

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2021/92945 - Knowl Park House, Crowlees Road, Mirfield, WF14 9PP
Demolition of existing buildings and erection of day care facility, centre of excellence and demonstration bungalow, formation of associated parking and landscaping, alterations to pedestrian access and formation of new pedestrian access to Knowl Park from Crowlees Road
Date Responded:
5th October 2021
Responding Officer:
Natalie Heaney
Responding Ref:
WK/202125387

The application seeks permission for the demolition of a former two-story residential care unit for the erection of a single storey dementia day care centre with staff and welfare facilities, dining, and kitchen areas, as well as general amenities for the services users. A centre of excellence is also proposed on-site which will provide staff and visitor training accommodation. There are also proposals to erect a demonstration bungalow.

Contaminated Land

The following documents have been submitted in support of the application:

- Phase I Geo-Environmental Desk Study Report and Geo-environmental Appraisal by HSP Consulting dated October 2020 (ref: C3257/PI)
- Coal Mining Risk Assessment by HSP Consulting dated March 2021 (ref: C3257 – REV A)
- Phase II Geo-Environmental Assessment Report by HSP Consulting dated December 2020 (ref: C3257/PII)
- A Memorandum by HSP Consulting dated February 2021

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

The Phase I report (ref: C3257/PI) details the site history, environmental setting and provides a preliminary conceptual model of all possible pollutant linkages. Whilst most of these linkages have been assigned either 'low' or 'very low' risk, HSP recommends a Phase II intrusive investigation to establish the ground condition and determine whether any contamination is present. We agree with and accept the Phase I report provided.

Next, in the Memorandum by HSP Consulting dated February 2021, the findings from the coal mining investigation are briefly detailed. In more depth, the Coal Mining Risk assessment (ref: C3257 – REV A) reports that the site is believed to be affected by shallow coal workings (recorded and unrecorded) and the Silkstone seam outcrops on-site, trending southeast to northwest. There are no mine entries recorded within 100m of the site boundary. The report continues to detail an investigation in February 2021 where four exploratory boreholes were drilled to 30m bgl to establish the coal mining legacy on-site. Intact coal seams were identified in all locations. Shallow coal was found in three of the four boreholes and depths between 3.00 and 4.70m bgl. However, no voids or worked seams were recorded during the investigation. It was noted in the report that the existing building footprint hindered part of the investigation and the report recommends that a final rotary borehole is drilled following demolition to confirm the conclusions made. We agree with and accept the Memorandum and

Coal Mining Risk Assessment report provided.

The Phase II report (Ref: C3257/PII) describes the fieldwork undertaken and findings. Nine soil samples were analysed for potential contaminants and gas monitoring was undertaken from a total of four boreholes. The gas monitoring was completed over twelve weeks on six occasions. During the investigation, no visual or olfactory evidence of contamination was observed. The laboratory analysis revealed that none of the samples contaminated contaminants above the adopted residential with plant uptake assessment criteria levels. The results of the gas monitoring found a maximum methane and carbon dioxide concentration of 0.1% and 4.7% with a minimum oxygen concentration of 12.9 % v/v. No positive flow was observed. The Phase II report concludes that no remediation is necessary. However, imported material is likely to be required.

Overall, we do not accept the Phase II report as there are several areas requiring attention:

1. In Section 5.1, the generic assessment criteria utilised are referenced, '*The results of laboratory analysis have been screened against GACs including the Defra Category 4 Screening Levels (C4SL) and LQM and CIEH S4ULs for Human Health Risk Assessment*'. However, it is unclear which version has been used for what contaminant and whether these are up to date. We require a more detailed interpretation between the GAC adopted and the laboratory analysis of the samples. This can be provided in table format.
2. The ground gas data reported does not appear to be consistent with the requirements of BS8485 and CIRIA C665. There are several areas where the reporting is lacking which makes interpretation difficult. Examples include but are not limited to, the lack of information regarding the response zones, no groundwater monitoring levels reported in the ground gas monitoring data sheets provided in the appendices (despite a reference to groundwater levels in text) and no peak flow or steady flows are reported. It is also unclear what blank cells mean. Further information is required to confirm the validity of the gas monitoring undertaken.

In summary, Phase I Geo-Environmental Desk Study Report and Geo-environmental Appraisal report dated October 2020 (ref: C3257/PI) and Coal Mining Risk Assessment report (ref: C3257 – REV A) dated March 2020, authored by HSP Consulting are considered satisfactory. However, as further information relating to the Phase II Geo-Environmental Assessment Report by HSP Consulting dated December 2020 (ref: C3257/PII) is required and an additional investigation into the coal mining legacy on site is proposed at a later date, contaminated land conditions from Phase II onwards are necessary.

Noise

Cumulative noises from the proposed development (e.g. extract/ventilation and fixed plant equipment) may impact the existing background noise in the area. A condition restricting the level of noise from the development is necessary. This will ensure that the combined noise from the whole site is effectively controlled.

Electric vehicle charging points

The application proposes to increase the number of existing spaces from 17 to 21. 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. In the submitted documents, no provisions have been made for electric vehicle charging points. As such, a condition requiring charging points is therefore necessary.

Odour

The site is to include dining and kitchen areas for the service users. So, we consider the proposed development will involve the preparation and cooking of food. As there is existing residential amenity nearby, there is the potential to generate odours that may have an adverse impact on the amenity at nearby properties. Therefore, conditions are necessary for a detailed kitchen extract scheme.

External Lighting

A Preliminary Proposed External Lighting Layout by Engineering Services Design Limited dated 22nd February 2021 (drawing no. KPH-ESD-ZZ-00-DR-E-6901) has been provided.

The drawing shows that lighting will be used to illuminate the car park, access road, pavement and walkways to the front and rear of the building, the drop off zone and entrances. A total of 11, 6 metre column mounted luminaires, 10 decorative mounted luminaires, and 22, 3 metre wall mounted LED luminaires. Several inground LED up light luminaires are also proposed. Lighting is to be controlled by timeclock and photocell. A maximum horizontal lux rating of 5 lux is shown.

In principle, the information provided concerning lighting is satisfactory. However, these are preliminary. It is also unclear what illuminated signage is to be employed to the corner of the building. As the design has not been finalised, a condition is still necessary regarding any external artificial lighting, concerning glare and stray lighting to avoid the loss of amenity to nearby residential properties

Hours of Use

In the supporting documents, there is a reference to the day care centre, with the staff facilities and centre of excellence, to be open outside of the day care centre with hours to be confirmed.

There are residential properties close to the proposed development therefore we have concerns relating to noise from visitors, deliveries and dispatches that may have an adverse impact on nearby residents. A condition restricting the hours of use is therefore necessary.

Construction Noise and Nuisance

The site is within a village setting in a predominately residential setting. There may be unacceptable construction nuisance if the site is incorrectly managed. All reasonable steps are taken to minimise and mitigate adverse effects from construction noise to protect nearby amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP) a condition to that effect is required.

Recommendations

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

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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. 178 and 179 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. 178 and 179 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. 178 and 179 of the National Planning Policy Framework

CLC5 Submission of Validation Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation 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. 178 and 179 of the National Planning Policy Framework

CLC 7 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 2019. 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

NC10 - Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services, extract and ventilation systems and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

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.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained 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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points – Footnote

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

OC1 Kitchen Extract Scheme - Condition

Before food cooking commences details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution either in a public area or at neighbouring premises 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.

Footnote

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ Sep 2018 which is an update of “*Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by DEFRA 2005.

FS1 Food Safety- Footnote

It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

DR08 Pollution Prevention (for food outlets including take-aways/restaurants)

Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) and the NPPF.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting

- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and xxxxx of the Local Plan

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Notes for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

LC3a Illuminated Advertisements - Condition

The illuminated advertisement hereby permitted shall:

- be installed and maintained thereafter in accordance with the approved plans
- not be illuminated during times of daylight (dawn to dusk)
- shall not be illuminated between the times of midnight to 07:00
- have a luminance not exceeding 600 cd/m² at any part of the illuminated area.
- have light sources that are not be directly visible from any usual viewing angle, in particular by drivers of vehicles on highways or pedestrians or from nearby premises.
- have illumination that is not flashing, intermittent or changing
- have an image that changes no more frequently than once every 5 seconds
- have the illumination turned off if any of the above requirements are not being met.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policy PLP52 of the Kirklees Local Plan (as modified) and Chapters 2 and 15 of the NPPF.

HUC4 Hours of Use combined Open for Visitors, Deliveries and Dispatches – Condition

The use hereby permitted shall not be open to customers outside the hours of 06:00 to 22:00 daily

and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

CEMPC Construction Environmental Management Plan - Condition

No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- a) timetable of all works;
- b) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- c) the parking of vehicles of site operatives and visitors;
- d) details and location of signage;
- e) loading and unloading of plant and materials;
- f) storage of plant and materials used in constructing the development;
- g) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- h) measures to control and monitor the emission of dust and dirt during construction;
- i) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- j) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
- k) artificial lighting used in connection with all construction related activities and security of the construction site;
- l) site manager and resident liaison officer contact details (including their remit and responsibilities); and
- m) details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxx 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.