

**INTERNAL CONSULTATION RESPONSE****Regulatory Services and Health**

Cheshire East Council

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<b>SITE LOCATION</b>	88-90 Chestergate, Macclesfield, SK11 6DU
<b>APPLICATION No.:</b>	<b>22/1180M</b>
<b>PROPOSAL:</b>	Variation of Condition 8 (Opening Hours) on 21/1500M - Change of use to hotel accommodation with cafe bar, restaurant and kitchen
<b>TO:</b>	Cheshire East Planning
<b>PLANNING OFFICER:</b>	
<b>DATE:</b>	9 <sup>th</sup> May 2022
<b>OUR REF:</b>	075397

Regulatory Services and Health has considered this application and would make the following comments with regards to **AMENITY**, **AIR QUALITY** and **CONTAMINATED LAND**. The recommendations are intended to provide sufficient information to guide planning officers to adequately word conditions. Where the planning officer considers that the recommendations should be substantially altered, or not included in the decision notice, it is requested that he/she discusses the matter with the relevant officer in this Service.

**REFUSAL RECOMMENDED - Reason: high potential for noise to affect the residential amenity/ quality of life of residents of nearby dwellings**

**AMENITY / NOISE / QUALITY OF LIFE COMMENTS****Brenda Lomas**

I would refer to comments made by this Service to the previous application, namely 21/1500M, in relating to concerns regarding potential noise impact to nearby residents from the proposed use of the premises as a café bar / restaurant. At that time, this Service considered that there is high potential for noise to be caused in the locality from the operational noise of plant and equipment associated with the use of a commercial kitchen – but also from patron noise i.e. ‘accumulation of people noise’ - if appropriate noise mitigation measures were not employed. Patron noise may be caused if windows / doors of the café/bar/restaurant were opened for ventilation/ cooling purposes and also when departing from the premises at sensitive times. Those concerns remain valid in terms of this application to vary condition 8 of 21/1500M and to extend the hours of use.

As part of the original application, the applicant employed the services of Peak Acoustics - acoustic consultant, who assessed the likely impact of operational noise from the proposed use to the nearest residential dwellings. The report assessed the impact of the noise up to a maximum termination time of 23.00 hours as being the days and times of use of the café / bar stated within

the application 21/1500M. i.e. Monday to Friday 08.00 hours to 22.00 hours, Saturday 08.00 hours to 23.00 hours and Sundays, 08.00 hours to 18.00 hours

The sensitivity of the site in terms of the necessity to employ effective and appropriate noise control measures to operate during the application days/hours of was confirmed within the acoustic report including details of the close proximity of dwellings.

The application to vary condition 8 of approved 21/1500M seeks to extend the opening hours to Sunday to Thursday 08.00 hours to 23.00 hours and Friday and Saturday 08.00 hours to 00.00 hours.

It was deemed that as part of a 'best practice' method of noise control - and to protect the residential amenity of nearby residents - the days / hours of use of the café bar were required to be reasonable. (Most persons expect to be able to sleep from late evening hours onwards and to enjoy undisturbed sleep.) The assessment was undertaken with the view that the premises would close at a maximum termination time of 23.00 hours and that no amplified music would be played in the premises.

The same Peak Acoustic Assessment report is attached to this application – 22/1180M. The noise assessment incorporated BS4142:2014 which is a recognised standard for the assessment of noise from a commercial business where it may impact upon residential dwellings. The stipulated daytime hours of the British Standard is 07.00 hours to 23.00 hours. This time period was used as part of the assessment calculation i.e. as it was deemed that the premises would not be open after 23.00 hours. It should be noted that in addition to the protection of nearby residents, the acoustic report recommended that reasonable days/hours of opening hours would be necessary as a means of protecting those persons who would be staying in the hotel rooms within the application building.

The acoustic assessment identified that noise attenuation would be required to the operational noise of the kitchen extract system in order to protect the nearest residents. The report further recommended the installation of an air conditioning system inside the café/bar/restaurant for the comfort of patrons – as a measure to negate the likelihood of the opening of doors and windows of the premises. The report further stated that there should be no amplified music played at any time.

The acoustic consultant stated within the report, that it had not been possible to take any measurements of air conditioning units as such plant was not at the site at the time. The report clearly stipulated that the operational noise levels of such units would have to be controlled / restricted to minimise potential adverse noise impacts to residents - and the report provided an appropriate noise rating dB level which should not be exceeded in terms of the operational noise of selected condenser units. Condition 11 of 21/1500M was imposed to ensure that operational noise from external air conditioning equipment was appropriately controlled.

In terms of this application, i.e. 22/1180M, this Service has noted the applicant's comments in terms of a 'commercial' comparison with similar eating / socialising venues nearby in the town centre location – such as the Picturedrome on Chestergate. This Service would take this opportunity to point out that the opening hours of The Picturedrome are currently 09.00 hours to 22.00 hours Tuesday to Saturday and 09.00 hours to 18.00 hours on a Sunday. The approved hours for 88-90 Chestergate as a bar/café/restaurant are therefore considered to be very reasonable as a comparison.

This service would express a concern as regards the application detailing that the nearest gardens to dwellings are 24 metres in distance from the application premises - and therefore that noise should not be an issue – in spite of the details provided in the acoustic report. Bedroom and other house windows of the nearest dwellings are much closer to the site with the result that there is high potential for noise impact to be caused inside the dwellings. Residents should be able to have house windows open for normal ventilation purposes – particularly in the warmer weather months. Intrusive noise has high potential to result in the inability of getting to sleep and sleep disturbance

being caused.

It is understood from the application that the use of the premises as a cafe/bar has not as yet commenced. This Authority would require confirmation as regards whether air conditioning units have been installed, and if so, whether the operational noise levels of external condensers meet the noise rating levels stipulated in the Peak Acoustic report.

As the BS4142:2014 standard has a night time level of 23.00 hours to 07.00 hours – then a further acoustic report would be necessary for an application which wishes a change of time to beyond 23.00 hours.

For the aforementioned reasons, this Service therefore recommends a refusal of this application on the grounds of potential noise, loss of residential amenity and the protection of the quality of life of nearby residents.

*Reason: In accordance with paragraph 185a of the National Planning Policy Framework to avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity*

#### **AIR QUALITY COMMENTS**



No Comments

#### **CONTAMINATED LAND COMMENTS**



Email: [Redacted]  
Email: [Redacted]  
Email: [Redacted]

No comments

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.