

**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:	2024/44/92551/W
Site Address:	Devour at Woodlands Mill, Luke Lane, Thongsbridge, Holmfirth, HD9 7TB
Description:	Discharge of details reserved by conditions 7 (ventilation), 8 (air conditioning) on previous permission 2019/94096 for erection of extension to former mill building
Recommending Officer:	John Holmes

DECISION – Discharge of Conditions 7 and 8 - 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 25-Feb-2025

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2019/94096 and permission granted for 'Erection of extension to former mill building'

The applicant is now seeking to discharge Conditions 7 and 8 of permission 2019/94096.

ASSESSMENT

Condition 7

This condition relates to the installation of extract ventilation systems, and states the following:

Prior to the installation or erection of any extract ventilation systems within the site outlined in red on the hereby approved Dwg. No. 3327 (0-) 180 Revision A, details 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, control of noise emissions and specific design details of the system including of any external flue. The works specified in the approved scheme shall thereafter be installed, retained, operated at all times when the required by the development and maintained in accordance with the manufacturer's instructions unless otherwise approved in writing by the Local Planning Authority. Reason: In the interests of the protection of residential amenity from any adverse noise and odours arising from the operation of the development and to accord with Policies LP51 and LP52 of the Kirklees Local Plan and

Policies in Chapters 12 and 15 of the National Planning Policy Framework

The information submitted to address this condition relates to the following:

- Letter from HVAC Technical Solutions Ltd received 9th September 2024.
- Condensing Unit Specification Sheet (Model JEHR-0140-B2-M-1)
- Condensing Unit Specification Sheet (Model JEHR-0210-B2-L-1)
- Fan specification sheet (Model eDCV 500-4-3 (120))
- UVO Odour Control Units (Models UV-O 500 / UV-O 1000)
- Drawing titled 'Kitchen Ventilation System' drawing no: 002
- Drawing titled 'Kitchen Ventilation System' drawing no: 001
- Noise assessment (ref: NIA-10956-23-11166-v3-Devour Kitchen Extraction).

The submitted assessment sets out the following:

'The results presented in Table 4.3 indicate that rating noise levels at NSR A would exceed the existing representative background noise level by ≤ 3 dB. With reference to the BS 4142 guidance set out in Section 2, the predicted noise level is below the level at which adverse impacts are expected. Rating noise levels at NSR B, which benefits from the acoustic screening provided by the building massing of intervening properties are not predicted to exceed the background noise level.

This is indicative of a 'low impact' according to BS 4142. With reference to the PPG guidance set out in Section 2, noise levels at NSR A are considered to represent no observed adverse effect level (NOAEL), in that noise is likely to be audible at a level at which there is not likely to be a change in the quality of life or result in a change in behaviour. Noise levels at NSR B are considered to be NOEL, on the basis that plant noise is unlikely to be audible'

The Council's Environmental Health Team have been consulted. Within their initial response (dated 26th September 2024) they set out that further information is required to allow the discharge of this condition. Following on from this response further information was submitted, specifically the noise assessment referred to above.

The Council's Environmental Health Team were subsequently reconsulted and stated that a BS4142 assessment has been conducted which shows that there is a +3dB increase to NSR1 and as is it acknowledged that this increase is deemed imperceptible, it is accepted. They go on to confirm that the

submitted information meets with the requirements of the condition and recommend it can be discharged.

Taking account of the submitted information and response of the Environmental Health Team, it is concluded that, in relation to condition no.7, the information requirements have been satisfied in relation to the scheme which has been submitted and it is considered acceptable to allow for the discharge of this condition.

Condition 8

This condition relates to submission of details relating to external plant, and states the following:

Before the installation of any external plant such as air conditioning units, cooling units etc at the site outlined in red on the hereby approved Dwg. No. 3327 (0-) 180 Revision A, other than that approved as part of condition 7, details of said plant shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall set out the need for the additional plant, its siting, appearance and the predicated noise levels that would be generated through its operation. The additional plant shall thereafter operate in accordance with the approved details, and be maintained and in accordance with the manufactures recommendations. Reason: In the interests of the protection of residential amenity from any adverse noise and odours arising from the operation of the development and to accord with Policies LP51 and LP52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the National Planning Policy Framework.

The information submitted to address this condition relates to the following:

- Letter from HVAC Technical Solutions Ltd received 9th September 2024.
- Condensing Unit Specification Sheet (Model JEHR-0140-B2-M-1)
- Condensing Unit Specification Sheet (Model JEHR-0210-B2-L-1)
- Fan specification sheet (Model eDCV 500-4-3 (120))
- UVO Odour Control Units (Models UV-O 500 / UV-O 1000)
- Drawing titled 'Kitchen Ventilation System' drawing no: 002
- Drawing titled 'Kitchen Ventilation System' drawing no: 001
- Noise assessment (ref: NIA-10956-23-11166-v3-Devour Kitchen Extraction).
- Email dated 14th February 2024

Further to the above, within an email dated 14th February, the applicants' agent sets out that there are two condenser units located to the north-east of the extract plant to the rear of the kitchens. They go on to advise that a sound pressure level of 38 and 32 dB L_{pA} respectively at 10m is achieved. Based on the distance between the nearest receptors on Luke Lane and the plant, they conclude this would result in a cumulative noise level of 33 dB L_{pA} at the

façade assuming both condensers are operating concurrently. They go on to advise that whilst the condensers are mounted above ground level, there is a large stone wall between the plant and such that the receptors do not have line of sight to the plant. They conclude that the condensers would be expected to reduce noise levels at the receiver by a minimum of 5 to 10 dB.

Within the 14th February email, the conclusion is that noise levels at the façade are likely to be ≤ 28 dB L_{pA} which is very low and would be effectively inaudible within dwellings.

In light of the submitted detail, the Environmental Health Team state in their response of 17th February 2025 they consider the submitted detail meets with the requirements of the condition, and they recommend it can be discharged.

Taking account of the submitted information and response of the Environmental Health Team, it is concluded that, in relation to condition no.8, the information requirements have been satisfied in relation to the scheme which has been submitted and it is considered acceptable to allow for the discharge of this condition.

DECISION LETTER TEXT

Condition 7

You have submitted the following: -

- Letter from HVAC Technical Solutions Ltd received 9th September 2024.
- Condensing Unit Specification Sheet (Model JEHR-0140-B2-M-1)
- Condensing Unit Specification Sheet (Model JEHR-0210-B2-L-1)
- Fan specification sheet (Model eDCV 500-4-3 (120))
- UVO Odour Control Units (Models UV-O 500 / UV-O 1000)
- Drawing titled 'Kitchen Ventilation System' drawing no: 002
- Drawing titled 'Kitchen Ventilation System' drawing no: 001
- Noise assessment (ref: NIA-10956-23-11166-v3-Devour Kitchen Extraction).

The details submitted for this condition are considered to be acceptable. Condition 7 is therefore discharged on the basis of the submitted scheme. It is a requirement of this condition that the approved scheme be installed, retained & operated at all times when required by the development and maintained in accordance with the manufacturer's instructions

Condition 8

You have submitted the following: -

- Letter from HVAC Technical Solutions Ltd received 9th September 2024.

- Condensing Unit Specification Sheet (Model JEHR-0140-B2-M-1)
- Condensing Unit Specification Sheet (Model JEHR-0210-B2-L-1)
- Fan specification sheet (Model eDCV 500-4-3 (120))
- UVO Odour Control Units (Models UV-O 500 / UV-O 1000)
- Drawing titled 'Kitchen Ventilation System' drawing no: 002
- Drawing titled 'Kitchen Ventilation System' drawing no: 001
- Noise assessment (ref: NIA-10956-23-11166-v3-Devour Kitchen Extraction).
- Email dated 14th February 2024

The details submitted for this condition are considered to be acceptable. Condition 8 is therefore discharged on the basis of the submitted scheme. It is a requirement of this condition that the approved plant shall thereafter operate in accordance with the approved details and be maintained in accordance with the manufactures recommendations.