From: Bruce Reynolds
Sent: 18 November 2009 16:17
To: Keith Morgan
Subject: ADC/0408/09 Change of use from shop (Class A1) to hot food take-away and cafe (Classes A3 and A5) (opening hours 7am-10pm)

Dear Keith

Further to our recent discussion, I have again reviewed the available information and guidance in respect of the above application and would make the following comments.

The main concerns in respect of any hot food takeaway and café are noise from kitchen activities or customers and odour from cooking. The only official guidance in respect of odour is contained in the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA in January 2005. Annex C of this guidance presents a 'Risk Assessment for Odour' for which the current application scores highly (type of dispersion, proximity of receptors, cooking type, etc) and so a very high level of odour control would be indicated.

There is little or no information available on the odour impacts of the ventless or regeneration ovens, apart from the sales literature which cannot be considered to be unbiased. Similarly, there is no information available on the cumulative impact of such units, should the use of the kitchen intensify. I am also concerned that other cooking methods could subsequently be introduced and considered ancillary (the early morning opening does suggest cooked breakfasts, etc) leading to a further adverse impact on local amenity.

It is unlikely that a suitably worded condition would be effective at protecting the local amenity (which would be the purpose of the condition and more appropriate than consequent use of statutory nuisance legislation) and if permission were granted it would make refusal of different types of takeaway problematic.

I would therefore be unhappy for this type of development to be allowed without suitable extraction and odour control, which would be consistent with similar properties where extract systems were required.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Bruce Reynolds
Senior Environmental Health Officer
Adur District Council

Tel: (01273) 263098: Fax: (01273) 263014 : e-mail : bruce.reynolds@adur.gov.uk
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Domestic & Pollution Team
Housing, Health & Community Safety
Room 116, Civic Centre, Ham Road, Shoreham-by-Sea, West Sussex BN43 6PR

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