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| <b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                         |                                              |
| <b>2026/90966 - Mr Gs, 290, Bradford Road, Batley, WF17 5PW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                         |                                              |
| <b>Change of use from Sui Generis night club to Class E restaurant with ancillary sui generis takeaway, installation of extract canopy to the side and new shopfront (within a Conservation Area)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                         |                                              |
| <b>Date Responded:</b><br><b>Friday, 29 May 2026</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Responding Officer:</b><br><b>HK</b> | <b>Responding Ref:</b><br><b>WK202613205</b> |
| <p>Thank you for consulting Environmental Health on the above application</p> <p><b><u>Observations &amp; Comments</u></b></p> <p>The site is located in the centre of Batley in an area of mixed commercial and residential uses. The application is accompanied by drawing/plans of the proposal, an application form and two reports that appear relevant to Environmental Health which will be discussed below. Of note, the application form has provided opening times proposing that the restaurant / HFTA will operate daily between the hours of 11:00 – 02:00 7 days a week.</p> <p><b>Noise</b></p> <p>The application is accompanied by an Environmental Noise Report, Ref: 2026-03-27 A0276, dated 2<sup>nd</sup> April 2026, prepared by Noise Harvest. The report presents the findings of a baseline environmental noise survey undertaken between 19:00 hours on Wednesday 31<sup>st</sup> March 2026 until approximately 23:00 hours on Wednesday 18<sup>th</sup> of March 2026. As noted in the application form accompanying the application, the proposed hours of opening will be daily between the hours of 11:00 – 02:00 7 days a week. It is a requirement that that the introduction of any noise source should be assessed under a “worst case scenario” noise impact assessment. This would require an environmental noise survey to cover periods of time when ambient noise levels within the area will be at their lowest (during operating hours). This is likely to require that the baseline noise survey will include noise monitoring up to and including an hour after closure on a Sunday-Monday morning when the kitchen is likely to be closed, but potentially operating equipment whilst cleaning is occurring to ensure that noise impacts from the fixed plant are assessed against the lowest measured background noise levels. It is clear from the noise assessment that is not possible on the basis of the measurement period of the environmental noise survey.</p> <p>Environmental Health cannot accept the submitted Environmental Noise Report, Ref: 2026-03-27 A0276, dated 2<sup>nd</sup> April 2026, prepared by Noise Harvest as it has not undertaken a worst-case scenario BS4142:2019 noise impact assessment.</p> <p><b>Odour</b></p> <p>In support of the use of the existing ground floor restaurant, the applicant has also submitted an unreferenced undated Ventilation Strategy, prepared by Fusion Hot Ltd confirming the proposed extraction system and external discharge location position. The Ventilation Strategy states that it addresses EMAQ Guidance Control of Odour and Noise from Commercial Kitchen Exhaust Systems. The Ventilation Strategy includes an odour risk assessment, identifying that the kitchen will be small - Less than 30 covers or small take away. This appears to underestimate the potential odour impacts of the system, based on the large size of the venue 172m<sup>2</sup> and the number of staff (10 FTE employees detailed in the application form). An odour risk assessment with a large as opposed to a small kitchen will result in the required odour abatement falling into the “Very high level of odour control” category, which seems more reasonable based on the size of the proposal.</p> |                                         |                                              |

Environmental Health cannot accept the submitted Ventilation Strategy, prepared by Fusion Hot Ltd as it appears to underestimate the likely odour mitigation strategy, which should be revised unless can be. Further evidence is required to justify the size of the kitchen, relative to the size of the premises and large number of staff.

### **Grease / Drainage**

The introduction of a restaurant / HFTA will increase the amount of fats entering the drainage system, restricting the flow and increasing the likelihood of blockages.

### **Lighting**

Artificial lighting increases local lighting levels and has the potential to impacting biodiversity and the amenity of nearby residential receptors. Any external lighting should be properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive, spillover light, or glare.

### **Construction**

Due to the proximity of the site of the proposed development to neighbouring residential dwellings, a condition is recommended for controlling the construction site's hours to protect the amenity of the occupants of nearby dwellings.

## **Recommendations**

Environmental Health do not object to the application in principle for the change the use from Sui Generis night club to Class E restaurant with ancillary sui generis takeaway. To ensure that noise & odours, light and pollution associated with use of the Class E restaurant with ancillary sui generis takeaway does not impact nearby noise, odour or lighting sensitive receptors, we recommend the following conditions are applied with the granting of permission:

### **NC10 Noise from Fixed Plant & Equipment - Condition**

The combined noise from any fixed mechanical services and external plant and equipment from the kitchen extraction system 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.

\*THIS WILL REQUIRE AN UPDATED ENVIRONMENTAL NOISE SURVEY (TO INCLUDE LATE NIGHT WEEKEND NOISE MEASUREMENTS), RELATIVE TO THE PROPOSED OPERATING HOURS OF THE PREMISES.

### **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:

- An updated 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 (2<sup>nd</sup> 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 200 of the NPPF

#### **LC1 External Artificial Lighting - Condition**

Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location of all the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

#### **LF1 Artificial lighting - Footnote**

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “*Guidance Note 01/21 for the Reduction of Obtrusive Light*” by the Institution of Lighting

Professionals: 2021 [www.theilp.org.uk](http://www.theilp.org.uk). The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

### **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)

### **HSF3 Smoke-free Footnote:**

All areas open to the public including workplaces, are considered smoke free zones where they are enclosed or substantially enclosed. It is therefore illegal to smoke in an enclosed public space, or a space that's mostly enclosed. 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 smoke free requirements including an appropriate structure. The Food Safety Team can be contacted on 01484 221000 or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).