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| <b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>   |                                  |                                       |
| <b>2023/91763 unit 11 Batley Shopping Centre, Alfreds Way, Batley, WF17 5DR</b>  |                                  |                                       |
| <b>Erection of single storey extension to form dark kitchen</b>  |                                  |                                       |
| <b>Responding Date:</b><br>24 <sup>th</sup> July 2023  | <b>Responding Officer:</b><br>SR | <b>Responding Ref:</b><br>WK202321263 |
| <p><b><u>Comments</u></b><br/>         We have reviewed application 2023/91763 and make the following comments and recommendations. The application concerns the proposed development of a new single storey food production and retail unit, which is an extension to a food business within the existing shopping centre. No information has been provided in regard to the type of food to be offered.</p> <p><b><u>Contaminated land</u></b><br/>         A Coal Mining Risk Assessment Report by Abbeydale Building Environment Consultants, titled 11 Alfreds Way, Batley, West Yorkshire, ref: Report: 487023 MRA, dated February 2021 has been submitted in support of the application. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.<br/>         The report informs that there is a risk of shallow coal mine workings beneath the site, concluding that intrusive shallow mining investigation is considered necessary to determine the depth and state of the Flockton Thick coal seam below the proposed extension.<br/>         We acknowledge the report and would expect that any future ground gas monitoring be undertaken in accordance with best practice guidance. We therefore recommend the following condition.</p> <p><b><u>Recommended Conditions</u></b><br/> <b>CLC6 Reporting of Unexpected Contamination - Condition</b><br/>         In the event that contamination, or the presence of shallow coal or workings are encountered during site investigations, all works in the affected area (except for site intrusive 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.</p> <p>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.</p> |                                  |                                       |

**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.

### **Recommendations**

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

#### **OC1F Kitchen Extract - Footnote**

The type of food to be produced has not been included within the submitted documents. We strongly advise the applicant to ensure all extraction systems to catering establishments are designed, installed and maintained following the guidance contained within “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ May 2022 (2<sup>nd</sup> Edition). Failure to do so could result in formal action using enforcement powers under Section 80 of the Environmental Protection Act 1990. 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.