



Delegated Report

Planning Application

Planning Application No: 20240266

Location: Tops Pizza 7 Queen Street Gravesend Kent

Description: Application for approval of condition 4 attached to planning permission reference number 20210130 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.

Applicant: Mr A Yazdi, Tops Pizza Ltd

Site Visit Date: N/A - Photos received for previous Application

Submitted Documents/Plans

Application Form; and;
Supplementary Information – Vent Details.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230941	Application for the approval of conditions 4 and 5 attached to planning permission reference 20210130 in relation to details of the ventilation extraction system (4) and full details of the colour finish to the external elements of the extraction flue and its ducting (5).	Refusal of Details	15.11.2023
20210130	Application for change of use of ground floor from retail (Use Class E(a) to hot food-takeaway (sui generis), installation of ventilation/extraction ducting and relocation of external stairs to the rear.	Permitted	11.05.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 - Heritage and the Historic Environment

Paragraph 33 of the NPPF (2023) sets out that 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 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 that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- High Street and Queen Street Conservation Area Character Appraisal (2009); and
- Gravesend Town Centre Conservation Areas Management Plan (2009).

Consultations, Publicity and Representations

Consultees

GBC – Environmental Protection Team

The following recommendation was made with regards to the previous discharge of condition application that was made for Condition 4:

In order to comply with the wording of Condition 4, information needs to be submitted regarding noise emission and noise control. In order to assess this, reference should be made to BS4142:2014 and should ensure that noise emanating from the system is 10dB(A) below existing background noise levels (ie: without the fan running) at the times that system is operational.

Unfortunately, information to address this has still not been submitted. All that has been submitted with this application are additional technical specifications (many to do with filtration/odour control which was accepted as suitable previously), confirmation that a sound attenuator will be fitted, that the fan will be acoustically lined and placed on anti-vibrational mountings. No details have been provided regarding any noise levels to be emitted or how the addition of the system will impact on background noise levels and nearby residential premises.

This is still required and therefore, it is recommended that the condition is still not discharged.

Officer's Analysis

This is an application for approval of condition 4, attached to planning permission reference 20210130 in relation to details of the ventilation extraction system.

Condition 4 (Details of the Ventilation System)

Prior to the first use of the development hereby permitted, details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions shall be submitted to and approved, in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first operational use of the site in accordance with the approved details and shall thereafter be used, retained and properly maintained in accordance with the approved manufacturer's specifications.

The following has been submitted to discharge condition 4

- Application Form; and;

- Supplementary Information – Vent Details.

Gravesham's Environmental Protection Team (EP) have reviewed the information provided in relation to condition 4. The information submitted for this condition does not address their previous comments for application 20210130. As per their comments, for this current application:

The following recommendation was made with regards to the previous discharge of condition application that was made for Condition 4:

In order to comply with the wording of Condition 4, information needs to be submitted regarding noise emission and noise control. In order to assess this, reference should be made to BS4142:2014 and should ensure that noise emanating from the system is 10dB(A) below existing background noise levels (ie: without the fan running) at the times that system is operational.

Unfortunately, information to address this has still not been submitted. All that has been submitted with this application are additional technical specifications (many to do with filtration/odour control which was accepted as suitable previously), confirmation that a sound attenuator will be fitted, that the fan will be acoustically lined and placed on anti-vibrational mountings. No details have been provided regarding any noise levels to be emitted or how the addition of the system will impact on background noise levels and nearby residential premises.

This is still required and therefore, it is recommended that the condition is still not discharged.

Therefore, the development is not considered to safeguard the amenities of occupiers of adjoining and nearby residential properties and is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014. As such, it is recommended that condition 4 cannot be discharged.

Condition 4 cannot be discharged.

Recommendation

This application is for the approval of condition 4 relating to planning permission reference 20210130. As the information provided does not satisfy condition 4, it cannot be discharged, and it is therefore recommended that this application is refused.

Refusal

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	15th May 2024	Dated:	16th May 2024