

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

2024/93084 8 St John's Road, Huddersfield, HD1 5AT

Prior notification for change of use from Class E (commercial/business/service) to 2 dwellings (within a Conservation Area)

Responding Date:
18th November 2024

Responding Officer:
SR

Responding Ref:
WK202435812

Comments

We have reviewed the application and supporting information, we offer the following comments. The application concerns the repurposing of the first floor of the building to provide two residential apartments.

It is our understanding that Environmental Health are required to comment on the following points under Class MA:

(b)contamination risks in relation to the building;

(d)impacts of noise from commercial premises on the intended occupiers of the development;

We advise that the proposed development is within a defined Air Quality Management Area, where air quality is deemed to be poorer due to road traffic. Should this be a consideration in this application we would recommend that an Air Quality Impact Assessment is undertaken before determination.

Contaminated Land

The proposed development involves the repurposing of the existing structure, it is not known if groundworks are to be undertaken. The site is not listed on our mapping system as being on potentially contaminated land, but there are many former industrial sites nearby and the railway network is in close proximity. With this in mind we recommend a condition in relation to unexpected contamination.

Noise

The proposed development is situated on a busy road, close to a major road junction, close to an active railway line that is undergoing major works and surrounded by commercial businesses. Noise from all these sources could impact future occupiers. We recommend a condition in relation to a robust noise assessment.

Recommended Conditions

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.

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences 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 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.