Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2025/91090 - The Cask And Spindle, 112 Abbey Road, Shepley, Huddersfield, HD8 8EL

Erection of single storey extension, formation of external beer garden, external building alterations and associated works

Responding Date: 29 July 2025	**Responding Officer:** Mohammed Nasim	**Responding Ref:** WK202521653

Comments

Noise

The applicant has submitted a Noise Impact Assessment authored by ENS dated 20 June 2025 Ref NIA/12117/25/12378/v1/Cask & Spindle, Shepley. It outlines the proposal and determines the nearest noise sensitive receptor (NSR) is approximately 5m to the west of the site on Station Lane with another NSR approximately 20m to the north on Abbey Road as shown in table 2.3. Note - The report refers to NSR's A (Station Lane) & B (Abbey Road) but Appendix B has labelled them NSR B (Station Lane) and NSR C (Abbey Road).

Noise monitoring was undertaken from Friday the 13th to Monday the 16th of June 2025 from two monitoring positions as shown in appendix B and a summary of the findings is given in table 3.1. Comment is made that the dominant source was road traffic.

Para 4.2 models the noise levels at the façade based upon an assumption of up to 40 patrons outside at any one time but it is unclear why comment has been made on noise emission from the internal bar area via the entrance door on the assumption that the door is fully open throughout the assessment period as we would expect any doors to be kept closed or have an acoustic lobby. We accept the noise modelling does not include any existing boundary fences or similar which would provide some acoustic screening.

Based upon the numbers of patrons talking, the modelling predicts an exceedance of +3dB at NSRB (Station Lane) as shown in table 4.3. It is accepted that an exceedance of up to +3dB is deemed negligible but no account has been taken of raised voices/laughter etc. and so we have concerns about the use of this area up to midnight as stated within the application form and supporting information. We would suggest a more appropriate time for the use of this area would be up to 2100hrs which would protect the amenity of NSRs in the later part of the evening.

Noise Management Plan

A condition is recommended for the submission of a Noise Management Plan, detailing the measures to be taken to cover the site as a whole in order to protect the amenity of neighbouring properties.

Contaminated Land

The site sits within 250m of a former landfill and is adjacent to potentially contaminated land (our map ref 142/16). A condition is recommended for any unexpected contamination encountered during any groundworks.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

Construction

A condition is recommended to control the hours of construction in order to protect the amenity of neighbouring properties.

Recommended Conditions

HUC1 Hours of Use – External Beer Garden

The external beer garden shall not be used outside the hours of 1200hrs and 2100hrs daily.

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.

PC2 Noise Management Plan – Condition

Before the development 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. The plan shall include a scheme to deal with noise from, but not limited to:

- music and/or other amplified sound at the premises
- loud voices from customers at the premises including those at outside areas (inc. smoking shelters) and those leaving the premises
- disposal of glass bottles
- outdoor equipment such as chillers, and air conditioning plant
- deliveries of supplies to the premises and removal for waste from the premises

The approved Noise Management Plan shall be fully implemented before use commences and operated in accordance with the approved plan 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.

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the

Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

EVC1 Electric Vehicle Charging Points - Condition
Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

EVF1 Electric Vehicle Charging Points – Footnote
A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

CSC1 Construction Site Working Times - Condition
No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote
Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional 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.