

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/93221 Parkwood Mill Stoney Lane, Longwood, HD3 4ZQ		
Erection of 5 dwellings and associated works (within a Conservation Area)		
Responding Date: 6 th March 2025	Responding Officer: SR	Responding Ref: WK202505664
<p><u>Comments</u> The proposed development concerns 5 residential dwellings with gardens and associated car parking.</p> <p><u>Contaminated Land Pre Determination Information Required</u> Further to our comments dated the 24th of January 2025 a Phase 1 Desk Study by Phil Shelton Geotechnical Consultancy, dated February 2025, ref: PS3657 – V1, has been submitted. In our earlier comments we advised a preliminary risk assessment and, where necessary, a Phase 2 report should be presented as part of the supporting documents.</p> <p>We have reviewed the report, some aspects are geotechnical in nature and are beyond the remit of Environmental Health, this response is in relation to contaminated land only. The Report highlights several potential sources of onsite contaminants including made ground, former tanks and a filled pond. Given the conclusion of the report, we are unsure why a phase 2 report has not been submitted.</p> <p>The nature/quantification of potential contaminants require further intrusive investigation before determination, we therefore await the submission of an intrusive investigation (conducted following good practice guidance), before commenting further. We are requesting contaminated land information before the application is determined, as the applicant must demonstrate the site can be made suitable for the proposed end use.</p> <p><u>Noise</u> The site of the proposed development abuts a working industrial site with car parking. Noise from activity at this site may impact the amenity of future occupiers. We therefore recommend a condition in relation to a noise assessment.</p> <p><u>Construction Related Noise</u> There are existing residential properties near the proposed development, we recommend a condition to ensure construction noise associated with the proposal does not cause loss of amenity at unsocial times.</p> <p><u>Electric Vehicle Charging Points</u> We would remind the applicant that approval under the Building Regulations may be required for EVCP's, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.</p>		

Recommended Conditions**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 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.

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 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.