



Delegated Report

Application No: 20220802

Location: Silk Bar, 1 Parrock Street, Gravesend DA12 1EW

Description: Application for approval of condition 3, 4 and 5 attached to planning permission reference number 20210321 relating to full details of the materials, colour and fixings of the retractable roof and full details, including details/location of external ducting and noise attenuation measures.

Applicant: Mr Muzafer Celik

Submitted Documents/Plans

Application form
Respond Construction Tent and Awning Systems
Discharge of Conditions Document
Ventorn Engineered Ventilation Services
Drawing no. PS-A-P3 rev A (proposed plans)
Drawing no. PS-A-P1 rev A (proposed block plan)

Relevant Planning History

20210321 Application to erect a retractable roof over the existing beer garden and the erection of a side extension to provide a kitchen in order to allow food to be served ancillary to the main use.

Approved: 21 July 2021

Consultations, Publicity and Representations

GBC Conservation Officer

No adverse comments regarding the retractable roof. The extract flue should be painted white to match the existing rendered walls and chimney stack.

GBC Environmental Protection Officer

These comments relate to the condition regarding kitchen extraction only which is as follows:
Condition 5 – Prior to the installation of any extract ventilation system and odour control equipment for the kitchen full details, including details/location of external ducting and noise attenuation measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be maintained in accordance with the manufacturer's instructions.

The documents submitted in relation to the application for approval of condition 5 for the kitchen extraction were as follows:

- Proposed plans PS-A-P3 Rev A dated 04/03/21 – showing the western and southern elevations with the outline image of the extraction ducting going up the rear wall of the first floor of the building.
- Product brochure by Ventorn of a “silent box fan unit AMF-500/1” which includes a brief description, generic technical data and air flow.
- Discharge of conditions document dated 15 July 2022 – “Condition 5 – flue system. The flue extraction system has already been installed and is an activated carbon system in accord with the manufacturers specification – see accompanying document. The approved plan has been revised to show the positioning of the flue. It cannot be seen from outside the site due to the buildings sheltered location.”

No other information has been provided. No schematic drawings of the system were submitted that would indicate what individual elements have been included to make up the entire extraction system including the mitigation measures for odour and noise. No indication has been included as to why no schematics have been provided.

The condition required that full details be submitted to include details/location of external ducting and noise attenuation measures. The purpose of this condition is to ensure that the system is suitable and sufficient to fulfil its purpose and that it is designed so as to not cause a noise, vibration or odour nuisance to the occupants of the building it is attached to or anyone in the locality.

Therefore whilst the application has been submitted with some details of an extraction system it is not possible to know if the information relates to the actual system installed and whether suitable and sufficient odour mitigation has been installed appropriately. The scant details provided do not constitute a scheme or a system, for example, no information has been provided as to what filters were included in the system, what noise and vibration attenuation, what size ducting, length of ducting, maintenance etc.

Insufficient information has been provided for this service to be able to be assured that adequate control measures/noise attenuation was included in the design of the system.

The system has already been installed without permission and it would appear without a suitable design process to ensure the incorporation of the necessary control measures for noise, odour and vibration. **Therefore we cannot recommend the discharge of this condition.**

If the applicant does not have the information required to be submitted as part of the scheme despite the system already having been installed, they will need to arrange for it to be assessed by a competent ventilation engineer, the design details recorded, and suitable schematics and other related drawings drawn up to reflect the actual system installed.

For the benefit of the applicant the information the applicant needs to submit is included in the following list, although it is not exhaustive. Consideration can then be given to it by this service as to the suitability of the system and whether adequate control measures have been incorporated in the design:

ODOUR

- a) Plans and details of all duct work (internal and external) and equipment.
- b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
- c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.

- d) Details, including manufacturer's specification/data sheets of the fan.
- e) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
- f) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).
- g) Details of the proposed installation and commissioning by competent ventilation engineers in accordance with the approved details and confirmation that a commissioning report will be submitted to the LPA to verify the installation, ensuring minimum discharge rates are included.
- h) Details of the proposed maintenance and operation once installed.

NOISE

- a) A noise survey which should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties
- b) The survey must include details of an assessment of the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- c) The survey must include details of the assessment of structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- d) The demonstration that the results of the noise survey have been incorporated in the design to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".

Analysis

Conditions 3, 4 and 5 of planning reference 20210321 are listed below:

Condition 3

All materials used externally on the kitchen extension herein approved shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies CS19 and CS20 of the Core Strategy 2014.

This condition does not require an application to discharge.

Condition 4

Prior to its installation, full details of the materials, colour and fixings of the retractable roof, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard amenity and the appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Core Strategy 2014.

The document submitted with this application is exactly the same as was submitted with the original application. In addition to this is an accompanying statement and updated drawings. The details, on the whole, are considered acceptable however the flue should be painted white in order

to appear less obtrusive. Until this is confirmed this condition cannot be discharged.

Condition 5

Prior to the installation of any extract ventilation system and odour control equipment for the kitchen full details, including details/location of external ducting and noise attenuation measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be maintained in accordance with the manufacturer's instructions.

Reason: In the interest of protecting the appearance of the Conservation Area and residential amenity, in accordance with Local Plan: Core Strategy Policies CS19 and CS20.

The manufacturers specification has been submitted along with a statement containing photos of the flue and a plan showing the position of the flue.

The documents submitted in relation to the application for approval of condition 5 for the kitchen extraction were as follows:

- Proposed plans PS-A-P3 Rev A dated 04/03/21 – showing the western and southern elevations with the outline image of the extraction ducting going up the rear wall of the first floor of the building.
- Product brochure by Ventorn of a “silent box fan unit AMF-500/1” which includes a brief description, generic technical data and air flow.
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No other information has been provided. No schematic drawings of the system were submitted that would indicate what individual elements have been included to make up the entire extraction system including the mitigation measures for odour and noise. No indication has been included as to why no schematics have been provided.

The condition required that full details be submitted to include details/location of external ducting and noise attenuation measures. The purpose of this condition is to ensure that the system is suitable and sufficient to fulfil its purpose and that it is designed so as to not cause a noise, vibration or odour nuisance to the occupants of the building it is attached to or anyone in the locality.

Therefore whilst the application has been submitted with some details of an extraction system it is not possible to know if the information relates to the actual system installed and whether suitable and sufficient odour mitigation has been installed appropriately. The scant details provided do not constitute a scheme or a system, for example, no information has been provided as to what filters were included in the system, what noise and vibration attenuation, what size ducting, length of ducting, maintenance etc.

Insufficient information has been provided for this service to be able to be assured that adequate control measures/noise attenuation was included in the design of the system.

The system has already been installed without permission and it would appear without a suitable design process to ensure the incorporation of the necessary control measures for noise, odour and vibration. The condition therefore cannot be discharged.

As mentioned above, if the applicant does not have the information required to be submitted as

part of the scheme despite the system already having been installed, they will need to arrange for it to be assessed by a competent ventilation engineer, the design details recorded, and suitable schematics and other related drawings drawn up to reflect the actual system installed.

For the benefit of the applicant the information the applicant needs to submit is included in the following list, although it is not exhaustive. Consideration can then be given to it by this service as to the suitability of the system and whether adequate control measures have been incorporated in the design:

ODOUR

- i) Plans and details of all duct work (internal and external) and equipment.
- j) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
- k) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
- l) Details, including manufacturer's specification/data sheets of the fan.
- m) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
- n) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).
- o) Details of the proposed installation and commissioning by competent ventilation engineers in accordance with the approved details and confirmation that a commissioning report will be submitted to the LPA to verify the installation, ensuring minimum discharge rates are included.
- p) Details of the proposed maintenance and operation once installed.

NOISE

- e) A noise survey which should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties
- f) The survey must include details of an assessment of the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- g) The survey must include details of the assessment of structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- h) The demonstration that the results of the noise survey have been incorporated in the design to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".

This information can be provided as an informative for the applicant.

Recommendation:

In summary condition 3 does not require an application to discharge however it is noted that this condition required materials to match the existing building and the extract flue is shown to be finished in stainless steel. The applicant is reminded that this should match the building and therefore should be painted white. Condition 4 can be discharged however, it is not possible to split a decision for conditions applications. As discussed above condition 5 cannot be discharged until full details of the extraction system is provided.

See draft Decision

Case Officer:	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 28 November 2022	Dated: 28 th November 2022

Gravesham Borough Council