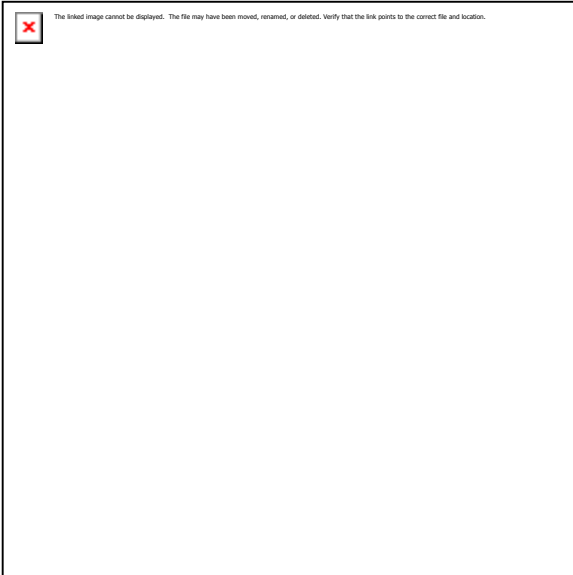




Delegated Report

Planning Application

Application no: 20220645

Location: Keen Fork Ltd 148 Parrock Street Gravesend Kent

Description: Application for approval of condition 4 attached to planning permission reference number 20211061 relating to details of the ventilation system including a detailed cross section showing the design of the entire extraction system intended to be installed, including details of the filtration system to be used, dimensions of ductwork, including height above roof level, and location of noise mitigation measures of the system as recommended in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 and details of the ductwork external finish

Applicant: Mr I Mandhiza

Site Visit Date: N/A

Planning permission was granted for 'Change of use of a shop (class E) to a hot food take away (Sui Generis) with installation of an extractor/vent system' under ref. 20211061 on 12 January 2022; this was subject to a number of conditions including no. 4 which this application seeks to discharge.

Consultations

Environmental Protection (Regulatory Services)

These comments are in response to the application to discharge condition 4 of the permission 20211061 relating to the provision of a ventilation extraction system suitable to protect the amenity of the residential properties in the area from odour and noise from the kitchen extraction system, as follows:

"Notwithstanding the approved plans and details, prior to installation of the ventilation extraction system, details of the ventilation system including a detailed cross section showing the design of the entire extraction system intended to be installed, including details of the filtration system to be used, dimensions of ductwork, including height above roof level, and location of noise mitigation measures of the system as recommended in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 and details of the ductwork external finish shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of the use hereby permitted and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.

The applicant has provided the following documents with their application;

- Covering letter from Planning Direct dated 13/06/22
- Noise Impact Assessment by Venta Acoustics, referenced in the condition ie VA3730.210818.NIA1.1
- Kitchen Extraction System Specification by Univent Bespoke Solutions dated May 2022
- A cross section drawing of the proposed ventilation system, Reference E102 by Univent Bespoke Solutions dated 30/05/2022
- An information sheet on Airclean Baffle Type Grease Filters.
- An information sheet on ESTOC range of duct fans.
- A technical data sheet for a Flakt Group, Round Sound Absorber BDER.
- An information sheet on Site Safe Carbon Filters.

Noise Impact Assessment

The applicant has provided a copy of the noise impact assessment by Venta Acoustics, referenced in the condition ie VA3730.210818.NIA1.1. This is a comprehensive report the recommendations of which are supported by the LPA.

In order for the kitchen extraction scheme to be approved it must incorporate the recommendations and mitigation measures detailed within the Noise Impact Assessment.

The report confirms that the plant to be installed externally with a duct running up the rear of the building terminating above eaves level at the location indicated on site plan VA3730/SP1 is a Polestar 355 Extract Fan which only to be operational during opening hours.

The recommendations of the report include mitigation measures in section 5.2 as follows:

1. The atmospheric side of the extract ductwork needing to be fitted with attenuation with table 5.3 providing the "Atmospheric side extract attenuation requirement".
2. Silencers should be separated from each other by a distance of minimum $3-4 \times D$, where D is the largest internal dimension of the duct work (e.g. D is 0.5m, so a minimum of 1.5-2m apart).
3. Attenuators should be fitted as close to the fan as possible and attached to the ductwork using flexible connections.
4. A Melinex lined silencer should be used as the extract attenuator, to prevent grease impregnation into the acoustic media which may degrade the performance realised over time.
5. The fan motor will also need to be enclosed within an additional casing providing the minimum sound reduction insertion loss shown in Table 5.4 of the report.
6. All plant and ductwork should be fitted with anti-vibration mounts in accordance with the manufacturer guidelines.
7. The extract fan will have a dominant case frequency of 50-60Hz. To mitigate this to remove the tonal element, the fan motor should be mounted on rubber or neoprene mounts with a minimum deflection of 5mm.
8. The fan should be attached to the ductwork on either side using flexible coupling to minimise

vibration transfer to the ductwork.

9. Ductwork should be attached to the building using isolated fixings, with either a rubber or neoprene isolator with a minimum deflection of 1mm.

Additionally the noise impact assessment report recommends a list of mitigation measures to be included in the ceiling of the kitchen so as to ensure that the first floor flat is not detrimentally affected by the operational noise from the extraction in the kitchen:

10. The ceiling above the kitchen is uprated undertaking the following works:
 - a. Install additional layer of 15mm dense plasterboard or fireboard (minimum mass 11kg/m²) to underside of existing ceiling
 - b. New metal frame grid attached to the existing ceiling using isolated hangers such as British Gypsum GAH1 hangers with grid at least 250mm below existing ceiling.
 - c. New ceiling comprising 2 layers 15mm dense plasterboard (minimum mass 11kg/m²) installed on m.f. grid, 100mm mineral (minimum density 25kg/m³) to be installed in void above ceiling. Joints to be staggered and ceiling to be skimmed.

The report states that following the fitting of the above system, it is expected that the in-situ sound insulation performance of the construction would be capable of providing a performance of $D_{nT,w} + C_{tr}$ 53dB. With the conclusion of the report confirming that, with the recommended mitigation measures implemented, the predicted noise emission levels from the proposed plant have been assessed to be compliant with the plant noise emission limits.

The list of recommendations in the Noise Impact Assessment should be used as a list of criteria that the kitchen extraction system scheme must include so as to ensure it satisfies the condition.

Kitchen Extraction System Specification

The system detailed in this 4-page specification must comply with all of the recommendations of the above Noise Impact Assessment otherwise the scheme cannot be approved.

Of concern is that this specification makes no mention of the Noise Impact Assessment or its recommendations. It refers to DW144 and DW172 which are the standard specifications for sheet metal ductwork and fire rated ductwork respectively which although are important are not relevant to the satisfaction of Condition 4.

The only references to odour and noise abatement are:

- **Section 2 System Ductwork** – which says, “Odour abatement and noise control will be incorporated to mitigate any environmental impact to the surroundings” and
- **Noise Control** - To mitigate potential noise levels, the system will comprise sound attenuation silencer and will be installed to system duct work, a typical reduction of 10 to 15dba can be achieved.
- **Odour control Filtration Unit** - 600mm x 600mm x 400mm filtration unit will incorporate 1x 600mm x 600mm fine particulate filters, followed by 2 x 600mm x 600mm x 192 carbon block filters.

No further details are provided as to what make, model and size of the extract fan, supply fan, silencer and the make and model of the odour filtration unit etc are to be used. Reference is made in the section called “**Plant selection fan**” to the following however there is no further mention of these pieces equipment nor are any data sheets provided:

- Flackt-Woods Powerbox 50-355-1 355mm single phase 230v with speed controller (or equivalent).
- Flackt-Woods 250mm axial flow single phase 230v with speed controller (or equivalent)

The specification states "Please note duct sizes can be changed to satisfy planning constraints and equivalent rectangular sizes can be used also colour matched to address any impact on conservation constraints." This would indicate that the author of this specification is not aware of whether the system complies with the planning constraints. This service understands this to mean the planning constraints are the recommendations of the Noise Impact Assessment.

Section 3 Fan details - No details of the fan are provided in the specification other than it will be capable of handling the design volume flow of 0.77m³ to 0.6m³/s to mid-range at a system resistance of 200pa to 300pa and sound level of 32db(A) (4m) power consumption 0.6KWh/day. The reference to 32Db(A) does not correspond to any detail in the Noise Impact Assessment which states that the extract fan to be used i.e. the Polestar 355. The data sheets provided with this application are for various sizes of the Estoc 50-355-3 box fan with no indication in the system specification whether an Estoc fan is to be used and if so, which size fan is proposed.

Section 3 – Supply fan – no details are provided as to what fan is to be used etc. The only details provided are "Located at the rear of the building wall and anti-vibration pads will be capable of handling the design volume flow up-to 0.5 to1 m³/s 100pa to 150pa and sound level of 30dba to 40dba".

Cross section drawing of the proposed ventilation system, Reference E102

The system drawing appears to indicate a single carbon filter in a carbon box size 600mm x 600mm x 400mm, a silencer, a centrifugal fan, two anti vibration, the size of the canopy in the kitchen, that the ducting is reduced in diameter to 250mm after the silencer and has a spiral at the upper level etc.

Summary

In order to satisfy the requirements of condition 4 the scheme must clearly demonstrate the inclusion of the recommended mitigation measures listed in the Noise Impact Assessment. However there appears to be no reference made in the scheme specification or the cross section drawing to the Noise Impact Assessment or the mitigation measures within it nor do any of the datasheets relate to the mitigation measures. Additionally there is no clarity as to what the make, model and size of any part of the system is or what part of the system the equipment is that data sheets have been provided for etc.

The details of the system proposed cannot be considered as satisfying the requirements of the condition and therefore we recommend that the application is refused in order prevent odour and noise affecting the neighbours as the premises is in a dense urban area.

The applicant is advised to seek the assistance of a competent kitchen extraction system designer that will make the necessary reference to the recommended mitigation measures in the Noise Impact Assessment, when designing the kitchen extract system for this site. The scheme must include drawings of the system annotated with the description of each part with its dimensions, make model etc. The new scheme, including confirmation that the mitigation measures relating to the uprating of the ceiling in the kitchen will be implemented, must then be submitted for approval in part fulfilment of this condition.

The second part of the condition ie requires "The approved equipment shall be installed prior to the commencement of the use hereby permitted and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions" before the whole condition can be considered to be satisfied.

Neighbouring Properties

16 neighbouring properties were consulted on the application - 5 responses received which can be summarised as follows:

- Impact on them from cooking smell odours

- Already suffer greatly from the cooking smells from the other takeaways in the parade
- Where the new extractor is proposed to exit will mean the cooking smells will go right into their windows
- Increase already bad levels of cooking smells they experience from the other takeaways
- Impacting on their life greatly
- Affects whether they can open/close their windows
- Have to constantly wash/clean their flat due to the smells
- Affect their health and wellbeing
- If filters are removed or not replaced the odours will go out into the local atmosphere

Analysis

Condition 4 is as follows:

4. *Notwithstanding the approved plans and details, prior to installation of the ventilation extraction system, details of the ventilation system including a detailed cross section showing the design of the entire extraction system intended to be installed, including details of the filtration system to be used, dimensions of ductwork, including height above roof level, and location of noise mitigation measures of the system as recommended in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 and details of the ductwork external finish shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of the use hereby permitted and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.*

Reason: *In the interest of protecting residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

The information submitted in pursuance of this condition is as follows:

- Application form;
- Covering letter from Planning Direct dated 13/06/22
- Noise Impact Assessment by Venta Acoustics, referenced in the condition ie VA3730.210818.NIA1.1
- Kitchen Extraction System Specification by Univent Bespoke Solutions dated May 2022
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- An information sheet on Airclean Baffle Type Grease Filters.
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- An information sheet on Site Safe Carbon Filters.

GBC Environmental Protection (Regulatory Services) have been consulted on the proposal and advise that the information submitted does not demonstrate that the amenity of occupiers of neighbouring properties would be protected from odour and noise from the kitchen extraction system. Essentially the noise impact assessment submitted makes a number of recommendations in order to ensure neighbouring occupiers would not be impacted by noise from the extraction system but these have not been included in the kitchen extraction system, indeed the noise impact assessment or its recommendations are not mentioned within the extraction system specification. The extraction system needs to be designed in full conjunction with the recommendations as stated in the noise impact assessment in order to ensure that neighbouring properties would not be impacted on by either odour or noise from the ventilation extraction system.

As such it is considered that insufficient information has been submitted to discharge condition 4 as it has not been demonstrated that the amenity of neighbouring properties would be protected from odour from the takeaway use and protected from noise from the ventilation extraction system; refusal is therefore recommended

Recommendation:

Refusal of details

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	22nd August 2022	Dated:	