

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2020/91498 - Purple, 17, Albion Street, Cleckheaton, BD19 3JD
Change of use from A1 (Retail) to A4 (Drinking Establishment)
Date Responded:
30 June 2020

Responding Officer:
Natalie Heaney

Responding Ref:
WK/202014779

The site is within the centre of Cleckheaton and proposes to change a closed retail establishment into a drinking establishment, requiring only cosmetic changes. The applicant states this will provide 10 part-time positions and 3 full-time positions. Consequently, this will increase the employment opportunities in the area.

A Noise Management Plan was submitted alongside the application which details a number of measures that will be used to minimise noise impacts. It is understood that there is a residential property very close to the proposed development therefore we have concerns relating to noise from customers outside and also music played at the premises that may have an adverse impact on nearby residents. Conditions relating to controlling noise and restricting the hours of use are therefore necessary.

Recommended Conditions
Noise Management Plan and Hours of Use

The premises shall be operated in accordance with the Submitted Noise Management Plan by Nicola & Damien Warren (ref: PP-08744351) including the following times, outside which the premises shall not be open to customers,

- Monday to Thursday, 13:00 to midnight
- Friday and Saturday 13:00 to 02:00
- Sunday 13:00 to 23:00

Reason: To ensure that the proposed use 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.

Noise from live and recorded music

Noise from amplified and non-amplified music, singing and speech from the premises shall be controlled so as to be inaudible inside any nearby noise-sensitive location.

Footnote:

To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Local Planning Authority. To comply with the condition, noise from the premises shall not be audible at this point.

Licensees are advised to carry out a simple "sound check" outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore, steps should be taken to reduce the volume of the noise.

In case of dispute, the applicant can verify inaudibility by demonstrating

- zero increase in the $L_{Aeq, 1 \text{ min}}$ (music playing) over the background L_{A90} (music off) and
- zero increase in the $L_{10, T}$ VS $L_{90, T}$ exceedence in each 1/3 octave band between 40Hz and 160Hz.