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| <b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                   |                                               |
| <b>2020/94288 George Inn, 13, George Street, Kirkburton, Huddersfield, HD8 0SF</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                   |                                               |
| <b>Change of Use from drinking establishment with food provision to restaurant class E(b) (Within a Conservation Area)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                   |                                               |
| <b>Date Responded:</b><br><b>25<sup>th</sup> February 2021</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Responding Officer:</b><br><b>Rebecca Muff</b> | <b>Responding Ref:</b><br><b>WK/202105413</b> |
| <p>I have reviewed the above application and submitted information and make the following comments and recommendations.</p> <p><b>Odour</b></p> <p>The proposal is for a change of use from a pub to a restaurant serving home cooked curry, which has the potential to cause odours and affect the amenity of the local residents and businesses. An Odour Extraction System proposal by Eastern Catering Engineering Ltd (dated 10<sup>th</sup> December 2020) has been submitted in support of the application. The report is very comprehensive and details the proposed kitchen extract ventilation system including the jet cowl termination flue, the baffle filters, carbon filters to mitigate odours and the noise attenuator to mitigate noise from the extractor fan. The report also includes a very thorough maintenance programme.</p> <p>Although the report is very detailed, it is unclear from the diagrams submitted where the termination flue will be positioned in relation to the main pub building and neighbouring properties. Ideally the external ducting should be positioned vertically upwards with as few bends as possible and the termination flue should be at or above the roofline of the gable end of the main pub building as high and as far away from neighbouring properties as possible. This is to allow for maximum dispersion, and in doing so reducing the impact caused by the proposed restaurant from affecting the amenity of residents caused by noise and odours from the extract system. Therefore, because of these concerns it will be necessary for a condition requiring this information to be submitted before cooking commences.</p> <p><b>Noise</b></p> <p>Our concern is with noise generated by the late-night opening hours of the proposed restaurant and the impact this will have on the amenity of those living in the first-floor accommodation above the restaurant. However, it is understood from the Design and Access Statement (dated December 2020) that the applicants will reside as tenants in the upstairs apartment, and it is for these reasons why the following conditions will be necessary.</p> <p><b>Recommended Conditions</b></p> <p><b>OC1 Kitchen Extract Scheme - Condition</b></p> <p>Before food cooking commences details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:</p> <ul style="list-style-type: none"> <li>• A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.</li> <li>• Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.</li> </ul> |                                                   |                                               |

- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

**Reason:** To ensure the proposed development does not cause harmful odour pollution or at neighbouring premises 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.

#### **Footnote**

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ Sep 2018 which is an update of “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by DEFRA 2005.

#### **FS1 Food Safety- Footnote**

It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).

#### **HUC4 Hours of Use combined Open for Customers, Deliveries and Dispatches – Condition**

The use hereby permitted shall not be open to customers outside the hours of 16:00 to 23:00 Monday to Saturday, and 15:00 to 22:00 Sunday and Bank Holidays, and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

**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.

#### **FC1 Flats or Residential Use in Conjunction with Commercial - Condition**

The first floor living accommodation hereby permitted shall not be occupied other than by the owner, member of staff or dependents thereof of the restaurant.