

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90544 Rose and Crown, 3 The Village, Thurstonland, Huddersfield, HD4 6XU		
Erection of outside seating booths to front terrace (within a Conservation Area)		
Responding Date: 21 st March 2023	Responding Officer: SR	Responding Ref: WK202307439
<p><u>Comments</u> We have reviewed application 2023/90544 and make the following comments and recommendations.</p> <p><u>Noise</u> The application is retrospective in nature and seeks permission for the temporary outdoor facilities that were established as a result of the Covid19 restrictions to remain in place. The Design and Access statement informs that the current arrangement has existed at the site for at least 19 months. Increasing the external capacity of a public house can give rise to loss of amenity by way of noise and disturbance by customers and possibly amplified sound. In order to mitigate these impacts we recommend the following conditions.</p> <p><u>Recommended Conditions</u></p> <p>PC2 Noise management Plan – Condition Before the seating booths are brought into use a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. The plan shall include a scheme to deal with noise from:</p> <ul style="list-style-type: none"> • loud voices from customers using the outdoor areas, timber seating booths and those leaving the premises <p>The approved noise management plan shall be fully implemented before use commences and operated in accordance with the approved plan thereafter.</p> <p>Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.</p> <p>HUC1 Hours of Use Open for Customers - Condition The use hereby permitted shall not be open to customers outside the hours of 12:00 to 22:30 Monday to Saturday and 12:00 to 22:30 Sundays</p> <p>Reason: To ensure that the proposed use(s) 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.</p> <p>Amplified Music/Entertainment - Condition</p>		

This permission does not authorise the installation or use of any external sound systems or equipment providing amplified entertainment.

Reason: For the avoidance of doubt as to what is being permitted and to safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Noise – Footnote

Kirklees Council has 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.