



Delegated Report

Approval of Details Application

Application no: 20240777

Location: 44 High Street Gravesend Kent DA11 0AY

Description: Application for the approval of conditions 3 A (i)(ii)(iii)(iv)(v)(vi), 4 A (i)(ii)(iii), and 5 attached to planning permission reference number 20240080 relating to the details of (3)(a) Cooking odour/fume control, (4)(a) Noise survey, and (5) Details and finish and colour of external elements of extraction system.

Applicant: Mr Abdulalim Khan

Site Visit Date: N/A

Planning permission was granted for 'Change of use from sui generis public house to sui generis takeaway' under application ref. 20240280 on 28 March 2024. This was subject to a number of conditions including nos. 3 A i, ii, iii, iv, v, vi, 4 i, ii and iii, and 5 which this application seeks to discharge.

It should be noted that the applicant originally applied for discharge of condition 7 also but as this condition is not one that can be discharged the applicant was asked to remove it from this approval of details application which they confirmed in writing on 07/11/2024. The applicant also originally applied for discharge of part B of conditions 3 & 4 which would also not be possible at this stage as it requires the ventilation scheme that is submitted in this application to be installed and a commissioning report submitted and approved. Therefore, the applicant was also asked to remove Part B of conditions 3 & 4 from this approval of details application which they have confirmed in writing and to the amended description.

Consultations

GBC Environmental Protection – 28/08/2024 (First Comment)

Conditions 3 and 4 are relevant to Environmental Protection. I have placed comments in bold adjacent to the different parts of the condition for ease of reference.

Condition 3. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include: The details do not show that the scheme has been designed in accordance with the EMAQ guidance. It is advised that an Odour Risk Assessment (as per the EMAQ guidance) is undertaken in order to demonstrate compliance and that the scheme has been designed in accordance with the level of odour/grease/smoke control required.

i) Plans and details of all duct work (internal and external) and equipment. The submitted plan is acceptable in terms of detail.

ii) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings. The submitted plan is acceptable in terms of detail.

iii) Details of all grease filtration and odour control including the manufacturer's specification/data sheets.

This includes the canopy. Appropriate details have been submitted.

iv) Details, including manufacturer's specification/data sheets of the fan. Appropriate details have been submitted.

v) 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. The cleaning access panels are shown on the plan but no cleaning, maintenance or service details have been submitted. Details regarding grease tightness of the panels also needs to be provided/confirmed.

vi) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. Details to address this part have not been submitted.

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)). Whilst generally the technical specifications and information submitted is acceptable, without an odour risk assessment being undertaken in accordance with the EMAQ guidance, it is not known if the level of odour and grease control is suitable for the proposed use.

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, ensuring minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning. The commissioning report cannot be undertaken until part A of the condition has been approved/discharged and the works completed in accordance with the submitted details.

Condition 4. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

i) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.

ii) Assess 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.

iii) Use the results of the noise survey 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".

A noise survey has not been undertaken/submitted. Without this, it is not known whether the design of the extract system and chosen fan and silencer/attenuator will be acceptable in terms of noise outbreak and noise levels at the nearest residential premises.

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. 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 post completion report cannot be undertaken until part A of the condition has been approved/discharged and the works completed in accordance with the submitted details.

Based on the submitted information, part A of both condition 3 and 4 cannot be discharged at the current time. Having met the applicant on site and also had quite lengthy email exchanges explaining what will need to be undertaken and submitted, it is disappointing that this hasn't been done.

GBC Environmental Protection – 22/10/2024 (Second Comment)

Consultation response regarding the additional submitted information attached. Sadly, there are still things outstanding. We visited and I've had lengthy discussions with Mr Khan and spent a lot of time on this one, so it's a shame that he's still not got it sorted out properly. He still hasn't done the Odour Risk Assessment in spite of specifically telling him it needs one and sending him the EMAQ guidance. I think we're nearly there with the noise assessment subject to some corrections in the report, but the post completion tests needs to be done once it's all installed correctly.

Further to my previous consultation response dated 28th August, I can confirm that I have met with the applicant on site and also had various email exchanges with him regarding what information is still outstanding and what he needs to arrange to be submitted. I've reviewed the additional information submitted recently, and for ease of reference have extracted the matters and comments that were outstanding as of 28th August and adjacent to these in red.

Condition 3. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include: **The details do not show that the scheme has been designed in accordance with the EMAQ guidance. It is advised that an Odour Risk Assessment (as per the EMAQ guidance) is undertaken in order to demonstrate compliance and that the scheme has been designed in accordance with the level of odour/grease/smoke control required. The Odour Risk Assessment has still not been submitted.**

v) 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. **The cleaning access panels are shown on the plan but no cleaning, maintenance or service details have been submitted. Details regarding grease tightness of the panels also needs to be provided/confirmed. Cleaning/maintenance details have not been submitted. No details regarding grease tightness of the panels has been submitted.**

vi) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. **Details to address this part have not been submitted. This information has now been satisfactorily submitted. This information should be used to inform the Odour Risk Assessment.** 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)). **Whilst generally the technical specifications and information submitted is acceptable, without an odour risk assessment being undertaken in accordance with the EMAQ guidance, it is not known if the level of odour and grease control is suitable for the proposed use. The end user is now known so this information should be use to inform and undertake the Odour Risk Assessment.**

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, ensuring minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning. **The commissioning report cannot be undertaken until part A of the condition has been approved/discharged and the works completed in accordance with the submitted details. The Commissioning Report is still outstanding.**

Condition 4. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

- i) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- ii) Assess 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.
- iii) Use the results of the noise survey 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".

A noise survey has not been undertaken/submitted. Without this, it is not known whether the design of the extract system and chosen fan and silencer/attenuator will be acceptable in terms of noise outbreak and noise levels at the nearest residential premises. A 'Noise Impact Assessment' by Sound Advice Acoustics Ltd dated September 2024 (Report Ref: SA-7868-1) has been submitted. Appropriate background noise levels have been undertaken at the nearest dwelling (flat above) but

there are some discrepancies in the report which make it confusing. Section 1.3 advises that background measurements were carried out 5th to 10th September, but the results in section 4.1 refer to measurements taken 22nd to 27th July 2021. This may be a simple case of 'overtyping', but it does not lead to confidence in the report. Please can the consultant be asked to clarify this and confirm that the result shown in 4.1 do relate to this premises and measurements taken in September 2024. In terms of the rest of the report a BS4142 assessment has been undertaken appropriately and with the advised attenuator (specification given in 6.4) noise levels are acceptable and are 6db below the existing background which is in keeping with our required criteria.

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. 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 post completion report cannot be undertaken until part A of the condition has been approved/discharged and the works completed in accordance with the submitted details. The Post completion test needs to be undertaken once the extract system is fully up and running in order to validate the outcome of the noise assessment.**

Based on the submitted information, parts of these conditions are still outstanding and cannot be discharged at the current time. Having met the applicant on site and also had quite lengthy email exchanges explaining what will need to be undertaken and submitted, it is disappointing that the required information has still not been submitted.

GBC Environmental Protection – 31/10/2024 (Third Comment)

I've just undertaken an Odour Risk Assessment (in accordance with the EMAQ/Defra guidance) to try and move things along. I've attached the assessment for your file. Based on the outcome, the system is acceptable in terms of odour control.

I've therefore updated what information is outstanding as from my response dated 22/10/2024 with the relevant part of the condition in italics below each point where relevant:

Condition 3

A (v) Cleaning/maintenance details and details regarding grease tightness of the panels. A cleaning/maintenance schedule would address the first part of this.

v) 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.

B The commissioning report

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

Condition 4

A Clarification that the results shown in 4.1 of the Noise Impact Assessment do relate to this premises and measurements taken in September 2024.

B A Post completion test needs to be undertaken once the extract system is fully up and running in order to validate the outcome of the noise assessment.

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority

I hope this clarifies matters. It would be good to get this one sorted out, but it does rely on the applicant providing the relevant/outstanding information. The sooner that can be submitted and approved, the sooner he can open up his restaurant/takeaway.

GBC Environmental Protection – 21/11/2024 (Final Comment)

Condition 3

A (v) Cleaning/maintenance details and details regarding grease tightness of the panels. A cleaning/maintenance schedule would address the first part of this. **The submitted details address this.**

v) 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.

Part (v) of condition 3 can now be discharged. All parts of Condition 3 A have now been addressed so this part of Condition 3 can be fully discharged.

B The commissioning report. **The commissioning report is still needed once all the kitchen extract/ventilation equipment has been installed as per the wording of the 1st 2 sentences of the condition below. This part of Condition 3 still can't be discharged.**

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

Condition 4

A Clarification that the results shown in 4.1 of the Noise Impact Assessment do relate to this premises and measurements taken in September 2024. **This has now been clarified and confirmed that the results do relate to the premises and undertaken in September. Part A of Condition 4 can now be discharged.**

B A Post completion test needs to be undertaken once the extract system is fully up and running in order to validate the outcome of the noise assessment. **The post completion test is still needed. If the extract system has now been fitted in accordance with the plans (to include the post fan attenuator), on site measurements need to be undertaken by the noise consultant to demonstrate that the noise levels at the nearest residential premises (ie the flat above as chosen for the noise impact assessment) are in accordance with the levels predicted in the report. This part of the condition still can't be discharged.**

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority

Analysis

Condition 3 i, ii, iii, iv, v, vi

Condition 3 i, ii, iii, iv, v, vi is as follows:

3. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include:

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

- iv) Details, including manufacturer's specification/data sheets of the fan.*
- v) 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.*
- vi) 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)).

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

- Application form;
- Shopfront;
- Technical Data 2;
- Silent Box Fan;
- Roof Hood Details;
- Technical Data;
- Dimensions Sound Details;
- Equipment Details;
- Extractor and Ventilation Key Features;
- Letter from Slidaway Ltd Ventilation and Air Conditioning Engineers
- Drawing no. SW/HSG/V1 – Proposed Kitchen & General Ventilation;
- Layout Details;
- Menu Detail & Cooking Time;
- Appliance List;
- Noise Impact Assessment;
- Cleaning, Maintenance and Service Details;
- Grease Tightness Assurance;
- Tecseal Combined Safety Data Sheet.

There has been a large amount of to-ing and fro-ing with the details submitted in pursuance to condition 3 A i, ii, iii, iv, v, vi. With further information being submitted it is now the case that GBC Environmental Protection have advised that sufficient information has now been submitted pursuant to condition 3 A i, ii, iii, iv, v, vi and that those elements can be discharged.

It is prudent to note that GBC Environmental Protection advise in their comments that part B of condition 3 cannot be discharged which is installing and commissioning the extract system in accordance with the approved details and providing a commissioning report to verify the installation. The applicant was advised in the course of the application that part B would need to be removed from this discharge of condition application as the system needs to be installed first and a commissioning report submitted and approved to verify the installation is in accordance with the approved details. The applicant confirmed on the 27/11/2024 that they agreed to removing the discharge of part B of condition 3 from the application and the description of the application has therefore been amended accordingly.

In summary, condition 3 A i, ii, iii, iv, v, vi can be discharged.

Condition 4(i)(ii) and (iii)

Condition 4 A (i)(ii) and (iii) is as follows:

4. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

- i) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.*
- ii) Assess 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.*
- iii) Use the results of the noise survey 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".*

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

- Noise Impact Assessment;

There has been a large amount of to-ing and fro-ing with the details submitted in pursuance to condition 4 A (i)(ii) and (iii). With a revised Noise Impact Assessment being submitted it is now the case that GBC Environmental Protection have advised that sufficient information has been submitted pursuant to condition A (i)(ii) and (iii) and that those elements can be discharged.

It is prudent to note that GBC Environmental Protection advise in their comments that part B of condition 4 cannot be discharged which is installing and commissioning the extract system in accordance with the approved details and providing a commissioning report to verify the installation. The applicant was advised in the course of the application that part B would need to be removed from this discharge of condition application as the system needs to be installed first and a commissioning report submitted and approved to verify the installation is in accordance with the approved details. The applicant confirmed on the 27/11/2024 that they agreed to removing the discharge of part B of condition 4 from the application and the description of the application has therefore been amended accordingly.

In summary condition 4 A (i)(ii) and (iii) can be discharged.

Condition 5

Condition 5 is as follows:

5. Notwithstanding the approved plans and documents, prior to the first use of the premises as a hot food-takeaway (sui generis) use, as defined by the Town and Country Planning (Use Classes) Order 1987, as amended, full details of the colour finish to the external elements of the extraction flue and its ducting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the external elements of the extraction flue and its ducting shall only installed in the colour finish hereby approved and the external elements of the extraction flue and its ducting shall be maintained in the approved colour thereafter.

Reason: In the interests of the visual amenities of the surrounding area and the streetscene in general in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

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

- Extract Colour Details.

As originally proposed the applicant had stated that the flue would be galvanised steel which would not be acceptable. The applicant was advised it would need to have a painted finish such as black or grey and the applicant has submitted details that the flue would be painted black which is acceptable.

In summary condition 5 can be discharged.

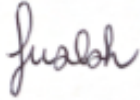
Conclusion

Sufficient information has been submitted for condition 3 A (i)(ii)(iii)(iv)(v)(vi), 4 A (i)(ii)(iii), and 5 attached to planning permission reference number 20240080 and they can be discharged.

Recommendation:

Approval of Details

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	28th November 2024	Dated:	28 November 2024