

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/92779 land at Providence Street, Earlsheaton, Dewsbury, WF12 8HZ		
Outline application for residential development		
Responding Date: 14 th November 2024	Responding Officer: SR	Responding Ref: WK202435697
<p><u>Comments</u></p> <p>We have reviewed the application and supporting information, we offer the following comments. The application concerns the erection of 30 residential dwellings on a brownfield site. It should be noted the response is based on this number of residences, should the number of residential properties proposed increase significantly we reserve the right to reconsider the application under the provisions of the West Yorkshire Low Emissions Strategy (WYLES).</p> <p><u>Noise</u></p> <p>The proposed houses are adjacent to an existing industrial building which may cause loss of amenity by way of operational and vehicular noise. We therefore recommend a condition.</p> <p><u>Contaminated Land</u></p> <p>We have received a Geoenvironmental Appraisal by Lithos, ref: 4985/2, dated July 2024 in support of the above application. This report includes geotechnical information, which falls outside the scope of Environmental Health's remit. This response specifically addresses the land contamination aspects of the report.</p> <p>The report includes details of a site walkover, which identified visual contamination at the site including fly tipping, it gives an appraisal of the site history since 1855. The site is located in a Coal Authority Low Risk Development Area.</p> <p>During fieldworks made ground topsoil was encountered across the area of cleared vegetation, with deeper made ground encountered underlying the container storage yard in the northwest and within the footprint of former buildings along Providence Street. An intrusive ground investigation comprising 10 trial pits and 6 window sample boreholes has been undertaken. Elevated concentrations of lead, arsenic, and zinc were recorded in one or more samples taken from across the site. These samples have been classified by comparison with Tier 1 Soil Screening Values for an end use including domestic gardens and any area where plants are to be grown (the most sensitive of proposed end-uses).</p> <p>The report has postulated placement of a clean cover system (likely 600mm based on existing information).</p> <p>Looking at the information presented in relation to Hydrocarbons we require further clarification regarding the statement in paragraph 10.3.24.</p> <p>The report acknowledges that ground gas monitoring wells have been installed within 6 window sample boreholes, monitoring is currently ongoing. Sampling of the wider site which may form public outdoor space has not yet been undertaken.</p> <p>We have reviewed the submitted report and, while we generally accept the findings to date, we consider the site characterisation to be incomplete. A comprehensive ground gas and further sampling programme should be undertaken at the site. All areas within the red line</p>		

boundary of the site should be included within any updated report. We therefore recommend the following conditions.

Construction

Due to the proximity to nearby sensitive receptors there is potential for loss of amenity by way of noise, dust and artificial light during the construction period. We therefore recommend a condition.

Electric Vehicle Charging Points

We would remind the applicant that approval under the Building Regulations will be required for an EVCP, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Recommended Conditions

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences or completion of enabling works 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 road traffic and 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.

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.

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction of the development.

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.

CEMPF Construction Environmental Management Plan - Footnote

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.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "*Guidance on the assessment of dust from demolition and construction*" Version 2.2 2024.

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.

