

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/91350 Storage Yard/Car Park, Cannon Way, Dewsbury, WF13 1XH		
Temporary change of use of storage/carpark site to facilitate catering trailer and associated waste storage		
Responding Date: 20 th July 2023	Responding Officer: SR	Responding Ref: WK202320851
<p><u>Comments</u></p> <p>Following the submission of additional information, we have reviewed our previous response dated the 5th of June 2023.</p> <p>The document described as a 'Project details document', titled Temporary Catering Trailer at Cannon Way, Dewsbury, dated June 2023, describes the proposed development as a catering trailer. Its function is to prepare and dispatch foods that have been ordered online for collection or delivery. The document confirms no entertainment or on site dining are proposed.</p> <p><u>Wholesome Water</u></p> <p>The document confirms a connection to mains water will be established via a new metered connection to an existing supply (plan titled Mains supply distance, drawing no. 23-005-SK04, dated 10.04.23).</p> <p><u>Foul Drainage</u></p> <p>The following information has been provided in relation to foul water: -</p> <p>Foul Water Provisions – Grey waste from cleaning and food preparation will be collected via 2500ltr wastewater tank with periodic wet waste recycling collections.</p> <p>Toilet Facilities - Provided via portable chemical toilet systems. 2no units available to staff and visitors, with waste and recycling managed on a recurring contract basis.</p> <p>Whilst we accept the information provided we have concerns that cleaning and controlling the hygiene of externally provided portable toilets can be problematic and would expect a robust cleaning schedule to be provided within the food safety management plan moving forward.</p> <p><u>Hours of Operation</u></p> <p>The proposed hours of operation have been given as: -</p> <p>Lunch: 12:00 – 14:00 Dinner: 17:00 – 20:00 Late Night: 21:00 – 02:00</p> <p>We have concerns that allowing late opening until 02:00 could encourage noise and disturbance in the wider vicinity of the site as it is close to open space playing fields which are accessed via the residential areas to the east of the site. We recommend a condition in relation to operating hours.</p> <p><u>Noise</u></p> <p>The document informs us that no entertainment is to be provided on site and no customer seating or dining will be allowed. A report by an acoustic consultant has been commissioned to assess the noise and disturbance from the production unit. We recommend a condition to secure the production of a noise assessment.</p>		

Kitchen Extract Scheme

The document clarifies the distance to the nearest sensitive receptors (residential) as in the region of 100m, we accept this information. Odours from cooking greasy, spiced foods can cause nuisance and the amenity of people working in the vicinity of the proposed development should be considered. The cleaning and maintenance of these units is very important to avoid loss of amenity by pests. For these reasons we recommend a condition.

Artificial Lighting

Technical specification sheets have been provided for examples of lighting and a plan showing 6 no. column mounted street lights (no column heights given) and 7 no. external wall lights. Whilst we accept this information it is insufficient to determine impact on amenity and it is possible that poorly designed and installed lighting could impact the amenity of receptors nearby.

With this in mind we recommend a condition to ensure all the relevant information is provided and approved prior to installation.

Information from previous response dated the 5th of July 2023

For simplicity we have reproduced our comments and previously recommended conditions in relation to contaminated land, electric vehicle charging points and construction noise.

Contaminated land

The proposed development is situated on land identified as possibly contaminated from its former use (site ref:428/5, former railway sidings and industrial). Given the development will be elevated from the current hardstanding on 200mm blocks with no or very minimal groundworks we recommend conditions in relation to unexpected contamination only.

Electric Vehicle Charging Points (EVCP)

No information has been given in relation to car parking or provision of electric vehicle charging points. To future proof the development, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring a charging point is therefore recommended.

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.

Recommended Conditions

HUC3 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
12:00 to 23:00 Monday to Saturday

12:00 to 22:00 Sunday and Bank Holidays,

and there shall be no deliveries to, or dispatches from the premises outside these hours.

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.

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before installation work commences a 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 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 or details of a noise management plan

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 measures 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.

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 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 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 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).

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that need to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “*Guidance Note 01/21 for the Reduction of Obtrusive Light*” by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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 Validation 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 Validation 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. 178 and 179 of the National Planning Policy Framework

CLC 7 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 2019. 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

EVC1 Electric Vehicle Charging Points - Condition

Before the development is brought into use 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:

- 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 approved dedicated facilities for charging electric vehicles shall be installed prior to first use of the development and retained for use 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

- 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.

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.

Recommendations

FS1 Food Safety - Footnote

It is recommended that prior to any food related 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 and Registration. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

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