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# **Proposed Extension of Operating Hours & Plant Noise Condition Discharge**

**Oi Dumplings, 9 Peel Street,  
Marsden, Huddersfield, HD7 6BR**

## **Noise Impact Assessment**

**For: Oi Dumplings**

29<sup>th</sup> May 2026

Ref: NIA-12630-26-12886-v1 Peel Street, Marsden

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# 1 Introduction

## 1.1 Overview

Environmental Noise Solutions Ltd (ENS) has been commissioned by Oi Dumplings to carry out a noise impact assessment in relation to the proposed extension of operating hours at Oi Dumplings, 9 Peel Street, Marsden, Huddersfield, HD7 6BR (hereafter referred to as ‘the site’).

A planning application (ref: 2024/91684) was submitted to Kirklees Council in June 2024, which seeks to vary the existing operating hours as previously approved (ref: 2013/70/90561/W). Condition 4 of the existing planning approval restricts hours of operation to 0830 to 1800 Monday to Saturday, and 1200 to 1700 on Sundays. The proposals are for an extension of the permitted operating hours, to include 0830 to 2300, 7 days a week.

Environmental Health have commented on the application as follows:

*The applicant has stated that the current operating hours are 0830hrs to 1800hrs Monday to Saturday and 1200hrs to 1700hrs on Sunday. The proposal is to vary these hours to 0830hrs to 2300hrs Monday to Sunday.*

*We have concerns about the transmission of noise from the operational use and any fixed mechanical plant affecting the amenity of the neighbouring residential properties. The proposed use into a more sensitive time period is a concern and no evidence has been submitted to show there will be no loss of amenity. As such, we cannot support the variation.*

*We are also aware of the outcome of the Licensing Hearing held on 03 July 2024 when the decision was made to restrict the licensable hours from 1000hrs to 1800hrs daily.*

*Note*

*There is an outstanding condition granted under previous permission 2013/90561 for the submission of a kitchen extraction system which has not been discharged.*

Condition 3 of planning approval 2013/90561 relates to noise from fixed plant as follows:

*3. The use hereby permitted shall not begin until details of the installation and/or erection of any extract ventilation system, have been submitted to and approved in writing by the Local Planning Authority. Details of the methods of treatments or emissions and filters to remove odours and control noise emissions should be included. The works specified in the approved scheme shall be installed prior to the use commencing. Such works shall thereafter be retained and used and maintained in accordance with the manufacturer’s instructions.*

*Reason: So as not to detract from the amenities of the surrounding properties by reason of noise and odour and to accord with Policies EP1 and EP4 of the Unitary Development Plan.*

The objectives of the noise impact assessment were therefore to:

- Determine the existing ambient and background noise levels in the vicinity of the site
- Establish the potential noise emissions associated with the proposed development
- Assess the noise impact of the development on the nearest noise sensitive receptors (surrounding residential uses) in accordance with pertinent guidance
- Provide specific recommendations, where required, to avoid any potential for loss of amenity due to noise associated with the development

This report has been produced to support application 2024/91684 for the extension of operating hours, and to aid in the discharge of the Condition 3 of planning approval 2013/90561.

The report has been prepared for Oi Dumplings for the sole purpose described above and no extended duty of care to any third party is implied or offered. Third parties referring to the report should consult Oi Dumplings and ENS as to the extent to which the findings may be appropriate for their use.

A glossary of acoustic terms used in the main body of the text is contained in Appendix 1.

## 1.2 Site Description and Development Proposals

The site is located in a mixed-use area of Marsden, with hospitality and retail uses surrounding, and residential dwellings in the vicinity. The site location is indicated (outline in red) in Figure 1.1 below.

**Figure 1.1: Location of Development**



The site has retail units adjacent to either side at ground floor. The closest noise sensitive receptor to the development is the residential apartment at first floor of 11 Peel Street, with the nearest windows located circa 5 metres away.

The kitchen extract fan is located internally, to the rear of the property, fitted directly to the façade. The fan is proposed to operate during opening hours (08:30-23:00 daily).

## 2 Policy Context and Assessment Guidance

### 2.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF)<sup>1</sup> was updated in February 2025 and sets out the Government's planning policies for England and how these are expected to be applied.

Where issues of noise impact are concerned the NPPF provides brief guidance in paragraph 187 where it states that planning policies and decisions should contribute to and enhance the natural and local environment by:

*'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of.....noise pollution'.*

Paragraph 198 advises that:

*'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should.....mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'.*

The NPPF also refers to the 2010 DEFRA publication, the Noise Policy Statement for England (NPSE) which reinforces and supplements the NPPF.

### 2.2 Noise Policy Statement for England

The Noise Policy Statement for England<sup>2</sup> (NPSE) sets out the long-term vision of promoting good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. This long-term vision is supported by the following aims:

- Avoid significant adverse impacts on health and quality of life
- Mitigate and minimise adverse impacts on health and quality of life
- Where possible, contribute to the improvement of health and quality of life

The NPSE describes the following levels at which noise impacts may be identified:

- NOEL – No Observed Effect Level. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise
- LOAEL – Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected
- SOAEL – Significant Observed Adverse Effect Level. This is the level above which significant adverse effects on health and quality of life occur

According to the explanatory notes in the statement, where a noise level falls between the lowest observable adverse effect level (LOAEL) and a level which represents a significant observable adverse effect level (SOAEL):

*'...all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life whilst also taking into consideration the guiding principles of sustainable development. This does not mean that such effects cannot occur.'*

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1 National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2024)

2 Government Department for Environment, Food and Rural Affairs. Noise Policy Statement for England. March 2010.

## 2.3 Planning Practice Guidance on Noise

Planning Practice Guidance<sup>3</sup> (PPG) is an online resource which provides additional guidance and elaboration on the NPPF. It advises that the Local Planning Authority should consider the acoustic environment in relation to:

- Whether or not a significant adverse effect is occurring or likely to occur
- Whether or not an adverse effect is occurring or likely to occur
- Whether or not a good standard of amenity can be achieved

In line with the Explanatory Note of the NPSE, the PPG references the LOAEL and SOAEL in relation to noise impact. It also provides examples of outcomes that could be expected for a given perception level of noise, plus actions that may be required to bring about a desired outcome. However, in line with the NPSE, no objective noise levels are provided for LOAEL or SOAEL although the PPG acknowledges that:

*‘...the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation’.*

Table 2.1 summarises the PPG noise exposure hierarchy.

**Table 2.1: PPG Noise Exposure Hierarchy**

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not Noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
<b>Lowest Observed Adverse Effect Level</b>			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
<b>Significant Observed Adverse Effect Level</b>			
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

3 Planning Practice Guidance on Noise: <http://planningguidance.planningportal.gov.uk/blog/guidance/noise/>

The PPG also provides general advice on the typical options available for mitigating noise, suggesting that Local Plans may include noise standards applicable to proposed developments within the Local Authority's administrative boundary, although it states that:

*'Care should be taken, however, to avoid these being implemented as fixed thresholds as specific circumstances may justify some variation being allowed'.*

The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. The following guidance documents provide some meaningful context.

## **2.4 BS 4142 'Methods for Rating and Assessing Industrial and Commercial Sound'**

BS 4142:2014+A1-2019 'Methods for Rating and Assessing Industrial and Commercial Sound' (BS 4142)<sup>4</sup> describes methods for determining, at the outside of a building, noise levels from factories or industrial premises and a method for assessing whether the noise is likely to give rise to adverse impacts, and states:

*'The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. Typically, the greater this difference, the greater the magnitude of the impact. For example:*

*A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context*

*A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context*

*The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context'*

The rating level is described as the specific sound level (the equivalent continuous A-weighted sound pressure level at the assessment position (NSR) produced by the specific sound source over the given reference time interval) plus any adjustment for the characteristic features of the sound. The character correction relates to whether and to what degree the specific sound is assessed to have an element of tonality, impulsivity and/or characteristics that are readily distinctive against the residual acoustic environment.

The background noise level is the A-weighted sound pressure level of the residual noise at the assessment position that is exceeded for 90 percent of a given time interval, T, measured using time weighting 'F' and quoted to the nearest whole number of decibels.

The reference time interval of the specific sound is 1 hour during the daytime and 15 minutes during the night-time.

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British Standard 4142:2014+A1-2019 Methods for rating and assessing industrial and commercial sound, BSI (2014)

## 3 Noise Survey

### 3.1 Overview

In order to establish the ambient and background noise levels at the site and its surrounding environs, a baseline noise survey was undertaken from Thursday 23<sup>rd</sup> through to Friday 24<sup>th</sup> April 2026.

For the purpose of the assessment, a single noise monitoring position was adopted (see Appendix 2 for approximate monitoring position):

- MP1 was located in the vicinity of NSR1

Noise measurements were undertaken in free-field conditions to the rear of the site, using an NTi XL3 Type 1 integrating sound level meter. The meter was connected to a windshield covered microphone positioned at the location detailed above. The measurement system calibration was verified immediately before and after the survey period using a Bruel & Kjaer Type 4231 calibrator. No drift in calibration levels greater than 0.5 dB was noted.

The noted weather conditions during the survey were dry with wind speeds < 5 m/s. Weather conditions were therefore considered appropriate for noise monitoring.

Measurements consisted of A-weighted broadband parameters including  $L_{Aeq}$  and  $L_{A90}$ , together with linear octave band  $L_{eq}$  levels.

### 3.2 Summary

Table 3.1 presents a detailed summary of the noise data for each measurement session, rounded to the nearest decibel.

**Table 3.1: Summary of Long-Term Noise Measurement Data**

Position	Date	Time	$L_{Aeq, \tau}$ (dB)	$L_{A90}$ (dB)	Comment
MP1	23/04/26	1645-2300	50	44	Background noise levels driven by running water at the nearby River Colne.
	24/04/26	0700-0840	46	43	
	23-24/04/26	2300-0700	42	40	

Background noise levels were found to be driven by running water noise from the River Colne. The typical background noise level was **44 dB  $L_{A90,15min}$**  during proposed operating hours (0830-2300 hours), and **40 dB  $L_{A90,15min}$**  during the night-time (2300-0700 hours). Typical background noise levels have been derived based on a statistical analysis of the  $L_{A90,15min}$ , in accordance with BS 4142:2014.

### 3.3 Noise Associated with the Development

In order to establish the noise levels associated with the kitchen extract, short-term noise measurements were undertaken during typical use. Measurements were made externally, at 1-metre from the extract fan, using a calibrated B&K 2250 Type 1 sound level meter.

Table 3.2 sets out the results of short-term measurements.

**Table 3.2: Summary of Source Noise Measurement Data**

Source	Measurement Location	Noise Level
Kitchen Extract Fan	1-metre, external	59 dB $L_{Aeq,T}$

Noise from the kitchen extract plant facility was noted to be subjectively broadband in nature. A subjective assessment of plant noise at the receptor location found that plant noise was very quiet, and largely masked by the ambient noise level at the site, which includes running water noise from the River Colne.

### 3.4 Sound Insulation Test of Existing Separating Wall

It is understood that Kirklees Council has a requirement for licenced premises which share a party wall with residential premises to achieve a sound insulation performance of 55 dB  $D_{nT,w} + C_{tr}$ .

Airborne sound insulation testing was undertaken for all third octave frequency bands between 100–3150 Hertz. Two source positions were used. The spatial average sound pressure level was obtained for each source position in both source and receiving rooms using a swept microphone technique (continuously moving). An averaging time of 30 seconds was used for each microphone sweep. Reverberation time measurements were undertaken using one loudspeaker position and an interrupted source. The average of six decay measurements for each frequency band was determined from three fixed microphone positions with two readings in each case. The measurement system calibration was verified immediately before the commencement of the measurement sessions and again at the end, with no drift in calibration level noted.

The airborne sound insulation of the existing separating wall is summarised in the following table.

**Table 3.3 – Sound Insulation Test Results of Separating Wall**

Source Room	Receiving Room	$D_{nT,w} + C_{tr}$
First Floor Restaurant	First Floor Dwelling Apartment	65 dB

The airborne sound insulation of the existing separating wall is 65 dB  $D_{nT,w} + C_{tr}$ , which is considered to be relatively high.

## 4 Noise Assessment

### 4.1 Receptor Noise Level

The nearest receptors windows are located circa 5 metres from the extract plant, and are screened from the plant due to the angle of view.

In order to predict the resultant noise levels at the nearest NSRs, the following relationship may be employed:

$SPL_{NSR} = SPL_{REF} - DA - SA$  where:

$SPL_{NSR}$  is the resultant sound pressure level at the nearest NSR (dB)

$SPL_{REF}$  is the calculated sound pressure level at source (dB)

DA is the distance attenuation of noise

SA is the screening attenuation of noise

Distance attenuation (DA) is calculated as follows:

DA =  $20 \times \log ( D_{source} / D_{rec} )$  where,  
 $D_{SOURCE}$  = distance to source; and  
 $D_{REC}$  = distance to receiver.

BS 5228:2009 Part 1 states ‘*In the absence of spectral data, as a working approximation, if there is a barrier or other topographic feature between the source and the receiving position, assume an approximate attenuation of 5 dB when the top of the plant is just visible to the receiver over the noise barrier, and of 10 dB when the noise screen completely hides the sources from the receiver. High topographical features and specifically designed and positioned noise barriers could provide greater attenuation.*’

Screening attenuation is robustly taken as 5 dB for NSR1, which will be screened by the angle of view.

The resultant delivery noise levels at the NSRs are set out in Table 4.1.

**Table 4.1: Resultant Plant Noise Levels at the NSRs**

NSR	Noise Level at 1m	Distance Attenuation	Screening Attenuation	Noise Level at NSR
NSR1	59 dB $L_{Aeq,T}$	-14 decibels ( $20 \times \log(1/5)$ )	-5 dB	41 dB $L_{Aeq,T}$

## 4.2 Impact Assessment

The assessment set out in this section considers the noise impact of the kitchen extract on the receptor.

BS 4142 requires that an adjustment can be made for the characteristic features of the sound. Kitchen extract plant was found to operate at a steady, low-level, and has no subjective tonal or intermittent character. Furthermore, plant noise was found to be largely masked by the residual noise climate at the receptor. As no acoustic character is likely to be perceivable at the nearest receptors, no character penalty is warranted.

On the basis of the above, Table 4.2 contains a BS 4142 assessment at the nearest NSR for the resultant noise levels due to fixed plant noise emissions from the development.

**Table 4.2: BS 4142 Assessment**

Results	NSR1	Comment
Specific sound level	41 dB $L_{Aeq}$ (1 hour)	Calculated noise emissions due to proposed plant
Acoustic feature correction (Rating penalty)	+0 dB	No acoustic character likely to be perceivable
Rating level	41 dB $L_{Ar}$ (1 hour)	Rating level for a typical daytime operating period
Background sound level	44 dB $L_{A90, T}$	Typical daytime background noise level
Excess of rating over background sound level	-3 dB	Indication of low impact subject to context

Rating levels at the worst-case receptor are 3 dB below typical background noise levels during operating hours. In accordance with BS 4142, this is an indication of a low impact, subject to context.

Based on subjective assessment of the kitchen extract plant at the receptor location, plant noise was found to operate at a very low level, and was largely masked by the residual noise which is driven by flowing water noise from the River Colne.

On the basis of the above, plant noise at the receptor is considered to correlate with a No Observed Adverse Effect Level (NOAEL) i.e. noise may be heard, but does not cause any change in behaviour or attitude and such noise may slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.

## 4.3 Sound Insulation

The airborne sound insulation of the existing separating wall is 65 dB  $D_{nT,w} + C_{tr}$ , which is relatively high.

On this basis, the Kirklees Council requirement of 55 dB  $D_{nt,w} + C_{tr}$  for licenced premises which share a party wall with residential premises is exceeded by a significant margin. As such, the site is considered to be suitable for the proposed use, and is not constrained by noise.

## 5 Summary and Conclusions

A noise survey and assessment has been undertaken in relation to the proposed extension of operating hours at Oi Dumplings, 9 Peel Street, Marsden, Huddersfield, HD7 6BR.

A planning application (ref: 2024/91684) was submitted to Kirklees Council in June 2024, which seeks to vary the existing operating hours as previously approved (ref: 2013/70/90561/W). Condition 4 of the existing planning approval restricts hours of operation to 0830 to 1800 Monday to Saturday, and 1200 to 1700 on Sundays. The proposals are for an extension of the permitted operating hours, to include 0830 to 2300, 7 days a week.

Condition 3 of planning approval 2013/90561 requires assessment of noise from fixed plant.

Baseline noise monitoring was carried out to determine prevailing ambient and background noise levels at the site and to inform the assessment of noise impact from the proposed fixed plant.

An assessment of the operational noise of the proposed plant has been undertaken in accordance with BS 4142. The assessment found that the rating level of proposed plant noise was at least 3 dB below the typical background sound level.

On the basis of the above, plant noise at the receptor is considered to correlate with a No Observed Adverse Effect Level (NOAEL). As such, noise from the site is not considered to restrict the proposed operating hours of the business.

The assessment outcomes satisfy the requirements of Condition 03 of planning approval 2013/90561 and therefore, it is recommended that the condition can be discharged.

The airborne sound insulation of the existing separating wall exceeds the Kirklees Council requirement of 55 dB  $D_{nt,w} + C_{tr}$  for licenced premises which share a party wall with residential premises. As such, the site is considered to be suitable for the proposed use, and is not constrained by noise.

## Appendix 1 – Abbreviations and Definitions

### Sound Pressure Level ( $L_p$ )

The basic unit of sound measurement is the sound pressure level. As the pressures to which the human ear responds can range from 20  $\mu$ Pa to 200 Pa, a linear measurement of sound levels would involve many orders of magnitude. Consequently, the pressures are converted to a logarithmic scale and expressed in decibels (dB) as follows:

$$L_p = 20 \log_{10}(p/p_0)$$

Where  $L_p$  = sound pressure level in dB;  $p$  = rms sound pressure in Pa; and  $p_0$  = reference sound pressure (20  $\mu$ Pa).

### A-weighting

A frequency filtering system in a sound level meter, which approximates under defined conditions the frequency response of the human ear. The A-weighted sound pressure level, expressed in dB(A), has been shown to correlate well with subjective response to noise.

### Equivalent continuous A-weighted sound pressure level, $L_{Aeq, T}$

The value of the A-weighted sound pressure level in decibels of continuous steady sound that within a specified time interval,  $T$ , has the same mean-square sound pressure as a sound that varies with time.  $L_{Aeq, 16h}$  (07:00 to 23:00 hours) and  $L_{Aeq, 8h}$  (23:00 to 07:00 hours) are used to qualify daytime and night-time noise levels.

### $L_{A10, T}$

The A-weighted sound pressure level in decibels exceeded for 10% of the measurement period,  $T$ .  $L_{A10, 18h}$  is the arithmetic mean of the 18 hourly values from 06:00 to 24:00 hours.

### $L_{A90, T}$

The A-weighted sound pressure level of the residual noise in decibels exceeded 90% of a given time interval,  $T$ .  $L_{A90}$  is typically taken as representative of background noise.

### $L_{AF \max}$

The maximum A-weighted noise level recorded during the measurement period. The subscript 'F' denotes fast time weighting, slow time weighting 'S' is also used.

### Single Event Level / Sound Exposure Level (SEL or $L_{AE}$ )

The energy produced by a discrete noise event averaged over one second, regardless of the event duration. This allows for comparison between different noise events which occur over different lengths of time.

### Weighted Sound Reduction Index ( $R_w$ )

Single number quantity which characterises the airborne sound insulation properties of a material or building element over a defined range of frequencies ( $R_w$  is used to characterise the insulation of a material or product that has been measured in a laboratory).

## Appendix 2 – Noise Monitoring Position

