

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/91821 - Land Adj 56 Low Road, Dewsbury Moor, Dewsbury, WF13 3PR
Erection of commercial unit for use as a Vehicle Testing and Repair Garage with associated external works
Date Responded:
24 July 2024
Responding Officers:
NH & MN
Responding Ref:
WK/202422236
Noise

The applicant has submitted a Noise Impact Assessment authored by ENS dated 25 April 2024 Ref NIA-11413-24-11617-v1 MOT Garage, Dewsbury Moor. It identifies the nearest noise sensitive receptors (NSRs 1 & 2) as Beckett Crescent to the south-east and Low Road to the north and south.

A baseline noise survey was carried out on Thursday the 21st of March 2024 from two monitoring positions (MPs) as shown in Appendix 2 and a summary of the results is given in table 3.1. with comment made that road traffic was the dominant source on Low Road (MP1).

The expected use is defined in para 4.1 and library data for a typical MOT testing/repair garage is used to determine the typical noise emissions. The effects of propagation are considered along with the physical structure including the proposed roller shutter doors which are expected to remain open, before the predicted cumulative resultant noise levels at the nearest noise sensitive receptors are determined. A BS4142 assessment has been conducted with a correction of +3dB applied for impulsivity and the outcome shows a low impact at both NSRs as shown in tables 4.1 and 4.2.

The findings of the submitted information are accepted. However, there are two issues that need to be clarified by the applicant.

1. The Planning Statement from Hinchcliffe states an Air Source Heat Pump is to be installed but this is not reflected in the submitted Noise Impact Assessment nor in any of the plans.
2. Drawing no. 180-23-PL05 from Hinchcliffe details a proposed acoustic fence which is also reflected in the site plan drawing no. 180-23-PL01. Comment is made to refer to the ENS noise report but this is not mentioned as a mitigation measure in the aforementioned report.

The applicant is asked to clarify the above points before any further comment is offered.

Hours of Use

The proposed hours of use are 0800 - 1800 Monday to Friday and 0900 - 1500 on Saturdays. A condition is recommended to secure these hours in the interests of protecting amenity.

Contaminated Land

A Coal Mining Risk Assessment Report authored by RGS (21st March 2024, ref: C4173/24/E/6372) 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 aspect of the report.

The report is largely geotechnical in nature but identifies potential human health risks associated with coal mining features. For that reason, we recommend the following contaminated land conditions.

Electric Vehicle Charging Points (EVCPs)

The proposal is to install EVCPs as shown on drawing no. 180-23-PL01 with the Planning Statement stating the proposal will have 3 electrical vehicle charging point installed (minimum output of 16A/3.5kW). 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. A condition is recommended to secure these EVCPs.

Construction Hours

The proposed development is in a residential setting. Restricting the hours of construction is appropriate to minimise any adverse impacts on the occupiers of nearby properties. For that reason, conditions relating to construction times are required.

Recommended Conditions

HUC3 Hours of Use Combined Open for Customers, Deliveries and Dispatches – Condition

The use hereby permitted shall not be open to customers outside the hours of:

- 0800 to 1800 Monday to Friday, and
- 0900 to 1500 Saturday

There shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

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

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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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

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.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted

to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points – Footnote

- 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.
- Approval of EVCPs 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.

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.