

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/93155 - Former Conservative Club, Stocks Lane, Batley, WF17 8PA
Change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area)
**Responding Date:
21 January 2025**
**Responding Officer:
Mohammed Nasim**
**Responding Ref:
WK202500497**
Comments
Noise

There are some residential properties in the immediate area and consideration must be given to minimising any noise from the proposed use. The proposed covered outdoor seating area to the rear of the building which will be used by the café to serve hot food and drinks, has the potential to generate noise which may lead to a loss of amenity. A condition is recommended for the submission of a Noise Management Plan which should address the use of this area.

There is nothing within the submitted information to show the plant room and this will need to be clarified. Similarly, we seek clarification on whether there is to be any fixed mechanical plant serving the café i.e. kitchen extract, refrigeration/air conditioning etc. as there may be noise emissions that may require mitigation. A Noise Impact Assessment may be required to determine this.

Hours of Use

The application form states the hours of use to be as follows –

Use Class E(a) - Display/Sale of goods other than hot food

- 1000hrs to 1800hrs Mon to Sun

Use Class E(b) - Sale of food and drink for consumption mostly on the premises

- 0800hrs to 2000hrs

A condition is recommended to secure these hours, particularly the external seating area for the Class E(b) use in the interests of protecting amenity

Contaminated Land

The development site sits adjacent to potentially contaminated land (our map refs 73/5, 75/5, 553/5 and 78/5). Conditions are recommended for any unexpected contaminated land encountered during any groundworks.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The submitted Heritage Statement from Martin Walsh Architectural Ref HEBR-MWA-XX-XX-RP-A-0001 states there are to be 11 EVCPs which is acceptable and so a condition is recommended to secure this number.

Construction

A condition is recommended to control the hours of construction in order to protect the amenity of neighbouring occupiers during this phase.

Recommended Conditions

PC2 Noise Management Plan – Condition

Before the development 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 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, but not limited to:

- music and/or other amplified sound at the premises
- loud voices from customers at the premises including those at outside areas and those leaving the premises
- 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.

HUC3 Hours of Use combined Open for Customers, Deliveries and Dispatches – Condition

The use hereby permitted shall not be open to customers outside the hours of 0800hrs to 2000hrs Monday to Sunday and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

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.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and

LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

EVF1 Electric Vehicle Charging Points – Footnote

A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.