

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                      |                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                      |                                         |
| <b>2022/92236 Field House, 15 Wellington Street, Dewsbury, WF13 1BQ</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |                                         |
| <b>Discharge of conditions 3 (detailed drawings), 4 (additional storey), 5 (materials), 6 (residential waste), 7 (A3 use waste), 9 (swift nesting), 14 (ventilation), 15 (noise assessment) and 19 (air quality) of previous permission 2019/92962 for erection of additional storey and conversion of building to provide 23 self-contained apartments and A3 use in basement and part of ground floor (Listed Building within a Conservation Area)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |                                         |
| <b>Date Responded:<br/>22<sup>nd</sup> August 2022</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Responding Officer:<br/>Rebecca Muff – Air Quality<br/>Mohammed Nasim - Noise</b> | <b>Responding Ref:<br/>WK/202222634</b> |
| <p>Note – These comments relate to Conditions 14 (Ventilation), 15 (Noise Assessment) and 19 (Air Quality) ONLY.</p> <p><u>14 (Ventilation)</u></p> <p>The applicant has submitted a number of technical drawings from DLA Architecture, two of which are dated September 2021 Ref 1441354-HLEA-XX-02-DR-M-00501 &amp; 1441354-HLEA-XX-02-DR-M-005014 which relate to the mechanical services layout of apartments 202 and 305. They show the installation of a MVHR system, detailing the ventilation to each habitable room which is accepted and whilst an assumption is made that the MVHR system will be installed to each apartment, this will need to be stated explicitly by the applicant.</p> <p>The applicant has submitted a CIBSE TM59 Assessment authored by Hoare Lee dated 10 September 2021 Rev.00 which models the overheating aspect of the condition. It demonstrates that all habitable areas of the dwellings comply with the TM59 requirements (Criterion 2, Mechanical Ventilation), except for one living room (02-APT 2.01-Kitchen/Living). In order to mitigate the overheating risk in this one room, the report states consideration should be given to include blinds/curtains or to allow MVHR to operate in boost mode for short periods of time.</p> <p>The report states compliance with the TM59 criteria in this tested scenario is dependant from the g-values being reduced from the original g-value of 0.76 proposed as when using this g-value, 6 living rooms and 3 bedrooms failed to comply with the TM59 criteria.</p> <p>The 6 No. open plan living/kitchen rooms/bedrooms on the 3rd/4th floor where active cooling will be provided will by default comply with TM59 overheating requirements.</p> <p><u>15 (Noise Assessment)</u></p> <p>The applicant has submitted a Statement from Hoare Lea dated 28 June 2022 Ref LET-1013359-5A-LR-20220628 which states that the exact nature of the future commercial unit operation is not known at this stage. As such, <i>'...it shall be incumbent upon future tenant fit-out teams to provide enhancement works to the landlord constructions so as to ensure noise from the operation of the commercial unit (inclusive of front of house and back of house areas such as kitchens etc) does not adversely impact residential amenity above.</i> It goes on to say <i>'given the shell and core only fit-out of the unit (as part of the proposed base-build landlord works), this condition is not considered dischargeable until such a time as specific tenant requirements are known. Final discharge of the planning condition requirements would</i></p> |                                                                                      |                                         |

*therefore fall under the remit of future tenant fit-out works, and we understand this will be included within the future retail tenant's lease documentation'.*

This position is acknowledged and the applicant is advised to refer to the West Yorkshire Planning Consultation Guidance (Noise & Vibration) 2016 document which states that where proposed commercial and residential share a party structure (floor/ceiling/wall etc), the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party floor/ceiling/wall of the development is of a minimum 55dB  $D_{ntw}+C_{tr}$ .

#### Condition 19 - Air Quality

To discharge condition 19 an Air Quality Assessment by Surface (Version 3) (dated April 2020) has been submitted.

In our previous comments dated 10<sup>th</sup> December 2019 for planning application 2019/92962, we were generally satisfied with the Air Quality Assessment by Surface (dated May 2019), however we raised a couple of points regarding details that had been omitted. We required further clarification regarding the transport figures that had been used in the model and asked for sensitivity testing to be undertaken to determine the worst-case scenario at future sensitive receptor locations.

The Air Quality Assessment by Surface (Version 3) (Dated: April 2020) updates the original air quality assessment dated May 2019. The development is located in close proximity to the A638 (Dewsbury Ring Road) and the report details the potential impacts of existing air quality (arising from traffic emissions) on new receptors at the proposed development, using ADMS dispersion modelling, in accordance with national guidance. At the request of the Council the modelling assessment includes an additional scenario to show the potential air quality impacts on the development should traffic emissions not improve in line with government predictions.

Traffic flow data for 2016 was used for model verification. This data was obtained from the Department for Transport (DfT) and a growth factor of 1.0713 was applied to these flows to allow for natural growth for 2023 the assumed opening year for the development. The predicted traffic flows for 2023 were then used to model the 2023 baseline and sensitivity scenarios.

Changes in concentrations of NO<sub>2</sub> and PM<sub>10</sub> were modelled at 6 sensitive receptor locations at the development at various heights consisting of ground, first and fourth floor flats at the two facades of the building that are closest to the ring road and deemed to be the worst-case scenarios.

The report concluded that all predicted pollutant concentrations at the receptor locations were below the national air quality objectives (AQO) for NO<sub>2</sub> and PM<sub>10</sub> and that these would remain below the AQOs in 2023 (opening year) if traffic emissions do not improve beyond 2016. It goes on to say that no specific mitigation is required to protect the air quality of new residents introduced by the development and that no specific mitigation measures would be required to protect future residents. However, it recommends that best practice mitigation measures are to be employed during the construction phase to minimise dust emissions, and it also recommends the minimum specifications for gas fired boilers. These are outlined on page 19 of the report 5.3.3.1(construction dust) and 5.3.32 (boiler specifications) respectively.

**Comment**

We agree with the approach, methodology and conclusions of the Air Quality Assessment by Surface (Version 3) (dated April 2020) and acknowledge that they have addressed the points that we raised in our previous comments.

**Recommendations****Condition 14 (Ventilation)**

The submitted information is accepted but we recommend this condition is not discharged until all of the works to the ventilation are installed as per the submitted drawings and overheating report and retained. The applicant is also asked to state this work will be to all of the apartments within the development.

**Condition 15 (Noise Assessment)**

Based upon the submitted information and explanation within, we recommend that this condition is not discharged at this time.

**Condition 19 (Air Quality)**

We accept the Air Quality Assessment by Surface (Version 3) (dated April 2020) and recommend that condition 19 can be discharged, and that the recommended mitigation measures as outlined on page 19 of the Air Quality Assessment by Surface (Version 3) (dated April 2020) sections 5.3.3.1 (construction dust) and 5.3.3.2 (boiler specifications) are implemented in accordance with the said report.