Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90257 - 145 Westgate, Heckmondwike, WF16 0EW		
Discharge of conditions 4 (materials), 7 (AIP), 10 (ventilation), 11 (noise) on previous permission 2023/90553 for change of use of 2 dwellings and 2 commercial units to form 6 flats with associated extensions and alterations		
Responding Date: **12 February 2025**	**Responding Officer:** **Mohammed Nasim**	**Responding Ref:** **WK202503555**

Comments

Note – These comments relate to Condition 10 (Ventilation) and Condition 11 (Noise) ONLY

Condition 10 (Ventilation)

In our comments submitted under application no. 2023/90553, we referred to Section 6.3.5 of the revised Air Quality Assessment (Addendum – 6th April 2023) (ref: VA-2023- 415A) by Viridian Air which recommended that "*an appropriate mechanical ventilation system is installed in all habitable rooms facing A638 and that the air intake for the system is drawn from the eaves at the rear façade of the building based on the assumption that there will be no openable windows or ventilation openings on the façade facing A638*". The submitted statement simply proposes acoustic ventilation and purge ventilation which completely ignores the concerns about the poor air quality. It is therefore rejected.

The condition is repeated below for reference -

10. *Before construction commences, a ventilation scheme for habitable rooms where windows need to be kept closed to prevent occupants from being exposed to high levels of pollutants and excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:*

- *Identify which habitable rooms that face onto the A638 require a ventilation system*
- *The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded*
- *The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned apartments and retained and maintained thereafter.*

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.*

Condition 11 (Noise)

The applicant has submitted a Noise Assessment authored by Clement Acoustics dated 13 February 2023 Ref 18144 which acknowledges the requirements of the condition.

A noise survey was undertaken between 1300hrs on the 30th of January 2023 and 1500hrs

on the 1st of February 2023 from a single monitoring position as shown on plan 18144-SP1. A correction has been made due to reflections and a summary of the findings is given in table 6.1 with road traffic being the dominant source. Noise modelling shown in figure 7.1 and the subsequent results shown in table 8.1 indicate high levels of noise to the front façade of the development site for both daytime and nightime periods with low/medium to the rear.

In order to meet with the internal requirements of BS8223, glazing and trickle ventilation is specified in tables 9.2 and 9.3. Para 9.3 states it is understood the proposal on this site it to use System 4 ventilation as summarised in Table 4.4 and it is imperative that all mechanical extract ventilation is designed to not exceed the internal noise criteria stated in Table 4.3. The external amenity area meets with the external requirements of BS8233 and therefore, no mitigation measures are required.

The findings of the report are accepted.

Recommendations

Condition 10 (Ventilation)

The submitted information is rejected. We therefore recommend this condition is not discharged.

Condition 11 (Noise)

The findings of the report are accepted. However, we recommend the condition is not discharged until all of the mitigation measures within the Noise Assessment authored by Clement Acoustics dated 13 February 2023 Ref 18144 are implemented and retained thereafter.