

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/92916 - 85 Blacker Road, Birkby, Huddersfield, HD1 5HQ
Alterations to dwelling to convert ground floor to office (within a Conservation Area)
Responding Date:
20 January 2025

Responding Officer:
Mohammed Nasim

Responding Ref:
WK202441929

Comments

There are immediate residential properties and we have concerns about noise affecting the amenity of the occupiers. We would recommend that the use Class (E) be restricted to the following –

- **E(c)** Provision of:
 - o **E(c)(i)** Financial services,
 - o **E(c)(ii)** Professional services (other than health or medical services), or
 - o **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - o **E(g)(i)** Offices to carry out any operational or administrative functions,
 - o **E(g)(ii)** Research and development of products or processes
 - o **E(g)(iii)** Industrial processes

We would also recommend that the hours of use be controlled to typical business use in the interests of protecting the amenity of neighbouring occupiers.

A condition is recommended to control the hours of construction in order to protect the amenity of neighbouring occupiers during this phase.

Recommended Conditions
Restricting use within a Use Class

The premises shall be used only as defined in Class E(c) and E(g), and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity, as a different form of use falling within Class E could result in an undue disturbance to the amenities of nearby residential occupiers beyond that associated with an office, so as to accord with Policies PLP24 and PLP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

HUC1 Hours of Use Open for Customers - Condition

The premises, shall not be open for business from the premises, outside the hours of:

- 0800hrs to 1800hrs Monday to Saturday.

No activities shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

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.