

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/91211 - Shop, 50 Market Street, Milnsbridge, Huddersfield, HD3 4HT		
Change of use and alterations to convert former bank/commercial unit into 3 dwellings (within a Conservation Area)		
Responding Date: 18 May 2023	Responding Officer: Mohammed Nasim	Responding Ref: WK202314483
<p><u>Comments</u></p> <p><u>Noise</u> The property lies within the town centre area and we have concerns about the impact of noise on the amenity of the occupiers of the proposed flats. The property sits at the junction of Market Street and George Street and the effect of road traffic noise will need to be addressed. It is also next to a commercial property which is currently a fast food takeaway and the applicant will need to ensure any noise emissions are considered and that the level of sound insulation meets with a higher requirement where residential and commercial properties share a party wall. A condition is recommended for a Noise Assessment to be submitted</p> <p><u>Odour</u> The proposal is next to a takeaway and consideration must be given to any odours affecting the amenity of the occupiers of the development. A condition is recommended for an Odour Impact Assessment to be submitted.</p> <p><u>Construction</u> A condition is recommended to control the hours of construction in order to protect the amenity of any neighbouring properties.</p> <p><u>Recommended Conditions</u> NC9 Noise Assessment Report and Mitigation Scheme - Condition Before any construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic/commercial premises etc shall be submitted to and approved in writing by the Local Planning Authority. The report shall:</p> <ul style="list-style-type: none"> a) Determine the existing noise climate b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). <p>The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.</p> <p>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.</p>		

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 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.

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.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

OC3 Odours Impact Assessment Report Before Determining the Application

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

- detail all the potential sources 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.

Reason: To ensure that the impact of odour does not give rise to loss of amenity and 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.

OCF2 Odour Impact Assessment - Footnote

All Odour Impact Assessments shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Detailed advice is available in the “*Guidance on the Assessment of Odour for Planning*” document by the Institute of Air Quality Management (IAQM) version 1.1 July 2018.

CSC1 Construction Site Working Times - Condition

Noise from any construction related activities shall not be audible outside the site boundary outside the hours of:

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

Noise from any construction related activities shall not be audible outside the site boundary at any time 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.