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

**2024/92062 - Former Staff Car Park, Land of Willow Lane, Birkby, Huddersfield, HD1 5EB**

**Change of use of land for siting of a secure self-storage facility (maximum of 93 movable storage containers) (within a Conservation Area)**

| **Responding Date:** **28 August 2024** | **Responding Officer:** **Mohammed Nasim** | **Responding Ref:** **WK202425027** |
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**Comments**

Noise

The applicant has submitted a Noise Impact Assessment authored by Miller Goodall dated 04 June 2024 Ref 103154. It considers the potential impact from patrons using the site, including vehicle movements, on existing noise sensitive receptors (NSRs) as identified in section 2.

The assessment is based upon 90 containers and para 3.3 states it is based upon 24/7 operation stating it is to understand the potential for future flexibility of the site. However, it is only for the proposed daytime business hours as follows –

- 0700hrs - 1900hrs Monday to Saturday
- 1000hrs - 1600hrs on Sundays

A background noise assessment was conducted between the 24th and the 28th of May 2024 from a single measurement position as shown in Appendix 3, adjacent to the nearest residential boundary. The dominant source was road traffic and a summary of the findings is given in table 4.

Modelling has been undertaken using library data for Transit type vans using the site with the resultant levels 10m from the source shown in table 5. A BS4142 assessment has been conducted and after applying a +6dB correction for impulsiveness (banging sounds from loading), the daytime impact is deemed to be negligible. Though the application is for daytime use, A BS4142 assessment has been conducted for nightime and similarly, indicates a negligible impact although not as wide a margin.

The findings of the report are accepted.

Hours of Use

The proposed hours of use are as follows -

- 0700 - 1900hrs Monday to Saturday
- 1000 - 1600hrs on Sundays

A condition is recommended to secure these hours in the interests of protecting amenity.

Artificial External Lighting

The applicant has submitted a Lighting Assessment authored by Miller Goodall dated 12 July 2024 Ref 103154V2. It assesses the potential obtrusive lighting impacts associated with the development to the surrounding sensitive receptors as shown with in table 3.

Based upon the location of the luminaires to be installed as stated in para 7.1.1 and the specification as per 7.3.1, the lighting assessment meets the requirements for 'regular vehicle traffic' as per table 2. The assessment indicates there is no exceedance for vertical lux for both pre and post curfew as shown in tables 5 and 6. Recommendations are made to control the lighting 'out of hours' and these are made in section 10 including -

- reducing overnight lighting levels to a minimum (such as 5 lux, 75% dimming) and specifying a motion detection system. This will reduce overnight lux levels but maintain the system in a ready state in case a customer visits or a security risk is found.
- Maintain a continuous, but reduced, lighting level overnight, such as half of the daytime level (10 lux, 50% dimming).

Para 10.4 states the motion detection on-time would need to be configured with customer habits and time spent on-site to ensure lighting remains on whilst customers are attending, for safety.

The findings of the report are accepted and a condition is recommended to secure compliance in the interest of protecting amenity.

Contaminated Land

The applicant has submitted a Geoenvironmental Desk Study Report authored by JPG dated 15 July 2024 Ref 6367-JPG-XX-XX-RP-G-0601-S2-P01. This is accepted with a recommendation made for the submission of a Phase 2 as stated in section 6 and conditions are recommended to secure this.

**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:

- 0700 - 1900hrs Monday to Saturday
- 1000 - 1600hrs on Sundays

and there shall be no deliveries to, or dispatches from the premises outside these hours.

**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.

**LC5 Installation of the Agreed External Artificial Lighting – Condition**

No external artificial lighting shall be used unless the lighting has been installed in accordance with the details provided in the Lighting Assessment authored by Miller Goodall dated 12 July 2024 Ref 103154V2. The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.

**Reason**: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

**CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition**
Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1), 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.