



From: Fiona Fitzgerald
Sent: 14 May 2018 10:37
To: Planning.Responses
Cc: Ross Leal
Subject: FP/69/18/PL

Dear Planning,

As referred to in my email of 22nd August 2016 (for FP/136/16/PL), the information contained in the RandTech Consulting (proposed Kitchen Extract Supply and Extract Ventilation System External Noise, ref MDR/J2866a, dated 27th March 2016) would appear to be sufficient when assessed against the (now withdrawn) DEFRA guidance (Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems).

However, we have been dealing with complaints of odour from this premises since it opened in June 2016, have served an Abatement Notice in respect of odour in December 2017, substantiated repeated breaches of the Notice since service of the Notice, and are in the process of taking enforcement action to ensure the Statutory Nuisance is abated. It would appear that either the equipment is not being operated in accordance with the submission, or that the equipment does not function as it should.

The Planning, Design and Access Statement submitted states in paragraph 2.4 that 'this unit controls odour from the kitchen', and also in paragraph 3.1 that '..... is working satisfactorily to emit odour'. Further in paragraph 5.4 it states 'the development does not result in any adverse impact on neighbouring properties'. Based on the recent witnessed breaches of the Abatement Notice, I am not satisfied that the unit does control odour from the kitchen or is working satisfactorily. I am also satisfied that there is a continued adverse impact on neighbouring properties.

The applicant states in paragraph 6.4 of the Planning, Design and Access Statement that they are complying with Condition 3 of FP/136/16/PL: 'the Applicant has been working with the Council to ensure that the proposals accord with this condition'. I am not aware of any documentation that confirms this, as all recent work has been related to odour nuisance, and no noise work has been undertaken since the flue was encased. Please could the applicant provide the documentation that confirms that they are complying with Condition 3 of FP/136/16/PL.

I strongly disagree with the concluding paragraph of the Planning, Design and Access Statement that states '.....and do not cause any significant harm to the local environment. The new flue does control the odour emitted from the kitchen satisfactorily and does not result in any odour or new nuisance'.

With regard to the external lighting for this application, please could the applicant provide a written report from a competent electrician (NICEIC or equivalent) confirming that the installation complies with current British Standards and is suitable for outdoor use.

At the current time therefore, I would recommend **refusal** of this application.

Regards

Fiona Fitzgerald