KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	**2022/44/93550/W**
Site Address:	The Four Sons Inn, 129 , Clough Lane, Rastrick, Huddersfield, HD6 3QJ
Description:	Discharge condition 4 (noise assessment) on previous permission 2021/94264 for erection of porch and external decking
Recommending Officer:	Katie Chew

DECISION – Details for condition 4 approved

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 30-Nov-2022

Officer Report

Site Address - The Four Sons Inn, 129, Clough Lane, Rastrick, Huddersfield, HD6 3QJ.

Proposal - Discharge condition 4 (noise assessment) on previous permission 2021/94264 for erection of porch and external decking.

Condition 4 (noise assessment)

'4. Before construction work commences on the front and rear external decked areas hereby approved, 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 external decked areas of development*
a) *Details of the existing background and predicted future noise levels at the boundary of the neighbouring noise sensitive premises and the noise sensitive premises across the road from the proposed external decked areas*
b) *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.*
c) *Details of the noise mitigation measures including the hours of use that will used at the proposed external decked areas of the development to control noise 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, including the hours of use, have been carried out in full and such works shall be thereafter retained.
***Reason:** In the interests of the protection of neighbouring residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework'.*

Officers Assessment:

Condition 4 (noise assessment)

The applicant has submitted a Patron Noise Assessment authored by NOVA Acoustics dated October 2022 Ref 7974RS.

The submitted report details the existing background sound climate at the nearest receptors, as well as the sound emissions associated with the Proposed Development. An environmental sound survey was carried out from the 24th to the 27th of June 2022 in order to collect representative sound levels at the Noise Sensitive Receptors (NSRs) during the typical operational periods of the proposed development. The monitoring location is shown in Figure 1 and a summary of the results is shown in tables 1 - 3. Consideration has been given

to the use of the area, specifically to patron noise and based upon the relative maximum capacity for each area, noise modelling has been conducted based upon reasonable assumptions based upon the modelling, table 6 shows the predicted patron noise levels at NSRs with the impact deemed to be None/Not significant. The L_{Amax} noise levels of patron's shouts are also assessed and indicate a low impact.

The report proceeds to make the following recommendations -

- The external areas should have no background or amplified music
- The external areas should not operate outside of the operational times of the Public House

The Council's Environmental Health team were consulted on the proposals and raised no objections to the report submitted. They have however requested that this condition should not be fully discharged until the recommendations within the submitted report have been implemented. These recommendations should also be retained thereafter.

Environmental Health officers also recommend that the applicant submit a Noise Management Plan to the LPA which will ensure the external seating area is managed in a way to prevent any excess noise from affecting the amenity of neighbouring properties. Whilst a Noise Management Plan cannot be requested within this discharge of condition application, officers have sought to agree restricted hours of use for the external seating area. This is in accordance with criterion d of condition 4. This was agreed via email with the applicant's agent on the 30th of November 2022. The external seating area (hours of use of this external area) will therefore be available for use between the hours of 8am-10pm Monday to Sunday only.

Taking the above into account, the findings of the report and restricted hours of use for the external seating area are accepted. However, condition 4 cannot be fully discharged until the recommendations within the agreed Patron Noise Assessment authored by NOVA Acoustics dated October 2022 Ref 7974RS are implemented and retained thereafter.

Decision Notice Text

Condition 4 (noise assessment)

You have submitted the following details:

- Patron Noise Assessment authored by NOVA Acoustics, dated October 2022, ref 7974RS, received 2nd November 2022.
- Email from applicant's agent dated 30th November 2022, agreeing to the restricted hours of use of the external seating area to between 8am – 10pm Monday to Sundays only.

The information specified above, including all works recommended in the Patron Noise Assessment authored by NOVA Acoustics, dated October 2022, ref 7974RS, are considered to partly satisfy the requirements of condition 4.

Please note that to satisfy the ongoing requirements of condition 4: '*The development shall not be brought into use until all works comprised within the measures specified in the approved report, including the hours of use, have been carried out in full and such works shall be thereafter retained'.*

Report Dated:

30/11/2022