



Delegated Report

Planning Application

Planning Application No: 20230941

Location: 7 Queen Street Gravesend Kent DA12 2EQ

Description: 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).

Applicant: Mr Ali Yazdi

Site Visit Date: Photos requested and received from agent

Submitted Documents/Plans

Application Form;
Supplementary Information – Extraction Report;
Supplementary Information – Photos received from agent on 25.09.23;
Block plan (received on 11.09.23); and
Elevation and Floor Plans – Existing and Proposed (received on 11.09.23).

Relevant Planning History

Reference	Description	Decision	Decision Date
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 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

Only Condition 4 (details of the ventilation extraction system) is relevant to Environmental Protection. With regards to this condition, the condition requires the following:

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.

Reason: To safeguard the amenities of occupiers of adjoining and nearby residential properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

With regards to odour control, the flue terminates horizontally above eaves level, and a suitable level of filtration has been fitted. In addition, although the odour assessment has been undertaken with reference to an out-of-date version of the relevant guidance, having worked through the assessment using the new version, the final odour score still falls within the boundary of 'High level' for odour control (20 to 35). In this respect, the extract system has been designed with the correct level of odour control in place. For information, the current guidance that should be used is the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (NETCEN 2018) which updates the earlier Defra guidance.

However, the submitted details make no reference to likely noise emissions. I cannot see a specification for the fan that has been fitted and there do not appear to be any silencers. Bearing in mind that the flue and fan is immediately adjacent to a window of the premises above the 7 Queen Street, noise and vibration could be an issue. From the photos, it does not appear that flexible couplings have been used and I can see no evidence of anti-vibration mountings.

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.

It is recommended that the condition is **NOT** discharged based on the submitted information.

With regards to operational hours, I note that Condition 7 is as follows:

7. *The use hereby permitted shall only operate and be open to the public between 10:00 hours and 21:00 hours Monday to Saturday and between 10:00 hours and 17:00 hours on Sundays and Bank or Public Holidays. No works or ancillary operations related to this use of the premises, that are audible at the site boundary shall take place outside of the hours stated in this condition.*

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

In looking at the location of 7 Queen Street on Google Maps, Tops Pizza's advertised opening/operational hours are as follows:

Monday to Thursday 1pm to 1am
Friday and Saturday 12pm to 2am
Sunday 12pm to 1am.

Obviously in terms of closing times, these hours are far in excess of those permitted by Condition 7 unless this has been varied?

Comment Note;

The comment relating to condition 7 is noted, however, this does not form part of this current application.

Officer's Analysis

This is an application for 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).

Condition 4 (Details of the Ventilation System)

4. *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;
- Supplementary Information – Extraction Report;
- Block Plan (received on 11.09.23); and
- Elevation and Floor Plans – Existing and Proposed (received on 11.09.23).

Gravesham's Environmental Protection Team (EP) have reviewed the information provided in relation to condition 4. Although EP are satisfied with the extract system in terms of odour control, the proposal has not satisfied condition 4 in terms of likely noise emissions. As per the comments received;

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.

*It is recommended that the condition is **NOT** discharged based on the submitted information.*

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.

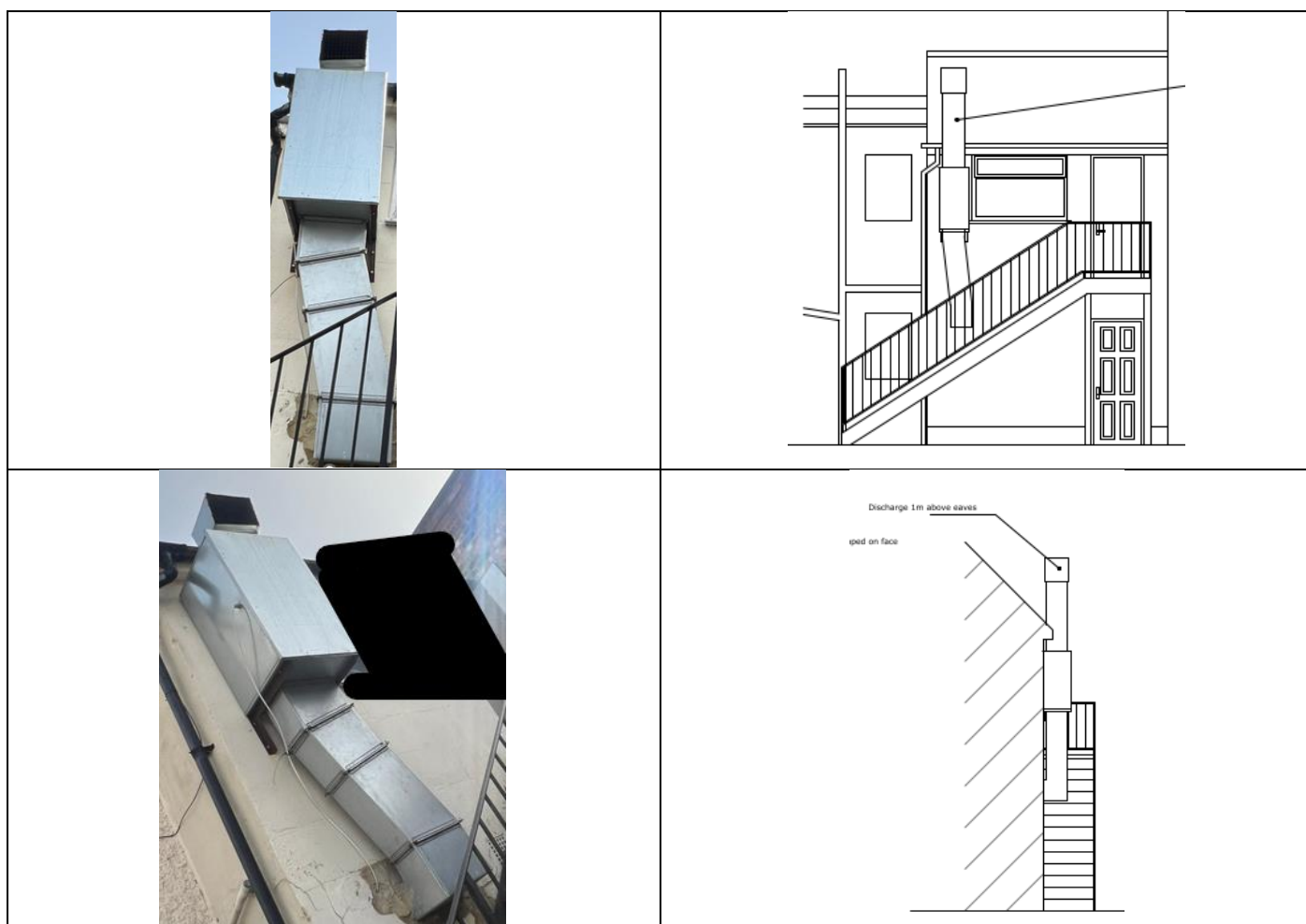
Condition 5 (Full details of the colour finish to the external elements of the extraction flue and its ducting)

5. *Notwithstanding the approved plans and documents, prior to the first use of the premises as a hot food-takeaway (sui generis) use, as defined by the Town and Country Planning (Use Classes) Order 1987, as amended, full details of the colour finish to the external elements of the extraction flue and its ducting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the external elements of the extraction flue and its ducting shall only installed in the colour finish hereby approved and the external elements of the extraction flue and its ducting shall be maintained in the approved colour thereafter.*

The following has been submitted to discharge condition 5

- Application Form;
- Supplementary Information – Photos received from agent on 25.09.23;
- Block plan (received on 11.09.23); and
- Elevation and Floor Plans – Existing and Proposed (received on 11.09.23).

The flue has been installed as indicated by the below plans and photos:



The silver coloured flue would not be widely visible, and is not considered to be detrimental to the character

of the High Street and Queen Street Conservation Area. As such, the development is in accordance with statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), as well as Sections 12 and 16 of the National Planning Policy Framework (2023). Therefore, it is recommended that the Local Planning Authority Approve condition 5.

Discharge Condition 5.

Overall Recommendation

This application is for the approval of conditions 4 and 5 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:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	14 th November 2023	Dated:	15 November 2023