

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/92050 - Beauty Cottage, 20 Holmfirth Road, Meltham, Holmfirth, HD9 4ES
Change of use to drinking establishment/restaurant (mixed use) and formation of beer garden (Listed Building within a Conservation Area)
Responding Date:
29 August 2023

Responding Officer:
Mohammed Nasim

Responding Ref:
WK202325652

Comments

We have concerns about noise from the use of the property affecting the amenity of neighbouring properties.

A condition is recommended to ensure the sound insulation meets the higher requirement where licensed/entertainment premises share a party wall with a residential property.

A condition is recommended for a Noise Management Plan to be submitted which should address the use of the front of the property as a beer garden.

We are aware of the proposed opening hours as follows -

- Wednesday 1600hrs to 2100hrs
- Thursday 1600hrs to 2100hrs
- Friday 1600hrs to 2300hrs (outdoor space closed after 2100hrs)
- Saturday 1600hrs to 2300hrs (outdoor space closed after 2100hrs)

A condition is recommended to ensure compliance with these hours.

The use of the external area may require artificial lighting to ensure safe use. A condition is recommended for a lighting scheme to be submitted.

The submitted plan from ReQuestaPlan dated 12 February 2023 Ref TQRQM23043194554392 shows a kitchen to the rear. It is unclear if any primary cooking will take place and a condition is recommended for an Odour Assessment to be submitted.

Recommended Conditions

NC6 For use where proposed commercial and residential share a party structure (floor / ceiling or wall etc) – Condition

Before the development is brought into use, written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55 dB $D_{ntw} + C_{tr}$ shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

NF4 Competent Person - Footnote

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

PC2 Noise Management Plan – Condition

Before the site is 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. Amongst any others, the plan needs to consider noise from:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those at any outside areas and those leaving the premises
- disposal of glass bottles
- deliveries of supplies to the premises and removal for waste from the premises

The approved Noise Management Plan shall be implemented before use commences and retained thereafter.

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.

HUC1 Hours of Use - Condition

The premises, shall not be open for business outside the hours of:

- Wednesday 1600hrs to 2100hrs
- Thursday 1600hrs to 2100hrs
- Friday 1600hrs to 2300hrs (outdoor space closed after 2100hrs)
- Saturday 1600hrs to 2300hrs (outdoor space closed after 2100hrs)

The outdoor space as shown in the submitted plan from ReQuestaPlan dated 12 February 2023 Ref TQRQM23043194554392 must be closed after 2100hrs on Friday and Saturday.

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.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences, 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 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
- e) 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.

No external artificial lighting shall be used unless the lighting has been installed and operated 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 LP52 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 Note 01/21 for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2021 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 corresponding Environmental Zone (i.e. E0 to E4).

OC1 Kitchen Extract Scheme - Condition

Before food cooking commences, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

The approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises 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.

OC1F Kitchen Extract Scheme - Footnote

Detailed advice is available in "*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*" by EMAQ May 2022 (2nd Edition).