

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2020/93220 - Milnsbar, 59, Market Street, Milnsbridge, Huddersfield, HD3 4HZ

Alterations to convert first floor to flat (Within a Conservation Area)

**Date Responded:
04 December 2020**

**Responding Officer:
Mohammed Nasim**

**Responding Ref:
WK/202031190**

Comments

The applicant proposes to change the current first floor space above a commercial/licensed property into a flat. It is currently used for storage and they state all sound insulation (and fire boarding) is already in situ due to the previous use of the room but no evidence is provided of this. The property is located on a relatively narrow main road amongst existing commercial premises and noise from the premises below and from outside has to be considered in order to protect the amenity of the future occupiers and a condition is recommended.

The times for construction will need to be controlled in order to protect the amenity of the occupiers of neighbouring properties and a condition is recommended.

Recommended Conditions

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic/commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. Developers 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.

CSC1 Construction Site Working Times - Condition

Noisy construction related activities shall 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

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and **xxxxxxx** of the Local Plan

CSF1 Construction Sites working times – Footnote

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.