

Site Address: 26A Elm Grove, Hayling Island, PO11 9EF
 Proposal: Retrospective planning application for the installation of kitchen extract system and external flue to the rear of the recently permitted Hot Food Take-away (Sui Generis) permitted under application (ref no: APP22/00408).
 Application Type: Retrospective Planning Permission
 Application No: APP/23/00782 Expiry Date: 30/04/2024
 Applicant: Mr Munteanu
 Agent: Ms Pepper Case Officer: David Eaves
 CPC Planning Consultants
 Ward: Hayling East

Reason for Committee Consideration: At the request of Councillor Coates

HPS Recommendation: GRANT PLANNING PERMISSION IN RETROSPECT

Executive Summary:

The proposal is a Retrospective planning application for the installation of kitchen extract system and external flue to the rear of the recently permitted Hot Food Take-away (Sui Generis use) at 26a Elm Grove permitted under application ref no: APP22/00408.

The Hot Food Take-away use has therefore previously been established.

The application site is within a short run of three take-away premises on the ground floor with residential flats above within Mengham District Centre. The flue is located to the rear of the premises and close to other existing flues serving the adjacent take-away uses. In this context the proposed flue is considered to have a limited and acceptable impact on the character and appearance of the area.

The impact of the extract system in terms of its impact on the amenities of the residential flats above has been considered in detail with noise, vibration and odour impacts being assessed by the Council's Environmental Health team. The system includes mitigation in terms of filtration, silencers and anti-vibration mounts. The system is considered acceptable by Environmental Health in terms of its impacts on residential amenity subject to the imposition of appropriate conditions.

Planning permission can therefore be recommended.

1 Site Description

- 1.1 The site lies to the eastern side of Elm Grove and is located within Mengham District Centre but outside a primary or secondary shopping frontage. No.26A forms part of a terraced building fronting onto Elm Grove The terrace comprises at Ground Floor level take away uses including at the application property Beasts Feast, and then in order moving north, Nobbies Fish and Chips and Royal Chef Chinese Take Away. At first floor level are residential flats including No.26B immediately above the application site.
- 1.2 To the site frontage there is parking for 1 car with parking to the other take away uses adjacent. To the rear are parking spaces and garages but it is understood these are not available to the application site unit - there is, however, extensive public parking

nearby. Bins for the application business are stored in this area.

- 1.3 The surrounding area is mixed with the main part of Mengham District Centre to the south and generally more residential uses to the north and west. To the east is a rear servicing area and a public car park beyond including parking to the Health Centre. The property immediately to the south of the site is a dental practice and there are residential properties to the opposite side of Elm Grove to the west.
- 1.4 The application site itself has been used as a taxi office known as Summerfield of Hayling Ltd and more recently as a school wear outlet. In 2022 permission was granted for a Sui Generis Hot Food Takeaway and this use has been opened.

2 Relevant Planning History

93/56127/001 - Continued use for an unlimited period of ground floor for private hire offices (renewal of previous temporary consent 91/56127)., PERMITTED, 05/04/1993

APP/22/00408 - Application for Change of Use from Existing Sui Generis (Taxi Offices) to Sui Generis (Hot food Take-away) establishment (approved 7.10.22). Request to discharge conditions 3 and 4 (received 2.3.23), PERMITTED, 07/10/2022
Officer Comment: *This is the consent in relation to the hot food take away use linked to the current extract / flue application.*

3 Proposal

- 3.1 Retrospective planning application for the installation of kitchen extract system and external flue to the rear of the recently permitted Hot Food Take-away (Sui Generis use) permitted under application ref no: APP/22/00408.
- 3.2 A flue has been erected to the rear of the two storey part of the building without consent and this together with the wider extract system within the building that it serves is the subject of the current application.

4 Policy Considerations

National Planning Policy Framework

Planning Practice Guidance Noise

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS4	(Town, District and Local Centres)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No Comments received

Councillor Mark Coates

As you know, I 'Red Carded' this application for Planning Committee last year following residents' concerns, primarily about the smoke and smells that emanate from the external extraction flue that significantly impact residents on a daily basis. They are a statutory nuisance and seriously affect the residents' enjoyment of their property, if not their physical health from 1400hrs until 2300hrs. One resident has also reported vibrations in one room from the extraction fan.

Despite multiple emails from CPC Planning Consultants asking me to remove the Red Card, it is entirely appropriate for this application to go to Planning Committee so colleagues can visit the site and consider the full extent of neighbours' experiences and concerns going forward.

Environmental Health Havant Borough Council

Final Comments:

Further to Chima Umunnakwe's e-mail to Planning dated 25 March 2024, I can advise as follows:

The extract system serving this take-away premises, appears to be satisfactory in terms of noise and odour control, as advised in the assessments provided in relation to this application. I'm also advised that the anti-vibration mounts recommended have now been fitted. The acoustic assessment notes that with the other extractor plant operating in near proximity to the applicants plant, the latter should be at least 10 dBA below the background level and is referred to as being inaudible when other plant is in operation. The report takes it as a given that the other nearby plant will almost always be operational when the applicants extractor plant is in operation. However the applicant should bear in mind that if that situation were to change in the future, there could be a need to provide additional mitigation measures.

I'm also advised that fine filtration filters have been included into the extraction system prior to the existing carbon filters; the odour assessment advice was to include fine filtration to the system.

I notice Chima did ask for two conditions in the e-mail referred to above. In that regard, and if this application were to be approved, I would ask for the following changes to those conditions plus a further condition to be added.

The words 'extraction plant noise' to replace 'traffic noise' in the two conditions under 'Reason:' listed by Chima in his previous e-mail.

I would also ask that an additional condition be added as follows:

The extraction equipment installed to suppress and disperse fumes and/or odours produced by cooking and food preparation, shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any

service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected.

Furthermore, it is noted from a site visit to the premises, that the ceiling in the kitchen area has apparently been lowered and fitted with additional insulation, whether acoustic or not is unknown at this time. However the reception / serving area has not been modified in the same way. I note from the decision notice related to the change of usage application, App/22/00408, that any acoustic assessment should include for any structure borne and / or air borne noise generated within the proposed hot food take-away.

The assessment submitted for the extractor unit, has not covered this. Whilst I realise this aspect does not fall within the ambit of the current App/24/00782 as it relates to the extraction unit only, and nor have I been witness to any such noise at this time, it is felt that this aspect remains open to complaint, and if verified, the incumbent business owner would be responsible for any mitigation measures that may be required.

Interim Comments:

I have considered the above application with respect to noise and odour.

Pollution Team - I have no further concerns from a noise perspective. I have previously engaged with the applicant in works relating to noise from the extractor unit. The applicant has carried out all necessary works in terms of acoustic enclosures and antivibration mounts. However, to ensure the integrity of the unit in terms of noise, I recommend a compliance condition be imposed to preserve the integrity of the unit.

External noise from Plant

Condition: The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 5dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Anti- vibration mounts.

Condition: The plant and machinery at the development shall be mounted with proprietary antivibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

In terms of odour impact, the applicant has submitted an odour impact assessment based on recommended guidance document. The report is acceptable; accordingly, we have no further concerns based on the proposed odour abatement system as detailed

in the submitted reports.

Original Comments:

The application seeks "Retrospective planning application for the installation of kitchen extract system and external flue to the rear of the recently permitted Hot Food Take-away (Sui Generis) permitted under application (ref no: APP22/00408)."

I have now considered the application and I have the following comments to make concerning odour and noise as follows:

Noise matters

The applicant has submitted with this proposal a noise impact assessment prepared by AirTight Noise check dated 31st August 2023. I have reviewed the report and considering the noise data analysis presented. I can agree that the noise emissions from the exhaust ventilation system is unlikely to have a detrimental impact on the residential flats above the takeaway shop. In order to corroborate the noise report and noise data presented therein, I carried a site visit in view of the complexity inherent in the background noise resulting from two other extraction units operating in tandem with the applicant's system in the same location. It was evident that the noise emission from the extraction was faintly audible standing next to the unit and corroborate the noise data subjectively. However, I noted that the vent is physically attached to the residential flat with no antivibration isolators. The applicant needs to resolve this before the noise report can be deemed as fully satisfactory. This isolate any vibration signal from impacting on the residential flat.

Odour/smoke

I am aware the applicant has provided some details of material to be installed in the extraction unit to neutralise food odours and smoke. However, this alone is unsatisfactory giving that the sources of odours and smoke in the rear of the property is more than two units severing different premises. Accordingly, we require an odour impact assessment to be carried out of the unit. The assessment should provide an inventory of smoke/odour generating processes including predicted odour intensity and mitigation. This assessment should be based on the guidance given in EMAQ's Control of Noise and Odour from Commercial Kitchen Exhaust System, updated to the 2004 report prepared by NETCEN for the Department FOR Environment, Food and Rural Affairs.

Once we have received further details as requested in relation to noise and odour, we will be happy to provide further comments.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 18

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1 (2 emails)

Further Objection following publicising of additional information relating to the application

The position of ducting system outside windows in addition to existing 3No. ducting systems outside flat. Position of the ducting system very inconsiderate. Blocks outlook.
Officer Comment: See part 7 of this report.

Likely ducting system would require regular maintenance, at least once per year to ensure it is safe to use the noise and odour are in control to meet potential planning conditions and regulations, which would mean people would walk and look into habitable room windows. It would result in loss of privacy and overlooking. Hence the position of the ducting system is insensitive and should be located elsewhere.

Officer Comment: The appropriateness of the siting is considered in part 7. It is not considered that occasional impacts relating to the maintenance of the system would result in an unacceptable loss of privacy sufficient to warrant a refusal of planning permission.

The results of the Odour Assessment (ref. C11047) indicated the odour risk is classified as very high and it is suggested that appropriate mitigation options are required to reduce potential effects to an acceptable level. I can still smell strong grill/burning BBQ like smell suggesting the filtration has not been installed or it is ineffective, especially when the shop is busy and does a lot of cooking, the smell become very strong. I raised an objection to the proposal on the odour from the ducting system. It would be wrong to approve the development subject to the installation of the filtration as the ducting has already been installed without planning consent.

Officer Comment: The application has been considered in detail by the Council's Environmental Health Officers and the extract system is considered acceptable in relation to smell/odour impacts. Further details are considered in part 7 of this report.

There are still visible smoke coming into my living room as I previously commented, it makes my living room strangely smoky and misty, I am not sure whether it is coming from the shop directly or from the ducting system, however it does suggest that the extraction system is not working effectively. The smoke makes me cough, affects my health, and negatively affected my enjoyment of home, my amenity.

Officer Comment: The proposal has been considered in detail by Environmental Health and subject to the imposition of conditions the impact on neighbouring amenities is considered acceptable.

The description is currently worded as: "Retrospective planning application for the installation of kitchen extract system and external flue to the rear of the recently permitted Hot Food Take-away (Sui Generis) permitted under application (ref no: APP22/00408)." Suggesting the change of use of the unit from the previous use to a Hot Food Take-away is permitted and the applicant can implement that permission of the conditions, however this is not the case, the implementation of ref. APP22/00408 is subject to conditions such as in accordance with the approved plans and to discharge certain conditions before the implementation of the development. The applicant has already opened the Hot Food Take-away failed follow the approved plans and several conditions under ref. APP22/00408. This makes the applicants breach of Conditions 2,3 and 4 of the ref. APP22/00408. This application does not address Condition 2.

Officer Comment: Planning permission has previously been granted for the proposed use, but it is acknowledged that conditions imposed in relation to that consent have not been met. The original consent envisaged using an existing extract to serve the use - but this has not proved to be possible.

*In relation to the original permission and conditions 2, 3 and 4 the original Decision Notice is attached at **Appendix E**, and the following comments are made:*

Condition 2 – Development to be carried out in accordance with the approved plans:

The current application would result in a revised plan being approved if permission is granted. The provision of a flue is considered to be operational development requiring planning permission in its own right. It is also noted that the red line site area has been very slightly reduced to exclude bin stores and it is confirmed that there is only one parking space on the frontage. These changes are not considered to result in the original consent being compromised.

Condition 3 – Use not to commence until acoustic assessment submitted and approved.

As the works now relate to the provision of a different extract and flue system which requires planning permission in its own right its acceptability is being considered under the current application. Amended conditions are to be imposed if permission is granted. In terms of noise generated from within the building and relating to activity condition 3 of the original consent would continue to apply and any outstanding issues will need to be addressed with the applicant.

Condition 4 – Equipment installed to suppress and disperse fumes and/or odours.

The current application proposes an alternative extract system and flue and is being considered on its merits. Amended conditions are to be imposed if permission is granted.

Existing and pre-existing front elevation is missing online.

Officer Comment: *The front elevation is not altered by this proposal.*

There has been a material increase in noise transferring from the unit. I can hear the staff and customers chatting, laughing and singing very clearly and door banging, this has greatly impacted my quality of life, together with the impact of the development affecting my outlook, privacy, odour, and smoke coming into my room as raised above, I strongly object the retrospective change of use of the unit and the installation of the extraction fan.

Officer Comment: *The use of the unit as a take away has previously been granted planning permission. The current application relates to the extract system and flue and its impacts are considered further in part 7 of this report.*

Original Objection (with officer comments where different from the above)

Concern that development not carried out in accordance with original consent.

Concern that it is not fair that the take away opened without appropriate planning consideration and residents suffering as a result of this inappropriate unneighbourly development. Reported to enforcement team on 1st March 2023, no action taken from the Council. It has been 9 months. From noise (both the noise from the extraction fan, loud noise transfer from the shop), loss of privacy and outlook, smoke from the extraction fan, food odour, parking issues and bins.

Officer Comment: The current application is retrospective and is seeking to regularise the works that have already taken place. The application has resulted from action by the Council to seek to address unauthorised works and we have been working with the planning agent to seek further alterations to the extract system through the application including additional acoustic, odour and noise information to seek to address concerns raised by the resident and by the Environmental Health Officer.

It is noted that the original planning permission APP/22/00408 indicated that two parking spaces would serve the unit on the Elm Grove frontage. This has been clarified in the current application and one space is shown to the front of the site. It is however noted that the site is adjacent to two large public car parks within Mengham close to the site.

Bin storage was shown as within a rear storage building on the original planning permission, however, bin storage is understood to take place within the rear servicing area. This is considered acceptable.

No noise assessment, no odour assessment, no smoke assessment submitted this application, how do we know the system can achieve the relevant standard, which in my opinion the existing system is inadequate, and we are living in the aftermath of this mess.

Officer Comment: Appropriate reports to allow a thorough assessment have now been submitted.

Concerns over incorrect plans.

Officer Comment: Plans have been corrected and amended.

Concern over fan noise worse to residential property later in the evening after 9pm when quiet everywhere and this is the only thing on.

Officer Comment: See part 7 of this report.

The smell of food and grill (BBQ like smell and burning consistently) to residential rooms are also very intense, there are also smell of burning plastic/ rubber sometimes, It seems like this is coming from the extraction fan system itself. The smell was worse in the summer, even without opening windows.

Officer Comment: See part 7 of this report and Environmental Health Comments.

For some reasons, the smoke from the extraction fan is also very strong. It makes my living room smoky, sometimes I can literally see visible smoke in my living room. The smoke makes me and my partner cough and it makes my eyes watery. I worry the smoke pollution and its impact on my health long term.

Officer Comment: The system has been assessed by Environmental Health and no objection has been raised.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. The take away use has been approved under planning permission APP/22/00408 and it is also noted that there are existing fish and chips and Chinese take aways in the adjacent units below the residential flats above. These units themselves have existing extract flues to the rear of the terrace.

(ii) Impact upon the character and appearance of the area

- 7.3 The proposal relates to the retrospective installation of a kitchen extract system and an external flue to the rear of the site. The internal elements of the system are not visible from outside the building.

- 7.4 The external flue is located on the flat roof part of No.26A. The flue is shown with a height of 3.960m to the top cowl above the flat roof with a width of 0.45m. The flue is approximately half way up the rear roof slope, is of silver metal finish and is located close to the rear lounge window to the upstairs flat No.26B Elm Grove. The flue cannot be readily viewed from Elm Grove as it is below the ridge height of the existing building although it can be glimpsed from the south-west between the Dental Practice at No.24 and the application site.

- 7.5 The rear area can be viewed from the parking area immediately to the rear of the site and at a distance from the public car park beyond an existing garage block. The flue is set back on the flat roof area at No.26A when viewed from the car park. There are three other flues close to the application flue of varying heights and in metal silver finish. Given this context and the height of the flue below the main ridge line and set back on the roof it is not considered that the works are harmful to the character and appearance of the area.

(iii) Impact upon residential amenity

- 7.6 The main impacts from the development are considered to be to the residential flats at first floor level including to No.26B which is directly above the use and adjacent to the flue. This and the adjacent flat have windows close to or facing the flue. The closest window is to the lounge of No.26B but there are also bedroom, kitchen and bathroom windows in relatively close proximity to the flue. These windows are also in close proximity to existing flues on the rear of the building.

- 7.7 The application has been subject to detailed consideration in consultation with the Council's Environmental Health team during the application with details provided including, Acoustic Testing, Odour Assessment, Anti-Vibration fittings, Carbon filter and circular silencer details.

Noise

- 7.8 In terms of the Acoustic Testing the report identifies the following:

The extraction motor unit is located inside the ground floor venue and thus will have negligible impact on the residential dwelling above, the ducting runs along the rear

elevation of the building, at a distance of 1m from the residential window. The 2 x extraction units (including 1 x motor) for the neighbouring restaurant is located circa 1m to 2m from the window and is the dominant noise source in operation.

- 7.9 The report considered the plant installed and also considers the existing extract systems serving the other take away uses:

The plant comprises of the Axial AC YWF4E-450S-P102/60G fan/motor (located internally at ground floor level and comprising of 2 x SURL 500-900 silencers) and a cylindrical duct (450mm) located on the rear flat roof of the building. There are other units also in operation at the site location, with all 3 units listed in the table below.

Unit	Location/Distance	Operation	Audible	Dominant
Extraction system for Chinese Takeaway	Flat roof – 2m from window	Continuous (0830-2300 hrs)	Yes	Yes
Extraction Unit for Chip Shop	Flat roof – 1m from window	Continuous 1145-1400 & 1645-2100)	Yes	Yes
Extraction system for 26A Elm Grove	Flat roof – 1m from window	Continuous 1500-2300 hrs)	Perceptible	No

- 7.10 The report comments that:

“The above is a table with the plant that is apparent at the site, the neighbouring plant is clearly audible above the new plant for 26A Elm Grove and the dominant noise on site. The noise associated with the newly installed extraction system is only faintly audible at the façade when no other plant is in operation and not audible at all when the other plant is in operation. The proposed plant will only ever be on when the neighbouring extraction system is running so it will not be audible at all. During the background noise assessment, the neighbouring plant was switched off at circa 2200hrs which is unusual. This report will include mitigation measures to ensure the proposed plant is not audible even if the neighbouring plant is switched off...”

- 7.11 The report states that:

“ The calculated and measured rating level for the roof top unit is 48dBA at 1m. The measured noise levels for the extraction system serving the neighbouring unit are 59dBA at the residential window (2m) and this was the dominant noise source...”

The report continues:

“The noise levels associated with all plant were measured on site with the plant being switched on and off for reference values to be taken. The background noise levels were measured for a 24hour period to encapsulate the night time period. The table below shows the rating levels of the other plant apparent on the roof top (all values taken at the residential window)

Plant Unit	Location	LAeq	LA90 Value
Neighbouring	1m	59.5dBA	58.4dBA

extraction system			
Proposed Extraction	1m	48dBA	47.3dBA
Both extraction systems in operation	1m	59.5dBA	58.5dBA

It can be seen that the replacement extraction system does not increase the noise levels at the residential window when the other extraction system is in operation. The rating level (measured on site) of the unit is shown on the following page, but it is not audible at the façade when other plant is in operation. It will not be in operation during times when the neighbouring unit is not in operation.....”

Hours of operation

- 7.12 In terms of the hours of operation the original permission for this unit includes at Condition 6 a restriction to opening hours as follows:

The premises shall not be open to the public or deliveries dispatched from the premises before 12:00 hours or after 23:00 hours on Monday to Sunday.

Reason: *To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.*

The report states that:

The takeaway restaurant will be open between 1500 -2300hrs every day but closed on Monday. The extraction system will be switched on in line with the extraction systems for the other units. The Chinese takeaway is open between 1700-2300hrs Sunday to Saturday & closed on Monday (same as proposed) and the chip shop is open between 1145-1400hrs & 1645-2100hrs Monday to Saturday and closed on Sunday.

- 7.13 From the case officers site visit it was noted that the hours specified above were advertised on the windows of the Fish and Chip and Chinese take aways. It is therefore likely that the extract will be operating at the same times as one or both of the other take away extracts are operating. The report demonstrates that the operation of the extract the subject of this application would not result in an increase in noise as the other takeaway extracts represent the dominant and louder noise sources.

- 7.14 The report concludes that:

The installation of the plant will be negligible at the residential façade. However, this report has included possible mitigation measures that can be installed to the ducting to reduce the noise further.

The other noise sources apparent at the residential façade were road traffic (circa 55dBA), the neighbouring plant (56dBA – rising to circa 60-63dBA depending on capacity within restaurant). So, the noise associated with the proposed plant will not lead to an adverse impact and is not a dominant noise source. This is clear to see during a site visit with the noise source in operation.

The new motor is located internally with 2 x silencers that have already been installed. The fan unit is an Axial AC fans YWF4E-450S-P102/60G with 2 x SIRL 500-900 silencers that have already been installed.

It is also clear to see from the data that the neighbouring plant is dominant and depending on how busy they are the fan noise will increase due to the fan being turned

up to cope with the workload. In addition to this, the neighbouring unit comes on at circa 0830hrs with noise levels exceeding 59dBA so it is clear that the site is exposed to high noise levels currently and the proposed unit will not be audible with the other plant in operation. Also, even with no further mitigation measures installed the proposed unit is a lot quieter than the current acoustic environment apparent at the site location due to the current noise sources (road traffic & other plant).

Odour

- 7.15 In relation to odour, the application has included the submission of an Odour Assessment and this states:

Odour emissions from the hot food preparation on the premises have the potential to cause adverse impacts for residents of the dwellings located above the takeaway. As such, an Odour Assessment was undertaken in order to evaluate potential effects, identify the requirement for any additional mitigation to control potential impacts to an acceptable level and prepare a suitable maintenance schedule.

The results of the assessment indicated the odour risk was classified as very high. This prediction does not infer that the proposed development would result in significant odour impact or affect local amenity levels. However, it does suggest that appropriate mitigation options are required to reduce potential effects to an acceptable level.

Subject to the inclusion of fine filtration within the extract system and adherence to the maintenance schedule, potential odour impacts at nearby sensitive receptors are likely to be reduced to an acceptable level, in accordance with the stated guidance.

Environmental Health conclusions

- 7.16 The application has been considered in detail by the Council's Environmental Health Officers and site visits have taken place. They have looked at all aspects of the potential for the extract system to impact residential amenity. As set out in Part 5 above it has been concluded in the most recent comments that:

The extract system serving this take-away premises, appears to be satisfactory in terms of noise and odour control, as advised in the assessments provided in relation to this application. I'm also advised that the anti-vibration mounts recommended have now been fitted. The acoustic assessment notes that with the other extractor plant operating in near proximity to the applicants plant, the latter should be at least 10 dBA below the background level and is referred to as being inaudible when other plant is in operation. The report takes it as a given that the other nearby plant will almost always be operational when the applicants extractor plant is in operation. However the applicant should bear in mind that if that situation were to change in the future, there could be a need to provide additional mitigation measures.

I'm also advised that fine filtration filters have been included into the extraction system prior to the existing carbon filters; the odour assessment advice was to include fine filtration to the system.

- 7.17 A number of planning conditions are recommended by Environmental Health and these relate to Management and Maintenance of the extraction equipment, Noise limits and Anti-vibration mounts. These conditions (as amended) are recommended to be imposed should planning permission be granted.

8 Conclusion

- 8.1 In conclusion, the ground floor 26a Elm Grove is currently in use as a Hot food Take-away establishment. The extract system has been put in place without planning permission and a retrospective application has been submitted. It is understood that the system has been amended and silencers, filters and anti-vibration mounts provided.
 - 8.2 The external flue has been considered in relation to its external appearance and is considered acceptable in design and appearance in the context of its positioning on the rear elevation and in proximity to existing extract flues serving other take away premises.
 - 8.3 Detailed consideration has taken place in relation to the impact of the extract system on the residential amenities of adjoining residents. In particular noise, vibration and odour issues have been considered by the Councils Environmental Health Officers. Subject to appropriate planning conditions it is considered that the extract system would have an acceptable impact on residential amenities.
 - 8.4 The proposal can therefore be recommended for planning permission.
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9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/23/00782 subject to the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Site Plan, Floor Plans and Elevations Drawing No. HOPA-003-P
Odour Assessment Ref: C11047/OA/1.1 Rev 1 February 2024
Photographs of Anti-Vibration fittings
Airtight & Noisecheck Limited Acoustic Testing Issue Date 31st August 2023
Carbon Filter detail
Extractor Motor detail
Silencer detail

Reason: - To ensure provision of a satisfactory development.

- 2 The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 5dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially extraction plant noise having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The plant and machinery at the development shall be mounted with proprietary anti vibration isolators and fan motors shall be vibration isolated from the casing

and adequately silenced and maintained as such.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 4 The extraction equipment installed to suppress and disperse fumes and/or odours produced by cooking and food preparation, shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

Appendix A Location Plan

Appendix B Proposed Site Plan

Appendix C Ground Floor Plan Pre-Existing & Retrospective as works carried out

Appendix D East Elevation, Recessed East Elevation and South Elevation

Appendix E Decision Notice Ref: APP/22/00408