

**Subject:** RE: 2018/92778 Former Bolster Moor Chapel  
**Date:** 07 May 2019 15:45:23

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Hi John,

Please see our response in relation to the recent information supplied by the agent.

In our original consultation response (dated 19 Sep 2018) for the application for discharge of condition 5, we recommended that the condition was not discharged because the information submitted was insufficient.

We consequently advised that we were receiving complaints of noise from the use of the play area and in response Steve Mitchell sent an email dated 20 Jan 2019 with an attached plan showing the proposals for a timber fencing to be attached to the existing mesh fencing. On the 29 Jan 2019 we advised that the submitted proposals were insufficient. We advised that the predicted level of attenuation provided by the proposed fencing was required and that a more substantial barrier may be necessary.

A Noise Impact Assessment Report by Environmental Noise Solutions Ltd (ENS) dated 23 April 2019 has now been submitted. The report details measurements of noise from the use of the outdoor play area. The measurement locations were in the garden of the nearby residential property shielded by the boundary wall and also at the boundary wall at an elevated position so there was no shielding from the wall. The report advises that the measured level in the garden was 46dB  $L_{A,eq}$  and calculates that the existing wall to the garden boundary of the neighbouring property provided 12dB attenuation. This level of attenuation is supported by a Maekawa barrier calculation spreadsheet. The report refers to the World Health Organisation (WHO) Guidelines for Community Noise states that few people are seriously annoyed by noise levels less than 55 dB  $L_{Aeq}$  during the daytime and from that concludes that the measured level of 46dB in the nearby residents garden being 9dB below this WHO criteria will therefore be an acceptable level.

I consider that the report is unacceptable for a number of reasons:-

- The report does not provide any raw measurement data. It is therefore not possible to determine the duration of the measurements or whether the two measurements were concurrent or sequential.
- The report advises that the measurements were undertaken at a time when 16 children were using the outdoor play area. There is no indication of whether or not this was representative of typical levels or would represent worst case scenario.
- The comparison of the measured level with the WHO guidelines is far too

simplistic. The 55dB figure relates to serious annoyance, but the same WHO guidelines also state that moderate annoyance arises at levels above 50dB which should therefore be avoided. It is also generally considered that these WHO guidance levels relate to a steady continuous noise source, such as distant road traffic. The guidance also advises that equal levels of different noises can result in different magnitudes of annoyance and also that annoyance is affected not just by equivalent sound pressure levels but also by several other factors associated with the noise such as the highest sound pressure sound level and the number of noise events.

- No consideration was given to how intrusive the noise from the use of the play area is likely to be and how it relates to typical background levels.

### **Recommendations**

For the reasons detailed above, I consider that the report is insufficient to demonstrate that the further acoustic attenuation, as required by condition 5, is not necessary and again recommend that condition 5 should not be discharged at this time.

Irrespective of the situation regarding the application for the discharge of planning conditions I would also advise that complaints about noise from use of the outdoor area are continuing and that we are therefore actively investigating these complaints including proposals to monitor the noise levels. If these investigations determine that a statutory nuisance is being caused then we will, in accordance with our statutory duties, serve an abatement notice requiring the nuisance to be abated. Failure to comply with an abatement notice is a criminal offence for which the maximum fine is unlimited.

Regards

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