

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/91755 - 27 Britannia Road, Slaithwaite, Huddersfield, HD7 5HF		
Change of use from hair salon (Use Class E) to wine bar (Sui-Generis Use) with minor shopfront alterations and new outdoor seating area (within a Conservation Area)		
Responding Date: 23 September 2025	Responding Officer: Mohammed Nasim	Responding Ref: WK202528140
<u>Comments</u> <u>Noise</u> The applicant has submitted a Noise Assessment authored by DRUK Limited dated 30 May 2025 Ref DRUK/ACC/RS/WSBR/3316.1 ver 2. It makes reference to pre-application advice but the outdoor seating area was not included in any plans submitted at that time and so any comments did not include this use. It describes the neighbouring commercial and licensed uses and identifies the residential flat above the proposed development along with those to the rear on Mallard Way amongst others. Background noise surveys were conducted between the 15th to the 18th of May 2025 at or around the operating hours of the proposed wine bar and in particular the rear seating area. The measurement positions are shown in figure 2 and a summary of the findings is given in tables 3 and 4. Comment is made that the dominant source was road traffic. Using data from the applicants site in Lindley, the report considers the break out noise from the wine bar based upon the existing construction and determines no impact upon the residential uses opposite. This is applicable to the other facades based upon the existing and unaltered construction and design. The report proceeds to consider the potential sound transmission from the use of the external seating area to the rear based upon a maximum of 20no. patrons. Modelling has been conducted based upon two scenarios – with a 1.4 to 1.8m high barrier and without. It is apparent to us that mitigation will be required and this modelling shows a slight exceedance of the WHO/BS8233 guidance should a window in the flat above the Conservative Club be opened. The modelling shows the flat above SOS Interiors (29B) would meet with WHO/BS8233 and is accepted. The only window to the rear of the flat above the development site is a bathroom and therefore not deemed a habitable room and so there would be no impact upon the occupier and this is accepted. The submitted information is rejected as no consideration has been given to the transmission of noise to the occupier of the upper floor of the building nor to the neighbouring residential use (29B). Para 6.2 of the submitted Planning Statement from LDA Design dated June 2025 states noise insulation measures are proposed but this is not reflected in the Noise Assessment. No modelling has been conducted to show the impact upon any of the occupiers on Mallard Way and this will be required to ensure there is no impact upon them. The applicant is advised that garden spaces are deemed premises and should therefore be considered in any modelling. We ask that any modelling is based upon a minimum specification of fencing and		

that there is no ambiguity in height.

We recommend a further/addendum Noise Assessment is submitted to consider the points raised. The applicant is informed that a higher level of sound insulation is required where licensed premises share a party floor/ceiling or wall and a condition is recommended to ensure it meets with this value.

Recommended Conditions

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before construction work commences, a further/addendum 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 noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of any deemed noise sensitive premises
- c) 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

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

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.

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/ceiling or walls of the development is of a minimum of 55dB $D_{nTw} + C_{tr}$ 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.