

Supplementary Planning Guidance (SPG) Commercial Design

SPG 6c Restaurants/Hot Food Premises (Use Class A3): Ventilation and Extraction

1. INTRODUCTION

1.1 In assessing the fume/smell/noise aspects of applications for Restaurants/Hot food developments (including take-aways) the Council will have particular regard to the following: adopted Haringey Unitary Development Plan (1998) Policies STC 2.4 & RIM 3.2, Haringey UDP First Deposit Consultation (2003) Policy UD2, SPG 9 and this supplementary guidance.

1.2 Supplementary guidance is provided below regarding the following:

- Need to avoid disturbance to nearby properties
- Checking with the Council before outlay – at the design stage

2. NEED TO AVOID DISTURBANCE TO NEARBY PROPERTIES

2.1. It is important that the design of the flue extraction/ventilation equipment takes into account the need to ensure that no nuisance or disturbance is caused by odour, fumes, food droplets or noise to nearby properties.

2.2 In addition, the visual appearance of the flue may be important especially if it would be easily seen from the public highway or if the proposed restaurant lies within a conservation area and/or is itself, or is close to, a listed building.

2.3. The Council is able to use town planning powers to prevent potential nuisance being caused to neighbouring properties. Unlike Environmental Health legislation which can only seek “best practicable” means to deal with a statutory nuisance (i.e. can only act after the event to try to obtain the best outcome possible), under planning powers the Council can stop the potential nuisance in the first place by refusing planning permission unless it is satisfied that no disturbance is likely to be caused.

2.4. In most cases, the flue/duct should vent at a height of at least 1metre beyond eaves level. There may be occasions however (such as if the building is only single-storey high) where it may not be possible to vent the premises without causing a nuisance to neighbours. Thus, if it is likely that resultant nuisance cannot be prevented, such locations will be considered unsuitable for A3 usage and planning permission will be refused.

- 2.5. In order to ensure there is no nuisance caused, systems will need to be fitted with some or all of the following:
- (i) Silencers
 - (ii) Filters
 - (iii) Anti-vibration mounts
 - (iv) Flexible couplings
 - (v) Duct lagging

3. **CHECKING WITH THE COUNCIL BEFORE OUTLAY - AT THE DESIGN STAGE**

- 3.1 Businesses can save themselves unnecessary expense by checking whether their proposed extract system is likely to be acceptable before incurring any expense
- 3.2 Anyone intending to apply for planning permission for a change of use to A3, if they are at all unsure of a system's effectiveness, should check their proposed system with the Council's Environmental Health Department before ordering/buying a system and before buying a lease or freehold on a property.
- 3.3. In order to ensure that Environmental Health officers can assist, a site plan and system layout drawing should be provided and discussed with them before purchase/installation.
- 3.4 At the same time, the planning position should be checked just in case there are any obvious policy objections (for example that the amount of A1 units in a particular frontage already is below the satisfactory threshold minimum).
- 3.5 It must be stressed that some locations simply will not be suitable for A3 usage because there is no satisfactory way to deal with the odours and fume nuisance that is likely to arise, due to physical constraints of the site. If in such circumstances an individual chooses to open up their business regardless, they are likely to incur costly unnecessary expenses as a result of enforcement action, including paying for the removal of any unauthorised ducting and putting the property back into the state it was in beforehand.
- 3.6 Furthermore, additional care with the design of ventilation systems is needed if historic buildings/areas are involved.. For example, in conservation areas, or where a setting of a listed building is affected, additional care is needed to ensure that the appearance of the flue does not adversely affect the character and appearance of the historic environment. In such cases, the advice of the Council's Conservation Officer should also be sought early on before signing any lease and before buying any unsuitable ventilation equipment. Some historic premises might not be suitable for A3 usage even if Environmental Health concerns can be addressed, without extremely expensive solutions

This SPG has been consulted on as part of the Haringey UDP first Deposit Consultation. As such, it is a material consideration in determining planning applications.

