

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

2023/92635 31 Wharf Street, Savile Town, Dewsbury, WF12 9AT

Change of use from clothes shop to cafe with hot food takeout

Responding Date:
22nd November 2023

Responding Officer:
SR

Responding Ref:
WK202336424

Comments

In our earlier response dated the 9th of October 2023 we requested the submission of supporting information to assist in the determination of the application in relation to odours/extraction, protection of drainage systems and noise.

The applicant has submitted the following documents:

- A Sequential Test
- Hot Food Takeaway SPD

Noise and operating hours

The Sequential Test states opening hours will be restricted to 07:00 – 14:00 during the working week but then goes on to inform, hours will ‘be predominantly open during the day’. The word predominantly is too vague, it is either open during the times listed or not. We also have concerns that the menu provided with the Hot Food Takeaway SPD clearly describes the weekend food offer, which contradicts earlier statements re working week which is normally interpreted as Monday to Friday.

The Sequential Test also informs us that the floor between the shop and above has been upgraded for noise insulation, but we have no details or associated noise insulation values for the ‘upgrade’ mentioned.

With this in mind we do not accept the new information and the need for a pre determination noise report remains in place. We would remind the applicant that a suitably competent person should be consulted in relation to this information.

Noise Report Required Before Determining the Application (new noisy development near existing residential)

The proposal concerns the establishment of a hot food business which will share party structures with residential accommodation. No information has been provided in relation to noise that may be generated by the proposed development. Therefore, before the application can be determined, details of a noise assessment by a suitably competent person must be submitted in writing to the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises to the side and above the proposed development.
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate
- d) a written scheme of any necessary noise attenuation measures and demonstrate how nearby residents will be protected from noise from the proposed development

The assessment shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations.

If the 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 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.

Odours

In support of the application a Hot Food Takeaway SPD has been submitted. This informs, *' the applicant will be using a domestic cooker and only serving breakfast items that are prepared offsite and then cooked on demand at the premises which would be similar to a café / coffee shop. On site there will be a simple domestic style range cooker for this purpose and domestic style extract to meet the demand for ventilation.'*

The applicant is reminded that in order to meet the requirements of Food Hygiene Legislation any food that is prepared off site must be prepared in a premises already registered as a food business with a Local Authority, it cannot be prepared in an unregistered domestic home.

The SPD informs foods will require cooking and reheating, looking at the menu the foods on offer have a high fat and spice loading. A risk assessment conducted using EMAQ guidance on the Control of Odours and Noise from Commercial Kitchen Exhaust Systems (Edition 2) (May 2022), is necessary with associated information about any necessary extraction. With this in mind we replicate the information that was required on our earlier response below.

Odours - pre determination information required

The proposal concerns the establishment of a hot food business which will share party structures with residential accommodation. We note the neighbouring residential property has a window opening within the roof structure, which may complicate the positioning and required height of any future flue terminus.

No information has been provided in relation to the type or quantity of food on offer at the proposed development. Preparation and cooking odours have the potential to cause loss of amenity to sensitive receptors.

If the applicant is minded to supply suitable information, a report must 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.
- If required, details showing the proposed location of all the major components of the extract system. A plan should clearly demonstrate the position of any system in relation to all neighbouring openable windows.

- 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.

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

We require this information to ensure that the impact of odour does not give rise to loss of amenity and 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.

Footnote

Detailed advice is available in EMAQ guidance on the Control of Odours and Noise from Commercial Kitchen Exhaust Systems (Edition 2) (May 2022).

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

No new information has been provided in relation to how grease fats and oils are to be controlled at the proposed site. Therefore, we replicate our earlier comments below.

Before the application can be determined, details of a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas. If the information is accepted it may be necessary to specify installation and maintenance measures as conditions of consent.

We require this information 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.

Recommended Conditions

We recommended conditions in relation to unexpected contamination and construction noise. These remain in place.

Recommendations were also made in relation to Food Safety and Health & Safety. These remain in place.