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(f) (childminders)

Responding Date: 7 June 2025	**Responding Officer:** Mohammed Nasim	**Responding Ref:** WK202517218

Comments

In our comments dated 2 March 2025, we asked for evidence to show that the party wall sound insulation meets with our requirement of 53dB D_{nTw} + C_{tr} along with the submission of a Noise Management Plan in order to protect the amenity of the neighbouring property. The applicant has submitted a Noise Assessment authored by RP Acoustics dated 14 May 2025 Ref NA/1371/25/436 V1.0 which assesses the noise from the proposal and also includes a Noise Management Plan. Section 2 describes the site setting identifying the immediate neighbourhood and Section 5 identifies the potential sources of noise associated with the proposed use.

A noise survey was undertaken between circa. 1100hrs and 1430hrs on Wednesday the 23rd of April 2025 to capture typical daytime activities and para 3.2.1 states there were eight children being minded at the time of the survey. A summary of the findings is given in table 3.1. Section 2.2 describes the proposed use of the property with typical time periods of use.

Section 5.2 considers the drop off and collection activities in relation to the school and road traffic and Table 5.1 details the survey of vehicle activity on Birmingham Lane. Based upon the percentage of vehicles at the applicants address, and the respective acoustic impact, it determines a negligible impact.

Section 5.3 considers the operational noise and comment is made in para 5.3.2 that the applicant requested the co-operation of the neighbouring property in order to conduct sound insulation testing but no response was received and so the level of sound insulation has been predicted based upon typical construction materials. Based upon this along with the performance of the additional works, the report determines the level to be ≥53dB D_{nTw} + C_{tr} which meets with our requirements. The report states that whilst the number of children being minded fluctuates during the day and on a daily basis, the assessment is considered robust and was based on eight children being minded. A doubling of the number of children would increase the noise levels by 3dB and this is an accepted outcome which would result in a predicted noise level in the room of No. 44 adjacent to the separating wall to be acceptable.

The report proceeds to consider the use of the external amenity space to the rear describing the solid vertical barrier between the neighbouring properties. Based upon the measured levels, it predicts the level of noise to the external seating area of no. 44 and determines no specific measures are required.

The Noise Management Plan outlines the control measures to minimise the impact of noise breakout from the child minding business on local noise sensitive receptors but no detail is given on the maximum number of children on site. A condition is recommended to secure the

Noise Management Plan and to limit the number of children in the interests of protecting amenity. Para 2.2.2 of the assessment states eight to nine children and the Planning Officer is advised to consider a suitable number of children.

A condition is also recommended to control the hours of use in the interests of protecting amenity.

Note - Audio recordings have been received via the Planning Officer and upon review and applying context, it is our opinion that the noises heard would not lead to a loss of amenity. Primary legislation is available to address any issues of noise deemed to be a statutory nuisance.

Recommended Conditions

NC13 Operate in accordance with agreed plan – Condition

The development hereby approved shall be operated in accordance with the Noise Management Plan specified within the Noise Assessment authored by RP Acoustics dated 14 May 2025 Ref NA/1371/25/436 V1.0.

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.

HUC1 Hours of Use - Condition

The premises, shall not be open for business outside the hours of 0730 to 1730 Monday to Friday.

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.