

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No: 2021/44/92198/E

Site Address: 161, Wakefield Road, Scissett, Huddersfield, HD8 9HR

Description: Discharge conditions 3 and 4 on previous permission 2020/93797 for change of use of from computer store to hot food takeaway

Recommending Officer: John Ritchie

DECISION – APPROVE DISCHARGE OF CONDITION 3

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18-Nov-2021

OFFICER REPORT 2021/92198

This application relates to planning permission for change of use from computer store to hot food take-away at 161 Wakefield Road, Scissett, ref 2020/93797. The application seeks discharge of conditions 3 (odour mitigation) and 4 (noise mitigation). Condition 4 was discharged subject to completion and retention of the agreed details by split decision issued on 30th September 2021. Condition 3 is as follows:

3. Notwithstanding the information provided in the submitted drawing and application form, the development hereby approved shall not commence until details of a kitchen extract system have been 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.*
- *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.*

The application building shall not be occupied as a hot food takeaway until the approved kitchen extract system has been installed and thereafter retained and maintained in accordance with the approved details.

Reason: *This is a pre-commencement condition to ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in accordance with Policies LP16, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

Assessment

The submitted details were reviewed by the Environmental Health Officer who requested further details. These have been received and the EHO has confirmed that they are acceptable.

Decision Text

Condition 3 (Odour Mitigation)

You have submitted the following:

- An Odour Assessment by Aval (ref: 91299) (dated May 2021)
- An unreferenced Extraction System proposal by Eastern Catering Engineering Ltd (dated: 27th August 2021)
- Technical data sheet by Purified Air – Electrostatic Precipitation (ESP) Filter Unit.

These details meet the requirements of condition 3. In accordance with the terms of the condition the kitchen ventilation extract system must be installed

as detailed in The Extraction System Proposal by Eastern Catering Engineering Ltd (dated 27th August 2021) and thereafter maintained in accordance with the accepted scheme.

Report Dated: 16 November 2021