

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2025/90487 - 47 Huddersfield Road, Mirfield, WF14 8AE

Change of use and alterations to convert from vacant bank (Class E) to hot food takeaway (sui generis) with installation of extract and ventilation equipment and external alterations to the front and rear elevations

**Responding Date:
18 March 2025**

**Responding Officer:
Mohammed Nasim**

**Responding Ref:
WK202506454**

Comments

Noise

The applicant has submitted a Plant Noise Assessment authored by Suono dated 06 February 2025 Ref 27CD.RP.1. It identifies the nearest noise sensitive receptor as the existing flat above the proposed unit.

An unattended noise survey was undertaken to the rear of the unit as shown in figure 1 between the 22nd and the 23rd of January 2025 and a summary of the results is given in table 1. Plant noise limits are given in table 2 for the proposed mechanical plant to be installed as stated in table 3. In order to meet with the requirements of BS4142, mitigation measures are recommended and these are detailed in paras 5.8 to 5.15 which result in achieving the noise limits as shown in table 7.

The predicted figure for daytime hours is 4dB below the upper limit of 40dB but no information is given on whether any corrections for tonality/intermittency etc. are required which may breach the upper limit. We therefore require this information to be provided before we can comment further.

The first floor use will remain as residential and a higher level of sound insulation is required where residential and commercial uses share a party wall/floor/ceiling. No information is provided so a condition is recommended for the submission of a sound insulation test to show it meets with this requirement.

Hours of Use

A condition is recommended to control the hours of use, including deliveries and dispatches in the interests of protecting the amenity of neighbouring properties.

Odours

The applicant has submitted a report from CanopyUK dated 30 January 2025 which specifies the kitchen extraction equipment. Comment is made that the information contained within this document should be used as supporting information when applying for Change of Use Planning Approval and is based on the 'DEFRA Annex B – Guidance on the control of odour and noise from Commercial Kitchen Exhaust system – Jan 05'. It is disappointing to note Domino's make reference to a document that was withdrawn in 2017. A condition is recommended for the submission of a kitchen extract scheme which must risk assess the level of odour and appropriate mitigation measures as per Appendix 3 in the Control of Odour and Noise from Commercial Kitchen Exhaust Systems document from EMAQ.

Fats, Oils & Grease

A condition is recommended to prevent fats, oils and grease from entering the wastewater drainage system.

Construction

A condition is recommended to control the hours of construction during this phase.

Recommended Conditions

NC6 For use where proposed commercial and residential share a party structure (floor / ceiling or wall etc) – Condition

Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB $D_{nTw} + C_{tr}$ shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

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.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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 1100hrs to 2300hrs daily, and there shall be no deliveries to, or dispatches from the premises outside these hours. No store 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.

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 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 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.

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

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.