

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/91463 - Chai Shai, 4A Albion Street, Batley, WF17 5PS		
Erection of cafe		
Responding Date: 24 August 2023	Responding Officer: Mohammed Nasim	Responding Ref: WK202325257
<p><u>Comments</u></p> <p><u>Noise</u> There is potential for noise from the proposed site to affect the amenity of neighbouring properties. A condition for a Noise Management Plan to be submitted is recommended. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the use of the premises. This includes but is not limited to noise from customers, deliveries/collections/waste disposal etc.</p> <p><u>Cooking Odours</u> There is potential for cooking odours from the proposed site to affect the amenity of neighbouring properties. A condition for an odour assessment to be submitted is recommended.</p> <p><u>Kitchen Drainage</u> A condition is recommended for a scheme to prevent fats, oils and grease entering the drainage network serving commercial food preparation and dish-washing areas to be submitted.</p> <p><u>Contaminated Land</u> The site is adjacent to potentially contaminated land. A condition is recommended should any contaminated land be encountered during any groundworks.</p> <p><u>Car Parking</u> There is a car park to the rear of the premises and the undated drawing from Unite Designs Ref UD531 – Proposed Site and Floor Plan shows this area is within the red line boundary. In an application of this nature, 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 charging points is therefore necessary.</p> <p><u>Construction Phase</u> There is potential for the construction to affect the amenity of neighbouring properties. A condition is recommended to control the hours of construction.</p> <p><u>Smoking</u> Note - The application states the current use is for a café and shisha and as no details have been provided for the shisha use to continue, it is assumed this will cease as the current design as shown in the undated drawing from Unite Designs Ref UD531- Proposed</p>		

Elevations does not allow for this. The applicant is notified that if smoking is permitted on the premises, it must be compliant with the smoke-free legislation as set out in Section 2 of the Health Act 2006 with regards to the construction of the structure. Premises will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

Recommended Conditions

PC2 Noise Management Plan – Condition

Before the site is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. Amongst any others, the plan needs to consider noise from:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those at any outside areas and those leaving the premises
- disposal of glass bottles
- deliveries of supplies to the premises and removal for waste from the premises

The approved Noise Management Plan shall be implemented before use commences and retained thereafter.

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.

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.

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).

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 Chapters 12 and 15 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.

EVC1 Electric Vehicle Charging Points - Condition

Before first occupation, a scheme detailing the dedicated facilities that will be provided at the premises 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 the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation 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

- 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.
- 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 in relation to Approved Document S.

HUC1 Hours of Use - Condition

The premises shall not be open for business outside the hours of:

- 1600hrs to 0100hrs Sunday to Friday and
- 1600hrs to 0200hrs Saturday

No activities 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.

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays

- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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.

Smoke-Free Footnote

All areas open to the public including workplaces, are considered smoke free zones where they are enclosed or substantially enclosed. It is therefore illegal to smoke in an enclosed public space, or a space that's mostly enclosed. It is recommended that prior to development commencing, the applicant should contact the Food Safety Team at Environmental Services to arrange an advice visit to discuss the smoke free requirements including appropriate structures. The Food Safety team can be contacted on 01484 221000.