

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2026/90257 - 37, Union Street, Dewsbury, WF13 1AS

Change of use of first floor offices (Use Class E) to 2 self-contained 1 bedroom residential flats (Use Class C3) including replacement of existing shopfront with aluminium shopfront, alterations to rear openings, and provision of cycle storage and bin storage (within a Conservation Area)

Date Responded:

Monday, 06 April 2026

Responding Officer:

Hannah Kent

Responding Ref:

WK/202606332

Thank you for consulting Environmental Health on the above application.

COMMENTS

The application is accompanied by a Planning Statement, no ref, Dated January 2026, prepared by Planning Management Ltd. The statement confirms that

The application focuses on the vacant first floor of the building which have been used as offices.

The ground and first floor are currently vacant and have previously been used as Offices (Class E) by Qualtech Resourcing. The property is empty and vacant and has been for about 1.5 years.

NOISE

The site occupies a town-centre location and is within close proximity to the A638 Dewsbury Ring Road and will experience noise levels associated with its location.

A noise assessment is required to establish the existing noise climate in the vicinity and determine the extent of any noise mitigation requirements to ensure the proposed development as a satisfactory internal noise environment.

Construction

The site is in close proximity to other premises that will be impacted during the construction and re-development phases of the development.

Asbestos

Due to the age of the building, any re-development work is likely to result in possible exposure and the release of asbestos containing materials (ACM).

In order to prevent the release of asbestos fibres into the environment during the demolition process, the developer will need to ensure the appropriate investigations and controls are in place.

Whilst it is a building control matter to ensure that asbestos is identified through asbestos surveys of buildings prior to redevelopment or demolition, should a developer undertake work that results in the release of asbestos containing materials into the environment, environmental health and the health and safety executive have responsibilities to investigate and ensure ACM's are effectively controlled to prevent environmental and public health impacts.

RECOMMENDATION

In light of the aforementioned, Environmental Health recommend the following conditions are included with any permission granted:

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and any neighbouring commercial noise sources shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

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 $55\text{dB } D_{nT\text{w}} + C_{tr}$ 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.

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.

INFORMATIVE

Destructive Asbestos Survey of Buildings

A destructive asbestos survey is advised to ensure that risks from asbestos in the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Prior to the commencement of works on site, a destructive asbestos survey of buildings may be necessary for Building Control.

The survey must locate and identify all asbestos containing materials before any structural work begins at a stated location or on stated equipment at the premises. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out. Development shall not be carried out other than in accordance with the approved details.

Footnote: Asbestos cement sheet and textured coating (artex) materials may be removed by non-licensed contractors but should be done in accordance with the guidance:

<https://www.hse.gov.uk/pubns/guidance/a14.pdf> HSE - Asbestos: Asbestos essentials.

Most other asbestos materials must be removed by a contractor licensed by the Health and Safety Executive. If at any stage during the development process asbestos is suspected, the work should stop immediately, and the material should be investigated. Details are required to be submitted to Building Control prior to commencement of works to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.