

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2022/93938 - First and Second Floors, Shopping Precinct, New Street and Albion Street, Huddersfield, HD1 2TR**
**Change of use from A1 (business retail and storage) to C3 (residential) 18 studio flats at first and second floors and external alterations**
**Responding Date:  
15 November 2023**
**Responding Officers:  
RM, MN**
**Responding Ref:  
WK202333403**
**Comments**

We note the initial application was for 34 studio flats at first and second floors and this has been revised down to 18 studio flats.

**Air Quality**

Further to our previous comments of 13<sup>th</sup> January 2023 an Air Quality Assessment by Gem Air Quality Ltd (ref: AQ2334) (dated: August 2023) has been submitted. The proposed development is in Kirklees Councils Air Quality Management Area (AQMA 9) which incorporates roads bordering and within the Huddersfield Ring Road. Modelling using ADMS – Roads was undertaken in accordance with local and national guidance to determine the level of exposure of future occupants to poor air quality. The model was based on two scenarios:

- Scenario 1 (2019) - baseline /verification year
- Scenario 2 (2025) – completion year i.e. introduction of new sensitive receptors

The model used traffic data obtained from the Department for Transport (DfT) with projected growth factors specific to Kirklees Council obtained from TEMpro. It also used monitoring data provided by Kirklees Council and data taken from Defra background maps. Collectively this data was used to predict concentrations of NO<sub>2</sub>, and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) at heights of 5m and 8m representative of first and second floor future sensitive receptor locations within the building.

The report concludes that predicted concentrations of all modelled pollutants would be below the national air quality objectives at all receptor locations and as such no further mitigation measures would be required.

We accept the Air Quality Assessment by Gem Air Quality Ltd and recommend that the condition AQIA 2 Air Quality Impact Assessment is no longer necessary.

**Noise**

The applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated 07 December 2022 Ref 8707HC v001.

A long and short term environmental sound survey was carried out from the 11<sup>th</sup> of November 2022 through to the 14<sup>th</sup> of November 2022 from two monitoring positions in order to collect representative sound levels at the proposed development during the daytime and night-time periods. The two monitoring locations are shown in Figure 1 and a summary of the findings is shown in table 3.

It considers noise from the various commercial and licensed premises within the town centre area including fixed mechanical plant commenting they were not audible above the residual acoustic environment during the survey.

In order to meet with the internal requirements of BS8233, a glazing scheme is specified in table 5 but as windows cannot be opened without exceeding these requirements, alternative ventilation is proposed and this is specified in table 6. There is no external amenity space and so mitigation measures are not required.

We have concerns about the transmission of noise from the ground floor retail use to the first floor residential use and section 6 of the assessment specifies a construction methodology to ensure the separating floor achieves a minimum of 10dB above the criteria shown in Part E of Building Regulations i.e. the floor must score a minimum of 53dB  $D_{nT,w} + C_{tr}$  when tested for airborne sound attenuation and this is accepted.

The findings of the report are accepted. Conditions are recommended to ensure the measures proposed are implemented in order to protect the amenity of the future occupiers.

### **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 Noise Impact Assessment authored by Nova Acoustics dated 07 December 2022 Ref 8707HC v001:

- 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 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.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **NC6 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 floors/walls/ceiling of the development is of a minimum of 53dB  $D_{ntw} + C_{tr}$ . 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.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.