Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/92909 - 408 Wakefield Road, Denby Dale, HD8 8RP		
Discharge of conditions 4 (Materials), 5 (Preliminary Risk Assessment), 10 (EV Charging Points), 12 (Noise Assessment), 13 (Noise Protection Measures), 14 (Sound Insulation) and 15 (Coal Mining Activity) of previous permission 2023/92462 for erection of retail unit with first floor flat with external access stair		
Responding Date: **11 November 2024**	**Responding Officer:** **Mohammed Nasim**	**Responding Ref:** **WK202433335**

Note - these comments relate to Conditions 5 (Preliminary Risk Assessment), 10 (EV Charging Points), 12 (Noise Assessment), 13 (Noise Protection Measures) and 14 (Sound Insulation) ONLY.

Comments

Condition 5 – Preliminary Risk Assessment

A Phase One Desk Study report authored by Martin Environmental Solutions Limited, dated August 2024 (ref: 2781-1) has been received in support of application to discharge Condition 5. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

We cannot accept the report as it stands. The Coal Assessment identified several voids on the site, but this information does not appear to have been fully considered in the preliminary risk assessment. The presence of coal workings poses a risk from mine gases. Additionally, we disagree with the risk rating assigned to historic landfill gases. Therefore, we request a revised preliminary risk assessment that provides more detailed commentary on the gas risks at the site. For these reasons, we recommend that Condition 5 remain.

Condition 10 (EV Charging Points)

The applicant has submitted a proposed site plan from A+DP dated 07 October 2024 Ref 23052D-03-P04 which shows 4no. parking spaces each with a Rolec Wallpod 32A (7.4kW) charging unit with Type 2 universal socket. This meets with the requirements of the condition and is accepted.

Note - Conditions 12, 13 and 14

The applicant has submitted a Noise Assessment authored by Martin Environmental Solutions Ltd dated August 2024 Ref 2780-1 which covers the requirements of conditions 12 (commercial use), 13 (residential use) and 14 (shared commercial/residential use).

Condition 12 (Noise Assessment)

The report states the proposed use is currently unknown but that no external mechanical plant is to be installed. Deliveries will be consistent with these types of premises and are likely to be infrequent, arrive in small vehicles and be unloaded by hand. Based upon this, a BS4142 assessment has been conducted, the results of which show no impact.

The applicant is reminded that based upon the future use, should any external fixed

mechanical be required, a noise assessment will need to be submitted and approved, prior to installation, in order to protect the amenity of neighbouring occupiers.

Condition 13 (Noise Protection Measures)
Based upon measured background noise levels, in order to meet with the internal requirements of BS8233, para 3.12 recommends a specification for glazing and para 3.13 for ventilation. Para 3.17 states where wall or mechanical ventilation is to be used, the chosen system must ensure that adequate acoustic attenuation is provided to achieve the required internal recommended levels. There is no external amenity area.

Condition 14 (Sound Insulation)
Para 3.19 states a variety of possible solutions are available to achieve the required level of attenuation in excess of the 55dB $D_{nTw}+C_{tr}$ requirement. Reference is made to the Gypsum White Book specifications or Robust details but no detail is given. The applicant is advised to provide detail on the construction and methodology to ensure the sound insulation meets with the requirements of the condition.

Recommendations
Condition 5 – Preliminary Risk Assessment
We do not accept the report provided and we request a revised preliminary risk assessment that provides more detailed commentary on the gas risks at the site. For these reasons, we recommend that Condition 5 remain.

Condition 10 (EV Charging Points)
The submitted information meets with the requirements of the condition. However, we recommend the condition is not discharged until the EV Charging Points are installed and retained thereafter.

Condition 12 (Noise Assessment)
The submitted information is accepted and we recommend this condition can be discharged.

Condition 13 (Noise Protection Measures)
The submitted information is accepted. However, we recommend the condition is not discharged until all of the mitigation measures are implemented and retained thereafter.

Condition 14 (Sound Insulation)
The submitted information is rejected and we recommend the condition is not discharged at this time.