

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**

**2024/91934 - 11, Wood Street, Skelmanthorpe, Huddersfield, HD8 9BN**

**Demolition of existing dwelling and erection of four dwellings**

**Date Responded:**  
31<sup>st</sup> July 2024

**Responding Officer:**  
NH

**Responding Ref:**  
WK/202424122

**Contaminated Land**

Our records indicate the site is on potentially contaminated land (site ref: 128/17) due to its former use/s which include historic landfill. Despite this, no contaminated land reports have been received in support of the application.

Given the sensitive end-use proposed, the applicant must provide additional information. **Before the application is determined** the applicant must provide a preliminary risk assessment report and a phase 2 ground investigation report. Failure to address the above points with new information is likely to result in delays in the planning application being processed or in the planning application being refused.

**Noise**

The proposed development close to the scout hut. No information has been received in relation to any events held at this venue and we have concerns that the future occupiers of the development, may be negatively impacted by noise from the existing commercial premises. The applicant must demonstrate that acceptable sound levels can be achieved in indoor and outdoor amenity areas, therefore, noise conditions are necessary.

Conditions are also necessary to restrict the construction hours to safeguard the amenities of the occupiers of nearby properties.

**Electric Vehicle Charging Points – Advisory**

We note that parking is proposed at this development. 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.

**Recommendations**

At all stages of development, the LPA must ensure that satisfactory reports have been submitted to demonstrate that the site can be safely developed and is suitable for the intended use. 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, we require additional information related to contaminated land **before the application is determined**. We recommend further consultation with Environmental Health on receipt of new information.

Subject to satisfactory contaminated land information being received and approved in writing by the LPA, we would then support the following conditions and advisory being applied to consent granted:

#### **NC9 Noise Assessment Report and Mitigation Scheme - Condition**

Before any enabling or construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including any commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a. Determine the existing noise climate
- b. Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**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.

#### **NF4 Competent Person - Footnote**

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

#### **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 – 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.