

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93502 - 100-102 Northgate, Huddersfield, HD1 6AR		
Change of use from first floor and attic office (Eciii) to form 4 apartments (C3); erection of rear dormer extension at attic level and first floor extension to raise the roof of existing warehouse (B2/Eciii) to create additional storage space		
Responding Date: 03 January 2024	Responding Officer: Mohammed Nasim	Responding Ref: WK202339023
<u>Comments</u> Noise The applicant has submitted a Residential Noise Assessment authored by Nova Acoustics dated 23 August 2023 Ref NP-009787. The report states the area surrounding the site consists primarily of commercial buildings, garages and car dealerships with some residential dwellings to the east. There is a large road intersection to the southwest and railway lines 120m to the west. The acoustic environment is deemed to be moderate to high in level and the noise profile is dominated by road traffic noise emissions from the adjacent intersection and frequent vehicle pass-bys along Lower Fitzwilliam Street. Noise from the surrounding businesses was considered to be infrequent and secondary to road traffic noise. A background noise survey was undertaken from 2 measurement positions (MPs) as shown in figure 3 and a summary of the results is shown in table 2. In order to meet with the internal requirements of BS8233, glazing and trickle ventilation is specified in table 4 and this is based upon additional sound insulation to the roof being installed and a specification is provided at the end of Section 3. As windows cannot be opened due to the high levels of noise, a mechanical extract ventilation system should be installed to provide 'Whole Dwelling Ventilation' and a brochure for a Brookvent Aircycle 3.1 mechanical ventilation heat recovery system has been submitted. The report states special consideration should be given to 1.5 to 1.7 of Approved Document F to assist in the design of the ventilation system and to ensure the self-generated noise levels from the MEV extract fans to not exceed the specified criteria. The submitted Design & Access Statement from Jade3 Architecture dated 23 July 2023 Ref 2023 enquiry53 makes reference to a small balcony and this is shown in the computer generated image. No reference is made to this external amenity area in the submitted Noise Assessment and the findings at MP2 show elevated levels in exceedance of the external requirements of BS8233. However, the standard does recognise that these guideline values are not achievable in all circumstances and <i>'in higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted'</i> and this is accepted. As the residential units share a party wall/floor/ceiling with the commercial unit on the ground floor, a higher level of sound insulation is required. Table 6 discusses the reasoning based upon the operational hours and use and a figure of 53dB $D_{nT,w} + C_{tr}$ is stated which is 10dB		

above the Building Regulations requirement and this is accepted. A specification for the floor and walls is given to ensure the development meets with this higher standard with a caveat that a high standard of workmanship to ensure that any sound insulation measures are not breached. A further test will be required to ensure the sound insulation meets with this requirement.

The findings of the report are accepted and conditions are recommended to ensure the work specified is completed along with the submission of a sound insulation test.

Air Quality

The site sits just outside the town centre Air Quality Management Area and is near a busy road junction. The development will be introducing sensitive receptors into an area of poor air quality and a condition is recommended for an Air Quality Impact Assessment to be submitted.

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. Whilst no additional parking is proposed, the submitted plan from Jade3 Architecture dated 23 July 2023 Ref 101 shows the installation of a single EVCP. No specification is given so a condition is recommended to ensure it meets with the guidance.

Contaminated Land

The site lies adjacent to a former petrol station (our map ref 207/9). Whilst it is unlikely any groundworks will be necessary for the conversion/extension, a condition is recommended for any unexpected land contamination encountered should groundworks be required.

Construction Noise

The hours of construction will need to be controlled in order to protect the amenity of neighbouring properties during the construction phase and a condition is recommended.

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 23 August 2023 Ref NP-009787 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

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 written evidence to demonstrate that the airborne

sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB $D_{ntw} + C_{tr}$ 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.

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 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

EVC1 Electric Vehicle Charging Points – Condition

Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for the dedicated **parking space** at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

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.

CLC6 Reporting of Unexpected Contamination - Condition

If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

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. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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.