Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90116 - 42 Birmingham Lane, Meltham, Holmfirth, HD9 5LH		
Change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E (day nursery)		
Responding Date: **12 March 2025**	**Responding Officer:** **Mohammed Nasim**	**Responding Ref:** **WK202506211**

Comments

Noise

We have concerns about the transmission of noise from the proposed use affecting the amenity of the neighbouring property. Whilst the submitted supporting statement from Paul Matthews Architectural shows photographs of installed acoustic insulation, no sound insulation (R_w) values are given. A higher level of sound insulation is required where commercial and residential uses share a party wall/floor/ceiling and a condition is recommended for a Noise Impact Assessment to be submitted to consider all sources of noise from the proposal along with the level of sound insulation and any mitigation measures if deemed necessary.

The supporting statement makes reference to the average number of children on site at any time and the hours of use and a condition is recommended for a Noise Management Plan to be submitted detailing this along with any other noise control measures to ensure there is no loss of amenity to the neighbouring property.

Recommended Conditions

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before the use commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives 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 (wall/floor/ceiling 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.

PC2 Noise Management Plan – Condition

Before the use commences, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. The plan shall include a scheme to deal with noise from the commercial use of the premises and to include (but not limited to):

- the maximum number of children on the premises
- the hours of use
- management of noise from vehicle drop off/pick up
- outdoor use of the premises

The approved Noise Management Plan shall be fully implemented before use commences and operated in accordance with the approved plan thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.