



Delegated Report

Planning Application

Planning Application No: 20240509

Location: Tops Pizza 7 Queen Street Gravesend Kent

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, Top Pizza Ltd

Site Visit Date: N/A

Submitted Documents/Plans

Application Form;
Supplementary Information – Sound Insulation Test Report;
Supplementary Information – Photos of Ventilation;
Supplementary Information – Vent Extraction Details;
Supplementary Information – Kitchen Extraction Noise Impact; and
Ventilation System Plan (received on 06.06.24).

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 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

Condition 4

Noise Impact Assessment has been undertaken. A plant noise level of 37 dB(A) has been set and this represents the required 10dB(A) below existing background noise levels in the area. To achieve this an inline silencer (insertion loss specification given in table 6.2) is required to be fitted to the FläktWoods external fan along with additional casing or acoustic cladding to the fan itself (required attenuation given in section 6.3).

Provided the system the above measures are fitted in accordance with the specifications given, the noise from the system has been satisfactorily addressed.

Comments have been made regarding odour control in previous (refused) applications advising that the extract system has been designed with the correct level of odour control in place. These comments are still applicable.

Therefore, there is no objection to Condition 4 now being fully discharged.

Condition 5

This condition relates to the colour of the flue which does not fall within Environmental Protection's remit.

GBC Commercial Health

No comments or concerns.

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)

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 – Sound Insulation Test Report;
- Supplementary Information – Photos of Ventilation;
- Supplementary Information – Vent Extraction Details;
- Supplementary Information – Kitchen Extraction Noise Impact; and
- Ventilation System Plan (received on 06.06.24).

Gravesham's Environmental Protection Team (EP) have reviewed the information provided in relation to condition 4. As per their comments, they have no objection to the condition being discharged. Therefore, the development is considered to safeguard the amenities of occupiers of adjoining and nearby residential properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014. As such, it is recommended that condition 4 is discharged.

Discharge Condition 4.

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

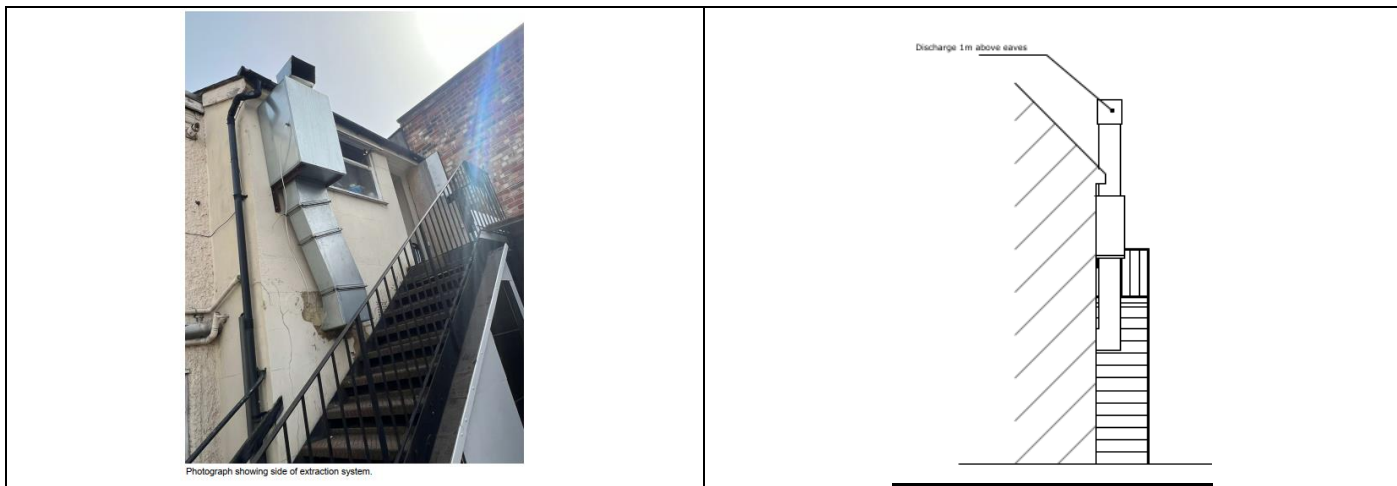
Notwithstanding the approved plans and documents, prior to the first use of the premises as a hot food-takeaway (sui generis) use, as defined by the Town and Country Planning (Use Classes) Order 1987, as amended, full details of the colour finish to the external elements of the extraction flue and its 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 of Ventilation;
- Ventilation System Plan (received on 06.06.24).

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.

Recommendation

This application is for the approval of conditions 4 and 5 relating to planning permission reference 20210130. As the information provided satisfies conditions 4 and 5, it is recommended that this application is approved.

Approval of Details

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	21st August 2024	Dated:	28th August 2024