

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/92154 - Crescent Works, Meadow Lane, Dewsbury, WF13 2BE
Change of use from existing disused storage building to form dark kitchen (sui generis) and installation of flue
Responding Date:
30 August 2024

Responding Officer:
Mohammed Nasim

Responding Ref:
WK202425375

Comments
Noise

An Acoustic Assessment has been submitted authored by Martin Environmental Solutions dated July 2024 Ref 2772-1. It identifies the neighbouring noise sensitive receptors (NSRs) with the author stating the full design of the kitchen and extraction range has still to be confirmed. Whilst unconventional, by using reverse methodology, a maximum sound emission level from the kitchen extraction system has been determined as stated in para 3.5. Based upon the recommended installation, the calculations shown in Appendix B indicate a low impact to NSRs at 47m distance. The findings of the report are accepted and a compliance condition is recommended to ensure the installation complies with this requirement.

Odours

An Odour Assessment has been submitted authored by Martin Environmental Solutions dated July 2024 Ref 2772-1. Appendix D shows the risk assessment in accordance with the EMAQ 'Control of Odour and Noise from Commercial Kitchen Extraction Systems' 2018 guidance document (subsequently updated) and indicates a high level of odour control is required. Para 4.7 details the mitigation measures required to ensure there is no loss of amenity to neighbouring properties. The findings of the report are accepted.

Hours of Use

The proposed hours of use are as follows –

- 1630 to 0000 Mon to Fri
- 1600hrs to 0000 Sat
- 1630 to 0000 Sunday/Bank Hols

A condition is recommended to secure these in the interests of protecting amenity.

Contaminated Land

This site has been identified on our mapping system as potentially contaminated land due to its previous use (our map ref 336/5). Although para 3.1 of the submitted planning statement indicates there are to be no groundworks, due to the nature of the potentially contaminated land, a condition for unexpected contamination encountered is recommended.

Pollution Prevention – Fats, Oils and Grease

A condition is recommended for the submission of a scheme to prevent Fats, Oils and Grease from entering the foul water sewerage system.

Construction

Any works as stated in para 3.1 of the submitted planning statement will need to be controlled and a condition is recommended restricting any construction works in the interests of protecting amenity.

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.

OC2 Implement agreed Kitchen Extract Scheme - Condition

Before any food cooking commences the kitchen extract system as specified in the Odour Assessment by Martin Environmental Solutions dated July 2024 Ref 2772-1 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.

HUC2 Hours of Use for Deliveries and/or Dispatches- Condition

There shall be no deliveries to or dispatches from the premises outside the hours of:

- 1630 to 0000 Monday to Friday
- 1600hrs to 0000 Saturday
- 1630 to 0000 Sunday

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.

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings 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.

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.

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