

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
Responding Date:
14th June 2023
Responding Officers:
RM, NH, SR, MN
Responding Ref:
WK202315680

We have reviewed the application and supporting information and make the following comments and recommendations.

Air Quality

An Air Quality Assessment (ref: GM12449) (version: V0.2) (dated: 05/04/2023) by Wardell Armstrong has been submitted in support of the application. The report details the impact that the development will have on existing air quality, due to changes in traffic flows and how this will impact existing sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance (LAQM. TG16), the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust Demolition and Construction 2016. This involved a risk assessment to identify all potential sources of dust during the construction phase and the risk of impact at all sensitive receptor locations within 350m of the site boundary. From this the significance of dust effects arising from the construction phase was determined. The report concludes that the significance of dust is not significant and can be controlled through the implementation of effective site-specific mitigation measures. The report recommends a dust management plan, and in section 5.1.16 pages 16 and 17 it lists good practice mitigation measures from the IAQM guidance.

Operational Phase

For the operational phase detailed dispersion modelling was undertaken using ADMS-Roads (version 5.0.1) to predict changes in pollutant concentrations due to traffic emissions caused by the development at 23 existing sensitive receptor locations. Model inputs included traffic data provided by Bryan G Hall the transport consultants for the project and included predicted traffic flows from several other committed housing developments in the area to determine the overall cumulative impact on the nearest Air Quality Management Area (AQMA 9).

The model outputs were based on three scenarios:

- Scenario 1 – 2019 baseline/verification year
- Scenario 2 – 2025 opening year without the development including committed developments.
- Scenario 3 – 2025 opening year with the development including committed

developments.

The report concludes that for the operational phase the predicted annual NO₂, PM₁₀ and PM_{2.5} concentrations will be below the current national air quality objectives for both the “*without development*” and “*with development*” scenarios at all modelled sensitive receptor locations in 2025. Therefore, in accordance with the Environmental Pollution UK (EPUK) and Institute of Air Quality Management (IAQM) guidance, the overall effect of the proposed development on human receptors is considered to be ‘not significant’.

Finally in accordance with the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance, the report recommends mitigation measures to assist in reducing any potential impact in relation to air quality. This includes a travel plan, and one EV charging point that can service two vehicles simultaneously.

Comment

In principle, we agree with the approach and methodology of the Air Quality Assessment (ref: GM12449) (version: V0.2) (dated: 05/04/2023) by Wardell Armstrong. However, the nearest Air Quality Management Area to the site is AQMA10 (Manchester Road) 0.77km North West of the site. The report refers to AQMA 9 and therefore the conclusions of the report are questioned. In particular there are inconsistencies with the information provided regarding the nearest AQMA and the sensitive receptors and this requires further clarification.

We make the following comments:

- It is necessary for a condition requiring a revised Air Quality Impact Assessment
- We recommend a dust mitigation plan to be provided as part of a Construction Environmental Management Plan (CEMP)
- We acknowledge the provision of an EV charging point but consider that one is not sufficient for a development of this size and consider 3 fast (7-23kW) or 2 Rapid (43kW+) charging points to be more appropriate. Therefore, a condition will be necessary for a scheme relating to electric vehicle charging points.

Odours

A Ventilation & Extraction Statement by DDA Building Services/Consultant Engineers (dated: 11/04/2023) has been submitted.

The statement describes various ventilation systems that are proposed for the new Lidl store, these comprise of the following:

- Sales Area Centralised Ventilation System.
- Bakery Extract Ventilation System.
- Customer Toilet Extract Ventilation System.
- Mechanical Ventilation Heat Recovery (MVHR) Systems:
 - i. DRS room, managers office and cash office combined system.
 - ii. Staff room, cloak room and staff WC’s combined system.
- Cold Room Void Recirculatory Ventilation System

We have reviewed the report and make the following comments which are within the remit of Environmental Health.

Bakery Extract Ventilation System

The bakery extract ventilation system is to comprise of the following:

- 2 No 595x595 louvered faced grilles, located above the ovens.
- Galvanised steel spiral ducting, connecting the grilles to outside air.
- In-line duct mounted silencers to control room side and atmospheric noise.
- In-line multi-box extract fan.
- Discharge duct spout and bird guard at roof level.

Exhaust air is to mix with atmospheric air to dilute any potential baking odours, no fumes will be discharged as none are created in the baking process. The extract fan is to be fitted with attenuators, and noise is likely to be in the region of 45dBA at 3m.

Comment

We accept the Ventilation & Extraction Statement by DDA Building Services/Consultant Engineers (dated: 11/04/2023). However, we recommend a condition to control the combined noise from fixed plant and equipment. This is to ensure that the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations.

Contaminated Land

A Preliminary Appraisal Report by Sirius (dated: September 2022) (ref: C9083 RevA) 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.

The site covers c. 0.7ha and is currently 'vacant and disused.' Mounds of waste soil and excavation material up to c. 1m high are reported in the west of the site. The site was reportedly undeveloped until the 1890s when a school was built which was then demolished in the 1960s. The site then became part of the St Luke's Hospital. The hospital was later demolished, and the site was cleared in 2014.

In Section 4, the report appraises previous investigations carried out on-site and concludes that the risk to human health is low. A preliminary conceptual model identified that there are no apparent unacceptable residual risks from contaminant linkages. However, the report recommends the submission of a geoenvironmental investigation and report to inform the geotechnical design.

We accept the report provided. However, there is insufficient information on the current site condition, specifically, the mounds of waste material described in the report. It would be unclear without additional investigation and testing (commensurate to the scale of the development) whether these present a risk to the end-user and/or are suitable for re-use on site. In addition, if the intention is to import topsoil or other material as part of the development, then the applicant must ensure that the material is suitable for the intended use and that the material does not contain unacceptable levels of contamination. This does not appear to have been covered in the report provided.

Notwithstanding, we have no objections to the development from a contaminated land

standpoint, subject to the necessary conditions and footnote being applied to any consent granted.

Noise

In support of the application, a Noise Impact Assessment (NIA) authored by Environmental Noise Solutions dated 05 April 2023 Ref NIA/10533/22/10679/v2/Blackmoorfoot Road, Lidl has been submitted.

Reference is made at para 2.04 to the outline planning permission (ref: 2018/70/93098/W) for a mixed-use residential/commercial scheme at the application site, which was granted by Kirklees Council in August 2019, subject to conditions. Condition 12 of that permission relates to the control of noise from deliveries to commercial uses at the site as follows:

12. Between the hours of 0600 and 0700 Monday to Friday and 0700 to 0800 Saturdays, deliveries to any commercial use on the site shall take place by small vehicles (e.g. vans) only. There shall be no other deliveries to or dispatches from any commercial use on the site outside the hours of 0700 and 2200 Monday to Friday and 0800 and 2200 Saturdays and 1000 and 1600 Sundays or Bank Holidays.

Para 2.05 states it is understood that delivery hours at the proposed food store will be consistent with those detailed in the above condition.

A baseline noise survey was undertaken on Wednesday the 31st of August 2022 through to Thursday the 1st August 2022. Looking at the calendar for 2022, this date should read Thursday the 1st of September 2022. Four noise monitoring positions (MP) were adopted as shown in Appendix 3 as follows:

- MP1 was located in the southern corner of the application site adjacent to the residential dwellings on Turnstone Way (NSR1)
- MP2 was located to the north-east of the application site on in a position representative of the residential dwellings on Chapel Terrace (NSR2)
- MP3 was located in the north-western corner of the application site (screened from Blackmoorfoot Road) in a position representative of the rear façades of the residential dwellings on Blackmoorfoot Road (NSR3)
- MP4 was located on Blackmoorfoot Road

A summary of the result at each MP is shown in table 3.1 with comment made that 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 proceeds to assess the potential noise sources and determines them to be from the fixed mechanical plant and store deliveries. The fixed mechanical plant was unknown at the time of writing the NIA and based upon the principles of BS4142, the report comments that this can be controlled using a suitably worded planning condition. The applicant is reminded that condition 16 of the outline planning permission states -

16. Prior to installation of any external plant at the commercial sites within the development, the developers should carry out an assessment in accordance with BS4142 to determine the

rating level of any plant to be installed. It is recommended that during normal daytime hours (0700 to 2300 hours), the BS4142 rating level, measured over 1 hour, should be 5dB below the background (LA90). During the night-time period (2300 to 0700 hours), the BS4142 rating level, measured over 5 minutes should be 5dB below the background (LA90). The assessment should be carried out at the site boundary (with residential property) or at the nearest noise sensitive premises, depending on the circumstances. (The noise levels are intended to ensure that adjacent existing/proposed noise sensitive premises do not become blighted by noise)

A compliance condition is therefore recommended to ensure any fixed mechanical plant should be 5dB below the background level (as stated in para 5.04).

Based upon the delivery hours referred to in Condition 12, a recommendation is made for a 2.4m high fence to be installed along the southern and south-western boundary of the loading bay as shown in Appendix 2 and a spec is given. However, no reference is made to any predicted delivery noise, particularly during the sensitive times of the day and so no reference is made to the level of mitigation required. A condition is recommended for an additional/addendum report to be submitted to cover this aspect of the operational use. Should a fence be required in mitigation, a specification of the fence and installation will be required as follows -

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

External Artificial Lighting

In support of the application the following documents have been submitted:

- Design and Access Statement dated April 2023
- External Lighting Design Statement dated 11/04/2023, issue 2, ref: 22/4150
- A proposed Lighting Layout by Signify dated 02/09/2022, ref: 0400667192

The Design and Access Statement informs us that BMS and LUX are installed for the external lighting, ensuring that lights are only on during dark hours, with timers switching off one hour after the store closes. The reality of this is that external lights could remain on until 11pm at night. Existing Residential properties border the proposed development sharing a boundary at Blackmoorfoot Road and Turnsteads Avenue, therefore poorly designed lighting could be intrusive.

The Lighting Layout plan demonstrates light spill into gardens of nearby residential properties. The wall mounted light fittings LL-E mounted at 3.25m could be directly in line with existing rear windows, light spill is shown into gardens from these fittings. The LL-C fittings are mounted at 6m, light spill is shown into gardens from these fittings and direct glare could also result from direct line of view to the luminaire.

The External Lighting Design Statement, Page 6 of 12 informs us; "Wall mounted Philips Pacific LED Gen 4 luminaires provide general and emergency lighting to the perimeter of the

building. The LED luminaires emit a white light which is preferred by CCTV operators and is perceived to provide a more secure environment for customers and colleagues.” This may be correct but white LED lights can cause glare and nuisance to the viewer especially if they are intermittently activated during darkness hours. More sophisticated CCTV security systems are available with reduced discernible light to the human eye.

The Statement attributes an Environmental Zone 3 we do not disagree with this; however, we feel the site sits within a Zone 2 to 3 as it is largely residential in nature. No information has been provided within the Statement regarding the glazing to the luminaires or any cowls that may be fitted.

The Lighting Layout Plan mentions assumptions about the project and therefore we cannot confidently accept the information as it may be subject to change.

Whilst we welcome the information, we do not fully accept it; we therefore recommend a condition to ensure further information is provided to protect the amenity of neighbouring sensitive receptors from glare and stray light.

Loss of amenity caused by the construction of the development

Because of the scale of the development and the proximity of residential properties to the site boundary there is a significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the construction phase of the development. Therefore, we recommend a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted.

Recommended Conditions

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

Before the development is brought into use a revised 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)
- determine the impact that the development will have on the nearest Air Quality Management Area (AQMA)

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

EVC1 Electric Vehicle Charging Points - Condition

Before first occupation, 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 the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter. The EVCPs should be installed before the development is brought into use.

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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

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. 183 and 184 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. 183 and 184 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. 183 and 184 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. 183 and 184 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 2021. 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.

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 should be 5dB below 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.

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:

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) 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 works 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.

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 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
- e) 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.

No external artificial lighting shall be used unless the lighting has been installed and operated 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 LP52 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 Note 01/21 for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2021 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 the corresponding Environmental Zone (i.e. E0 to E4).

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- A Dust Mitigation Plan as recommended in the Air Quality Assessment (ref: GM12449) (version: V0.2) (dated: 05/04/2023) by Wardell Armstrong. The plan must consider dust arising from all construction related activities, and include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction of the development.

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.

CEMPF Construction Environmental Management Plan - Footnote

Construction noise should not be heard beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays (Excluding Bank Holidays)
- 08.00 to 13.00 hours Saturdays

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.