

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:
12 December 2022

Responding Officer:
Mohammed Nasim

Responding Ref:
WK202239388

Comments
Condition 6 (Noise Impact Assessment)

In our comments dated 06 December 2022, we queried the lack of a stated correction for reflection due to the location of the microphone during the survey. An e-mail has been received dated 09 December from Domus Architecture with an amended Entertainment Noise Impact Assessment authored by Nova Acoustics dated 09 December 2022 Ref 8422GB v002 attached which states '*...a conservative correction of 4.5 dB is applied to the measurement results*'. This clarifies the query and does not affect the submitted results within the report.

The report 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). Consideration has been given to the date of part of the monitoring which was conducted during the Queens funeral and therefore not typical of the environment. These findings have not been used in the subsequent assessment.

Based on reasonable assumptions, the report proceeds to assess the noise breakout from the bar area and the findings are shown in table 6 showing a low impact based upon the internal noise limit. A recommendation is made for a distributed PA system to be installed including the method of installation.

Section 4 considers the use of the external area to the rear making reference to the nearest noise sensitive residential window which our mapping system shows to be Turnshaw Road (NSR2) not North Road (NSR1) as shown within the report. Based upon the predicted noise level of 16 users within the time of 2000hrs to 2100hrs, table 10 shows a +12.3dB increase with a 'very substantial' impact rating on residential amenity. In mitigation, the report states the existing hit & miss type fencing should be replaced with a close boarded fence, extended to a height whereby there is no line of sight for the residential receptor. The specification and height of the fence is not given and this will be required to ensure the mitigation measures are effective. The fence offers a 5dB attenuation although a higher specification may afford more. In considering this 5dB along with a distance correction, the facade level would be 50dB which after allowing 15dB for a partially open window, would meet with the internal requirements of BS8233 for daytime.

The report states no additional fixed mechanical plant is proposed. However, a maximum level is given in table 12 should this not be the case and the applicant is advised to ensure the levels stated are adhered to, including the method of installation.

Section 6 looks at the noise management plan outlining noise control measures. It is imperative that these measures are implemented and reviewed periodically as there will be seasonal variations. It must be robust where necessary to ensure there is no loss of amenity to noise sensitive properties.

The findings of the report are accepted.

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)

Further information is required on the specification of the recommended fence and we recommend this condition is not discharged until this information is received, approved and implemented. All works and measures within the submitted Entertainment Noise Impact Assessment authored by Nova Acoustics dated 09 December 2022 Ref 8422GB v002 must

also be implemented before the condition can be discharged.

Condition 7 (Extraction)

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