

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

2026/90446 - Denby Dale News, 337-339, Wakefield Road

Change of use and alterations to convert from retail to micro bar (sui generis) with beer garden to rear

Date Responded:
Friday, 10 April 2026

Responding Officer:
HK

Responding Ref:
WK/202606695

Thank you for consulting Environmental Health on the above application

Observations & Comments

Noise

This application has the potential to impact residential amenity due to the proximity of the proposed development to neighbouring residential dwellings and their gardens.

Environmental Health have viewed the 43 “neighbour representations”, and whilst we note that nearly all are supportive, only 2 representations have been made by neighbouring residences, one objecting to noise from use of the rear beer garden and live music noise levels.

The applicant has submitted a document entitled “Noise Management” in support of the application which states that:

“This assessment considers the likely effect of customer noise and operational activities on nearby residential properties and determines whether the development has the potential to result in loss of residential amenity”.

The submitted “Noise Management” statement acknowledges that the:

“site comprises a former retail unit located within an established mixed commercial and residential area”

And acknowledges that residential neighbours are approximately 10m away from the rear beer garden.

Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction (Para.2.9 NPSE). Human hearing has evolved over time and is best adapted to frequencies between 1000 and 3500Hz, corresponding with the human voice. Our hearing system has evolved through paying attention to the human voice. A raised human voice is clearly discernible in comparison to other noise sources and as such is more intrusive.

While the applicant has submitted the noise management statement and has acknowledged the potential for impacting the residential amenity of the area if noise is not effectively controlled, outlining a number of mechanisms for managing noise such as disposal of glass bottles, managing deliveries and refuse collections, and managing amplified sound. The use of the rear beer garden being in such close proximity to residential neighbours is highly likely to impact residential amenity, and therefore Environmental Health would not support the use of this space as an outdoor beer garden.

External Lighting

Artificial lighting has the potential to increase artificial lighting levels locally impacting biodiversity and the amenity of nearby dwellings. The applicant must ensure that any external

lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare.

Recommendations

Environmental Health do not object to the application in principle for the change of use of the former news agents to a microbrewery. However, the use of the rear outdoor beer garden is likely to result in loss of residential amenity to neighbouring residential dwellings and should be refused.

If planning is mindful to grant permission for the development, we would recommend the following conditions are applied:

PC1 Entertainment Noise Inaudibility – Condition

Where entertainment events take place more than once per week or continues beyond 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled so as to be inaudible inside the nearest residential premises. Inaudibility being defined as:

- if the external $L_{Aeq, (1min)}$ (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external L_{A90} (of the background with no music etc. noise) at the façade of the nearest residential premises, and
- if the external $L_{10 (5min)}$ (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external L_{90} (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place more than 30 times per year, not more than once in a single week and ends by 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled such that:

- the external $L_{Aeq, (1min)}$ (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external L_{A90} (of the background with no music etc. noise) by more than 5 dB at the façade of the nearest residential premises, and
- the external $L_{10 (5min)}$ (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external L_{90} (of the background with no music etc. noise) by more than 5 dB in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place up to 30 times per year, suitable alternative external noise limits will be allowed based on the criteria set out the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council, 1995).

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.

PCF Inaudibility Footnote

A simple “sound check” can be carried out outside the nearest noise sensitive property by listening to the music etc. coming from the application premises. If the music etc. is clearly audible, then it is likely that this condition is being breached. Therefore, steps should be taken to reduce the level that the music etc. is being played at.

PC2 Noise Management Plan – Condition

Within one month of permission being granted, 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:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those at outside smoking areas 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, and
- provide a noise complaints procedure

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.

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 of all 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).