

**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:	<b>2024/44/93496/W</b>
Site Address:	Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ
Description:	Discharge of details reserved by condition 13 (kitchen extract system) of permission 2023/91408 for erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works
Recommending Officer:	William Simcock

**DECISION – Discharge of Condition 13 - 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: 03-Jan-2025**

## **Officer Report 2024/93496**

### **Care Home, Thomas St, Lindley**

This application relates to previous permission 2023/91408 for erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works. The applicant seeks to discharge condition (13) which is detailed as follows:

13. Prior to the commencement of food cooking within the development, 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 would 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. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor;
- Details showing the proposed location of all the major components of the extract system; • The noise mitigation measures that would be incorporated in the extract system and details of the likely resulting noise levels that would be caused by operation of the extract system, in particular how loud it would be at nearby noise sensitive locations; and
- A schedule of the proposed ongoing maintenance that would be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking 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 or noise pollution 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

### **Assessment**

#### **Condition 13**

In support of the discharge of condition 13, the following information has been submitted:

- Odour Risk Assessment by Torsion care, the total Significance Score has been predicted to be 24, therefore in line with the above criteria as set out by DEFRA guidance, a high level odour control is required.
- Plan by Qube, dated 27/8/24, ref: 3922, shows stack height above eaves, high velocity terminus, baffle and HVAC pleated panel filters to be provided to the extraction system.
- UVO1000-and-UVO500-Technical-Operational-Manual-Low-Res by Purified Air, this is an additional odour control system to be built into the air flow of the extraction system.
- Acoustic Report demonstrating background sound levels to enable attenuation design.
- Attenuator specification by Caice, Reference:130953/Q00001, dated 2/9/2024. Document demonstrates 4 attenuators will be supplied meeting the mitigation requirement.
- Canopy Cleaning Maintenance Manual by Leightec

KC Environmental Health have reviewed the information provided and advise that the information provided is acceptable for the purposes of this condition. It is hereby recommended for approval. This is subject to the extract system being installed in accordance with the approved details before food cooking commences, and thereafter retained and maintained in accordance with the approved details, this condition will be complied with.

KC Environmental Health would also remind the applicant that, notwithstanding the above, Kirklees Council has additional powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust and smoke and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**Report Dated:** 02-Jan-2024