

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/91145 - 90 New Street, Huddersfield, HD1 2TR		
Conversion of upper floors to 10 student flats and side elevation windows/shopfront design		
Date Responded: 31 May 2024	Responding Officers: RM, MN	Responding Ref: WK202415129
We have reviewed the application and supporting information and make the following comments and recommendations. <u>Air Quality</u> The site of the proposed development is within an Air Quality Management Area (AQMA 9) which incorporates the Huddersfield Ring Road and the whole of the town centre. An Air Quality Assessment by GEM Air Quality Ltd (ref: AQ2432) (dated: March 2024) has been submitted in support of the application. The report details an Air Quality Assessment, to determine the likely exposure of future residents to poor air quality, using a base year of 2022 and future year of 2026. Pollutant concentrations at 4 receptors representing the different facades of the building at heights of 5m and 8m were modelled using DMRB (Design Model for Roads and Bridges), and ADMS-Roads. The pollutants modelled were NO₂ and PM₁₀. The assessment concludes that pollutant concentrations at all receptors are predicted to be below the national air quality objectives (NAQO). We accept the Air Quality Assessment by GEM Air Quality Ltd and agree with the conclusion, that future residents living on the first and second floors of the proposed development will not be exposed to harmful levels of air pollution. <u>Noise</u> A Residential Noise Assessment by Nova Acoustics (ref NP-010914) (dated: 11 April 2024) has been submitted. Data from a previous application (2022/93938) has been resubmitted due to the similarities in the location and as it is some 18 months ago, the acoustic environment would be similar and therefore, this is accepted. Table 2 outlines the primary commercial noise concerns and respective operating hours and comment is made that The noise profile is typical for this type of area and is dominated by road traffic noise emissions from surrounding roads and noise from surrounding businesses. The HD1 sports bar is referred to along with its Friday and Saturday night opening hours. A summary of the results is given in table 3 and in order to meet with the internal requirements of BS8233, glazing and background ventilation is specified in table 5 but as windows cannot be opened without exceeding these requirements, as shown in table 6, alternative ventilation is proposed and this is specified in para 4.2. There is no external amenity space and so mitigation measures are not required. Section 5 considers the sound insulation between the proposed development and the adjoining commercial property making reference to our requirement of +10dB above Building Regulations requirements where residential and commercial uses share a party wall/floor/ceiling. The table in para 5.2 deems Class use E(a) to be high noise and therefore, a specification is given to achieving the requirement. The report caveats this by stating once		

works are completed, the development cannot achieve compliance until sound insulation testing is carried out by a UKAS accredited sound insulation testing company upon completion and assessed against the required sound insulation standard.

The findings of the report are accepted. Conditions are recommended to ensure the measures proposed are implemented in order to protect the amenity of the future occupiers.

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.

Recommendations

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 by Nova Acoustics (ref NP-010914) (dated: 11 April 2024) 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.

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.