



Delegated Report

Planning Application

Application no: 20220463

Location: Unit J Imperial Retail Park Thames Way Gravesend

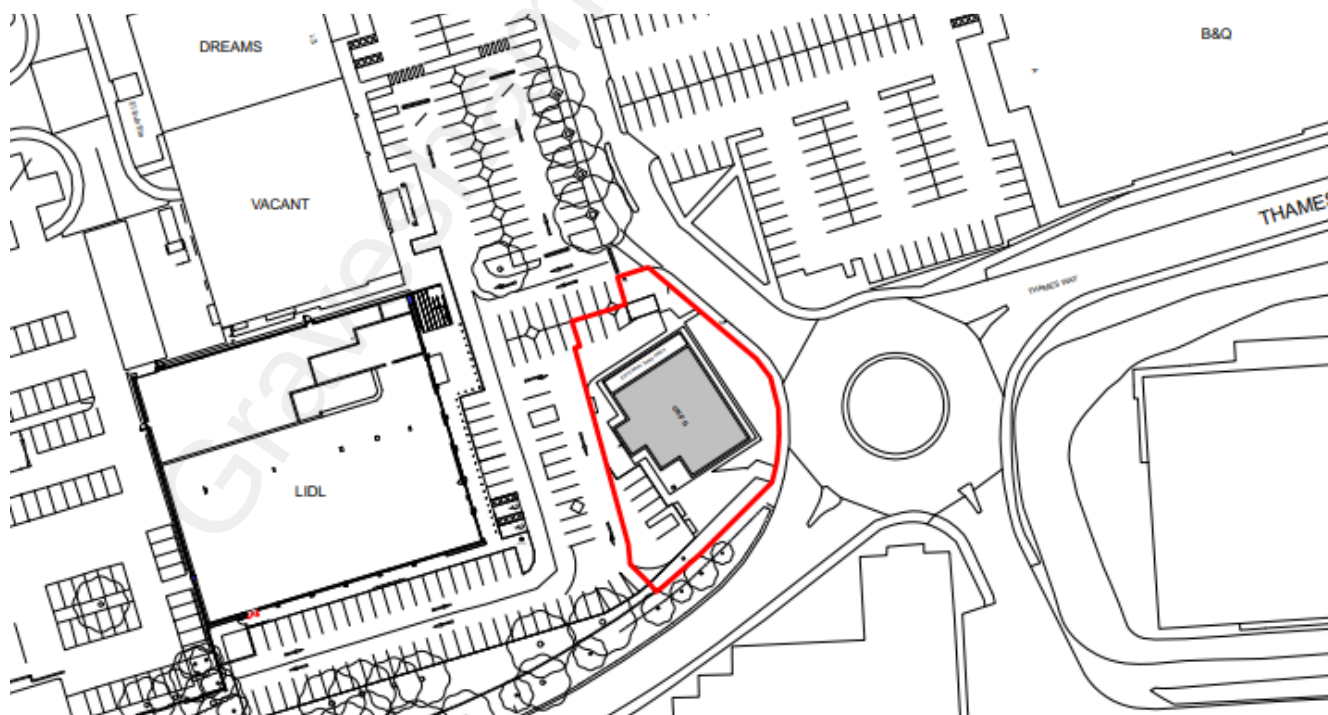
Description: Application for approval of conditions 8, 9 and 13 attached to planning permission reference number 20210185 relating to details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions (condition 8), details of all proposed external lighting of the site and building (condition 9), and a Delivery Service Vehicle Management Plan (DSMP) (condition 13).

Applicant: TH UK & Ireland Ltd

Site Visit Date: 04 August 2022

The Site and Surroundings

The former Pizza Hut premises, Unit G (but also referred to as Unit J) Imperial Retail Park off Thames Way, is located within the southern end on the west side of the Imperial Retail Park Gravesend which forms part of a larger Business Estate originally constructed in phases in the late 1980's/early 1990's originally under Enterprise Zone status. The location of the building and the planning application site area are shown in the extract from the applicant's revised red line plan below. The site area is 0.132 hectares.



It occupies a modern single storey detached stand-alone unit of brick construction with timber panelling features and a curved metallised roof and with a shared surface car park adjacent to the unit to the west. It has a projecting curved entrance canopy.

There is an enclosed flat roofed yard area attached to the north side and a separate brick enclosed bin store area to the north of the unit. The unit comprises approximately 435 sq. m. (4,682 sq. ft.) externally of restaurant floor space plus kitchen, preparation, toilets etc. It had seating for approx. 120 customers (pre-pandemic).

The Pizza Hut restaurant was a later addition to the retail park from 2007/8 built on the site of a part of the overall customer car park which resulted at the time in the net loss of 39 parking spaces. It had an ancillary take-away element. It closed in 2020 and had been vacant but in March 2022 planning permission was given for a change of use to a Tim Horton's coffee shop/restaurant with drive thru and that permission is now in the process of being implemented.

Photograph below as vacant March 2021



Photograph below under refurbishment August 2022



Imperial Retail Park is located to the west of the Gravesend town centre and is accessed by car and foot from Thames Way. There is also a link to the town centre via the travellator that provides pedestrian access between the Overcliffe and the Asda food retail store.

The Imperial Retail Park is shown in the Google Earth aerial view below



The retail park in total comprises a mixture of bulky goods type retail units and a Lidl supermarket across 10 units of which two units, including the application building, are vacant.

It is currently occupied by the following traders:

Unit A: B&Q

Unit B: Poundland (but was 99p store and formerly Comet Electricals)

Unit C: Bensons Beds and BED (previously Harveys Furniture Store) - Now Vacant and has a planning permission for a gymnasium use

Unit D: Carpet Right/ Sleep Right Beds

Unit E: Halfords

Unit F: Pets at Home (formerly Pet City)

Unit E1: Dreams

Unit E2: Poundstretcher (formerly Lidl)

Unit F: Lidl, formerly AMF Bowling

Unit G: Pizza Hut Restaurant - Vacant but now permission for to flexible Use Class E(b) (sale of food and drink for consumption (mostly) on the premises), coffee shop/restaurant or Sui Generis use (Tim Hortons)

The former leisure use of Unit F, which was a ten-pin bowling alley (AMF Bowling), closed down over two years ago and is now in use as a food retail unit by Lidl who vacated their smaller unit immediately adjacent.

The whole of the retail park has a large, shared customer car park either side of a circulation and access road with 432 free parking spaces for customers (that figure being based on information provided in connection with the Pizza Hut planning application). Following an officer site count of the parking spaces in 2019 in connection with the use of the bowling alley unit by Lidl there was then a total of 423 parking spaces available (169 on the western half and 254 on the eastern half). Internally, the car park operates on a one-way system in the main with vehicles exiting the western side of the car park via an exit only at the northern end of the two-way entrance aisle. There is a mobile refreshment unit within the car park (The Lunch Box) next to the access road to the car park which does currently take up 5 public parking spaces thus leaving currently a total of 418 parking spaces.

To the south of the Imperial Retail Park is the Asda food retail store which has its own dedicated customer car park, including a decked parking structure. Beyond the retail park to the west is Imperial Business Park at East and West Mill where there are modern blocks of principally industrial units (and limited trade/retail - Topps Tiles/Screwfix) of varying sizes.

The retail park, business park and Asda store are all located at low level within a former quarry that was once occupied by the Imperial Paper Mills. The Imperial Paper Mills site, including the wharf/jetty, was acquired by TBF Thompson following closure of the paper mills, during the 1980's and part of the paper mills site was being used for a few years temporarily for an asphalt plant pending its redevelopment in the late 1980's. It is now used by F M Conway for the storage and distribution of bitumen.

Planning History

Planning Applications

Ref No	Description and Site	Decision	Date
20050621	Erection of a detached single storey building fronting Thames Way to provide a restaurant with ancillary take-away facilities and associated car parking and bin store and to be used by Pizza Hut.	Permission	09.11.2005
20060127	Display of internally illuminated 'Pizza Hut' signs at roof level on the front (west) and rear (east) elevations; internally illuminated 'Takeaway' and 'Restaurant' signs above the entrance doors on the front (west) elevation; internally illuminated 'Pizza Hut' signs on the two side (north & south) elevations; and a double-sided directional sign with internally illuminated lettering, arrow and logo on the north side of the vehicular access.	Consent	11.04.2006
20060345	Display of internally illuminated freestanding 12-metre-high pole sign fronting Thames Way.	Refused	31.05.2006
20070663	Display of internally illuminated fascia sign above entrance doors; internally illuminated roof mounted sign on east and west elevations and internally	Consent	04.09.2007

	illuminated individual wall mounted letters on north and south elevations.		
20080595	Application for the approval of conditions 4 attached to planning permission reference number 20050621 relating to the submission of details of the extraction equipment and a landscaping scheme.	Approved	07.08.2008
20210185	Change of use from Use Class A3 restaurant with ancillary takeaway to flexible Use Class E(b) (sale of food and drink for consumption (mostly) on the premises), coffee shop/restaurant or Sui Generis use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises; installation of a drive thru facility including drive thru lane on east side, and associated external alterations including reconfiguration of car park; and extension to the existing opening hours to operate on a 24 hour, 7 day a week basis.	Permission	18.03.2022
20211004	Application for consent to display various advertisements for the period of five years and comprising: Northern elevation, 1,210mm x 5,845mm internally illuminated, 355mm x 2,700mm internally illuminated, Eastern elevation, 1,375mm x 6,640mm internally illuminated, 860mm x 1,305mm internally illuminated, 1,840mm x 1,900mm externally illuminated backlit, Southern elevation, 1,210mm x 5,845mm internally illuminated, 355mm x 2,700mm internally illuminated Western elevation, 1,210mm x 5,845mm internally illuminated, 285mm x 2,160mm internally illuminated Other site signage, 9,000mm high red internally illuminated totem, 3,950mm high post sign, 1,600mm high sign with integral 15" display screen, 2,110mm high internally illuminated display screen, 1,590mm high billboard banner frame.	Withdrawn	15.09.2021
20220169	Display of 9 no. internally illuminated fascia signs, 1 no. internally illuminated "totem" sign, 2 no "information signs" (order point with 1 no. integral digital display screen and menu board with 3 no. integrated digital displays) and 1 no. height limiter sign with illuminated signage.	Consent	
20220388	Application for approval of condition 3 attached to planning permission reference number 20210185 relating to a Code of Construction Practice (CoCP) covering all construction environmental impacts.	Approved	17.05.2022

Note: for other planning history relating to the rest of the retail park see the officer report for application ref 20210185.

Proposal

This application is for the approval of conditions 8, 9 and 13 attached to planning permission reference number 20210185 relating to details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions (condition 8), details of all proposed external lighting of the site and building (condition 9), and a Delivery Service Vehicle Management Plan (DSMP) (condition 13).

Drawings and Documents, as revised

Application Form

Condition 8 Odour / Fumes

AC Layout Plan (Ref: J0050-MEN-ZZ-00-DR-M-55101 Rev P02, Jan 2022)

Proposed Ventilation Layout Drawing (Ref: J0050-MEN-ZZ-00-DR-M-57101 P04, Jan 2022)

Specifications for Proposed Ventilation Equipment

Midea Heat Recovery Ventilator details

Email from Christine Reeves, Williams Gallagher, dated 19 July 2022 with details of catering equipment

Email from Christine Reeves, Williams Gallagher, dated 26 July 2022 with further details of catering equipment including Ultravent and rational ovens

Condition 9 Lighting

Lighting Plan prepared by Fagerhult Retail Rev 4 dated 10.06.2022

Technical Lighting Details by Fagerhult dated 26.05.2022

Revised Updated Lighting Report Rev 4 dated 13.06.2022 received 30.06.2022

Additional Lighting Information by Fagerhult UK Ltd dated 30.09.2019, received 30.06.2022

Condition 13 Delivery and Servicing Plan

Service Vehicle Management Plan prepared by Cameron Rose (Ref CRA Ref: 724-01/SVMP01 Rev A, dated 11 May 2022)

Planning Policy, Development Plan and other Material Considerations

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy (September 2014)*
- *Remaining Saved Policies of the Local Plan First Review (1994)*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown being within the **Gravesend Town Centre Opportunity Area** (Core Strategy Policy CS05) in the Gravesham Local Plan Policies Map

The most relevant policies from the adopted Core Strategy in relation to this development are as follows:

Core Strategy Policy CS01: Sustainable Development

Core Strategy Policy CS02: Scale and Distribution of Development

Core Strategy Policy CS05: Gravesend Town Centre Opportunity Area

Core Strategy Policy CS07: Economy, Employment and Skills

Core Strategy Policy CS08: Retail, Leisure and the Hierarchy of Centres
Core Strategy Policy CS10: Physical and Social Infrastructure
Core Strategy Policy CS11: Transport
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was adopted in November 1994. The following remaining saved policies from the Gravesham Local Plan First Review (1994) are considered to be of relevance to this pre-application enquiry:

Policy S7: Policy for Hot Food Shops and Restaurants and other A3 uses
Policy TC9: Shopfronts
Policy T1: Impact of Development on Highway Network
Policy T2: Channelling Traffic onto the Primary and District Distributor Network
Policy T5: New Accesses onto Highway Network
Policy P3: Policy for Vehicle Parking Standards
Policy P5: Change of Use of Buildings and Vehicle Parking Standards

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application, albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy RE 4: Food and Drink Establishments
Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy INF 5: Electric Vehicle Charging Points
Proposed Policy GI 4: Trees, Hedgerows and Woodland
Proposed Policy FW 3: Managing Flood Risk
Proposed Policy AM 1: Air Quality
Proposed Policy AM 2: Contaminated Land
Proposed Policy AM 4: Sunlight and Daylight within New Development

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 2021 is a material consideration.

The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Section 4, Paragraphs 38 - 59: Decision Making

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It outlines the six tests. It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications. In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Vehicle Accesses on Classified Highways (SPG 6 November 1992)
- Security measures for shopfronts and commercial premises (SPG 4, Adopted July 1996 - amended April 2020)

Consultations, Publicity and Representations

Internal Consultations

GBC Regulatory Services (Environmental Protection) - revised comments 28 July 2022

Following a review of the information provided we have the following comments for Condition 8 and 9. Condition 13 is not commented on as a traffic management plan is not for our service to comment on:

Condition 8 - Ventilation

'Details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions should be submitted to and approved, in writing by the Local Planning Authority, before the use of the commercial/business unit as hereby permitted is first commenced. The approved scheme shall then be installed prior to operation in accordance with the approved details before the use of the commercial/business unit as hereby permitted is first commenced Gravesham Borough Council and shall thereafter be used, retained and properly maintained in accordance with the approved manufacturer's specifications.'

EP Comments -

The original application to discharge this condition included a description of a Midea "Ventilation recuperators series HRV". This system based on the description provided was only designed to regulate temperature and humidity and did not include any information as to odour or smoke control, although the maintenance and service section did reference changing air filters.

This did not provide the information required by the above condition therefore it was considered as not being fully complied with. The applicant then advised that the cooking equipment and methods used would negate the need for a ventilation system to filter out odour and smoke as none would be created. Subsequently additional information was provided by the applicant in regard to the Ultravet and Rational ovens that will be used to cook the food. After reviewing this information, we are satisfied that the cooking equipment, if maintained and operated as per the guidance documents, will likely not cause an odour or smoke/fume nuisance and therefore this condition can be discharged.

Specification of noise levels in dB(A) were included in the specifications, with the noisiest model emitting 56dB(A). There are no nearby residential properties, and the building is detached therefore we have no concerns regarding the noise levels of the ventilation system.

The applicant however should be advised that a discharge of this condition does not prevent action being taken against the business in the event that the Environmental Protection Team confirms at a later date that an unreasonable odour and/or smoke/fume nuisance is caused to any residents or nearby businesses.

Condition 9 - Lighting

'Before the use of the commercial/business unit as hereby permitted is first commenced, details of all proposed external lighting of the site and building shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details before the use of the commercial/business unit as hereby permitted is first commenced. No additional lighting shall thereafter be installed on the site or building without the grant of further specific planning permission from the Local Planning Authority.'

EP Comments -

Information provided by the applicant had been reviewed. The maximum lux output is given as 21.5lx for the drive through area, with 4.66lx south elevation and 12.9lx east elevation. This is not likely to cause a light nuisance therefore the condition can be discharged.

The applicant however should be advised that a discharge of this condition does not prevent action being taken against the business in the event that the Environmental Protection Team confirms at a later date that an unreasonable light nuisance is caused to any residents or nearby businesses.

Service Vehicle Management Plan -

In terms of the Service Vehicle Management Plan, it is not ideal, but a previous use at the site was similar, although it did not have the drive thru' facility, so no objections are raised, but any reversing movements should be accompanied by a Traffic Marshall to provide assistance to the lorry driver and control conflicting vehicles movements

Lighting -

Notes that the style of lighting is a great improvement on the previous proposal.

All lighting units should be parallel to the carriageway to avoid overspill onto the surrounding footways and carriageways.

In terms of light levels, suggests they seem to be high and although there are no residential properties in the area, this site should blend in, rather than stand out from the rest of the area.

It is understood that for external car parks the average lighting level should be between 5 lux (lightly trafficked) via 10lux (medium traffic) to 20lux (heavy traffic). As heavy traffic is for major shopping centres and major sports events, suggests that the lighting levels here should not exceed 10 lux. Does not consider one drive thru' makes this area an area of high levels of night-time activity. The important element is to ensure that there is adequate light for site safety, without overprovision which could be distracting to passing traffic and make this site stick out like a sore thumb in the surrounding area.

Like many situations in development as there will be local shielding it is sometimes best to see the scheme implemented and review after a few months to determine what the actual impact is, however under planning I'm not aware of any controls which can be used which leaves it to Environmental Health to enforce any unacceptable intrusive lighting.

Overall, therefore no objection.

GBC Ward Councillors - Pelham Ward

No comments received

External Consultations

None undertaken

Planning Analysis and Assessment

Introduction/Background

Planning permission was granted on 18 March 2022 (ref 20210185) for the change of use from Use Class A3 restaurant with ancillary takeaway to flexible Use Class E(b) (sale of food and drink for consumption (mostly) on the premises), coffee shop/restaurant or Sui Generis use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises; installation of a drive thru facility including drive thru lane on east side, and associated external alterations including reconfiguration of car park; and extension to the existing opening hours to operate on a 24 hour, 7 day a week basis.

It was subject to various planning conditions. As indicated works has now commenced on site to implement the permission.

The Conditions relevant to this submission are as follows:

Condition 8 - Odour/Fumes

Details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions should be submitted to and approved, in writing by the Local Planning Authority, before the use of the commercial/business unit as hereby permitted is first commenced. The approved scheme shall then be installed prior to operation in accordance with the approved details before the use of the commercial/business unit as hereby permitted is first commenced and shall thereafter be used, retained and properly maintained in accordance with the approved manufacturer's specifications.

Reason: *In the interests of local amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

The details submitted to discharge this condition comprise:

AC Layout Plan (Ref: J0050-MEN-ZZ-00-DR-M-55101 Rev P02, Jan 2022)

Proposed Ventilation Layout Drawing (Ref: J0050-MEN-ZZ-00-DR-M-57101 P04, Jan 2022)

Specifications for Proposed Ventilation Equipment

Midea Heat Recovery Ventilator details

Email from Christine Reeves, Williams Gallagher, dated 19 July 2022 with details of catering equipment

Email from Christine Reeves, Williams Gallagher, dated 26 July 2022 with further details of catering equipment including Ultravent and rational ovens

Comments

The plans and documents contain the relevant information as required/set out in condition.

The ventilation details relate to both the equipment to regulate temperature and humidity and the cooking equipment proposed to be installed and operated.

GBC Regulatory Services (Environmental Protection) have no objection to the additional/revised details and are satisfied that the cooking equipment, if maintained and operated as per the guidance documents, is not likely to cause an odour or smoke/fume nuisance and have no concerns regarding the noise levels of the ventilation system. They do advise that a discharge of this condition does not prevent action being taken against the business in the event that the Environmental Protection Team confirms at a later date to find that an unreasonable odour and/or smoke/fume nuisance is caused to any residents or nearby businesses, and it is recommended that this should be indicated in an informative.

Recommendation: Discharge condition 8, but the condition will continue to exist in order to ensure maintenance of the approved ventilation extraction system post installation

Condition 9 - Lighting

Before the use of the commercial/business unit as hereby permitted is first commenced, details of all proposed external lighting of the site and building shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details before the use of the commercial/business unit as hereby permitted is first commenced. No additional lighting shall thereafter be installed on the site or building without the grant of further specific planning permission from the Local Planning Authority.

Reason: *In order to ensure the development does not cause harm to local and visual amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 Gravesham Local Plan Core Strategy (September 2014) and paragraph 185 of the National Planning Policy Framework (NPPF), 2021.*

The details submitted to discharge this condition comprise:

Lighting Plan prepared by Fagerhult Retail Rev 4 dated 10.06.2022

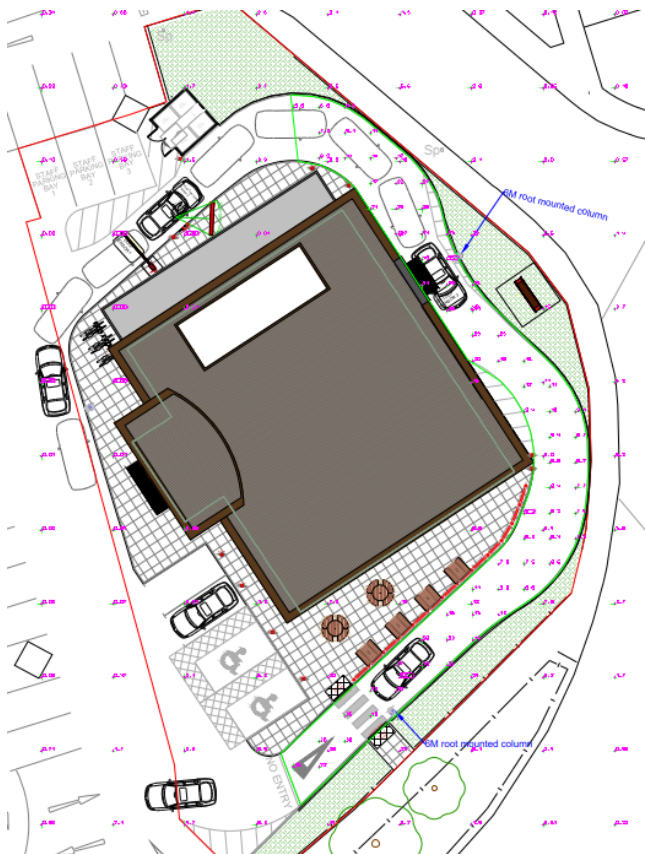
Technical Lighting Details by Fagerhult dated 26.05.2022

Revised Updated Lighting Report Rev 4 dated 13.06.2022 received 30.06.2022

Additional Lighting Information by Fagerhult UK Ltd dated 30.09.2019, received 30.06.2022

Comments

The plans, technical details and documents contains the relevant information as required/set out in condition.



The lighting as proposed includes 2 x 6m high root mounted columns with LED lighting along the edge of the drive-thru lane

The drive thru lane is designed to heavy traffic, 20 Lux average and 0.25 uniformity, the applicant's agents advising that the drive thru lane should be considered as heavy traffic due to the peak busy periods becoming very busy and mixture of vehicle and pedestrians walking across the space at multiple points.

The GBC Highways Development Management Officer originally had some concerns at lux levels and whether this was the appropriate zoning in the ILP Guidance as E4 - Urban High District brightness (Town/city centres with high levels of night-time activity) and was concerned at potential overprovision which could be distracting to passing traffic but has since offered no objection but suggest that it might be for GBC Environmental Health to enforce any unacceptable intrusive lighting.

GBC Regulatory Services (Environmental Protection) have reviewed the lux levels of the proposed external lighting and consider it is not likely to cause a light nuisance but advise that a discharge of this condition

does not prevent action being taken against the business in the event that the Environmental Protection Team confirms at a later date that an unreasonable light nuisance is caused to any residents or nearby businesses, and it is recommended that this should be included as an informative.

Recommendation: Discharge condition 9, although it should be noted that the condition will still continue to exist in perpetuity to ensure that no additional lighting shall thereafter be installed on the site or building without consent.

Condition 13 - Delivery and Servicing Plan

Before the use of the commercial/business unit as hereby permitted is first commenced a Delivery Service Vehicle Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include the timing and control of deliveries and parking and turning arrangements for the development. Any measures described in the DSMP shall be implemented within the time period identified within the DSMP and maintained thereafter in accordance with the approved details.

Reason: To safeguard the efficient and safe operation of areas intended for vehicular access, customer parking and circulation and the servicing and operation of the other businesses on the retail and business park and pursuant to Gravesham Local Plan Core Strategy (2014) policy CS11: Transport, Gravesham Local Plan First Review (1994) saved policy P3: Policy for Vehicle Parking Standards and the adopted vehicle parking standards (SPG 4 published in 2003 and adopted in 2006).

The details submitted to discharge this condition comprise:

Service Vehicle Management Plan prepared by Cameron Rose (Ref CRA Ref: 724-01/SVMP01 Rev A, dated 11 May 2022)

Comments

The document contains the relevant information as required/set out in condition.

It covers the following aspects of the delivery process:

- The scheduling
- The drive thru restaurants responsibilities, and
- The driver's responsibilities.

Servicing will take place from the central aisle of the parking area adjacent to the coffee shop/ restaurant with drive thru. This area will be coned off by staff prior to delivery timeslot.

In respect of scheduling, it is indicated that all deliveries on a three-day order and deliver basis, whereby orders made on day one would be delivered two days later and with deliveries averaging 30 - 45 minutes in duration. All deliveries will be made on rolled cages.

Refuse collection will be undertaken privately.

It is noted that the revised DSMP indicates that a Pedestrian Marshal role will be implemented at the site, which responds to comments made by the GBC Highways Development Management Officer.

Recommendation: Discharge condition 13, but the condition will continue to exist in order to ensure maintenance of the approved DSMP

Conclusions and Balancing Exercise

The details submitted pursuant to these conditions accord with national and local policy and notably policies CS11 (Transport) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and the National Planning Policy Framework (NPPF) 2021, Section 9: Promoting Sustainable Transport, Section 12: Achieving well-designed places and Section 15: Conserving and Enhancing the Natural Environment.

There have been no overriding adverse comments from consultees but there were some comments from both the GBC Highways Development Management Officer and GBC Regulatory Services (Environmental Protection) that required amendment to the various submitted plans and documents.

The Delivery Service Vehicle Management Plan, external lighting details and odour and ventilation details have been revised accordingly and can now be supported.

It is therefore recommended that approval be given to conditions 8, 9 and 13 of application ref 20210185 in relation to the details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions (condition 8), details of all proposed external lighting of the site and building (condition 9), and a Delivery Service Vehicle Management Plan (DSMP) (condition 13).

Recommendation:

APPROVAL subject to informatives

Additional Planning Conditions

None

INFORMATIVES

1 EXTENT OF THE APPROVAL

For the avoidance of doubt the approval hereby given relates to the details submitted pursuant to conditions 8, 9 and 13 attached to planning permission reference number 20210185 in respect of the details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions (condition 8), details of all proposed external lighting of the site and building (condition 9), and a Delivery Service Vehicle Management Plan (DSMP) (condition 13).

It does not amend the permission or discharge any of the other planning conditions relating to that permission subject to those planning conditions still subsisting or capable of taking effect.

2 STATUS OF SUBMITTED PLANS AND DOCUMENTS

For the avoidance of doubt the following plans, details and particulars were submitted in support of this application for approval of details pursuant to planning conditions and were taken into account in making the decision:

Application Form

Condition 8 Odour / Fumes

AC Layout Plan (Ref: J0050-MEN-ZZ-00-DR-M-55101 Rev P02, Jan 2022)

Proposed Ventilation Layout Drawing (Ref: J0050-MEN-ZZ-00-DR-M-57101 P04, Jan 2022)

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Condition 9 Lighting

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Technical Lighting Details by Fagerhult dated 26.05.2022

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Additional Lighting Information by Fagerhult UK Ltd dated 30.09.2019, received 30.06.2022

Condition 13 Delivery and Servicing Plan

Service Vehicle Management Plan prepared by Cameron Rose (Ref CRA Ref: 724-01/SVMP01 Rev A, dated 11 May 2022)

3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, necessary revisions were identified and made to the proposal, at which point it was able to be given permission.

4 ODOUR AND/OR SMOKE/FUME NUISANCE AND LIGHTING NUISANCE

The applicants are advised that the discharge of condition 8 of planning permission 20210185 does not prevent action being taken against the business in the event that the Council's Environmental Protection Team confirms at a later date that an unreasonable odour and/or smoke/fume nuisance is caused to any residents or nearby businesses.

The applicants are further advised that the discharge of condition 9 of planning permission 20210185 does

not prevent action being taken against the business in the event that the Council's Environmental Protection Team confirms at a later date that an unreasonable light nuisance is caused to any residents or nearby businesses.

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	09 August 2022	Dated:	09 August 2022

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20220463 - Delegated Report - Unit G Former Pizza Hut Imperial Business and Retail Park - various conditions including odour, lighting, and service delivery plan