

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2024/91876 - 108 Bradford Road, Fartown, Huddersfield, HD1 6JR</b>		
<b>Change of use from Class E(a) to Class E(b), also retain existing external flue extraction and bin storage area to the rear</b>		
<b>Responding Date: 18 September 2024</b>	<b>Responding Officer: Mohammed Nasim</b>	<b>Responding Ref: WK202425610</b>
<p><b><u>Comments</u></b></p> <p>The proposal is for the change of use from <i>E(a) Display or retail sale of goods, other than hot food</i> to <i>E(b) Sale of food and drink for consumption (mostly) on the premises</i>. In support of the application, the applicant has submitted a Noise Impact and Odour Risk Assessment authored by RP Acoustics dated 02 August 2024 Ref NIA&amp;ORA/1275/24/350/v1.0/108 Bradford Road, Huddersfield [sic]. Para 2.02 details the proposal stating the existing ground floor retail unit is to be converted into a restaurant/takeaway serving predominantly fried chicken until 2 am. The upper floor use is to remain as dwelling flats.</p> <p><b><u>Noise</u></b></p> <p>A baseline noise survey was undertaken from 2 monitoring positions as shown in appendix 5 and a summary of the findings is given in table 3.1. Based upon these levels, a BS4142 assessment has been conducted for the kitchen extract plant and based upon the proposed mechanical plant installation as per para 5.01, a low impact is predicted as shown in table 5.1. Consideration has been given to the impact of patrons noise, and again a low impact is predicted with reference made to the vibrant night time economy with regular vehicles and pedestrians into the early hours frequenting the existing hot food takeaways in the locality. Comment is made that that the dwelling flats on the A641 Bradford Road façade have been fitted with enhanced acoustic glazing and ventilation although no specification has been given.</p> <p>We have concerns where commercial operations share a party wall/floor/ceiling with residential and the assessment indicates the sound insulation will not meet with our requirements. A specification of construction is given to ensure it is 10dB above the minimum standard set out in Approved Document E 'Resistance to the Passage of Sound' (ADE) for conversions and this is accepted. A condition is recommended for these mitigation measures to be installed and retained thereafter.</p> <p><b><u>Odour</u></b></p> <p>Para 6.01 makes reference to DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and table 6.1 uses the risk assessment to determine the level of odour control required. The applicant is advised that this document was withdrawn in 2017 and replaced with the EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2022) document. Whilst the document has been updated, the risk assessment is very similar and the findings are accepted.</p> <p>Mitigation measures have been specified in para 6.02 with a recommendation for a jet cowl to be installed as per para 6.03. It is imperative that maintenance is carried out as per</p>		

suppliers/manufacturers recommendations in order to ensure there is no loss of amenity/nuisance caused to neighbouring properties.

The findings of the submitted information are accepted. A condition is recommended for the implementation and retention of all mitigation measures in order to protect the amenity of neighbouring properties.

#### Noise Management Plan

A condition is recommended for the submission of a Noise Management Plan to detail the control measures to ensure there is no loss of amenity through noise from amplified music, waste/bottle disposal, patron noise/behaviour etc.

#### Pollution Prevention

A condition is recommended for the installation of a system for the safe disposal of fats, oil and grease to prevent them from entering the wastewater system.

#### Construction

The hours of any construction works will need to be controlled and a condition is recommended in order to prevent a loss of amenity to neighbouring properties.

#### Recommended Conditions

##### **NC14 Implement Agreed Noise Mitigation Measures – Condition**

The development shall not be brought into use until all of the measures specified in the approved Noise Impact and Odour Risk Assessment authored by RP Acoustics dated 02 August 2024 Ref NIA&ORA/1275/24/350/v1.0/108 Bradford Road, Huddersfield 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.

##### **OC2 Implement Agreed Kitchen Extract Scheme - Condition**

Before any food cooking commences the kitchen extract system as specified in the Noise Impact and Odour Risk Assessment authored by RP Acoustics dated 02 August 2024 Ref NIA&ORA/1275/24/350/v1.0/108 Bradford Road, Huddersfield 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.

**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.

##### **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 operational use of the property including, but not limited to, the use of amplified music, waste/bottle disposal, patron noise etc. and the actions that will be taken to observe the required control measures. The

approved Noise Management Plan shall be implemented before use commences, reviewed periodically 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.

#### **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 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.

#### **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)