

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)

Responding Date: 23 April 2021	Responding Officer: Mohammed Nasim	Responding Ref: WK/202031190
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Comments

The applicant has submitted a Noise Impact Assessment authored by KP Acoustics dated 9 March 2021 Ref 2155.NIA.01.

A noise survey was undertaken between 1333hrs on 16 February 2021 and 128hrs on 17 February 2021. Measurement position 1 (MP1) was to the front of the building and measurement position 2 (MP2) was to the rear. +3dB corrections were applied for non-free field measurements. The findings show noise at MP1 to be 72dB LAeq,16hr for daytime and 66dB LAeq,8hr for nighttime. At MP2, the noise was 55dB LAeq,16hr for daytime and 47dB LAeq,8hr for nighttime and this is shown in table 4.1.

In order to mitigate any noise, a specification for the glazing to both facades is given in table 6.2 with an example of glazing types in table 6.3. The ventilation to both facades is specified in table 7.1 and 7.2. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable on its own. Mechanical ventilation is therefore necessary and the applicant will need to provide information on the type of ventilation proposed and a condition is recommended. In the case of mechanical ventilation, systems should be designed to meet the internal noise levels as defined in CIBSE Guide A (2015), as shown in Table 7.2.

The sound insulation between the ground floor pub and the residential accommodation was also tested. The report states the ground floor pub operates with live bands on some evenings, stopping at 11pm. It is understood that these include acoustic instruments, singers and some backing tracks, but do not normally include drums. The pub then goes on to operate until 1am on Fridays and Saturdays, but without live music. Using a typical source level of 90dB(A) to represent a worst case of live music (acoustic guitar, karaoke, singer and backing track) source noise levels within the Ground Floor bar, and taking into account the measured Dw rating of the separating floor, the predicted noise levels within the first floor bedrooms is 44dB(A) (table 8.1). The direct noise transfer through the separating floor during daytime with the existing construction would be above the criterion stipulated in BS8233. Therefore, any direct sound transfer could cause noise nuisance to the future residential occupiers above. Upgrade measures for the separating floor are outlined in Section 8.1 in order to ensure that direct noise transfer is controlled to within acceptable levels.

Based on the proposed floor build-up specified within Section 8.1, calculations have been

undertaken in order to assess potential noise break-in to the proposed residential units on the First Floor due to activity within the Ground Floor bar.

Table 10.1 shows the predicted daytime noise level to be 35dB(A) to the bedrooms. This should actually relate to living rooms during these timings and this will need clarifying. Table 10.2 shows the predicted nighttime noise level to be 19dB(A) to the bedrooms and this is acceptable. Based on the predicted levels, the direct noise transfer through the separating floor with the construction as specified in Section 8.1 would be below the criterion stipulated in BS8233. However, this is based upon the source noise levels being controlled within the bar to the limits stated in Section 8.2 of the report. A sound insulation test certificate will be required to show that the airborne sound insulation performance of the party ceiling of the development is of a minimum of 55 dB $D_{nTw} + C_{tr}$.

The report recommends noise mitigation proposals such as an electronic noise limiter system and loudspeaker mounting should be implemented and the floor separating the Ground and First Floors should be upgraded to ensure that noise generated within the bar does not have any negative effect on the amenity of the proposed residential bedrooms to be located over the First, Second and Third Floors. It is believed the applicant has control of the bar and is reminded of the licensing condition relating to inaudibility.

Whilst works to the separating Floor Between Ground and First Floors are specified at para 9.1, it is unclear if the predicted levels and associated works may be enough to prevent a loss of amenity to the occupiers of the property above. The findings of the report will need to be clarified and a sound insulation test certificate provided before the application can be determined.

It is unclear if there are facilities for cooking and providing meals in the bar. Consideration will need to be given to any cooking odours affecting the amenity of the occupiers above. A condition is therefore recommended.

The construction phase will need to be controlled in order to protect the amenity of neighbouring properties. A condition is therefore recommended.

Recommended Conditions

NC5B – For use where proposed commercial and residential share a party structure (floor / ceiling or wall etc) – Condition

Before the development is brought into use, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party ceiling of the development is of a minimum of 55dB $D_{nTw} + C_{tr}$. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

NC7 Ventilation of habitable rooms if windows need to be kept closed - Condition

Before construction commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- Identify which rooms referenced back to the approved Noise Assessment require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation Scheme must demonstrate how habitable rooms of the apartment shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

NF7 - Footnote to accompany condition NC7

A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Odours Impact Assessment Report Before Determining the Application

Before determining the application, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall:

- detail all of the potential source of odour in the vicinity of the application premises
- determine the potential of adverse impact on the proposed development from these potential sources of odour
- detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity

If odour levels predicted in the report are unacceptable, it may be necessary to refuse the application. Otherwise, it may be necessary to specify mitigation measures as conditions of consent.

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 **xxxxxx** 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.