

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2019/93048 - Level 3, Kingsgate Shopping Centre, King Street, Huddersfield, HD1 2QB		
Sub division and change of use from A1 (Retail) to A1 and A1/A3/A4/D2 Uses		
Date Responded: 06 Nov 2019	Responding Officer: Richard Hume	Responding Ref: WK/201919879
Noise The proposed change of use has the potential to cause noise (such as from music and other amplified sound and additional external plant and equipment) that may have an adverse impact on nearby noise sensitive premises. This is particularly relevant considering the proposed times of use which are between 06:00 and 02:00 and therefore includes particularly sensitive times of the day. Conditions are therefore necessary to ensure that any additional noise created by the development is effectively controlled. Hours of use The operation of the premises at sensitive times of the day can have an adverse impact on nearby noise sensitive premises in the vicinity. A condition restricting the times of use of the premises, in line with the proposed times of operation, is therefore necessary. Odour The proposed change of use will have the potential to cause cooking odours that may have an adverse impact on occupiers of nearby premises. A condition is therefore necessary to ensure that odours from any new food cooking operations are effectively controlled. Air Quality The proposed development would normally be classed as a medium development in accordance with the classifications in West Yorkshire Low Emission Strategy (WYLES) based just on its size. However, because it is also within an Air Quality Management Area its medium classification is elevated to a major development. A condition requiring a Full Air Quality Impact Assessment including calculating the monetary damages from the development is therefore necessary. <u>Recommended Conditions</u> Noise from Amplified Sound Amplified sound emanating from the hereby approved A3, A4 and D2 uses shall be controlled so as to be inaudible outside any nearby noise sensitive premises. Inaudibility is defined as:- • if the $L_{Aeq,(1min)}$ (of the amplified sound from the cinema) is not greater than the L_{A90} (of the background with no cinema sound occurring) and • if the $L_{10(5min)}$ (of the amplified sound from the cinema) is not greater than the L_{90} (of the background with no cinema sound occurring) in each 1/3rd octave band between 40Hz and 160Hz. 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.

Noise from fixed plant and equipment.

The combined noise from any fixed mechanical services and external plant and equipment associated with the hereby approved development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS4142:2014+A1:2019.

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.

Hours of Use

The hereby approved A3, A4 and D2 use(s) shall not be open to customers outside the following hours;

Monday – Sunday: 0600 – 0200

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.

Odour control

Prior to the hereby approved A3/A4 use(s) being brought into use, a Cooking Odour Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The assessment shall include details of the proposed cooking activities at the development and the installation and/or erection of any extract ventilation system that will be provided for these cooking activities. It shall including details of the methods of treatments of emissions and filters to remove odours and the measures to control noise emissions.

The works specified in the approved scheme shall be installed and be operational before the A3/A4 use(s) are brought into use. The approved extraction equipment shall be retained thereafter and operated at all times when the food cooking is being carried out and maintained in accordance with the manufacturer's instructions.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or neighbouring business, 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.

Air Quality Impact Assessment

Before the development is brought into use a detailed Air Quality Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The assessment shall include calculating the monetary damages from the development. The monetary value of the damages should be reflected in money spent on low emission mitigation measures