

**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:	2023/44/92935/E
Site Address:	27A-33, Commercial Street, Batley, WF17 5EP
Description:	Discharge of condition 6 (kitchen extraction) and 7 (prevention scheme) on previous permission 2020/94331 for change of use of retail unit to restaurant and alterations including balcony
Recommending Officer:	Elenya Jackson

**DECISION – SPLIT DECISION - DISCHARGE OF CONDITION 7
APPROVED**

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

Emma Thompson

AUTHORISED OFFICER

Date: 28-Nov-2023

Officer Report

27A-33, Commercial Street, Batley, WF17 5EP

Discharge of condition 6 (kitchen extraction) and 7 (prevention scheme) on previous permission 2020/94331 for change of use of retail unit to restaurant and alterations including balcony

Condition 6

Before the development 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.
 - 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 the development 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 (e.g. 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.

Condition 7

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, environmental well-being and to accord with Policy BE1(iv) and the National Planning Policy Framework

Assessment Condition 6

The following has been submitted:

- Extract & Ventilation Statement dated September 2023. This document includes technical specification sheets.
- Odour Control Risk Assessment dated Tuesday, 1 August 2023

KC Environmental Health have been consulted on the application and made the following comments:

'The risk assessment correctly identifies the need for a very high level of odour control at the premises and goes on to specify the necessary components that should be built into the extract system to achieve said odour control. We are concerned that the extract ventilation statement goes on to contradict the risk assessment in that it does not include all the required components of the extract system and offers a lower standard of odour control. The extract ventilation statement does not specify the exact height above the eaves of the terminus of the flue to the system, we require this in diagrammatic form.

Due to inconsistencies in the documents, we do not accept the information provided and make the following recommendation'.

Therefore, the details provided for the discharge of condition 6 are not considered acceptable and the condition cannot be discharged at this time.

Assessment Condition 7

The following has been submitted:

- An undated Drainage and Waste Assessment Report
- Technical specification sheets detailing the grease trap and an accompanying dosing system

KC Environmental Health have been consulted on the application and made the following comments:

'We accept the report in relation to prevention of grease fats and oils entering the drainage network and make the following recommendation.

We would remind the applicant that these systems require thorough and frequent cleaning by staff at the premises and specialist maintenance contractors to remain compliant with Food Hygiene Regulations'.

The details provided are considered acceptable for the purpose addressing outstanding concerns regarding the disposal of waste associated with the development and discharging Condition 7., The applicant is reminded that this condition cannot be fully discharged until the scheme has been implemented prior to first operation of the development and is retained throughout the lifetime of the development.

Decision notice text

Condition 6:

The following has been submitted:

- Extract & Ventilation Statement dated September 2023. This document includes technical specification sheets.
- Odour Control Risk Assessment dated Tuesday, 1 August 2023

The details provided to support the discharge of Condition 6 are not considered acceptable at this time and the condition must remain until further notice.

Condition 7:

The following has been submitted:

- An undated Drainage and Waste Assessment Report
- Technical specification sheets detailing the grease trap and an accompanying dosing system.

The details provided are considered acceptable for the purpose of discharging Condition 7. The applicant is reminded that this condition cannot be fully discharged until the scheme has been implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.