

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90058 - Penistone Road/Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Reserved Matters application, including the considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307 for the erection of residential development (up to 75 units) and the discharge of conditions 7 (include a Written Scheme of Archaeological Investigation (WSI) and Designer's Response), 8 (Foul and Surface Water Drainage Strategy), 9 (flood routing), 10 (mitigatory tree-planting), 11 (cycle parking), 12 (Arboriculture Assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment), 15 (noise impact assessment)

Responding Date:
27 March 2024

Responding Officer:
Mohammed Nasim

Responding Ref:
WK202407942

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Note – These comments relate to the discharge of Condition 15 (noise impact assessment) ONLY.

The condition is repeated below for reference -

15. *Plans and particulars relating to the Reserved Matters of layout and/or appearance shall, notwithstanding the submitted information, include a further Noise Impact Assessment report. The Noise Impact Assessment shall:*

a) Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme where required.

b) Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB LAeq,16hour.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: *In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and Lp52 of the Kirklees Local Plan.*

The applicant has submitted a Noise Assessment authored by Miller Goodall Ltd. dated 04 December 2023 Ref 102384 v2. Based upon measured data from the Outline Permission granted under 2020/92307, predictions and modelling have been used to determine the level of noise upon the occupiers of the development site.

In order to meet with the internal requirements of BS8233, Appendix 3 shows the facades which front on to Penistone Road (blue) will require a Type 1 ventilation system. There is also a recommendation for those which face the industrial/commercial sources (green) to have a Type 1 ventilation system installed. (Type1/System 1: Background ventilators and intermittent extract fans). This is based on the comments within Section 7.4 which finds that external

noise levels at the dwellings closest to Penistone Road are approximately 5dB above the threshold levels. The report calls this exceedance 'marginal' and we disagree with this comment. It is accepted that a 3dB increase is perceptible so to call anything more than that 'marginal' is incorrect. The applicant is referred to the Miller Goodall letter dated 21 July 2021 where they state that they '*...recommend that for the plots identified as needing mitigation, the minimum element normalised sound level difference of the trickle ventilators is increased to 35 dB $D_{ne,w}+C_{tr}$ (in Miller Goodall Report Ref. 102384, 27 dB was previously recommended)*'. We ask that this be reviewed and clarified.

In order to meet with the external requirements of BS8233, image 1 in para 7.6.1 shows that noise levels in external amenity areas across the site will be below 50 dB $L_{Aeq,16hour}$, except in a single garden in the southwest corner closest to the road which has a +1.1dB exceedance. Whilst deemed acceptable, comment is made about increasing the height of the existing 1.8m high fence to 2m and this is welcomed.

Reliance Precision Engineering Concerns

Comment has been received from Reliance Precision Engineering (Reliance) which sits to the south of the development site who have concerns about their operations and the potential for this to lead to a loss of amenity to future occupiers. They state they have a 24hr permission and having commissioned their own Acoustic Assessment (Nova Acoustics), have a difference of opinion in the measured noise levels.

Nova state their BS4142 assessment shows a negligible impact to the plots during the daytime along their northern perimeter but a significant impact dependent on context during the nighttime (+11dB). In mitigation, they recommend a 2m high bund with 3m fencing on top and this reduces the exceedance to +3dB.

Discussion

In our comments dated 02 March 2022 for the outline application, we stated both Miller Goodall and Nova Acoustics provided reasonable justifications for their conclusions and we would expect each party to provide their views dependent upon their role in the application. Miller Goodall state their monitoring data does not seem to indicate a clear impact from the use of the Reliance site and during their site visit, the onsite consultant could not perceive a specific noise level in periods of no passing traffic. Their assessment therefore focusses on road traffic noise from Penistone Road as the most dominant noise source affecting the site. Nova Acoustics have carried out a BS4142 assessment based on sound emissions from Reliance and after applying penalties for tonality and impulsivity, conclude with a significant impact during the nighttime.

It is not possible to compare both reports on a like for like basis as they come from different perspectives. Both parties have a responsibility to one another (Agent of Change principle – Applicant, and Best Practicable Means - Reliance) and a suggestion is for all parties to discuss both perspectives with a view to achieving common ground. Reliance have stated in a letter dated 22 February 2024 that they would welcome a discussion about what additional mitigation might be achievable and beneficial to both parties in moving this application forward and we would ask the same of the applicant.