

Osmond, Gary

From: Wedgbury, Stuart
Sent: 07 May 2024 13:09
To: Osmond, Gary
Subject: RE: DC/24/97225 REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL

Morning Gary,

Good to be back; hope you're well.

There are three additional submissions – brief comments upon each:

- DAA report Issue 1 dated 13/3/24. From the reference this is the same report that is on the planning file. My comments were based upon this report as submitted. As such there is no change to my comments.
- Fan Service 31/3/24. This assesses the risk based upon the (now withdrawn) DEFRA Guidance for a new cooking extract system with a terminus 1 meter above roof ridge height. As such, this is not a scenario consistent with the submitted details and so I won't comment upon it.
- Fan Service report 12/4/24. This assesses the risk based upon the (now withdrawn) DEFRA and (replacement) EMAQ Guidance for a new cooking extract system with a low level terminus and so may be consistent with the previously submitted details. Given your view on the need for separate consent for cooking extract termini that affect the external building fabric and that such consent has not I assume, been granted; this submission may not be particularly relevant for the extant condition currently under consideration. However, to be helpful, I will make some general observations. I will reference the 2018 EMAQ Guidance that replaced the DEFRA Guidance where relevant but I believe this may also have been updated and EBC do not have the latest version available:
 - The EMAQ Guidance advises (page vi) that cooking extract systems should discharge 1 metre above the height of any building within 15m; if this can't be complied with for planning reasons then it should terminate 1 metre above the building housing the extract system; if that can't be complied with for planning reasons then then higher levels of odour control may be required than otherwise would be the case. The Guidance is not specific as to what might be required given that particulate and odour abatement would be required for a cooking extract system terminating at high level. So the strong advice is to avoid low level discharges unless, you feel a compelling planning reason dictates otherwise.
 - The risk assessment completed suggests (by some margin) that a very high level of odour abatement would be required by virtue of the type of cooking; size of kitchen and relationship to residential uses.
 - The abatement proposed consists of:
 - Primary grease filters
 - A second stage comprising a electrostatic precipitator to remove particulates (such as Purified air ESP4500E)
 - A third stage comprising a G4 Pleated Panel Pre-Filters (carbon filtration has a dwell time of around 0.4 seconds)
 - Followed by a extract fan
 - Followed by a Acoustica R02-5 silencer with a insertion loss as set out in the DAA report.
 - Fan to be located on antivibration mounts

My observations on the proposals are as follows:

1. I cannot be sure that cooking odours would be prevented at residential properties through such a system. The close relationship suggests the risk is very high and the strong technical advice is that a high level terminus is much more desirable. However, if you decide to accept a low level terminus in this case, my following observations would be relevant. If alternatively you decide to not accept a low level terminus, the system needs a redesign.

2. A schematic showing the extract system in relation to the building structure is needed. In particular, this needs to show the location of the key elements including the fan and attenuator.
3. The reference to an electrostatic precipitator is only by way of an example piece of plant. To discharge the condition, a specific ESP should be specified.
4. The EMAQ Guidance suggests that a residence time of 0.4 to 0.8 seconds would constitute a 'very high level of odour control'. The proposal is at the lower end of this range. The risk assessment score could hardly be much higher. Therefore, it is relevant to ask why a residence time of 0.8 seconds does not feature in this design.
5. The silencer and fan proposed and method of installation (anti -vibration mounts and flexible connectors) match those suggested in the DAA acoustic report and I see no reason to doubt that acoustically this will not be sufficient, provided that the fan is installed internally with the silencer correctly positioned (see request for a schematic in 2 above to confirm this).
6. Finally given my comments in 1 above; if you decide for planning reasons to accept a low level discharge, you may want some written assurance from the extract system designer that the system proposed would prevent cooking odour from being noticeable at residential windows and balconies above the terminus. I cannot provide you with this assurance.
7. Finally, no comment is made regarding the risk posed by existing cooking extract systems and how these may impact upon residential amenity.

Regards

Stuart Wedgbury
Environmental Health Specialist
Planning & Environment - Pollution
Ext.: 8353
Mobile: 07721572764

From: Osmond, Gary <Gary.Osmond@eastleigh.gov.uk>
Sent: Tuesday, May 7, 2024 9:39 AM
To: Wedgbury, Stuart <Stuart.Wedgbury@eastleigh.gov.uk>
Subject: FW: DC/24/97225 REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL

Morning Stuart,

Good to have you back.

Thanks for your response on the Regal Buildings discharge. Does the attached adequately respond to your concerns?

Regards,

Gary Osmond
Principal Planning Officer
Planning & Environment - Planning/Development Management
Ext.: 8490

From: David Windsor <dwindsordevelopments@hotmail.co.uk>
Sent: Friday, May 3, 2024 11:35 AM
To: Osmond, Gary <Gary.Osmond@eastleigh.gov.uk>
Subject: Re: DC/24/97225 REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL

Hi Gary,
please find attached the response from the noise and odour contractors ,hopefully this will suffice.
Regards
Dave

From: Osmond, Gary <Gary.Osmond@eastleigh.gov.uk>

Sent: 02 May 2024 10:27

To: dwindsordevelopments@hotmail.co.uk <dwindsordevelopments@hotmail.co.uk>

Subject: FW: DC/24/97225 REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL

Dear Mr Windsor,

Please see the response from my Environmental Health colleague Stuart Wedgbury (below) regarding the information submitted in relation to discharging the noise condition of the original planning approval. As you will see a number of significant concerns have been raised which will need to be acceptably addressed before the condition can be approved. Of particular concern is the use of generic evidence rather than actual evidence gathered from site observations and measurements.

A further concern is the suggestion of installing an extractor flue to the rear elevation underneath residential windows and balconies. Whilst there are no conditions of the original planning consent which restrict any of the commercial units being used as a restaurant, it should be noted that this does not allow external alterations to be made, i.e. the installation of external vents or flues. Such features will require separate planning approval, as would any external signage, etc.

Could I ask you to look into the points made by Mr Wedgbury and update me on expected timescales for submission of the information required.

Regards,

Gary Osmond
Principal Planning Officer

Planning & Environment - Planning/Development Management
023 8068 8490



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Eastleigh Borough Council

From: Wedgbury, Stuart <Stuart.Wedgbury@eastleigh.gov.uk>
Sent: Wednesday, May 1, 2024 11:47 AM
To: Osmond, Gary <Gary.Osmond@eastleigh.gov.uk>
Subject: DC/24/97225 REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL

Dear Gary

DC/24/97225 - REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL: Proposal: Discharge of Conditions 4 (Drainage), 5 (Noise), 6 (Method Statement), 9 (Materials) and 10 (Lighting) of Planning Permission F/22/92939 for the conversion of former nightclub to form 4no. commercial units at ground floor and 11no. one bedroom, 5no. two bedroom and 2no. three bedroom residential flats above and associated external works Our Ref: PR202404-104240

Thank you for consulting Environmental Health upon the above proposal. I will comment upon matters relating to Condition 5, 6e and f and 10 only. I comment as follows::

5 No works to the exterior of the building shall start until a Noise and Odour Assessment as been submitted to and approved in writing by the Local Planning Authority. This assessment shall include details of measures to protect future residential occupiers from noise and odour disturbance resulting from neighbouring uses, together with potential retail/commercial uses within the building itself. No residential units shall be occupied until these agreed measures have been installed/implemented in full and shall be maintained throughout the lifetime of the development. Reason: To protect the amenities of future residential occupiers.

I have reviewed the submitted DAA Group report dated 13/3/24. The report covers a range of acoustic issues outside the scope of the planning condition. I shall comment only on the matters controlled by the condition as drafted. I shall comment upon the measures proposed, but note the condition also requires implementation and as such you will need to secure reliable confirmation of this during the building fit out.

1. Assessment of the impact of odour from existing and proposed commercial uses upon residential amenity and proposed measures to protect residents.

There is no assessment of odour submitted and therefore no (explicit) proposals regarding measures to protect residents.

The main issues here in order of priority are:

- The acoustic report specifically references a proposed new low level outlet for a cooking extract on the east elevation with residential windows and balconies immediately above (see Figure 7.2 of the referenced report). The approved amended elevation plans on file F/22/92939 show no such detail. The risk to amenity from such a terminus position is high. The significance will also depend upon the type of cooking to take place and this is uncontrolled by condition. As such, this poses a significant risk to residential amenity in my opinion. Usually it is best for extract terminus to be located at high level to allow natural dispersion and to incorporate odour abatement technology. EMAQ produce guidance on suitable designs ([Course: Control of odour and noise from commercial kitchen exhaust systems - Purchase the report \(ricardo.com\)](#)).
- More generally, if as appears the case, uses within class E(b) are permitted in any of the ground floor commercial units further risks may be posed by future proposals, unless separate planning consent is required for any future cooking extract outlets.
- An existing cooking extract is positioned to the North of the site about five premises removed. This seems to serve the Istanbul Grill kebab and pizza house (from Googlemap). This may pose a risk to

amenity. Without more information I cannot be sure. The DAA acoustic report also references an extract system to the South at 46 Market Street and there is no information upon its relationship to residential windows.

2. Assessment of the impact of noise from existing commercial uses upon residential amenity and proposed measures to protect residents.

This is addressed in Section 4.2 of the submitted report. It is stated that: *'It was not possible to carry out this method due to having no control of the units and access. We have therefore used typical noise levels of the various noise sources for our calculations.'*

It is not clear what is meant here or what method has been adopted and how information has been sourced. This assessment submitted will not necessarily be representative of noise conditions on this site. Whilst a modelled approach might be appropriate if some plant is rarely operational; the need for such an approach can only be assessed by site visits. In this case there does not appear to have been any attempt to carry out a manned assessment. In any case, the reporting of the BS4142 assessment falls far short of that expected as set out in Section 12 of the Standard. The reporting method should set out how and why decisions have been made in the conduct of the assessment. In short, I cannot offer an informed view of the risk to amenity from existing plant based upon the information supplied.

3. Assessment of the impact of noise from proposed commercial uses upon residential amenity and proposed measures to protect residents.

This is a difficult requirement for the applicant to address given the range of possible uses that might constitute Use Class E. In my experience, where noise may be primarily internally transmitted (as I expect would be the case here) the most problematic uses are those in Use Class E(d) which generally I would not recommend in mixed used buildings. Overall there are too many unknowns to usefully assess this risk with any rigour.

Some control can be exercised through the provision of a certain level of sound insulation between the commercial uses and the residential uses. How simple this will be to achieve in practice in a conversion will depend on the degree to which flanking sound transmission (sound transmitted through existing walls rather than through the separating ceiling / floors) is significant in this building. This risk could only be assessed by site inspection and/or sound insulation testing.

The acoustic report considers in Section 7 that the current proposed uses will be retail except for Unit 4 that is to be a restaurant. Provided such uses do not change to more problematic uses, this would typically represent a relatively lower risks to amenity.

The report identifies the cooking extract fan as an item of potential concern; predicts the likely impact in Section 7.4 and proposes remedial measures to achieve the recommended acoustic design. These are acceptable. You will need to obtain post implementation confirmation from the consultant that his recommendations in 7.5.1 and 7.4.2 have been implemented satisfactorily before discharging this element.

Section 9 of the report considers the sound insulation between the commercial uses and the residential use above. This shows an example constructional cross section and predicts an airborne sound insulation of 59-61dB Dntw between the residential and commercial uses. This if achieved, would be a good standard and should minimise the risks to amenity from noise generated within the commercial units for most uses typical of Class E. You will need to obtain post implementation confirmation from the consultant that the construction has met with his recommendations to be satisfied that insulation values of the order of those suggested have been achieved.

6 No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include: a) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction; b) the arrangements for the

routing/ turning of lorries and details for construction traffic access to the site; c) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway; d) the parking of vehicles of site operatives and visitors; e) measures to control the emission of dust and dirt generated by demolition and construction; f) a scheme for controlling noise and vibration from demolition and construction activities (to include piling); g) provision for storage, collection, and disposal of rubbish from the development during construction period; h) measures to prevent mud and dust on the highway during demolition and construction; i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; j) temporary lighting; and k) protection of pedestrian routes during construction. Reason: To limit the impact the development has on the amenity of the locality.

The method statement is typical of the type usually submitted to LPA. It is not detailed, but I have no specific comment to make upon it.

10 No works to the exterior of the building shall take place until details of external lighting and security measures for future occupants has been provided and approved in writing by the Local Planning Authority. The development shall not be occupied until these agreed measures are installed and in full working order. Reason: In the interests of the amenity of the locality and future occupiers.

I can not see any submissions on the planning file relating to this condition.

Stuart Wedgbury
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Planning & Environment - Pollution
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