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: **22 June 2023**	**Responding Officer:** **Mohammed Nasim**	**Responding Ref:** **WK202316937**

Comments

In our comments dated 27 March 2023, we asked for clarification on the use of the current ground floor retail space which was being used for the storage of raw goods and this was not going to change following development of the property. The applicant has submitted a revised Acoustic Report authored by Paul Horsley Acoustics dated 14 February 2023 Ref J3163 - Rev 1 which at para 12.1.1 states '*The current ground floor retail space is used for storage of raw goods and there are no discernible noise sources associated with the current or proposed use'*. The drawing for the proposed floor layout in Appendix B shows this area has been changed from 'store' to 'kitchen' and is accepted. However, we also note the drawing shows the addition of some extract ductwork to the rear elevation and ask if this has been considered in the submitted Acoustic Report as it was not in the original submission and there is nothing in the revised report to suggest this.

We are still awaiting the applicants response to the failure of the sound insulation between the commercial ground floor and the residential first floor to meet with our requirement of 55dB $D_{ntw} + C_{tr}$.

Our position remains that further information is required and conditions are recommended for this as per our initial comments dated 07 September 2022. For simplicity and ease of reference, all recommended conditions are listed below.

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. 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 be 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 May 2022 which is an update of "*Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*" by DEFRA 2005.

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition
Before determining the application, a further noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all of the noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details

of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.
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.

NF4 Competent Person - Footnote
All noise assessments should be carried out by a competent person. The applicant 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 www.ioa.org.uk (0300 999 9675) for a list of members.

NC6 For use where proposed commercial and residential share a party structure (floor/ceiling or wall etc) – Condition
Before the development is brought into use, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB D_{ntw} + C_{tr}. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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

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.