

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2024/92684 - 13-15 Southgate, Huddersfield, HD1 1QX</b>		
<b>Change of use and alterations to retail units to create additional rooms for existing neighbouring House of Multiple Occupation (within a Conservation Area)</b>		
<b>Responding Date: 14 October 2024</b>	<b>Responding Officer: Mohammed Nasim</b>	<b>Responding Ref: WK202431884</b>
<p><b><u>Comments</u></b></p> <p><b><u>Noise</u></b></p> <p>The applicant has submitted a 347 It outlines the proposal and identifies the neighbouring uses and the A62 to the east of the site.</p> <p>A background noise survey was undertaken between the 14<sup>th</sup> and the 17<sup>th</sup> of June 2024 from one monitoring location (ML1) as shown in Figure 3. A summary of the findings is given in table 5 with comment made that the dominant source of noise was road traffic associated with Southgate (A62).</p> <p>In order to meet with the internal requirements of BS8233, glazing and ventilation is specified in table 10 with a caveat that the examples provided in Table 10 are for guidance only and any adopted solution must achieve the acoustic performance values presented in Table 8 and Table 9. Para 5.1.9 states that due to the high noise levels incident on the eastern facade of the development, which overlooks Southgate (A62), it is recommended that any windows located along this façade are sealed closed. (This may also be applicable for Air Quality reasons and the applicant is advised to seek further advice - see below). Whilst not within our remit, the ventilation requirements are discussed in section 5.2 with comment made that any mechanical ventilation adopted for the noise sensitive rooms should have a noise output which complies with NR25 noise rating curve.</p> <p>There is no external amenity area.</p> <p>This aspect of the report is accepted and a condition is recommended to secure the recommendations within.</p> <p>The report considers the requirement for a higher level of sound insulation where residential floors/walls meet with commercial/licensed premises stating that an access corridor along the party wall has been designed. However, there are parts of the development where habitable rooms share a party wall and this has not been considered within the scope of the report. A condition is recommended for the submission of an addendum/further report to consider this requirement.</p> <p><b><u>Air Quality</u></b></p> <p>The proposed development site will introduce sensitive receptors into an existing Air Quality Management Area (AQMA 9) and is also adjacent to a highway with Annual Average Daily Traffic (AADT) greater than 10,000 vehicles per annum. An Air Quality Impact Assessment will therefore be required.</p> <p><b><u>Construction</u></b></p>		

There is potential for a loss of amenity to neighbouring properties during any construction works and a condition is recommended to control these hours during this phase.

### **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 Noise Impact Assessment authored by NoiseAir dated 22 July 2024 Ref P7466-R1-V1 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 55dB  $D_{nTw} + C_{tr}$  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 and 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

### **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.