

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/93605 - Land at, Main Avenue, Cowlersley, Huddersfield, HD4 5US
Erection of 57 dwellings with access from new through road connecting Main Avenue and Windsor Road, and associated works, including engineering and landscaping
**Date Responded:
5th February 2025**
**Responding Officer:
SR, MN, NH**
**Responding Ref:
WK/202501284**
Air Quality

The site of the proposed development is not within or adjacent to an Air Quality Management Area, it is however over the trigger of 50 dwellinghouses within the West Yorkshire Low Emissions Strategy (WYLES) -Technical Planning Guidance. We consider that the application will likely to be classified at least as a medium development. We therefore recommend a condition for an Air Quality Assessment.

Construction

In support of the application a Construction Management and Mitigation Plan, by Strata, dated October 2024 has been submitted. We have reviewed the plan. Environmental Health only consider impacts in relation to construction related noise, fugitive dust and potential lighting and advise the planner to seek the opinion of other interested consultees.

It is proposed that the works will commence in late 2025 and be of duration c. 2.1 years. The Site Manager has been designated the responsible person on site with a separate resident liaison officer in post. Communication to local interested parties will be via letter drops and site hoardings. Complaints will be logged and actioned.

Construction times

No construction is to take place outside the hours of 07:30 to 18:30 on Monday to Friday and 08:30 to 13:00 on Saturday. With no noise generating construction on Sundays and Bank Holidays. This is in line with Kirklees standard guidelines.

Construction Noise

The documents list various controls for noise and vibration within BS5228, Noise Control on Construction and Open Sites. Site monitoring is to be undertaken.

Fugitive Dust

The document lists the on-site controls, the site manager is responsible for visual monitoring on and off the site. Controls include but are not limited to, wheel wash facilities, water suppression, speed restrictions and appropriate positioning of stockpiles.

We accept the document provided.

Contaminated Land

The following contaminated land documents have been received in support of the application:

1. Phase 1 Geo-Environmental Risk Assessment by Roberts Environmental Ltd (May 2022, ref: 220322.R.001)
2. Phase II Geo-Environmental Site Investigation and Risk Assessment by Roberts Environmental Ltd (May 2022, 220322.R.002)
3. Ground Appraisal Report by Apex Consulting Engineers (August 2024, ref: 1152-GEO-GAR-001)

The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

We have read the reports provided. The Phase I report identifies potential pollutant linkages at the site owing to the previous development, fly tipping and evidence of small fires across the site at the time of the walkover. The Roberts Environmental Ltd investigation and Apex Consulting Engineers investigations have both identified PAH contamination in shallow soils across the site. Ground gas and groundwater monitoring has been undertaken and Apex have suggested the site falls into a Characteristic Situation 2 scenario, i.e. gas protection measures are necessary. Apex also recommend additional trial pitting in the north-east once the area is cleared of the garages and the vegetation to assess the extent of the asbestos contamination and the formation of a remediation strategy.

We accept the Phase 1 report. In terms of the site investigation undertaken to date, we consider additional information necessary. This is either because information was missing from the report, or we consider the information to be unclear. Specifically, we would expect any future reports to address and clarify the following points:

- (1) The REL report (May 2022, 220322.R.002) fails to fully consider the solvent odour noted in TP07. In addition, neither report (REL nor the Apex Investigation, (August 2024, ref: 1152-GEO-GAR-001)) appear to test for VOCs considering the olfactory evidence of contamination. We expect sampling to be in accordance with good practice guidance.
- (2) The ground gas monitoring does not appear to consider peak values or groundwater fluctuations. There seems to be fluctuation concentrations and levels. We would expect comment on this as part of the ground gas risk assessment.
- (3) The sampling methodology for the area to the north east is not included in the report but we note the recommendations for additional work. Any investigation in this area must be in accordance with good practice guidance and we expect this investigation to include a suitable suite of testing to include a range of contaminants relevant of the former land-use.
- (4) We acknowledge the information presented regarding the re-use of materials on-site. However, we expect this to form part of a standalone remediation strategy.

For these reasons, we recommend the following contaminated land conditions and footnote be applied to any consent granted.

Noise

The applicant has submitted a Noise Impact Assessment, authored by ENS dated 04 November 2024 Ref NIA-11251-24-11733-v4-Cowlersley (final). It describes the site and identifies the road traffic and the primary school as potential sources of noise.

Noise monitoring was undertaken on Wednesday the 13th of December 2023 from a single noise monitoring position (MP1) on the north-western site boundary as shown in Appendix 2. A summary of the results is given in table 3.1 with comment made that the noise levels at the site were predominantly controlled by distant road traffic noise from the north, with no other noise sources noted during the survey other than the local school.

Based upon a 2.2m high close-boarded timber fence installed along the entire northern boundary of the site as shown in Appendix 3, noise modelling has been conducted for the school lunch break and included raised voices from children playing which would be deemed to be typical playground activity and the resultant figure is given in para 4.2. Allowing for typical construction materials and glazing, the resultant sound levels will meet with the internal requirements of BS8233.

The findings of the report are accepted. A condition is recommended for the installation of the recommended mitigation measures to protect the amenity of the future occupiers of the development.

Note - Potential purchasers must be aware of the Caveat Emptor principle when considering a property adjoining a school.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. An advisory relating to charging points is therefore necessary.

Recommended Conditions

AQIAC1 Air Quality Impact Assessment – Impact of new development on the area-Condition

Before the development commences an Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)
- include a calculation of the monetary damages from the development and
- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before occupation and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

AQIAF1 Air Quality Impact Assessment - Footnote

For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as

part of the costed mitigation measures. For further information refer to the West Yorkshire Low Emission Group document *Air Quality and Emissions - Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy*.

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by ENS dated 04 November 2024 Ref NIA-11251-24-11733-v4-Cowlersley (final) shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

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.

CLC2 Submission of a Supplementary Phase 2 Intrusive Site Investigation Report - Condition

Groundworks (excluding demolition of the garages on Jubilee Lane, but including ground works, other than those required to inform a site investigation report), should not commence until a supplementary 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.

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.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group