

Delegated Report

Planning Application

Application no: 20230663

Location: Gravesend Travel Ltd 148 Parrock Street Gravesend Kent

Description: Application for the approval of conditions 3 (Noise Impact Assessment) and 4 (Ventilation) attached to planning permission reference number 20211061.

Applicant: Mr Itayi Mandizha

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 on 12 January 2022 under planning application reference 20211061 which this application seeks to discharge.

The information submitted with the application consists of the following:

- Application form;
- Drawing no. E102 – System Drawing;
- Air Clean Grease Filters Data Sheet
- Ceiling Report
- Covering Letter;
- Ventilation Specification;
- Round Sound Absorber Data Sheet;
- Sitesafe Carbon Filters Data Sheet;
- Square Duct Fans Data Sheet; and
- Tube Fan Data Sheet.

It is prudent to note that there was a previous application made for discharge of condition 4 (ref. 20220645) which was refused on 23.08.2022 on the following ground:

Insufficient information has been submitted in order to demonstrate that neighbouring properties would not be impacted on by either odour or noise from the ventilation extraction system. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130 (f) of the National Planning Policy Framework (2021).

It therefore needs to be seen whether sufficient information has been submitted for condition 3 and in assessing condition 4 whether information has been submitted to address this ground of refusal.

Consultations

GBC Environmental Protection

The Noise Impact Assessment by Venta Acoustics submitted with the original application, the various mitigation measures recommended in that report and the comments made by Environmental Protection on

19th August 2022 regarding an earlier submission of details have been reviewed in relation to this application. Comments are as follows:

Condition 3:

Prior to the use hereby permitted coming into use the recommendations as set out in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 shall be carried out in their entirety and evidence of their implementation provided to the Local Planning Authority prior to first use of the takeaway.

With regards to noise from the kitchen extract system itself, the following mitigation measures were detailed in the report. I have commented on each in relation to the information submitted with this application.

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".

Comment:

A Woods BDER-44 silencer has been specified for fitting on the atmospheric side. This does not comply with the requirements detailed in table 5.3 which are as follows:

The atmospheric side of the extract ductwork will need to be fitted with attenuation providing the following minimum insertion loss.

Attenuation Component	Octave Band Centre Frequency (Hz)							
	Attenuation Insertion Loss (dB)							
	63	125	250	500	1k	2k	4k	8k
Extract attenuation	5	13	20	33	52	41	39	30

Table 5.3 – Atmospheric side extract attenuation requirement

BDER-44

SOUND ATTENUATION

BDER-44 size - length		Attenuation (dB) at octave bands, middle frequency (Hz)							
		63	125	250	500	1000	2000	4000	8000
010	-030	13	10	16	19	26	22	23	14
	-060	18	14	20	27	34	34	35	21
	-090	20	19	27	36	45	46	44	27
	-120	17	23	28	36	42	46	45	32
012	-030	3	8	12	18	23	19	16	13
	-060	8	12	16	24	31	30	29	19
	-090	10	16	25	33	43	41	39	25
	-120	12	20	28	36	47	46	44	29
016	-030	2	6	10	17	20	16	13	11
	-060	6	10	13	22	28	25	22	18
	-090	10	13	20	30	39	35	29	21
	-120	11	16	24	36	47	43	37	25
020	-060	8	8	12	22	26	21	18	16
	-090	11	11	18	29	36	29	24	20
	-120	11	14	20	34	43	34	28	22
025	-060	9	6	9	20	21	18	17	17
	-090	10	8	13	27	28	23	20	20
	-120	11	10	15	31	35	27	23	22

The size specified is 025 with length of 120 (bottom line of the table). It can be seen that attenuation falls below that specified in the NIA at most of the frequency bands.

2. Silencers should be separated from each other by a distance of minimum 3-4 x 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).

Comment:

Only 1 silencer is proposed so this has been complied with.

3. Attenuators should be fitted as close to the fan as possible and attached to the ductwork using flexible connections.

Comment:

Although the silencer has been fitted immediately after the extract fan on the atmospheric side, the use of flexible connectors is not shown on the plan/drawing nor referred to in the ventilation specification document.

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.

Comment:

The silencer specified does have an absorbent lining (polyester) to prevent grease impregnation but see comments relating to 1 above.

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.

Comment:

Compliance with this hasn't been demonstrated by the details submitted for the fan. The manufacturer should be contacted and they may be able to provide this technical information of the fan casing.

6. All plant and ductwork should be fitted with anti-vibration mounts in accordance with the manufacturer guidelines.

Comment:

Two anti-vibrational mounts are shown on plan/drawing E102 and reference is made to anti vibrational pads in the ventilation specification document.

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.

Comment:

Reference is made to anti vibrational pads in the ventilation specification document for mounting the extract fan, but no other detail or information has been given to confirm the minimum deflection.

8. The fan should be attached to the ductwork on either side using flexible coupling to minimise vibration transfer to the ductwork.

Comment:

There is no reference to flexible couplings either on plan/drawing E102 or in the ventilation specification document. The covering letter from the applicant states that flexible couplings have been used but there are no details of the materials etc.

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

Comment:

The covering letter from the applicant confirms that this has been done but there are no detail of the materials etc.

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:
- Install additional layer of 15mm dense plasterboard or fireboard (minimum mass 11kg/m²) to underside of existing ceiling
 - 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.
 - 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.

Comment:

The covering letter from the applicant confirms work has been undertaken in accordance with the above and photographs have been submitted demonstrating that work has been undertaken to the ceiling by J Fox Maintenance.

Condition 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.

The plan submitted is drawing number E102 dated 25/05/2022 and appears to be exactly the same as that submitted with the previous discharge of conditions application. This was insufficient in terms of details

given previously and I would make the same comment again. This drawing/plan needs to be revised to provide the level of details and information specified in the condition which is quite clear.

Clarification and details have been submitted regarding odour control (Purified Air Sitesafe carbon block filter unit) which is accepted.

Based on the above, there is still information and details missing from the submission and I would recommend that these conditions are not discharged until this additional information is submitted or clarified.

Analysis

Condition 3

Condition 3 is:

Prior to the use hereby permitted coming into use the recommendations as set out in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 shall be carried out in their entirety and evidence of their implementation provided to the Local Planning Authority prior to first use of the takeaway.

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

GBC Environmental Protection advise that in respect of the recommendation in the approved noise report, insufficient information has been submitted to demonstrate that the following has been complied with:

- The silencer does not comply with that stated in the Noise Impact Assessment;
- The use of flexible connectors is not shown;
- The silencer does not have an absorbent lining;
- Lack of confirmation that the fan motor has been enclosed with an additional casing providing the minimum sound reduction insertion loss in the report;
- No detail on the minimum deflection for the anti-vibrational pads;
- No details on the flexible couplings; and
- No details on fixings for the ductwork.

As such condition 3 cannot therefore be discharged as insufficient information has been submitted.

Condition 4

Condition 4 is:

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).

GBC Environmental Protection advise that the condition cannot be discharged as the drawing is the same as that submitted in the planning application and which was insufficient hence condition 4 being added.

In respect of the matter of the external finish of the ductwork it is considered insufficient details has been submitted. It is stated in the Kitchen Ventilation System document that the ductwork will be manufactured in galvanized steel but no finish is given.

As such condition 4 cannot be discharged as insufficient information has been submitted and the ground of previously refused application ref. 20220645 has not been resolved.

Conclusion

Insufficient information has been submitted to discharge conditions 3 & 4 of planning permission reference 20211061. As such it has not been demonstrated that the amenity of occupiers of neighbouring properties would be sufficiently protected from odour and noise from the kitchen extraction system.

Essentially the noise impact assessment in the planning application ref. 2021061 made a number of recommendations in order to ensure neighbouring occupiers would not be impacted by noise from the extraction system but these have either not all been carried out or insufficient information has been submitted to demonstrate that they have. 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 noise from the ventilation extraction system.

As such it is considered that insufficient information has been submitted to discharge conditions 3 & 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 and the ground of refusal of previous application ref. 20220645 has not been resolved.

Recommendation:

Refusal of details

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	14th August 2023	Dated:	15th August 2023