

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93076 - Former Lloyds Bank, 22 Carr Lane, Slaithwaite, Huddersfield, HD7 5AN		
External alterations to former bank building to form restaurant and takeaway, installation of extract ventilation system (class Eb) (within a Conservation Area)		
Responding Date: 08 May 2024	Responding Officer: Mohammed Nasim	Responding Ref: WK202412814
<p><u>Comments</u></p> <p>In our comments dated 30 October 2023, we had concerns about noise affecting the amenity of neighbouring properties. The applicant has submitted a Noise Assessment authored by DRUK Limited dated 25 March 2024 Ref DRUK/ACC/RS/FGRBRCLS/3260 v3. Section 3 identifies the nearest noise sensitive receptors (NSRs) as shown in figure 1 and the photographs.</p> <p>Noise surveys to evaluate the background and residual sound levels were made between 2000hrs to 2200hrs on Saturday the 16th of December 2023, 2000hrs to 2200hrs on Sunday the 17th of December 2023, 1400hrs to 1600hrs on Friday the 5th of January 2024 and 2000hrs to 2200hrs on Tuesday the 9th of January 2024. The background and residual sound levels were obtained from one position to the West of number 3 Lewisham Road as shown in figure 2. A summary of the findings is shown in the tables in para 6.5 for the respective dates and comment is made that the dominant source was road traffic noise.</p> <p>Section 7 evaluates the potential sound emissions from the proposal based upon the internal layout as shown in figure 3. The internal noise levels are based upon the applicants existing restaurant and modelled with doors open (figure 4) and doors closed (figure 5) and as expected, the resulting noise levels at the NSRs on Lewisham Road are considerably lower with the doors closed than with the doors open. Comment is made that every effort should be made to ensure that the doors on the North Eastern elevation of the existing building are maintained in the closed position during the evening period. Figure 6 shows the external seating area and reasonable assumptions have been made on the expected use. Table 12 compares the calculated external noise with the lowest measured noise for both the afternoon and evening at the NSRs, indicating no impact and this is accepted.</p> <p>The noise emissions from the extraction and supply fans have been calculated from information provided by the designers and suppliers, and in order to minimise the transmission of sound energy from the supply intake, it is proposed to construct a 1.2m high imperforate barrier around the rear flat roof plant area. The extent of this barrier is detailed in figure 8 and to be effective, it must be fabricated from material that has a mass of at least 10 - 15kg/m². A BS4142 assessment has been conducted based on the predicted levels and the results in table 16 (afternoon) and table 17 (evening) indicate no impact to the NSRs on Lewisham Road.</p> <p>The findings of the report are accepted. Conditions are recommended for the implementation of the mitigation measures along with a Noise Management Plan to prevent a loss of amenity to neighbouring occupiers. All previous non-noise conditions are repeated for reference.</p>		

Recommended Conditions**NC10 Noise from Fixed Plant & Equipment - Condition**

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

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.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Assessment authored by DRUK Limited dated 25 March 2024 Ref DRUK/ACC/RS/FGBRCLS/3260 v3 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

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.

PC2 Noise Management Plan – Condition

Before the premises are 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. The plan shall include a scheme to deal with noise from:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those at outside smoking areas and those leaving the premises
- closure of doors
- disposal of glass bottles
- outdoor equipment such as chillers, and air conditioning plant
- deliveries of supplies to the premises and removal for waste from the premises

The approved Noise Management Plan shall be fully implemented before use commences and operated in accordance with the approved plan 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.

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 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.
- 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 applicant must ensure this aspect of the condition complies with the detail within the Noise Assessment authored by DRUK Limited dated 25 March 2024 Ref DRUK/ACC/RS/FGRBRCLS/3260 v3).

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 paragraph 120 of the NPPF

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.

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 Bank/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.