Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93751 Land rear of, 225, Lockwood Road, Lockwood, Huddersfield, HD1 3TG		
Erection of one shop unit with associated parking, bin storage area and alterations		
Date Responded: **4th March 2024**	**Responding Officer:** **RM**	**Responding Ref:** **WK/202404954**

The application seeks permission for the erection of a hot food unit to the rear of 225 Lockwood Road, Huddersfield. We have reviewed the application and supporting information and make the following comments and recommendations.

Odour
From the information provided in the covering letter by Acumen Designers and Architects (ref: HG/JC/2791) (dated: 18th December 2023) the unit will serve hot drinks and snacks, targeting the Asian market. The letter states that no food is to be prepared on the premises. Food served from the unit will be prepared off-site and heated up or kept warm in the proposed unit. No information has been provided regarding how food is intended to be re-heated and/or kept warm. This information is required before we can comment further regarding odours.

Noise
We are concerned that nearby existing residential properties may suffer loss of amenity due to noise associated with customers/ deliveries coming and going from the proposed development. The application has not specified hours of use, and this will be required.

A condition is recommended for a noise management plan to protect the amenity of nearby sensitive receptors.

Contaminated Land
Whilst the location of the proposed development site has not been identified as being on land potentially contaminated due to its previous use it is very close to land that is potentially contaminated. Therefore, we recommend a condition relating to unexpected contamination being encountered during the construction phase.

Loss of amenity caused by the construction of the development
There is a potential for loss of amenity to the occupiers of nearby properties from noise during the construction phase of the development. Therefore, we recommend a condition restricting the times when noisy construction activities will be permitted.

Electric Vehicle Charging Points (EVCPs) - Advisory
It appears that there will be parking at the development therefore we would expect the provision of Electric Vehicle Charging Points (EVCP). These should meet the recommendations in the West Yorkshire Low Emission Strategy (WYLES) current at the time of the application. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Drainage
From the Plan drawing by Acumen titled “proposed Plans, elevations and 3D” (drawing no.

2842 (100) 04) (dated: March 23) the floor plan shows a WC, there is also an expectation for a sink to be installed. No information has been provided regarding the safe disposal of foul water from the premises. Before **the application is determined**, the applicant is required to demonstrate an adequate system of foul water drainage.

If the intention is to connect to the mains drainage system the applicant must also demonstrate how fats, grease and oils will be prevented from discharging into the mains drainage system. We recommend a condition requiring this information to ensure the provision of adequate and sustainable systems of drainage are employed.

Recommendations

NC12 Noise Management Plan– Condition
Before the premise is 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 control measures that will be taken to ensure that excessive noise does not arise from the use of the proposed development. This includes but is not limited to noise from customers, deliveries/dispatches, amplified music etc. The hours of use will also need to be clearly stated. The approved noise management plan shall be implemented before use commences and retained 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.

CLC6 Reporting of Unexpected Contamination - Condition
If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site 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.

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.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 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. 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.

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.

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 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.

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