

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/90261 - York House, 198, Barnsley Road, Denby Dale, Huddersfield, HD8 8TS
Reserved matters application pursuant to outline permission 2022/91024 for demolition of existing works and erection of residential development (3 detached dwellings)
Date Responded:
4th March 2025
Responding Officer:
NH
Responding Ref:
WK/202504113

We note the application seeks approval for appearance, landscaping, layout and scale pursuant to outline permission 2022/91024. We have reviewed the application and make the following comments.

Contaminated Land

Condition 5 (Phase 1 Report), Condition 6 (Phase 2 report), 7 (Remediation Strategy), 8 (Remediation/Unexpected Contamination) and 9 (Validation Strategy) of outline permission 2022/91024 relate to contaminated land matters at the site. We note the inclusion of a Phase 2 report by RGS (C3900/24/E/5910), however we cannot consider this document without sight of the Phase 1 document (C3900/23/E/5909) referred to in the report. A relevant site-specific Phase 1 report is required in the first instance. Therefore, we consider it necessary for these conditions to remain. However, the reasons of the contamination land conditions should be revised to reflect the changes to the NPPF:

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

Electric Vehicle Charging Points

Condition 10 of outline permission 2022/91024 relates to electric vehicle charging points. We note the plans received in support of the application. However, these do not confirm EVCP provision and any technical information in relation to the EVCPs as stipulated by the condition. That aside, since outline permission was granted, we understand that EVCPs are now covered under Approved Document S of Building Regulations. Therefore, the planning officer may wish to reconsider Condition 10 and apply the following footnote to any decision:

We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group.

Noise

Condition 12 refers to a noise impact assessment. We note changes to the layout. At this stage, we still consider this condition to be relevant and therefore recommend that condition 12 remain.

Recommendations

Further details are needed to satisfy the environmental health conditions. We understand that the further details may be submitted through separate discharge of condition applications. At this stage, we still consider this condition to be relevant and therefore recommend that Conditions 5-9, 10, 12 remain necessary.

INFORMATIVE

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.