Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/92548 98 Commercial Street, Batley, WF17 5DP		
Change of use of redundant Chinese medical centre to flat and takeaway (within a Conservation Area)		
Responding Date: **7th September 2022**	**Responding Officer:** **Shirley Reynolds**	**Responding Ref:** **WK202228392**

Comments

We have reviewed application 2022/92548 and make the following comments and recommendations. The application seeks to convert the first floor and the space in the roof void into residential accommodation, in addition to house a takeaway food shop on the ground floor, including utilising the basement area. It is unclear from the application if the food use is to be a hot food take away.

Odour

Firstly the proposed take away and other nearby food premises are likely to produce cooking odours that will have the potential to cause a significant adverse impact on a future residential use/nearby sensitive receptors. This needs to be assessed in detail to determine the likely impact and whether or not this can be mitigated against.

We are also concerned that the terminus of an existing extraction system is in very close proximity to the proposed velux roof window on the rear elevation of the proposed development. This must be addressed in the assessment.

We therefore recommend a condition.

Secondly we have concerns that odours generated from the production of take away foods will detrimentally impact both the residents of the proposed living accommodation and other nearby sensitive receptors. We therefore recommend a condition for a kitchen extract system.

Noise

The proposed residential accommodation is attached to existing commercial premises and will be located directly above the proposed take away, the extract flues and any other external plant from the proposed takeaway and other commercial premises in the small rear courtyard area at the rear of the premises are a potential source of noise that may adversely affect the future residential use of the premises. The front of the property faces onto a highway, road traffic noise may also have an adverse impact on future residential use. We consider that an assessment of the existing noise climate is necessary before the application can be determined. We therefore recommend a condition.

Recommended Conditions

Odours Impact Assessment Report Before Determining the Application - Condition

Before determining the application, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall:

- detail all the potential sources of odour in the vicinity of the application premises
- determine the potential of adverse impact on the proposed development from these

potential sources of odour
- detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity

If odour levels predicted in the report are unacceptable, it may be necessary to refuse the application. Otherwise, it may be necessary to specify mitigation measures as conditions of consent.

Reason: To ensure that the impact of odour does not give rise to loss of amenity and 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.

Odour Impact Assessment- Footnote

All Odour Impact Assessments shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

Detailed advice is available in *"Guidance on the assessment of odour for planning"* by the Institute of Air Quality Management (IAQM) version 1.1 July 2018.

OC1 Kitchen Extract Scheme - Condition

Before determining the application, 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:

- 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.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- 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 carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.
- That the effective stack height (discharge height plus plume rise) is high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.

Reason: To ensure the proposed development does not cause harmful odour pollution at adjoining sensitive receptors or neighbouring receptors, 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.

NC9 Noise Assessment Report and Mitigation Scheme - Condition
Before determining the application a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic, commercial premises, ventilation systems (existing and proposed) and noise from customers/deliveries to commercial premises, shall be submitted to and approved in writing by the Local Planning Authority.
The report shall:

a) Determine the existing noise climate
b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development.
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).
d) Provided details of the hours of use of the proposed commercial take away.

NF4 Noise Assessment Footnote - All noise assessments should be carried out by a competent person. Developers 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.

HSF1 Health & Safety Footnote
All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk

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.