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| Consultation Response from: KC Environmental Health (Pollution & Noise Control) | | |
| 2024/91591 Land off Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT | | |
| Variation conditions 2-6, 15, 29 on previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping | | |
| Responding Date: 15 th August 2024 | Responding Officer: SR | Responding Ref: WK202425312 |
| <p><u>Comments</u> We have reviewed the application and supporting information, we offer the following comments. The variation includes changes to external areas and there appear to be no significant alterations to the enclosed spaces within the two retail units. Our comments relate to condition 2 and 29 only and are based on the above assumptions.</p> <p><u>Condition 2</u> Contaminated Land No documentation has been provided further to our comments on the previous permission. We recommended contaminated land conditions in our earlier response to application 2021/92528, dated the 9th of November 2021, in order to ensure safe occupation of the site, these conditions must remain.</p> <p>Electric Vehicle Charging Points Site plan 7404-SMR-00-ZZ-DR-A-2007-A3-C9 shows the provision of 12 EVCPs, this plan should be included in the approved document table. Therefore, we have no concerns with variation of Condition 2.</p> <p>Noise We note the revised noise impact assessment, ref: NIA/9358/20/9382/v5/Lidl Birstall, received in support of the application. As the current proposals are not materially different to the previously approved scheme with respect to noise, it is expected that the conclusions of Environmental Health will remain unchanged. We have no concerns with variation of Condition 2 as proposed. NIA report, ref: NIA/9358/20/9382/v5/Lidl Birstall report should replace the previous NIA in the approved document table.</p> <p><u>Condition 2 and 29</u> Air Quality A plan ref: 7404-SMR-00-ZZ-DR-A-2003-A3-C9 has been provided in support of the application. This appears to show a reduction in the number of car parking spaces. The amendment to Air Quality Assessment Emissions Mitigation document by Wardell Armstrong, ref: PT/MTW/GM13180/002, dated 26th March 2024 (Technical Note), summarises the alterations to site as, “a reduced number of car parking spaces but increased EV charging provision” and goes on to recalculate the damage cost mitigation. The total damage cost mitigation has been recalculated to £40,536. Proposed mitigation measures have been postulated in table 3 and 4, with a combined value of £41,500.</p> | | |

The covering letter by Lichfields, ref: 62129/03/CD/KJ/29672686v3 argues that the air quality financial contribution should not be part of the S106 contribution. As a result, the applicant has applied to vary the wording of condition 29 to reflect the mitigation proposed, removing the need for a Section 106 arrangement in relation to Air Quality Mitigation Measures.

We have no concerns with variation of Condition 2 and 29 as proposed. The Air Quality Assessment Emissions Mitigation document by Wardell Armstrong, ref: PT/MTW/GM13180/002, dated 26th March 2024 (Technical Note), should be included in the document table.