



Delegated Report

Approval of Conditions Application

Application No:	20230754
Location:	I Love Pizza Ltd, 147 Parrock Street, Gravesend, Kent, DA12 1EY
Description:	Application for the approval of conditions 5 and 6 attached to planning permission reference number 20221254 relating to odour and noise control of the extraction/ventilation system.
Applicant:	Mr Okkes Omalar

Procedural Issues

The application was originally submitted with a complex description, this was simplified by the Local Planning Authority to read as follows:

Application for the approval of conditions 5 and 6 attached to planning permission reference number 20221254 relating to odour and noise control of the extraction/ventilation system.

Submitted Documents/Plans

- Application Form – dated 24 November 2023;
- Supplementary Information – Commissioning Report Fans by Ruck Ventilatoren – dated 15 May 2023;
- Drawing no. 2022/33/01 – Site Location and Block Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221254	**REVISED DESCRIPTION** Application for the variation of conditions 2, 5 and 6 attached to planning permission ref. no. 20200615 for change of use from former Use Class A1(shops), now within Class E (Commercial, Business and Service) to what was Use Class A5 (hot food takeaway), now a Sui Generis Use (Hot Food Takeaway), to allow changes to the approved drawings; changes the front signage display; changes to the odour extraction and ventilation systems; and change of use from pizza takeaway.	PERMITTED	28.02.2023

Consultations, Publicity and Representations

GBC Environmental Protection (Regulatory Services) – The following comments are made with regards to the discharge of these 2 conditions:

Condition 5 – Odour Control. Condition 5 requires the following:

The kitchen extraction/ventilation system shall be installed as set out within the 'Odour Report' dated 15/11/2022 by Goya Works, 'Ventilation Statement' dated 15/11/2022 by Goya Works and the proposed plans before the use as hereby permitted first commences. The extraction/ventilation system as installed must not be used outside the permitted operating hours of the premises. The system shall be maintained in accordance with the submitted reports and documents thereafter.

The installation and commissioning of the extract system must be undertaken using a competent ventilation engineer in accordance with approved details, and a commissioning report must be provided and approved in writing by the Local Planning Authority to verify the installation and ensure minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme, with no new plant or ducting system to be used without the written consent of the Local Planning Authority.

Although the submitted document is called a commissioning report, it mainly refers to the box fan and provides very little information on the equipment planned to be installed for odour control as per the 'Odour Report'. Reference has been made to an activated carbon filter, but no other details have been provided.

Based on the information submitted, Condition 5 cannot be discharged.

The applicant is advised to read the wording of the condition carefully before submitting any further information. The commissioning report for this condition must include details of all of all control equipment that has been installed, providing proof of installation such as serial numbers and photographs. Minimum discharge rates are also required by the condition, and this is to ensure that the cooking odours can be pulled through the system and discharged at an adequate speed to enable good dispersal. These rates need to be demonstrated in the compliance report. Details of maintenance such as maintenance and a servicing schedule must also be included.

Condition 6 – Noise Control. Condition requires the following:

The kitchen extraction/ventilation system shall be installed in accordance with the details and specification as set out within the 'Noise Impact Assessment Report - Kitchen Extract System' dated 17/11/2022 by Sound Licensing Ltd, 'Ventilation Statement' dated 15/11/2022 by Goya Works, 'Vibration Assessment and Kits' dated 17/11/2022 by Goya Works and the proposed plans before the use hereby permitted first commences.

The installation and commissioning of the extract system must be undertaken using a competent ventilation engineer in accordance with approved details, and a commissioning report must be provided and approved in writing by the Local Planning Authority to verify the installation. This report must include post completion noise levels taken at the nearest independent noise sensitive premises in order to demonstrate that the rating level of the noise emitted as a result of the extraction equipment running does not exceed the existing background noise level by more than - 10dB at the nearest independent noise sensitive premises when measured and assessed in accordance with BS4142:2014. If this level cannot be complied with, a scheme of further noise mitigation measures needed to achieve the required level must be submitted for approval. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

The submitted report is not a post completion noise testing report. Based on the information submitted, Condition 6 cannot be discharged.

Again, the applicant is advised to read the wording of the condition carefully. The commissioning report will need to include details of all equipment that has been installed and again provide proof by e.g.; serial number and photographs. As this condition relates to noise, this will include equipment such as fans, attenuators, anti-vibrational mounts, flexible couplings, flue, flue termination etc. A noise consultant will also need to undertake noise measurements of the system in operation to demonstrate that noise emitted from it

is 10dB(A) or more below the background noise level at the nearest independent noise sensitive premises when measured and assessed in accordance with BS4142. As the premises operated until 11pm, it is recommended that noise levels are included around this time as 11pm will be quieter in terms of background noise when compared to earlier in the day.

Local Ward Councillors – No comment received.

Officer's Analysis

This is an application for the approval of conditions 5 and 6 attached to planning permission reference 20221254 relating to the odour and noise control.

Condition 5 states the following:

5. *The kitchen extraction/ventilation system shall be installed as set out within the 'Odour Report' dated 15/11/2022 by Goya Works, 'Ventilation Statement' dated 15/11/2022 by Goya Works and the proposed plans before the use as hereby permitted first commences. The extraction/ventilation system as installed must not be used outside the permitted operating hours of the premises. The system shall be maintained in accordance with the submitted reports and documents thereafter.*

The installation and commissioning of the extract system must be undertaken using a competent ventilation engineer in accordance with approved details, and a commissioning report must be provided and approved in writing by the Local Planning Authority to verify the installation and ensure minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme, with no new plant or ducting system to be used without the written consent of the Local Planning Authority.

This condition was attached to ensure that the amenity of residential occupiers is safeguarded in relation to odour.

The commissioning report submitted, refers to the box fan and provides very little information on the equipment planned to be installed for odour control as per the 'Odour Report'. Gravesham's Environmental Protection Team have reviewed the information submitted and recommend that the condition is not discharged, on the basis of the following information not being provided:

- Details of all of all control equipment that has been installed - providing proof of installation (e.g. serial numbers and photographs);
- Minimum discharge rates - to ensure that the cooking odours can be pulled through the system and discharged at an adequate speed to enable good dispersal (rates need to be demonstrated in the compliance report);
- Details of maintenance and a servicing schedule.

Therefore, the commissioning report does not include sufficient information to discharge Condition 5.

Condition 6 states the following:

6. *The kitchen extraction/ventilation system shall be installed in accordance with the details and specification as set out within the 'Noise Impact Assessment Report - Kitchen Extract System' dated 17/11/2022 by Sound Licensing Ltd, 'Ventilation Statement' dated 15/11/2022 by Goya Works, 'Vibration Assessment and Kits' dated 17/11/2022 by Goya Works and the proposed plans before the use hereby permitted first commences.*

The installation and commissioning of the extract system must be undertaken using a competent ventilation engineer in accordance with approved details, and a commissioning report must be provided and approved in writing by the Local Planning Authority to verify the installation. This report must include post completion noise levels taken at the nearest independent noise sensitive

premises in order to demonstrate that the rating level of the noise emitted as a result of the extraction equipment running does not exceed the existing background noise level by more than - 10dB at the nearest independent noise sensitive premises when measured and assessed in accordance with BS4142:2014. If this level cannot be complied with, a scheme of further noise mitigation measures needed to achieve the required level must be submitted for approval. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

This condition was attached to ensure that the amenity of residential occupiers is safeguarded in relation to noise. Gravesham's Environmental Protection Team have reviewed the information submitted and recommend that the condition is not discharged, on the basis of the following information not being provided:

- Details of all equipment that has been installed and again provide proof by e.g.; serial number and photographs (as this condition relates to noise, this will include equipment such as fans, attenuators, anti-vibrational mounts, flexible couplings, flue, flue termination etc.);
- Noise measurements of the system in operation undertaken by a noise consultant – to demonstrate that noise emitted from it is 10dB(A) or more below the background noise level at the nearest independent noise sensitive premises when measured and assessed in accordance with BS4142 (noise levels should also be measured at around 11pm, as background noise will be quieter at this time compared to earlier in the day).

Therefore, the commissioning report does not include sufficient information to discharge Condition 6.

Conclusion

Insufficient information has been submitted to ensure that the development would safeguard amenity of surrounding occupiers in relation to both Condition 5 (odour) and Condition 6 (noise). Therefore the Local Planning Authority cannot discharge the conditions and this application is refused.

Recommendation

Refusal

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	26 th February 2024	Dated:	27th February 2024