upper level of BS8233 and that no specific mitigation is required.

The findings of the report are accepted. A condition is recommended to secure the mitigation measures to ensure there is no loss of amenity to the occupiers of the development.

Loss of amenity caused by the construction of the development

Because of the large scale of the development and the proximity of residential properties to the site boundary there is a significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the construction phase of the development. Therefore, we recommend a condition for a Construction Environmental Management Plan (CEMP) to be submitted.

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.

Recommendations

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Following demolition, no 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 in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report 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.

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 Residential Noise Assessment authored by Nova Acoustics dated 22 April 2024 Ref NP-010863 Rev02 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.

CEMPC Construction Environmental Management Plan - Condition
Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all demolition /construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all demolition/construction related activities, which should include dust mitigation measures as outlined in Table 15, pages 25 and 26 of the Air Quality Assessment by Redmore Environmental (ref: 7881r) (Dated: 11th April 2024)
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.
The agreed plan shall be adhered to throughout the construction of the development.
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.

CEMPF Construction Environmental Management Plan - Footnote
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.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *"Guidance on the assessment of dust from demolition and construction"* Version 2.2 2024.

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.
- 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