

APPLICATION NO: 22/00530/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 19th March 2022	DATE OF EXPIRY : 14th May 2022
WARD: Lansdown	PARISH:
APPLICANT:	Pearlbury Properties Ltd
LOCATION:	Thai Emerald Restaurant 60 St Georges Place Cheltenham
PROPOSAL:	Relocation of extraction equipment (Retrospective)

REPRESENTATIONS

Number of contributors	6
Number of objections	5
Number of representations	0
Number of supporting	0

Flat 28
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments: 3rd April 2022

I object to the granting of retrospective permission for the extraction equipment until the noise problem is solved. The covering letter for the application says that EH has said there is no longer a problem. It does not appear that local residents were consulted. The noise level remains unacceptable.

It is audible even through closed double glazed windows and continues all day until 11pm. It is a constant nuisance if windows are open and spoils the experience of using balconies. Some of the affected apartments in Latheram House only have north facing windows/balconies and therefore have no other recourse to fresh air not subject to the noise nuisance.

In addition most of the paperwork supplied (plans and photos) does not show the position of Latheram House which is misleading and minimises the problem on the east side of St Georges Place.

Flat 20
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments: 31st March 2022

Refence Number: 22/00530/FUL

Relocation of Extraction Equipment (Retrospective) at Thai Emerald Restaurant, 60 St Georges Place, Cheltenham.

I refer to the above application and write on behalf of my wife and myself who are residents

at Latheram House and have been affected on a daily basis by the noise nuisance.

The planning application arises from the need to address this noise nuisance that has emitted

from Thai Emerald Restaurant of 60 St Georges Place, Cheltenham since May 2021.

This noise

nuisance has affected the following properties at Latheram House, Clarence Street, Cheltenham:

Clarence Street Facing Apartments:

First Floor - Flats 5, 6, and 7;

Second Floor - Flats 12, 13, and 14;

Third Floor - Flats 19, 20 and 21;

Fourth Floor - Flats 27, 28 and 29;

Fifth Floor - Flat 26 and 28

We note that the covering letter from SFPlanning asserts that your colleague - Mr Alex Mason

is happy to confirm that the proposed solution resolves the noise issue. No evidence is provided within the application to support this assertion. Additionally, the application itself makes no reference to the level of noise which will be produced from the proposed solution.

Therefore as an interested party, who has had to live with the noise nuisance since May 2021,

no evidence is made available to us through an Environment Impact Assessment to assess the

application in this respect and make an informed observation - this is regrettable.

Therefore we would suggest that the application can only be agreed subject to a condition

placed on the level of noise that emanates from the extraction equipment which meets the

restrictions within the legislation relating to noise nuisance.

Flat 20
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments:
NONE GIVEN

Unit 3 Royal Court
Church Green Lane
Kings Worthy
Hampshire
S023 7TW

Comments: 11th April 2022

Letter attached.

Flat 20
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments: 11th April 2022

Relocation of Extraction Equipment (Retrospective) at Thai Emerald Restaurant, 60 St Georges Place, Cheltenham.

Further to my letter of 31 March 2022, I wish to add that it should be noted that the nearest properties to the extraction equipment at Latheram House e.g. Flats 5. 12. 19, 26 and 28 are only seven metres away from the extraction equipment. The planning application is opaque on this fact and on the level of noise that will be produced by the extraction equipment to those specific properties.

The application should be referred back to the applicants to address the specific issue as to how the proposal addresses the noise nuisance issue. Without this information both Officers and the Planning Committee do not have the necessary information to reach an informed decision on the proposal.

9 St Georges Tower
St Georges Place
Cheltenham
Gloucestershire
GL50 3PW

Comments: 30th March 2022

Dear Emma, your name has been given to me ***** as being the planning officer dealing with the above case.

I have the misfortune to own the flat directly opposite the pipe as I am on the first floor of St Georges Tower at eye-level with the rooftop pipe.

The relentless drone has been going on since Nov 13th 2020 and is on every day during working hours - which means until 11pm at night, every night.

From that date on I could not open the balcony windows or use my balcony at all and my flat has gone from a serene haven from which I could hear birds twittering and the wind in the linden trees outside my window to almost a place of dread. The huge and ugly pipe is clearly visible from my sitting room and the noise is relentless, hour after hour.

It has affected me so much that I have had to move out to stay with relatives.

I completely oppose the request for planning permission as although the owners have attempted to modify the noise they were unsuccessful and still it contravenes the environmental health legislation. This has now been going on for nearly 18 months and they seem no nearer a solution.

Chelsea Square, the residential complex where I live, is in a conservation area and this noise is affecting everyone living round the main lawn as well as anyone passing up and down St Georges Place (although if you stand directly outside the restaurant you cannot hear it unless you move away from it). In addition anyone enjoying the main garden is subjected to constant curry-smelling fumes from the pipe which I think amounts to a health hazard.

***** has become involved on our behalf if you would like to speak to him? I am including an attachment of a video of the pipe at its worst.
Please turn the sound on.

Unit 3 Royal Court, Church Green Close, Kings
Worthy, Winchester, Hampshire, SO23 7TW

Mrs Emma Pickernell
Principal Planning Officer
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

4th April 2022

Dear Mrs Pickernell

Reference Number: 22/00530/FUL - Thai Emerald Kitchen Duct

We are writing as the freeholder of the later living retirement apartments at Latherham House. We wish to make the following points in response to the planning consultation for the above:

1. We are not seeking to impair the operation of another business(es) but we would wish the following to be considered by you as the LPA:
 1. The noise and smells generated by the current extract system is affecting our residents and our ability to sell apartments. It is a statutory nuisance.
 2. The current extract system was installed without planning permission and is in current use despite not having planning permission.
 3. The planning application suggests that the environmental officer (Mr Mason) considers that the proposed application will address the concerns. But no detail is provided and Mr Mason would not be expected to have the technical skills to be able to confirm this position. This assertion is therefore not correct.

2. We consider that the proper way forward on this matter would be as follows:
 1. The Thai Emerald kitchen has been served with an abatement notice and they should not be allowed use the kitchen until planning permission is granted and any conditions discharged. This would temporarily address the statutory nuisance and the failure to attain planning permission in the correct manner.. This is essential for the wellbeing of our residents and our ability to sell/rent our apartments.
 2. There is a need for clear technical performance standards to be set to ensure there is a clear benchmark regarding performance of the **installation** in terms of noise and smells. This should be a planning condition.
 3. There is a need for clear technical performance standards to be set to ensure there is a clear benchmark regarding performance of the **maintenance** in terms of noise and smells. This should be a planning condition. It must be stressed that if the landlord or tenant does not instigate and rigorously follow proper installation and maintenance that the system performance will reduce over time and the issues will continue. The previous failure to do this noted in item 1 resulted in smells within a few weeks of installation.

3. Please can the LPA confirm how they intend to review or set the standards for the technical proposals for installation and maintenance given the specialist nature of these works. We again stress that Formal Investments have tried repeatedly and unsuccessfully to address this issue over a number of years and are concerned that the matter will continue without meaningful intervention by yourselves.

Your sincerely,

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering contact information, with a small handwritten mark above it.