

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: 22 September 2021	Responding Officer: Mohammed Nasim	Responding Ref: WK/202031190
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<u>Comments</u> Following discussion with the applicant about previous comments and subsequent requirements, their acoustic consultant (KP Acoustics) has e-mailed two reports (22155.PCR.01 & 22155.NIA.01 Rev B) on the 14th of September 2021 with the following explanation - <i>22155.PCR.01 addresses the noise from the condenser at the rear. The beer chiller is also addressed, and Derek has said that this is inactive and will not be reactivated, so has not been assessed as part of this report as it will not form part of the noise environment. If this is to be restarted, a new assessment will need to be carried out.</i> <i>In 22155.NIA.01 Rev B, it is clarified now that the extraction fan was running during our original noise survey, but did not affect the background noise level. Noise from this unit is therefore mitigated along with all other sources of existing noise. As we understand it, this unit has planning permission.</i> <i>In the above report targets are given for noise into the flats from mechanical ventilation, and all units installed must conform to these where mechanical ventilation is used.</i> <u>22155.PCR.01</u> In report 22155.PCR.01, continuous automated monitoring was undertaken for the duration of the survey between 1333hrs on 16/02/2021 and 1238hrs on 17/02/2021. Figures 2.2 and 2.3 show the site measurement position, the identified receiver and the plant unit installation. Table 3.1 shows the representative daytime and night time background noise levels while table 4.1 shows the criteria for noise emissions. At para 5.1, the report states there is 1 No. Condenser Unit located at the rear façade at ground floor level, within an enclosed external area. As has been clarified by e-mail, there is a beer chiller which is inactive. The closest noise sensitive receiver to the installation location has been identified as being a 1st floor residential window of the property above the pub, located approximately 2 metres from the plant installation location (as shown in Figure 2.2 and 2.3). A BS4142 assessment has been carried and after applying a +3dB correction for intermittency and a correction for distance attenuation, table 5.2 predicts the noise level at 1m from the closest noise sensitive window to be 25dB(A). This meets with the plant noise emissions
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criteria.

At para 6.1 the report states that the condenser unit is currently installed in a wooden structure between the stairs to the residential units above the pub and the unit. In order to control the noise emissions from the condenser unit, the report recommends that the structure is made good with timber of at least 12kg/m³, so that there are no gaps in the structure directly above the unit and that there is no line of sight to the window from the unit. The structure, when made good in this way will be sufficient to control the plant noise levels.

The findings of the report are accepted but a condition is recommended for the works to the enclosure to be implemented in line with the recommendations of the report.

22155.NIA.01 Rev B

Our comments dated 23 April cover the submitted Noise Impact Assessment and these remain following clarification in the above mentioned e-mail.

Section 7 looks at the ventilation strategy and outlines a number of systems. It is our position that acoustic trickle ventilation alone is unlikely to provide sufficient ventilation i.e. purge ventilation, to help control thermal comfort without the need to open windows and would therefore not be acceptable. It is unacceptable that building occupiers will be faced with the option of having to be exposed to either excessive noise or excessive heat and this is the situation that Kirklees requires to be addressed through the provision of an alternative ventilation system when windows need to be kept closed for noise mitigation reasons.

An alternative ventilation system would need to provide a level of ventilation to properties affected by excessive external noise, sufficient to replace the ventilation which would normally be provided by opening windows. Therefore, the system would be capable of helping to improve thermal comfort and reduce the risks of overheating. During any hot weather, the alternative ventilation system must be capable of drawing in cooling external air; any heat exchanges used for warming incoming air during cold weather must be capable of being bypassed during hot weather. Similarly, systems that draw in air from the roof-space of the building would need a bypass to allow air from the outside to be drawn in during warm weather.

The alternative ventilation scheme must identify which rooms require a ventilation system and the acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded. Also, the alternative ventilation system must not compromise the sound insulation properties of the building envelope. It must demonstrate how habitable rooms 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) would be acceptable to demonstrate that the risk of overheating is minimised.

Section 8 predicts the noise transfer from the ground floor to the floor(s) above and table 8.1 predicts the noise levels due to the bar operation within first floor bedrooms (daytime) which exceed the indoor ambient noise levels for dwellings within table 4 of BS8233. Table 8.2

predicts the noise levels due to the bar operation within first floor bedrooms (night-time) and this meets with BS8233.

Section 9 proposes mitigation measures 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. Reference is made to works to the separating floor between ground and first floors, emphasising the workmanship necessary to prevent noise transmission, the installation of a sound limiter and loudspeaker mounting.

Section 10 looks at the noise transfer predictions including proposed mitigation measures and based upon the implementation of the recommended works, table 10.1 predicts the noise levels due to the bar operation within first floor bedrooms (daytime) which meet with BS8233.

The report concludes by saying no further mitigation measures should be required in order to protect the proposed residential units from external noise intrusion and internal noise intrusion from the Ground Floor bar.

The findings of the report are accepted but conditions are recommended for the works to be implemented in line with the recommendations of the report and details of an alternative ventilation strategy to be submitted.

Recommended Conditions

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Planning Compliance Report dated 14 September 2021 Ref 22155.PCR.01 and the Noise Impact Assessment Report dated 09 March 2021 Ref 22155.NIA.01, both produced by KP Acoustics Ltd.,

- a) shall be completed; and
- b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use

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 55 dB Dntw + Ctr. 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 of which plots 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 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.

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 **xxxxx** 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.