

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/93113 - 30 Market Street, Huddersfield, HD1 2HG
Change of use and alterations to form student living accommodation with ancillary concierge and communal facilities including roof extension and roof terrace
**Responding Date:
6th February 2024**
**Responding Officer:
RM, MN**
**Responding Ref:
WK202402133**
Comments

The proposal is for the change of use to a student accommodation building and with a small rooftop extension within the height limits of the existing building.

Air Quality

The development is located within Kirklees Councils Air Quality Management Area (AQMA 9) which encompasses Huddersfield Town Centre and was declared due to exceedances of nitrogen dioxide (NO₂). An Air Quality Assessment by Malik (no reference) (no date) has been submitted in support of the application.

The report classifies the development as “minor”, as per the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance because it does not meet the threshold criteria for a Transport Assessment. Nevertheless, it assesses the impact the development will have on air quality during both the construction and operational phases.

The report concludes that the overall risk of impact is negligible for the construction phase, and that no additional mitigation measures are required to protect future occupants from exposure to poor air quality during the operational phases.

We do not accept the Air Quality Assessment for the following reasons, please note this list is not exhaustive:

- We consider that the development would be classified as Medium in terms of WYLES as it is within an AQMA and within 20m of a road of concern, with stop start traffic. Although the development itself will not impact on local air quality it will potentially be exposing sensitive receptors to poor air quality. We do not consider that this has been fully considered.
- It is unclear from the assessment what the baseline year is and there is no mention of an opening year. Predicted future year pollutant concentrations at the façade of the building has not been considered.
- The report refers to monitoring data provided by Kirklees Council, but this has not been taken from the latest 2023 Annual Status Report (ASR). This requires further explanation.
- The report has many incomplete statements eg. in section 4.3 “*Summarises the NO₂ concentrations recorded at the sites between 2013 and 2017.*”
- The assessment refers to Warwick “*Comparison of the mapped background concentrations with those measured at background locations in Warwick indicate that the use of monitored data is generally more conservative.*” This requires clarification, as Warwick is not within Kirklees and is in the West Midlands.

- The assessment refers to appendices and maps throughout, but these have not been provided. We cannot fully assess the contents of the report in the absence of the appended information referred to in the main body of the text.
- The assessment says that “car parking will not be required”, this contradicts a later statement which states that “allocated parking provision of eight parking/student drop off bays falls below the threshold level required for electric vehicle charging points” this requires clarification.
- For the construction phase a qualitative assessment of fugitive dust emissions was undertaken. However, the assessment has not identified any potential sources of dust during the construction phase. Neither has it identified the receptors that would potentially be impacted by the construction.

The report doesn't satisfactorily determine the level of exposure of future occupants to poor air quality and given the above we would strongly advise that the applicant seeks the advice of an air quality consultant who specialises in producing Air Quality Impact Assessments.

Noise

The applicant has submitted a Noise Impact Assessment authored by PDA dated 15 November 2023 Ref J004669-7414-DH-01. The report identifies the neighbouring commercial/licenced premises adjacent to the development site and considers the use of the front beer garden areas.

A noise level survey was undertaken at the site between 1146hrs on Friday the 10th of November and 1048hrs on Monday the 13th of November 2023 encapsulating a weekend period from 3 measurement positions (MPs) as shown in figure 2. A summary of the findings from each MP is shown in table 4.

The external seating area has been assessed based upon 2no. patrons sat at each of the 44no. tables and the external breakout noise is predicted in table 6. Modelling has been conducted and the calculated noise levels at each façade including the penthouses is given in table 7. Based upon these results, glazing and ventilation is specified to each façade to ensure the internal levels meet with the requirements of BS8233. Comment is made that each studio apartment on the west and south facades is being served by a Mechanically Ventilated Heat Recovery (MVHR) unit. It is predicted the external amenity space to the rooftop apartments will meet with the lower requirement of BS8233. Para 6.1.2 The report caveats the recommendations with a requirement to ensure all acoustic works are completed competently.

The findings of the submitted information is accepted but there is no reference to protecting the amenity of the first-floor occupiers from the proposed use of the ground floor. The submitted ground floor plan from C49 Architecture dated 09 September 2023 Ref NTL-PL-006 shows a counter along with tables and chairs indicating a commercial use. We require a higher level of sound insulation of a minimum $55\text{dB } D_{nT,w} + C_{tr}$ where commercial and residential properties share a party wall/floor/ceiling and in order to protect the amenity of the occupiers on the first floor, a condition is recommended for a further/addendum report to be submitted considering this aspect of the development.

Electric Vehicle Charging Points (EVCPs)

We note from the Plan by C49 Architecture (Drawing no. NTL-PL-006) titled “Ground Floor Plan as Proposed” that electric vehicle charging points are to be provided. It is expected that

the EVCPs meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. 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.

Loss of amenity caused by the construction of the development

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, we recommend a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

Recommended Conditions

AQIAC2 Air Quality Impact Assessment – New receptors in area of poor AQ – Condition

Before the development is brought into use a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented before first occupation & retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before construction work commences, a further/addendum noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed ground floor use of the development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

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.

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 written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of $55\text{dB } D_{nT_w} + C_{tr}$ shall be submitted to and approved in writing by the Local Planning Authority. 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 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 Bank/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.