

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/93156 - Healey Lane Mills, Healey Lane, Healey, Batley, WF17 7SH		
Outline application for redevelopment of existing Islamic Centre		
Responding Date: 23rd December 2024	Responding Officer: SR and NH	Responding Ref: WK/202439148
<p><u>Comments</u> We have reviewed the application and supporting information, we offer the following comments.</p> <p><u>Air Quality</u> An Air Quality Impact Assessment by NoiseAir consultants, ref: P7560-R1-V1, dated 5th August 2024 has been submitted in support of the application. We have reviewed the report.</p> <p>The Site is located at Healey Mills Complex, Healey Mills Lane, Healey, Batley, it is not within an Air Quality Management Area (AQMA) or near to any roads of concern.</p> <p>The report details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance, the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.</p> <p><u>Construction Phase</u> For the construction phase, a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment (summary included within appendix C), to identify all potential sources of dust during the construction phase. The report concludes that the Site is classified as “medium risk” in relation to dust and can be controlled by the implementation of good practice dust control mitigation. These are outlined in Section 6.1.1.</p> <p><u>Operational Phase</u> A screening assessment was undertaken using the criteria contained within the IAQM 'Land-Use Planning & Development Control: Planning for Air Quality' 10 guidance to determine the potential for trips generated by the development to affect local air quality. Impact screening assessment: The trip generation for the proposed development was screened using IAQM and EPUK Stage 1 and Stage 2 criteria. The predicted trip generation (data supplied by the Projects Transport Consultant) has confirmed that the development trip generation has been calculated at 337 AADT LDV trips over what is currently consented. Therefore, the Stage 2 criteria are not met, and no detailed assessment is required.</p> <p>In line with the West Yorkshire Low Emissions (WYLES) -Technical Planning Guidance the report concludes the proposal was classified as medium. The report goes on to recommend mitigation measures to assist in reducing any potential impacts in relation to air quality, these</p>		

include 10% of parking spaces are to be Electric Vehicle (EV) charging spaces.

Comment

We agree with the overall methodology and approach of the air quality assessment and concur with the conclusions of the report. We recommend a condition to control dust emissions during the construction phase, this is within the general Construction Environmental Management condition (CEMP). We would expect any future CEMP to clearly identify the link with the fugitive dust controls within the accepted air quality assessment.

In regard to operational mitigation, electric vehicle charging, we recommend a condition to secure EVCP'S in accordance with West Yorkshire Low Emissions (WYLES) -Technical Planning Guidance.

A travel plan is also required under the medium development mitigation. This is not within the remit of Environmental Health to condition. In order to secure this requirement, the planner is advised to seek the opinion of other consultees regarding a suitable condition.

Construction

The site of the proposed development is located within a residential area. Construction activities that produce noise and dust could be detrimental to amenity. We therefore recommend a condition.

Contaminated Land

Our records indicate the site is on potentially contaminated land due to its former uses (site ref: 54/5). We understand the proposals include the partial demolition of the existing building, part change of use, and the construction of a new Mosque and Madrasa.

The applicant has provided a Preliminary Investigation Report, authored by G&M Consulting (July 2024, C681) in support of the application. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the reports.

The report states that the site was formerly used as "Healey Lane Mill," which was established by 1907, with the western part of the site occupied by the mill and the eastern part by residential buildings. The original mill buildings remain and are now used for various industrial and commercial operations. Historic substation and tanks have also been identified as present on site. The report also provides an appraisal of the environmental setting. The site is shown to be underlain by a named Sandstone unit 'Thornhill Rock' of the Pennine Middle Coal Measures Formation.

Several potential sources of contamination are identified, including made ground (onsite and offsite) and several potential pathways and receptors have also been identified. The report concludes by recommending a Phase 2 intrusive ground investigation. The outline scope provided is for a series of shallow trial pits in the area of soft landscaping, the retrieval of soil samples for chemical analysis (metals, pH, phenol, speciated PAHs and asbestos screening) and the screening of samples with a PID detector during the fieldwork.

We generally accept the report provided; however, we note the absence of PCB testing in the

proposals. We would also expect the exploratory sampling locations not to be limited to areas of potential soft landscaping, in order to establish the depth of made ground and assess the potential contamination status across the entire application site, which would more accurately inform the risk assessment.

We recommend the following contaminated land conditions and footnote be applied to consent granted.

Noise

We consider a condition for a noise assessment to be necessary, as the proposed development is likely to generate noise that could cause a loss of amenity to the occupiers of nearby noise-sensitive premises. We would also expect no external amplification, to protect the occupiers of nearby sensitive receptors.

Recommended Conditions

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, in accordance with section 6.1.1 of the Air Quality Impact Assessment by NoiseAir consultants, ref: P7560-R1-V1, dated 5th August 2024

A communications plan detailing the responsible person, their contact details and how this will be communicated to local 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

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document *"Guidance on the assessment of dust from demolition and construction"* Version 1.1 2014 provides detailed information regarding dust control.

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.

EVC1 Electric Vehicle Charging Points – Condition

Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

EVF1 Electric Vehicle Charging Points – Advisory Footnote

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

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. 196 and 197 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. 196 and 197 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. 196 and 197 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 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.

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of nearby premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including

details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives 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.