

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90958 - adj Hill Side, Cold Hill Lane, New Mill, Holmfirth, HD9 7JX		
Erection detached dwelling		
Responding Date: 26 June 2023	Responding Officer: Mohammed Nasim	Responding Ref: WK202317989
<u>Comments</u> <u>Noise</u> The applicant has submitted a Residential Noise Assessment authored by Nova Acoustics dated 31 May 2023 Ref NP-009394. Noise monitoring was conducted between 05 May 2023 and 10 May 2023 from two measurement positions as shown in figure 2. A summary of the findings is shown in table 2 and these levels are elevated due to road traffic noise emissions from Huddersfield Road and infrequent vehicles passing by along Cold Hill Lane. This is reflected in the modelling shown in figure 3. In order to meet with the internal requirements of BS8233, glazing and ventilation is specified to the East and West facades but this is with windows closed. In order to address both noise and overheating issues, the report considers AVO open window criteria for both daytime and night-time and concludes the external noise levels exceed the AVO Guides 'Rarely Open' criteria which means that windows cannot be used for the primary means of ventilation and an alternate ventilation strategy is required that is capable of a higher rate of ventilation. It recommends a Mechanical Extract Ventilation (MEV) system should be installed to provide Whole Dwelling Ventilation but this is contrary to the submitted Design and Access Statement from Bamford Architecture dated 07 June 2023 which states a MVHR (Mechanical Ventilation Heat Recovery) system will be installed to provide whole house ventilation with heat recovery and this will need to be clarified. However, this is a Building Control matter and therefore outside the remit of Environmental Health. Both the North and East patios meet with the upper limit for external amenity areas (55dB $L_{Aeq,16hr}$) but the terrace exceeds this limit by 9dB. A 1.5m high glass balustrade is proposed which will reduce the external noise levels within the terrace to 59 dB $L_{Aeq,16hr}$ if installed as specified and this lowers the exceedance to 4dB but is still over the upper limit. BS8233 does recognise that where development might be desirable, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited. The findings of the report are accepted but a condition is recommended to ensure the works within the submitted report are implemented. It is noted that there is to be an Air Source Heat Pump installed to the lower ground floor as shown in drawing no. (0-) 01 from Bamford Architectural dated 07 June 2023. This hasn't been considered in the noise assessment and isn't expected to be an issue but a standard compliance condition is recommended to ensure it does not exceed existing background noise levels.		

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

Construction

The hours of construction works will need to be controlled in order to prevent a loss of amenity to the occupiers of neighbouring properties and a condition is recommended controlling these hours.

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 Residential Noise Assessment authored by Nova Acoustics dated 31 May 2023 Ref NP-009394:

- 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, the development shall not be brought into use until a further scheme incorporating further measures to achieve those noise levels has been submitted to and approved in writing by the Local Planning Authority.

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.

NC10 Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

EVC1 Electric Vehicle Charging Points - Condition

Before first occupation, a scheme detailing the dedicated facilities that will be provided at the

dwelling house for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter. Before the individual dwelling house is occupied, the EVCPs should be installed in that dwelling house.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

EVF1 Electric Vehicle Charging Points – Footnote

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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 LP52 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.