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| <b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>   |                                  |                                       |
| <b>2023/92927 97 Commercial Street, Batley, WF17 5EF</b>   |                                  |                                       |
| <b>Change of use from existing commercial unit to hot food take away (within a Conservation Area)</b>  |                                  |                                       |
| <b>Responding Date:</b><br>2 <sup>nd</sup> April 2024  | <b>Responding Officer:</b><br>SR | <b>Responding Ref:</b><br>WK202409604 |
| <p><b><u>Comments</u></b></p> <p>In our earlier response dated the 22<sup>nd</sup> of November 2023 we recommended conditions in relation to odour control and drainage. New information has been submitted regarding the extraction system to be installed, we have reviewed the new information and make the following comments:</p> <p><b>Odour</b></p> <p>A plan by Cre8, dated 26/02/2024, ref: BAT 01 V3 and a statement by Rotoquip, describe the system to be installed which will include a full canopy over cooking appliances, washable baffle filters, additional replaceable carbon/pleated panel filters, extraction fan, acoustic attenuator and a high velocity terminus exiting the building at the first floor 1m above the roof level.</p> <p>We accept the information provided and recommend a condition to ensure the system is installed and maintained.</p> <p><b>Drainage</b></p> <p>No new information has been submitted therefore our earlier comments and recommendations remain.</p> <p><b><u>Recommended Conditions</u></b></p> <p><b>OC2 Implement agreed Kitchen Extract Scheme - Condition</b></p> <p>Before any food cooking commences the kitchen extract system as specified in plans and supporting information supplied with the application shall be installed. The kitchen extract system shall operate at all times during the preparation and cooking of food and be maintained in accordance with the manufacturer's instructions and as specified in the report.</p> <p><b>Reason:</b> 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.</p> <p><b>Informative</b></p> <p>Moving forward we would remind the applicant that Kirklees Council has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including smoke and odours 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.</p> |                                  |                                       |

