| Consultation Response from: KC Environmental Health (Pollution & Noise Control) | | |
|---|---|---|
| 2021/94264 The Four Sons Inn, 129 Clough Lane, Rastrick, HD6 3QP | | |
| Erection of porch and external decking | | |
| **Responding Date:** 14th December 2021 | **Responding Officer:** Shirley Reynolds | **Responding Ref:** WK/202140140 |

**Comments**

We have reviewed the application, 2021/94264 The Four Sons Inn, 129 Clough Lane, Rastrick, for the erection of porch and external decking.

**Noise**
Whilst we do not have concerns with regard to the porch at the front entrance of the premises we have serious concerns that the large additional external seating areas to the front and rear of the building will significantly impact nearby noise sensitive receptors, by way of customer noise, detrimentally impacting the amenity of nearby residential properties. A condition is therefore necessary.

**Construction Noise**
To protect the amenity of noise sensitive receptors at neighbouring residential properties a condition relating to noisy construction related activities is necessary.

**Artificial Lighting**
No information has been submitted regarding External artificial lighting at the proposed external seating areas. Stray light and glare from poorly designed lighting schemes can detrimentally impact the amenity of nearby receptors. A condition is therefore necessary.

**Recommended Conditions**

**NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition**
Before construction work 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 of the noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises neighbouring the premises and across the road from the 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
d) details of the noise mitigation measures including the hours of use that will used at the proposed development to control noise from the use of the outside areas and it shall demonstrate that the noise will not cause a loss of amenity at nearby noise

sensitive premises.

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 works shall be thereafter retained.

**NF4 Competent Person - Footnote**

All noise assessments should be carried out by a competent person. Developers 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.

**CSC1 Construction Site Working Times - Condition**

Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxx 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.

**LC1 External Artificial Lighting - Condition**

Before the installation of external artificial lighting commences to the external seating areas a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The proposed hours of operation of the lighting
b) The location and specification of all of the luminaires
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

**Reason**: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and xxxxx of the Local Plan

**LF1 Artificial lighting - Footnote**

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Notes for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the appropriate Environmental Zone.