

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/91405 - Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA
Erection of foodstore (class E) with associated access, parking, servicing area and landscaping
**Date Responded:
9th February 2024**
**Responding Officer:
RM, MN, SR & NH**
**Responding Ref:
WK/202401040**

We note from the plans that the position of the store has changed. This should be reflected in any further technical reports that are submitted in support of the application.

Air Quality

We acknowledge the new consultation request however no new reports appear to have been submitted in support of the application, therefore our previous air quality recommendations remain unchanged.

Noise

A Noise Impact Assessment has been submitted authored by ENS dated 07 December 2023 Ref NIA/10533/22/10679/v4/Blackmoorfoot Road, Lidl. The objectives of the noise impact assessment were to:

- Measure the baseline noise levels at the application site and its surrounding environs during representative periods of the daytime and night-time
- Assess the potential impact of the proposed development with reference to pertinent guidelines
- Provide recommendations for structural and management controls, as necessary, to protect the noise amenity of the nearest residential dwellings

A baseline noise survey was undertaken on Wednesday the 31st of August 2022 through to Thursday the 1st of September 2022 (although the report states August) from 4 measurement positions (MPs) as shown in Appendix 3. A summary of the findings is given in table 3.1 with para 3.06 stating the ambient noise climate in the vicinity of the application site is due to road traffic on Blackmoorfoot Road and the wider surrounding road network.

Section 5 looks at the noise impact of the proposed store and states that the principal noise sources associated with the proposed store are from the fixed external plant and the servicing arrangements (HGV deliveries).

As the details of the fixed external plant at the proposed store was not available, an upper limit of noise rating levels is given for both daytime and nighttime periods. Section 3 of the submitted Ventilation & Extraction Statement from DDA dated 11 April 2023 details the ventilation systems stating the atmospheric silencers will be selected to ensure the noise level do not exceed the maximum limits stated in the acoustic survey and this is accepted. A compliance condition is recommended to ensure there are no exceedances over background noise levels.

The noise associated with the store deliveries is based upon historic library data from similar stores and this is accepted. Para 2.03 identifies the nearest noise sensitive receptors (NSRs 1, 2 & 3) and para 5.09 states in order to screen NSR1 from the effects of the loading bay, a

2.4m high solid timber fence must be installed along the south-eastern and southern sites boundaries as shown in Appendix 2 stating the base of the fence should be on top of the proposed retaining wall. For all other NSRs, table 5.2 shows the predicted levels to show a low impact based upon distance attenuation. A BS4142 assessment has been conducted and after applying penalties for impulsivity (+6db at NSR1 and +3dB at NSRs 2 & 3), the results indicate a low impact and this is accepted. A condition is recommended for the submission of a Delivery Management Plan to address any operational noise not covered in the assessment e.g. reversing beepers, refrigeration units, vehicle engines left running etc.

Whilst the mitigation measures proposed for both the fixed mechanical plant and the delivery noise are accepted, no consideration has been given to the noise from the use of the car park. We have concerns about the impact of the use of the car park upon the amenity of the neighbouring properties and recommend a condition for a further/addendum Noise Impact Assessment to be submitted.

Contaminated Land

A Preliminary Appraisal Report by Sirius (dated: September 2022) (ref: C9083B Revc) has been received in support of the application. 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.

Having read the report, we note that there have been changes to reflect the proposed site levels. There appears to be no fundamental changes to the risk assessment and appraisal and the report continues to recommend a Phase 2 report. Therefore, our position remains unchanged from 14th June 2023. We recommend contaminated land conditions to ensure safe occupation of the site.

External Lighting

We acknowledge the new consultation request however, no new reports appear to have been submitted in support of the application, therefore our previous recommendations remain unchanged.

Construction Environmental Management Plan (CEMP)

Our previous recommendations of the 14th June 2023 remain unchanged. The applicant is reminded to include a Dust Management Plan as part of the CEMP, as recommended in the Air Quality Assessment (ref: GM12449) (version: V0.2) (dated: 05/04/2023) by Wardell Armstrong.

Recommended Conditions

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

Before construction work commences, a further/addendum 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:

- an assessment of all noise emissions from the car parking area of the proposed development

- details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- 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.

NC10 Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services 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.

NC12 Noise Management Plan – Condition

Before the premise is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the deliveries and the actions that will be taken to prevent a loss of amenity. The approved Noise Management Plan shall be implemented before use commences and retained thereafter.

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.

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. 189 and 190 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. 189 and 190 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. 189 and 190 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 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. 189 and 190 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.