

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/92836 1st & 2nd floors 9-13 Market Walk, Huddersfield, HD1 2QA		
Prior notification for change of use from retail/storage to four dwellings (within a Conservation Area)		
Responding Date: 11 th October 2023	Responding Officer: SR	Responding Ref: WK202331659
<p><u>Comments</u></p> <p>We have reviewed application 2023/92836 and make the following comments and recommendations, which are within the remit of Environmental Health.</p> <p>The application appears to concern the internal alteration of the first and second floors to provide residential accommodation in the form of four one bedroom apartments.</p> <p>We have concerns that noise from commercial properties that share party structures could cause loss of amenity to future occupiers. As the proposed development is in the town centre noise from traffic and other commercial related activities such as deliveries, customer noise etc could also lead to loss of amenity. We therefore recommend conditions.</p> <p>It is unclear if there are other residential dwellings in the adjacent buildings, for this reason we recommend a condition to limit the hours of noise generating construction activities.</p> <p><u>Recommended Conditions</u></p> <p>NC9 Noise Assessment Report and Mitigation Scheme - Condition</p> <p>Before 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 and commercial premises shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report shall:</p> <ol style="list-style-type: none"> Determine the existing noise climate Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development 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> <p>NC6 For use where proposed commercial and residential share a party structure – Condition</p> <p>Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55 dB Dntw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound</p>		

insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further 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.

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.