

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/91853 - Birkenshaw Liberal Club, 10, Croft Street, Birkenshaw, BD11 2HT
Erection of 18 dwellings with garages, formation of adoptable road, private road and parking spaces and new car park and beer garden for the Liberal Club
Date Responded:
19 August 2023
Responding Officer:
NH and MN
Responding Ref:
WK/202423717
Noise

The applicant has submitted a Noise Impact Assessment authored by ENS dated 23 May 2024 Ref NIA-11439-24-11639-v1 Croft Street, Birkenshaw. It details the proposal and considers the neighbouring environment with particular emphasis on the Liberal Club both currently and proposed.

Noise monitoring was carried out on Tuesday the 26th of March 2024, and on Wednesday the 24th of April through to Thursday the 25th of April 2024 from four monitoring positions (MPs) as shown in Appendix 2. A summary of the findings is given in table 3.1 with the report stating the noise environment at the site was dominated by distant traffic on the surrounding road network, with some birdsong. No noise was noted from the Birkenshaw Liberal Club.

Para 3.3 uses library data to model the effect the typical use of the Liberal Club may have on the proposed development, with particular reference to plot 17 which is the closest plot. Using this modelling along with reasonable assumptions for the sound insulation of the construction, a scheme of mitigation measures are recommended for the development in order to meet with the internal requirements of BS8233. A recommendation is made for plots 3-6, 14, 16 and 17 to have mechanical extract ventilation as shown in appendix 4. Whilst the issue of overheating is outside of the remit of Environmental Health, it is imperative any mechanical units do not increase the required internal noise levels.

In order to meet with the external amenity areas, a recommendation is made for plot 6 to have a 2.4m high solid brick wall or timber fence to mitigate against any noise from the proposed beer garden.

The findings of the submitted report are accepted. A condition is recommended to secure the mitigation measures in the interests of protecting amenity.

Contaminated Land

The proposed development is a major residential development. The applicant has provided the following documents in support of the application:

- A Phase 1 Geotechnical & Geo-environmental Site Investigation report authored by Eastwood Consulting Engineers (dated 1st March 2024 ref: 48785).
- A Phase 2 Geotechnical and Geo-environmental Site Investigation report authored by Eastwood Consulting Engineers (dated 5th July 2024 ref: 48785 Issue 2).

The report includes geotechnical information, which is outside the remit of Environmental Health. Therefore, this consultation response only relates to the land contamination aspects of the report.

The Phase 1 report describes the site as heavily vegetated, with surrounding residential properties and Birkenshaw Liberal Club adjacent to the northern boundary. The site was previously used as allotments and a bowling green. A February 2024 walkover by Eastwood Consulting Engineers noted fly-tipped waste, including potential petrol containers.

The appraisal of geological maps suggest the Wheatley Lime coal seam may be present at shallow depths. Two infilled features were noted within 250m of the site but are not considered a gas risk by Eastwood Consulting Engineers, due to their distance and age. Section 5 provides a preliminary conceptual site model, identifying several potential pollutant linkages and recommending an intrusive ground investigation.

The Phase 2 report details the March and June 2024 investigation. A total of thirteen trial pits and five rotary boreholes were used to assess ground conditions, with some areas inaccessible due to dense vegetation. Chemical analysis of soil samples and comparison with a residential with home-grown produce criterion revealed exceedances in several metals, metalloids, and benzo(a)pyrene, deeming the topsoil unsuitable for reuse. The Wheatley Lime coal seam was found at shallow depths and a deeper Blocking Coal seam were encountered, with evidence of shallow workings found in one location.

We accept the Phase 1 report. We do not currently accept the Phase 2 report. The reasons for this are:

- Broken ground was found at shallow depths, possibly associated with shallow coal workings. In addition, access limitations due to dense vegetation prohibited the investigation of areas of former housing. These areas were noted as possibly having deep made ground due to former cellars. These are potential ground gas risks. However, ground gases have not been monitored for. We expect a revised report that provides robust justification for the lack of ground gas monitoring. Alternatively, ground gas monitoring should be undertaken in accordance with good practice guidance.
- We request clarification of the areas requiring additional testing following demolition and proposals for the testing of these areas. This should include an update plan.

Notwithstanding, we recommend the following contaminated land conditions and footnote be applied to any consent granted.

Electric Vehicle Charging Points

We note that parking is proposed at the residential aspect of this development, shown in The Proposed Site Layout plan authored by Martin Walsh Architectural dated June 2024 (drawing no. RHCS-MWA-XX-XX-DR-A-0003 P4).

We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

A condition is recommended to secure electric vehicle charging points in the car park of the beer garden to future proof the development.

Recommended Conditions**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 ENS dated 23 May 2024 Ref NIA-11439-24-11639-v1 Croft Street, Birkenshaw 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.

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 (Commercial) - 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:

- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial parking spaces 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 LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points (Residential and Commercial) – 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.