

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:	2023/44/90216/W
Site Address:	adj, 17, Hillhouse Lane, Fartown, Huddersfield, HD1 6EF
Description:	Discharge condition 15 (extract ventilation system) on previous permission 2019/93483 for erection of 4 A1/A3 ground floor units, 3 B1 offices and ancillary space, free standing ATM and car park
Recommending Officer:	John Holmes

DECISION – Details submitted for condition 15 approved

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 09-May-2023

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under application 2019/93483 and permission granted for Erection of 4no. A1/A3 ground floor units, 3no.B1 offices and ancillary space, a free standing ATM and car park.

The applicant is now seeking to discharge Condition no.15 (extract ventilation system) of this consent.

ASSESSMENT

Condition no.15

This condition states the following: -

Notwithstanding the approved plans, prior to the installation of any extract ventilation system at the site outlined in red on Dwg. No. HD-A-655, details of all the system(s) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the methods of treatments of emissions and filters to remove odours and control noise emissions. The works specified in the approved scheme shall be installed before the system is first brought into use and retained and maintained in accordance with the manufacturers' instructions thereafter.

Reason: To ensure that the proposed uses do not give rise to the loss of amenity to nearby residential properties, by reason of noise or odour disturbance, 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.

As part of this application the following has been submitted: -

Drawing M001 Mechanical Services Kitchen Ventilation Layout. This details the means of extraction to serve unit no.1, including noise and filtration and elevational details of the external flue.

- Drawing (07)18 which details the floor plan of unit 1

The Council's Environmental Health Team have been consulted, and stated that the submitted drawings, details and annotations describe in detail the proposed kitchen ventilation system. This system is set out in their response to consist of: kitchen canopy, pre-filters, electrostatic precipitator, bifurcated extract fan, outside noise attenuators and a high velocity roof cowl which is to terminate 1m above the apex of the roof. The Environmental Health Team advises they accept the scheme submitted and request the condition is not discharged until the system is installed and fully operational.

The submitted scheme sets out an extraction system in a less prominent part of the site, and which is considered to meet the requirements to ensure there is not significant levels of noise or odour as a result of the system, given the response of the Environmental Health Team. It is located between the rear of

the unit and the side wall of the closest dwelling on Hillhouse Lane. This would satisfy the reasons for imposing condition 15.

Given the ongoing requirement of the condition that the approved scheme shall be installed before the system is first brought into use and retained and maintained in accordance with the manufacturers' instructions thereafter, it is considered that the details submitted can be approved, notwithstanding the comments of the Environmental Health team seeking to reserve discharge of the condition until it is in place and operational.

It is recommended any approval advises the applicant of the requirement of the condition to have the approved scheme in place before the use commences.

DECISION LETTER TEXT

Condition 15 – extract ventilation system

You have submitted the following: -

- Drawing M001 Mechanical Services Kitchen Ventilation Layout. This details the means of extraction to serve unit no.1, including noise and filtration and elevational details of the external flue.
- Drawing (07)18 which details the floor plan of unit 1

The details submitted for this condition are considered to be acceptable.

There are ongoing requirements to condition 15 that the works specified in the approved scheme are installed before the system is first brought into use and retained and maintained in accordance with the manufacturers' instructions thereafter.