

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2022/92955 - 141 North Road, Kirkburton, Huddersfield, HD8 0RR
Discharge conditions 6 (noise impact assessment) and 7 (extraction) on previous permission 2020/92986 for change of use from class c3 (dwellinghouses) to sui generis and associated works to create a cafe/wine bar (within a Conservation area)
**Responding Date:
06 December 2022**
**Responding Officer:
Mohammed Nasim**
**Responding Ref:
WK202239388**
Comments
Condition 6 (Noise Impact Assessment)

The applicant has submitted an Entertainment Noise Impact Assessment authored by Nova Acoustics dated 06 October 2022 Ref 8422GB. It states -

- The Proposed Development has an internal capacity of 25 No. people and 35 No. people in the outside seating area.
- It is stated in Condition 3 of the decision notice that the Proposed Development shall not be open to customers outside the hours of 10:00 to 23:00 Monday to Saturday and 14:00 to 22:00 Sundays.
- In addition, Condition 4 of the decision notice states that use of the outdoor seating area to the rear of the building shall only operate between the hours of 10:00 to 21:00 on Monday to Saturday and 14:00 to 21:00 on Sundays.
- It is understood that the license allows for recorded amplified music until 23:00 and live music until 21:00. Due to the capacity of the venue, it is assumed that recorded music will generally be used for ambience only and will be set to a level to allow for 'normal' conversations. The use of amplified music will be limited to internal use only.
- It is currently not intended for any additional mechanical plant items to be installed for the development

Section 2 details the noise survey and comments on the requirements of condition 6 which specifies that the assessment should consider the predicted noise levels at the boundary of the properties adjacent to the Proposed Development, i.e. 139 and 143 North Road. However, both of these properties are commercial premises and are therefore considered less sensitive to potential noise impacts than the nearby residential noise sensitive receptors (NSR) (NSR1 and NSR2). The report states there is a NSR (NSR1) to the south of the site, at first floor level and at a distance of approximately 10m from the site boundary overlooking the outdoor seating area. Additionally, there is a NSR window to the east of the site (NSR2) again at first-floor level and approximately 10m north-east from the site boundary, overlooking the outdoor seating area. These properties are considered the nearest and most affected residential receptors to the Proposed Development and this reasoning is accepted.

Table 1 summarises the measured levels during the survey which was conducted from a location (MP1) as shown in figure 1 from 16/09/22 to 19/09/22 (Friday to Monday). Of note is the positioning of the microphone which was approx. 0.3m from the building façade which is a reflective surface. Whilst permitted, this position is not considered to be free-field, and a correction for reflections will need to be applied. However, despite a correction for distance and screening being considered, no correction for reflection has been noted in the proceeding

comments or data. This will affect any predicted levels and will therefore need to be addressed in a further/addendum report before we can comment further on the findings of the submitted report.

Condition 7 (Extraction)

The applicant has submitted a statement from Domus Architecture dated October 2022 which states '*Since obtaining permission, the applicant has decision to omit the first-floor kitchen from the operation and as a result, will not be serving food. Subsequently there are no commercial extract or ventilation requirements*'. We understand food will be served but as there will be no primary cooking, this is accepted.

Recommendations

Condition 6 (Noise Impact Assessment)

We recommend this condition is not discharged at this time.

Condition 7 (Extraction)

This condition can be discharged based upon the information within the submitted statement from Domus Architecture dated October 2022.