

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**

**2023/91260 444A Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3EP**

**Erection of two storey rear extension to existing commercial premises, raising of roof height and erection of front and rear dormers and alterations to form 8 unit HMO**

**Responding Date:**  
13<sup>th</sup> June 2023

**Responding Officer:**  
SR

**Responding Ref:**  
WK2023

**Comments**

We have reviewed application 2023/91260 and make the following comments and recommendations.

**Noise Assessment Report Required Before Determining the Application (new noise sensitive use next to existing noise sources)**

The proposed development introduces sensitive receptors into an area of high traffic volumes with many commercial premises close by, including the commercial properties that form part of the proposal, sharing party structures.

We have concerns that noise from these sources could be detrimental to future residential occupants. The application includes a proposal for extended hours of use from 08:00 – 23:00 seven days a week for the commercial operations, the noise report must offer commentary to justify the hours and specify attenuation or control measures to mitigate the noise to an acceptable level in order to protect residential amenity.

Before the application can be determined, details of an assessment (by a competent person: see footnote), of all significant noise sources likely to affect the proposed development must be submitted in writing to the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in the living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design/insulation necessary to protect the amenity of the occupants of the new residences from all the predicted noise sources.
- d) If the noise attenuation measures include windows being kept closed, then details of alternative ventilation over background ventilation will be required.

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

We require this information to ensure that the proposed use does not give rise to the loss of amenity to future occupiers, by reason of noise or disturbance and 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.

**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.

### Odour Assessment

The proposed development introduces sensitive receptors into an area that appears to have three existing commercial odour extraction systems, we can see from mapping that two of these are fitted with inappropriate terminals.

We have concerns that future occupants may suffer loss of amenity from cooking odours and noise associated from these extraction units.

Before the application can be determined, details of an odour assessment, by a competent person must be submitted. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food 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 within 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.

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ May 2022 (2<sup>nd</sup> Edition).

### Contaminated land

The site is not on land identified as potentially contaminated. The proposed development may involve some ground works therefore it will be necessary to recommend a condition relating to unexpected ground contamination.

### Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the site.

### Food Safety Advice

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).

### Health & Safety Advice

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](mailto:healthandsafety@kirklees.gov.uk)

## **Recommended Conditions**

### **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 works 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. Works 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.

### **CSC1 Construction Site Working Times - Condition**

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

**CSF1 Construction Sites working times – Footnote**

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.