

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

2024/92576 site of the Former Spotted Cow Pub at New Hey Road, Oakes, Huddersfield, HD3 4BU

Discharge of details reserved by conditions 3 (CMP), 21 (retaining walls), 23 (surface water) and 28 (non-native species) of previous permission 2021/94029 for demolition of existing structures and erection of food store (class E) with associated access, parking, servicing areas and landscaping

Responding Date:
25th September 2024

Responding Officer:
SR

Responding Ref:
WK202429309

Comments

We have reviewed application 2024/92576 in relation to condition 3 – Construction Management Plan only.

Condition 3 – Construction Management Plan (CMP)

In support of the discharge of condition 3 a Construction Management Plan (CMP) by HTC Architects, dated August 2024, Rev E. We have reviewed the supporting information in relation to the aspects of condition 3 that are within the remit of Environmental Health, namely:- Construction related fugitive dust, construction related noise/artificial light.

The plan informs the site will be operated in line with the Considerate Constructors Scheme, the site manager has been designated as the responsible person on site, a programme of monitoring will operate and a complaints procedure will be followed.

Construction Related Noise

In addition to the general controls listed within the plan including staff training, appendix A lists the specific noise controls to be employed on site.

Fugitive Construction Related Dust

In addition to a wheel wash station and having a road sweeper available, mitigation to control dust has been listed within appendix B.

Construction related Artificial Lighting

The plan informs that artificial construction related light will not operate beyond construction times, which is daytime/early evening only, this will limit the potential for problems relating to lighting. In addition, any lights will be positioned to direct light onto site and away from residential properties.

Whilst we accept the elements of the plan in relation to Environmental Health. We are concerned that operating times (construction related noise), for Saturdays are beyond the 13:00 cut off time. the planner must satisfy themselves that that the applicant is working within the normal construction operating times required by Kirklees Council. These are currently:-

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 Public Holidays.

Recommendations**Condition 3 – Construction Management Plan (CMP)**

Once the planner has received confirmation that construction related noise will not be audible beyond the boundary of the site after 13:00 on Saturday afternoons, the elements of the Construction Management Plan (CMP) by HTC Architects, dated August 2024, Rev E, within the remit of Environmental Health can be discharged. However, condition 3 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded that 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.