



Delegated Report

Application No: 20230796

Location: Barcode, 1 Parrock Street, Gravesend DA12 1EW

Description: Application for the approval of conditions 4 and 5 attached to planning permission reference number 20210321 relating to details of the materials, colour and fixing of the retractable roof and ventilation extraction flue.

Applicant: Mr Muzaffer Celik

Submitted Documents/Plans

Application form
Technical Specification
Condition 4 details
Drawing no. PS-A-P3 rev A (proposed plans)
Drawing no. PS-A-P1 rev A (proposed block plan)

Relevant Planning History

20220802	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.	Details refused	28.11.2022
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.	Permitted	21.07.2021

Consultations, Publicity and Representations

Environmental Protection

Only condition 5 (extract ventilation system) is relevant to Environmental Protection.

Having reviewed the submitted information, although the Technical Specification document outlines the scheme and provides some relevant information/details, clarification is needed on the fan.

The Technical Specification document refers to a 'single acoustic box extract fan' but no information has been provided. Reference is made to the original application, but I can't find any information relating to the fan attached to that application. The technical specification details of the fan are needed, in particular the acoustic data. Condition 5 refers to details of any noise attenuation measures. Being externally located, it is likely that an atmospheric side noise attenuator will be needed. If the applicant considers that an attenuator/silencer is not required, justification for the decision must be provided.

On the plus side, the information provided with regards to odour control and filtration is considered to be suitable and sufficient and information relating to maintenance has been provided.

Until the additional information regarding the fan/attenuation is provided, it is recommended that Condition 5 is not discharged.

Analysis

Condition 4 of 20210321 states:

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 applicant has submitted drawing no. PS-A-P3 rev A in support of discharging this condition which is the same plan as was refused under reference 20220802. However, the supporting Technical Specification states that the flue and its ducting will be painted white. This was suggested by the Council's Conservation Officer and is therefore acceptable. No concerns were raised regarding the retractable roof and the plans show this to be the same as the previous submission. The details are acceptable and this condition can be discharged.

Condition 5 of 20210321 states:

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 applicant has submitted the document 'Technical Specification' in support of discharging this condition. This document outlines the scheme and provides some relevant information/details however further clarification is required on the fan. The applicant's agent was made aware of this and provided an email stating the fan will be as originally installed and the details of which were submitted with application 20220802. He also provided technical data of the fan.

This information was passed to the Council's Environmental Protection Officer who responded with the following:

I couldn't see the fan specification on the original application, but I see that another discharge of condition application was submitted (20220802), and the fan details are on there.

I appreciate that this technical specification does have acoustic data attached to it, but the condition does specify that details of acoustic attenuation measures need to be submitted – and they haven't. There is no inlet or outlet silencer attached and as mentioned in my consultation response, being externally located, it is likely that an atmospheric side noise attenuator will be needed. Again, to re-iterate - if the applicant considers that an attenuator/silencer is not required, justification for the decision must be provided in order to comply with the requirements of the condition. This is to ensure that noise/vibration does not cause any problems to occupants of premises in the vicinity.

I see that this was raised in the previous discharge of condition response from Environmental Protection and specific information was provided detailing what needs to be submitted to address this.

What has been submitted so far with regards to the noise part of the condition, is insufficient so the condition should not be discharged at this time.

Condition 5 cannot be discharged.

Conclusion

Although the details submitted in relation to condition 4 are acceptable, insufficient information has been submitted for condition. Despite efforts to obtain this information, the details are still lacking. Unfortunately split decisions cannot be issued and as such the application as a whole cannot be supported.

Recommendation:

Refuse details.

See draft Decision

Case Officer: Mrs Alison Webster	Team Leader: Miss Faye Hobbs
Signed: 	Signed: 
Dated: 27 September 2023	Dated: 28 September 2023