

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90372 - Legends, Bradford Road, Batley, WF17 6HY		
Change of use from public house with residential accommodation above to ground floor cafe and first floor hostel with internal and external alterations		
Responding Date: 01 June 2023	Responding Officer: Mohammed Nasim	Responding Ref: WK202308530
<u>Comments</u> <u>Noise</u> In our comments dated 03 April 2023, we commented on the measures required to ensure the occupiers of the proposed development do not suffer from a loss of amenity from both the use of the ground floor premises and also general environmental noise, including road traffic. A Noise Impact Assessment (NIA) has been received via e-mail authored by Acoustic Solutions dated 22 March 2023 Ref AS23-19. Para 1.2 states one of the objectives of the NIA was to establish the specific sound level, at the nearest noise sensitive dwelling associated with new noise sources that are to be introduced as part of the development. Plan 3.1 summaries the location of the proposed kitchen extraction flue in relation to the nearest noise sensitive receptor - the proposed first storey dwellings. Para 3.1 states there are no residential dwellings proposed at the premises' northern façade and that this being the case, structure-borne vibration associated with the extraction system is unlikely to be an issue. However, Drawing Ref 2259-D02-B from KUFIC Architects shows the proposed first floor plan with the kitchen extract flue affixed to the external façade of suite 03. Whilst the report proceeds at para 6.1.2 to recommend the fan is installed on anti-vibration mountings, it gives a reason for doing so being the presence of vibration within the system potentially giving rise to tonal elements that result in a perceived elevation in the unit's sound level. We therefore question the validity of this aspect of the NIA. Based upon data gathered during a background noise survey undertaken between 0700hrs on Friday 17 and 0600hrs on Saturday 19 March 2023 from 3 measurement positions as shown in appendix 2, a BS4142 assessment was conducted. As the choice for kitchen extraction system as not finalised, data for a Helios 450/4 Multiflow Gigabox Centrifugal Fan was used to predict the likely noise impact to nearby dwellings. A 3dB penalty was applied for tonality and table 5.1 shows no adverse impact of the kitchen extraction system outside the nearest window of the western façade of 315 Bradford Road. Similarly, no adverse impact was assessed to Warwick Road. In addressing the road traffic noise, the NIA recommends glazing to each affected façade and due to elevated noise levels, mechanical ventilation is required which is also specified dependent on the façade. This will ensure the internal levels meet with the requirements of BS8233. The findings of the report are accepted but a condition is recommended to ensure the mitigation measures proposed are implemented and retained.		

In an e-mail dated 09 May 2023 from Acoustic Solutions, the acoustic consultant states based upon the current incomplete stage of development, he is happy that it is on track to achieve the required performance rating of $55\text{dB } D_{nT,w} + C_{tr}$ level upon completion. However, this can only be confirmed via testing upon completion of the development and this is accepted. A compliance condition is recommended to ensure this level of sound insulation is met.

The applicant has submitted an undated and unreferenced Noise Management Plan which addresses the main operational issues to ensure there will be no loss of amenity to the occupiers of the first floor of the development. The submitted information is accepted and a condition is recommended to ensure the measures are implemented and retained.

All our other comments and recommended conditions remain.

Recommended Conditions

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment (NIA) authored by Acoustic Solutions dated 22 March 2023 Ref AS23-19:

- a) shall be completed; and
- b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have 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.

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 $55\text{dB } D_{nT,w} + C_{tr}$. 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.

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 <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NC13 Operate in accordance with agreed plan – Condition

The development hereby approved shall be operated in accordance with the measures specified within the submitted Noise Management Plan.

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.

OC1 Kitchen Extract Scheme - Condition

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:

- A risk assessment for odour which considers the 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. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated into the extract system and details of the likely resulting noise levels that will be caused by the operation of the extract system, in particular the noise level 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 within either a public area 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.

OC1F Kitchen Extract Scheme - Footnote

Detailed advice is available in *“Control of Odour and Noise from Commercial Kitchen Exhaust*

Systems” by EMAQ May 2022 (2nd Edition).

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

EVF1 Electric Vehicle Charging Points – Footnote

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours), Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable

electrical requirements in force at the time of installation.

CLC6 Reporting of Unexpected Contamination - Condition

In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote

All contamination reports 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:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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

- 0800hrs to 2200hrs Monday to Saturday, and

- 1000hrs to 2000hrs on 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.

DR08 Pollution Prevention (for food outlets including take-aways/restaurants)

Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with LP44 of the Local Plan and Chapter 14 of the NPPF.

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.