

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2023/92926 - Stiches, 10 Commercial Street, Batley, WF17 5HH**
**Change of use from retail shop to hot food takeaway and installation of extract vent to rear (within a Conservation Area)**
**Responding Date:  
02 January 2024**
**Responding Officer:  
Mohammed Nasim**
**Responding Ref:  
WK202338689**
**Comments**
**Noise**

There is residential accommodation above and adjacent to the proposed site and consideration must be given to any noise affecting the amenity of the occupiers of neighbouring properties.

The applicant has submitted an undated and unreferenced Noise Assessment Statement from Riyat Associates. It makes a number of claims about the proposed site but no supporting information is submitted. The report is rejected and a condition is recommended for a Noise Impact Assessment to be submitted.

To assist the applicant, information will be required on all noise emissions from the development site including from any fixed mechanical plant i.e. kitchen extract, condensers etc. and any operational use. A condition is recommended for a Noise Impact Assessment to be submitted to protect the amenity of neighbouring properties.

A new ceiling is proposed but the applicant will need to ensure it meets with a higher standard than stated. A condition is recommended for a Sound Insulation Assessment to be submitted to protect the amenity of neighbouring properties.

The submitted application form states the proposed hours of use. This is generally acceptable with some minor variations, particularly on Sunday and Bank/Public Holiday mornings and a condition is recommended to control these hours in the interest of protecting amenity.

A condition is recommended to control the hours of any construction works to prevent a loss of amenity to neighbouring properties.

**Odours**

The applicant has submitted an undated and unreferenced document titled Proposed Extract Ventilation System which makes reference to the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems” document from DEFRA. The applicant is advised that this document was withdrawn in 2017 and replaced with the Control of Odour & Noise from Commercial Kitchen Exhaust Systems - EMAQ May 2022. However, the principles remain the same and the risk assessment is scored as follows –

Dispersion: 15

Proximity of receptors: 10

Size of Kitchen: 1

Cooking type (odour and grease loading): 7

Total: 33 which indicates a high level of odour control is required

The Risk Assessment and scoring within Appendix 3 of the EMAQ Guidance Document Control of Odour and Noise from Commercial Kitchen Exhaust Systems is repeated below.

Criteria	Score	Score	Details
Dispersion	Very Poor	20	Low level discharge, discharge into courtyard or restriction on stack.
	Poor	15	Not low level but below eaves, or discharge at below 10m/s
	Moderate	10	Discharging 1m above eaves at 10-15m/s
	Good	5	Discharging 1m above ridge at 15 m/s
Proximity of receptors	Close	10	Closest sensitive receptor less than 20m from kitchen discharge
	Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge
	Far	1	Closest sensitive receptor more than 100m from kitchen discharge <sup>1</sup>
Size of kitchen	Large	5	More than 100 covers or large sized take away
	Medium	3	Between 30 and 100 covers or medium sized take away.
	Small	1	Less than 30 covers or small take away <sup>1</sup>
Cooking type (odour and grease loading)	Very High	10	Pub (high level of fried food), fried chicken, burgers or fish & chips. <i>Turkish, Middle Eastern or any premises cooking with solid fuel</i>
	High	7	Vietnamese, Thai, Indian, <i>Japanese, Chinese, Steakhouse</i>
	Medium	4	<i>Cantonese, Italian, French, Pizza (gas fired)</i>
	Low	1	Most pubs, ( <i>no fried food, mainly reheating and sandwiches etc.</i> ), Tea rooms <sup>1</sup>

Note <sup>1</sup> – a Planner may take a pragmatic view when assessing whether certain low risk kitchens require any odour abatement to be fitted. In reaching this decision, the Planner may consider the nature of the food being cooked and/or the size of kitchen and/or its location.

Impact Risk	Odour Control Requirement	Significance Score*
Low to Medium	Low Level Odour Control	Less than 20
High	High Level Odour Control	20 to 35
Very High	Very High Level Odour Control	More than 35

\* Based on the sum of contributions from dispersion, proximity of receptors, size of kitchen and cooking type.

We question the submitted assessment based on the size of kitchen which we believe should be scored as 3 and also the cooking type which should be scored as 10. We believe the nature of the proposed takeaway warrants the higher scores which would raise the impact risk to very high thus requiring a very high level of odour control. The findings of the submitted assessment recommends works for a high level of odour control and so therefore, we reject it and recommend a condition for an Odour Impact Assessment to be submitted. The applicant is

advised that there is an element of noise control in the recommended Odour Impact Assessment which the recommended Noise Impact Assessment must cover.

### **Recommended Conditions**

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

Before construction 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 noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest 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

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.

#### **NC6 For use where proposed commercial and residential share a party structure (floor / ceiling or wall etc) – Condition**

Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB  $D_{ntw} + C_{tr}$  shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

#### **NF4 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.

#### **HUC1 Hours of Use Open for Customers - Condition**

The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of:

- 0800hrs to 2300hrs Monday to Saturday and
- 1000hrs to 2300hrs Sunday and Bank/Public 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.

#### **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 (2<sup>nd</sup> 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 paragraph 120 of the NPPF

**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.

**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)