



Delegated Report

Planning Application

Planning Application No: 20240174

Location: 8 The Hive Northfleet Gravesend Kent

Description: Installation of a new aluminium shop front, together with the replacement of the existing extractor flue.

Applicant: Mr Sadishkumar Thangarajah, Ebbsfleet Fried Chicken

Submitted Documents/Plans

Planning Application Form;
Location Plan;
Block Plan;
Drawing No. PL/8TH/SD100 – Existing Plans and Elevations;
Drawing No. PL/8TH/SD101 – Proposed Plans and Elevations; and
Flue Details

Relevant Planning History

Reference	Description	Decision	Decision Date
20030023	Application for Lawful Development Certificate for the continued use of the premises as a fish and chip shop.	Certificate Granted	17.03.2003
19950503	Overclad of existing balustrade and renewal of tiles to balconies and pedestrian walkways.	Permitted	12.10.1995

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- S7 – Hot Food Shops and Restaurants and other A3 uses

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 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 12 – Achieving Well-designed and Beautiful Places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection:

Some information has been submitted with the application, particularly with regards to the filtration and flue position. However, due to the location of the takeaway underneath residential premises and the fact that the flue is to be fitted on a wall forming part of these, it is important that there is no issue with either odour or noise. In this respect, the following pre-commencement conditions are recommended.

Restaurant/Takeaway Odour

Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include:
 - a) Plans and details of all duct work (internal and external) and equipment.
 - b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
 - c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
 - d) Details, including manufacturer's specification/data sheets of the fan.
 - e) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
 - f) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).
- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the LPA to verify the installation, ensuring minimum discharge rates are included.

The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used

without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Restaurant/Takeaway Noise

Prior to any works commencing on site, the applicant shall:

1) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

a) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.

b) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.

c) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".

2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels.

The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Neighbouring properties

A site notice was placed near the site letters sent to 3 surrounding properties with an overall expiry date of 20.03.2024. No comments have been received.

Officer's Analysis

Principle of Development and Impact on the Local Centre

Policy CS08 (LPCS) states that the Council will seek to reinforce a sustainable network and hierarchy of centres which include maintaining the sub-regional role of Gravesend Town Centre. It states that Gravesend Town Centre will be maintained as the highest order centre within the Borough and the Primary Shopping Area will be the sequentially preferred location for new retail development.

It also states that the Council will safeguard the retail character and function of existing and new centres by resisting development that would adversely affect their vitality and viability and protect lone village shops.

The shop use is existing as A5 Takeaway and the proposal does not include a change to the use. Therefore there is no objection in this regard and is in compliance with Policy CS08 of the Local Plan Core Strategy, September 2014 and Policy S7 of the Local Plan First Review, 1994.

Design, Character and Appearance

The proposed development would result in no significant changes to the front elevation with the signage being of similar location and size, as shown below:

Existing Elevations



Proposed Elevations



The replacement flue is located in a similar location and of a similar height to the existing.

As such it is considered that the proposals would have no impact on the streetscene.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF (2023) in terms of design, character and appearance.

Neighbouring Amenity

It is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objections to the proposal was received.

The use of the shop remains the same and only the shopfront and flue are being changed. The GBC Environmental Protection Team were consulted on this application and raised no objection to the development, subject to conditions related to odour and noise.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance

with Policy CS19 of the Core Strategy 2014.

Highways

The proposal does not affect the parking or highways and therefore no objection in this regard.

Conclusion & Recommendation

The proposed development complies with all relevant national and local planning policies. The recommendation is therefore to approve.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	18 th April 2024	Dated:	19 th April 2024