

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/92598 rear of, 35 Peel Street, Marsden, Huddersfield, HD7 6BW		
Demolition of building and erection of self-build dwelling and garage (within a Conservation Area)		
Responding Date: 4 th October 2024	Responding Officer: SR	Responding Ref: WK202430315
<u>Comments</u> We have reviewed the application and supporting information, we offer the following comments. We have previously commented on this proposed development, accepting reports in regard to Noise and Contaminated Land, these reports have been included with the application and we reproduce our earlier comments below. <u>Contaminated Land</u> In support of the application a LCRM report: Stage 1 Risk Assessment, titled Land to Rear Of 35 Peel Street, Project Ref: GUK-0923-03 by Groundsmiths Geotechnical Engineers has been submitted. We have review the report, it contains geotechnical information which is outside the remit of Environmental Health. This response relates to contamination risk only. The report provides photographic evidence of the current structure and land, it provides an in-depth appraisal of the site history and previous surrounding land uses and an in-depth assessment of the environmental setting. It informs the existing structure dates back to circa 1932. The report informs the potential for large volumes of made ground or other unsuitable material to be present beneath is considered to be low. Internally, the floor is concrete in reasonable condition with no obvious staining or other such evidence of contamination. Externally the report informs the land was originally garden land that has partly been surfaced to provide hardstanding it is anticipated that the likelihood of any made ground beneath is very low. We accept the submitted document and recommend a condition in relation to unexpected contamination. <u>Noise</u> The proposed development is near to an existing school, licensed and commercial premises, noise from could impact on future occupiers of the site. An Acoustic Report by Paul Horsley Acoustics has been submitted dated 23 May 2023 Ref J3190. Section 4 outlines the location of the neighbouring noise generating premises. It states noise associated with the use of the beer garden is audible during opening times only and that children using the playground are audible during external activity periods only. The design sketches in the pre-application Design Statement from HEM Architects (pages 8 & 9) show the property is designed to provide a buffer from the beer garden and this is stated in para 4.5.4. They also show there will be no windows to the rear towards the school. Based on the results of the noise survey, a minimum sound reduction specification is given for the external building envelope along with glazing. A MVHR system is also proposed which will ensure the internal levels meet with BS8233. A 1.8m high solid fence is recommended which should ensure the external levels meet with BS8233. The report was updated with an		

addendum dated 20.08.24, which confirms the final layout and construction affords additional noise mitigation.

The submitted Acoustic report was accepted. We therefore recommend a condition to ensure the recommendations within the report are implemented to ensure there is no loss of amenity to the occupiers.

Odours

In support of the application a comprehensive odour assessment has been undertaken by Redmore Environmental, dated the 30th of October 2024. The methodology of the report follows appropriate guidance, field investigations have been undertaken at multiple locations and times, an assessment of meteorological data and the effect on odour transmission has been undertaken.

The report concludes: “Based the findings of the Field Odour Surveys and the Risk Assessment, the maximum odour effect significance at the development as a result of emissions from the identified sources is predicted to be slight.” Thus, no mitigation is required at the proposed development, we accept the report.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the construction site.

Recommended Conditions

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use all works or works to an equivalent/higher level which form part of the sound attenuation scheme as specified in the Acoustic Report by Paul Horsley Acoustics has been submitted dated 23 May 2023 shall be completed.

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.

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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.

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.

