Planning Reference 2023/92519 Butchers Arms Alterations to Extraction System

OBJECTION

This planning application is not an improvement on the previous planning application (2021/62/93509) and is in fact far inferior due to

A: height of final extraction vent – less than 2 metre high

B: odours/ emissions discharged horizontally, directly onto Uppergate (previous plan vertical)

C: the external vent/ louvres is more than twice the size of the existing vent as it provides extraction for 2 fans not just one.

D: there are still concerns over the detail and assumptions made regarding noise attenuation and odour control (see below).

E: as detailed on 'Group Plans and Elevations 1005279- Vent Drawing' the attenuator is to reduce discharge noise but with the original extraction system (before the kitchen extension) there was no noise. Previously a very successful kitchen was run by previous owners with no noise produced so why should the neighbours have to suffer any noise now?

Also the previous planning application was refused because

- as stated in the decision notice, '***In the absence of any further information*** *to support the Noise Report (ref 21.156.1.R1), it has not been demonstrated that the extractor fan and flues could be operational without resulting in undue harm to the living conditions of the nearby occupants in terms of noise disturbance*.'
  and
- the Delegated Report stated '*Officers have also entered into discussions with the agent regarding the need for additional information in order to ensure that the extraction system would not have any undue noise disturbance to nearby noise sensitive properties.* ***However, in this case, no further information has been received'***

and **NOT** just as stated in the Planning Statement for this latest application that the '*application was refused on the grounds that it had not been demonstrated that the extractor fan and flues could be operational without resulting in undue harm to the living conditions of the nearby occupants in terms of noise disturbance.'*

If The Butchers Arms had been willing to provide the information and the correct measures for odour control and noise attenuation were in place this may well be the better option because the extraction would be higher and vertical. There are a number of options for abatement identified within the EMAQ+ and DEFRA guidance1 and one is '***Dispersion - Emissions should be discharged vertically at high velocity using a jet cowl*** *,* as referred to in the Odour Risk Assessment, 4.2.1

The extraction that is currently being used was refused permission as 'proposed extractor fans would have a detrimental impact upon the living conditions of the nearby residential properties, by way of noise disturbance and odour pollution.' So far neighbouring properties have had to suffer constant noise and odour for 3 years. If further information is required from the Butchers Arms and not provided what will be done to protect the nearby residential properties from the noise and odour? The use and noise of the fans was never an issue prior to the new owners so surely it should not be an issue now.

If permission is given will the Butchers Arms be made to rigorously adhere to the plans unlike with the kitchen extension and the unauthorised extraction?

It is extremely important that only the extraction that provides maximum noise attenuation and odour control is approved and adheres to the EMAQ and DEFRA guidance. If the previous application

was the best, with the correct noise attenuation and odour control in place, then this should be revisited. EMAQ Technical Guidance states that the extraction should - '**Discharge the extracted air not less than 1 m above the roof ridge of any building within 15 m of the vent serving the commercial kitchen. Additional odour control measures may still be required depending on the cooking type and frequency.**' No plans inputted by The Butchers Arms do this.

With regards to the
Noise Impact Assessment

- It states *'This Assessment has relied upon a background sound survey completed in a location considered to be representative of the sound climate at the closest residential dwellings to the Site.'*

What was the location? Why not use the exact location? Previously when data regarding a traffic flow assessment was provided a location was used, supposedly representative of Uppergate, and it was found not to be representative.

- *1.2.2 It is understood that the Extract System will not operate outside of the food service times currently in operation at site which are: Wednesday & Thursday: 12:00 – 15:00 & 18:00 – 20:00; Friday: 12:00 – 21:00; Saturday: 12:00 – 21:00; and Sunday: 12:00 – 19:00.*

  The food service times are completely incorrect. The restaurant is open from 12.00 to 20.00/21.00 and food orders have been taken after 20.45. Kitchen preparation is carried on outside of the food service times. Thus the extract system is normally in use from 10.00 am (sometimes earlier) until between 20.00 and 22.00. It has on occasions been left running all night.

- *1.3.1 The Site is located in a predominantly residential area with the closest residential dwellings lying to the north west (Barnside) and south west of the Site (beyond Upper Gate).*

  Yet 4.1.3 states *'Table 5 calculates the specific sound pressure level at the boundary with the closest residential receptor which lies to the south west beyond Upper Gate.'* Does this mean the residential dwelling lying to the north west, Barnside on Uppergate, been ignored?

- *1.3.2 The soundscape at the closest residential receptors is comprised predominantly of intermittent road traffic movements on the local surrounding road network.* There is very intermittent traffic noise – the birds are louder.

- 2.3.1 states '*We have been appointed by a client to complete a Noise Impact Assessment in support of a proposed hot food takeaway at 241 Bradford Road in Batley WF17 6JQ.'*

What relevance is this? Is this Noise Assessment a generic one? Is this the location used deemed to be representative? If so it certainly does not compare to the countryside of Hepworth.

- 2.3.2 refers to additional noise information required including 'raised voices' but 2.3.3 states '*there is another planning application running alongside the planning application for the Extract System which above the relates to and so this Assessment is only concerned with noise emissions from the Extract System*.' Is this the case?

5. Conclusion 5.1.2 – refers to planning application reference: 2021/93509. This application is 2023/92519.

5.1.5 states '*This Assessment has also relied on supplied noise level data for the extract louvre which benefits from two integrated in-line silencers, positioned between the fan unit and façade-*

mounted extract louvre.' If this application was approved would the exact integrated in-line silencers referred to be installed as Appendix 4 gives details for '**example** in-line extract silencer'?

- The extraction fan has 1/2/3 speeds – has this been taken into account in the noise assessment?

Odour Risk Assessment

- 1.2.2 *The Butchers Arms is a restaurant located in the village of Hepworth and is bordered to the east and south by Town Gate and to the west by Upper Gate, with residential dwellings beyond. A single residential property is located directly to the north of the site off Upper Gate.*
  Are the extremely nearby properties on Uppergate, particularly the neighbouring property, Barnside, and the properties on Carr Farm referenced in this report?
- As in the Noise Report the kitchen hours are drastically incorrect.
- 1.2.4 states '*the extract air will then be discharged horizontally to atmosphere via a vent on the south-western façade of the building. The release point will be positioned above first floor level, below the eaves of the building'.*
  The release point is only approximately 2.7 metres from the ground.
  EMAQ+ and DEFRA guidance1 suggest *'Emissions should be discharged vertically at high velocity using a jet cowl'.* Refer to 4.2.1
- 4.1.2 The odour risk criteria
  -'dispersion' should be increased as the proposed extraction is below the eaves
  - 'size of kitchen' should be increased as the Butchers Arms uses the upstairs restaurant/ dining space as well as the downstairs which I believe would increase the covers to 100+
  - 'cooking type' should be high as it is a pub serving fried fish and chips and some of the many odours currently suffered from on Uppergate are consistent with this.
  Thus - Dispersion 15 (below eaves)
  Proximity of receptors 10
  Size of kitchen 5
  Cooking type 7 or 10
  Total 37/40- very high

- In both the Noise Impact and Odour Risk Assessment Report, the northwest proposed elevation of the Grouped Plans and Elevation 1005282 shows a flue/ chimney at the same height as the existing chimney in the original single story kitchen – is this correct?

Time for work to be carried out - If planning permission is granted would the Butchers Arms have 3 years within which to implement the plan and therefore would they be allowed to continue to use the unauthorised extraction for this period to the detriment of the living conditions of the nearby residential properties neighbours?