

Delegated Report

Planning Application

Planning Application No: 20250216

Location: Arya Food Centre 159 - 161 Parrock Street Gravesend Kent

Description: Retrospective Installation of 3 cooling mechanical plants.

Applicant: Mr Yusuf Aydin

Site Visit Date: 9 October 2024

Submitted Documents/Plans

- Cover Letter
- Application form;
- Drawing no. 060118 – Existing and Proposed Mixed Drawings;
- Block Plan;
- Location Plan;
- Noise Impact Assessment Report.

Relevant Planning History

Reference	Description	Decision	Decision Date
19800025	Erection of single storey rear extension to form store sales area	Permitted	07.03.1980

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change

- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- None.

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

There are a number of discrepancies in the submitted noise impact assessment (NIA) which appear to be as a result of possibly overtyping a previous report. For example the title page refers to a kitchen extract system at 161-162 Parrock Street. The use of background noise measurements from another noise assessment for an adjacent premises is accepted. However, as this is a retrospective application with the plant/equipment already in situ and operational, it would have been more appropriate and accurate to use on site noise measurement of the plant working rather than using data from technical specification sheets.

A BS4142 assessment is said to have been undertaken, however, no workings of this have been shown in the report – just a statement that noise levels will be 38db which is 10dB below the existing/measured background level. The workings of the full BS4142 assessment should be shown for clarity and checking purposes. It is also not clear whether the BS4142 assessment has taken consideration of the 3 pieces of plant working simultaneously so using cumulative noise levels. In addition, section 8.1 refers to the freezers and chillers as only operating during the opening hours of the business. This is not accepted – this type of plant will be operational on and off over a 24 hour period dependant on temperature set and ambient temperature. During warmer weather, the units are likely to be working more/harder to keep food stuff frozen/cold so more noise is likely. This will coincide with local residents needing their windows open for ventilation/cooling so noise will be more noticeable – particularly at night when local traffic etc dies down and the background is quieter.

Therefore, unfortunately the findings of the noise assessment are not accepted. It is advised that the NIA is revised to cover an assessment of nighttime as well as daytime. In addition, as the equipment is already on site, noise measurements must be undertaken of all 3 pieces operating simultaneously in order to get a more accurate understanding of the noise levels being emitted and to check whether indeed the proposed plant noise level can be achieved without mitigation measures.

Neighbouring properties

10 surrounding properties were consulted – overall consultation expiry date was 23.04.2025 – one response received the comments of which can be summarised as follows:

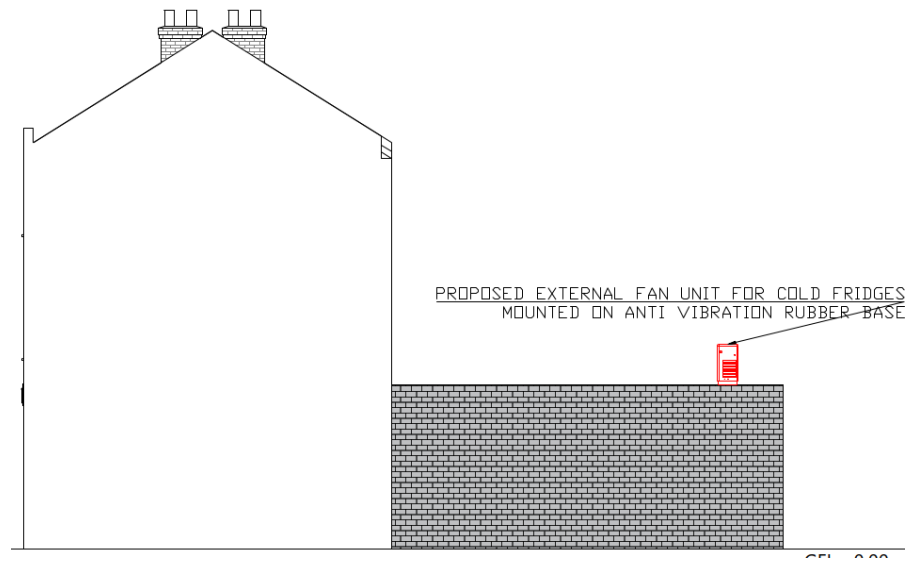
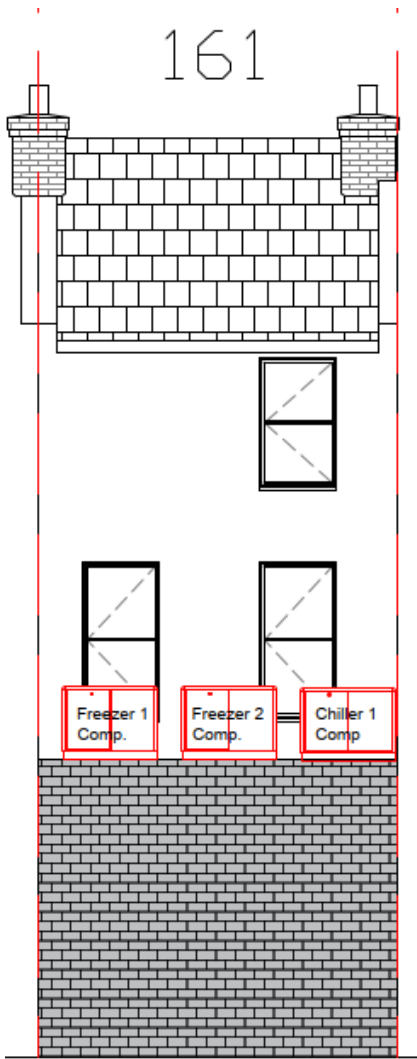
- Finds the position of these units an eyesore for all the residents affected as they are as close they could possibly be to the residents and as far away from the application property.
- The constant drone and rattling day in day out is extremely disturbing to anyone affected to enjoy their garden space - the noise can be heard even inside from all the back rooms and at night is disturbing sleep.
- No consideration to anyone when these were installed so it's a bit of an insult to now ask for retrospective planning permission.
- Impact value of properties (Officer note – non-material planning consideration)

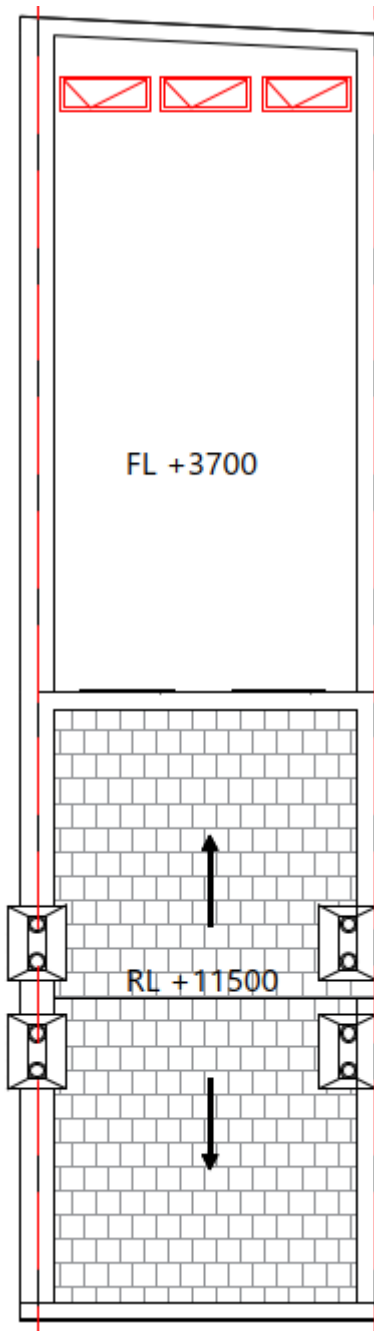
Officer's Analysis

The application site consists of the retail shop at the ground floor of nos. 159-161 Parrock Street.

The proposal is for retention of three cooling mechanical plants which have been erected on top of the single storey extension at the rear of no. 161; they are for two freezers and a chiller. The mechanical plants are located at the rear of the extension close to its rear wall.

The elevations and roof plan are as follows:





The principle considerations in the assessment of the application are:

- Design, Character and Appearance
- Neighbouring Amenity

Design, Character and Appearance

Paragraph 135 of the NPPF (2024) sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 139 of the NPPF (2024) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 (LPCS) sets out that new development will be visually attractive, fit for purpose and locally distinctive and should conserve and enhance the character of the built environment.

The units from the site looking out appear as follows:



Being that the units are located at the rear of no. 161 which is situated within the middle of the terrace and the site is landlocked at the back with a terrace of dwellings to the rear, the units are not visible from the streetscene. The units are not of any design merit being that they are mechanical plants but it is not considered that they detract from the character and appearance of the building or surrounding area overall

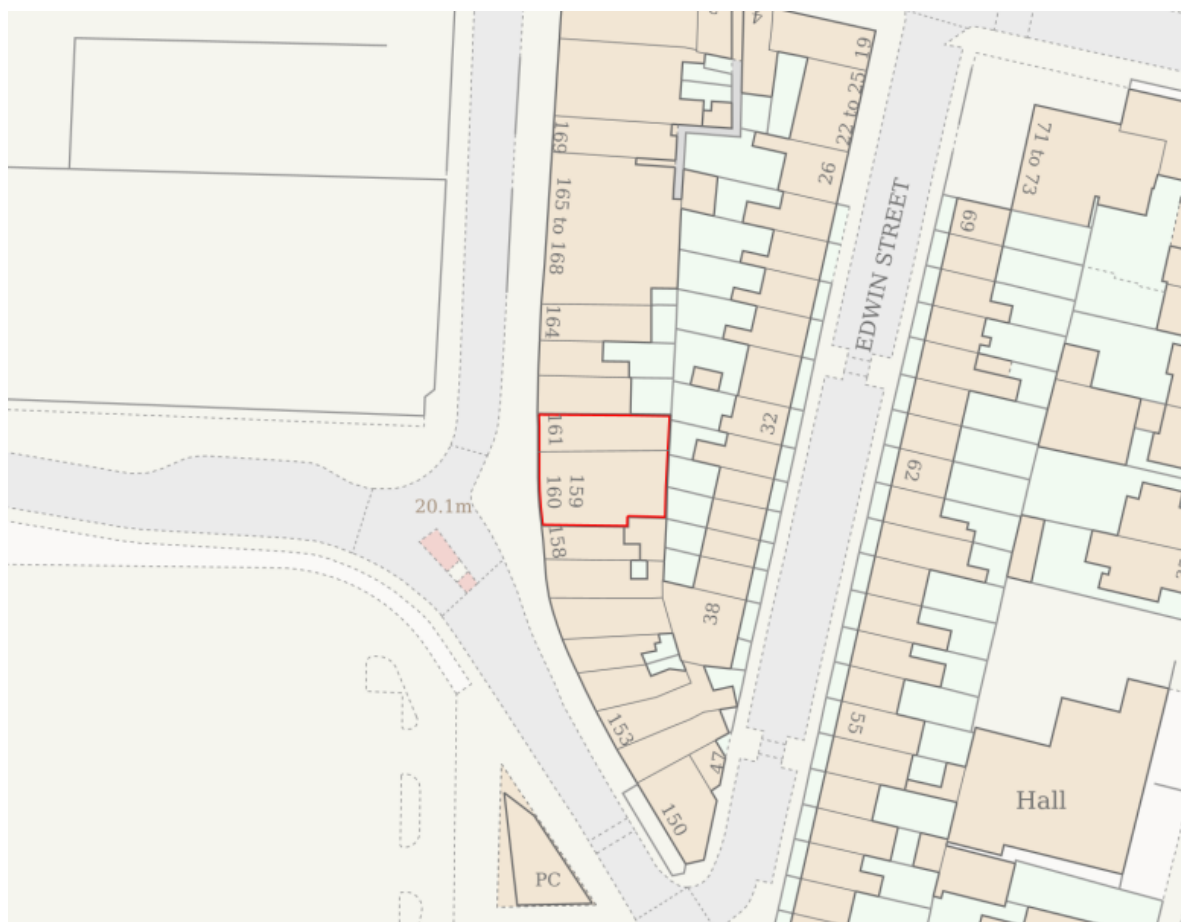
given that they are at the rear and not visible from the streetscene. There are also a number of other mechanical plants on the roofs of the single storey rear extensions to other buildings in the terrace (immune from enforcement action through the passage of time), such that the units at the application site do not appear out of keeping given this context.

Overall it is considered that in respect of design, character and appearance the proposed development for retention of the three cooling mechanical plants has caused no adverse impact on the character or appearance of the building or the surrounding area. As such, the proposal in respect of design, character and appearance is compliant with Policy CS19 (LPCS).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The closest residential properties are the upper floors of no. 161 and the neighbouring buildings in the terrace, and also the residential properties to the rear in Edwin Street as seen below:



A Noise Impact Assessment (NIA) has been submitted with the application. GBC Environmental Protection have advised that there are a number of discrepancies in the report and that a previous report may have possibly been overtyped, and the title page refers to a kitchen extract system for 161-162 Parrock Street. GBC EP advise that the use of background noise measurements from another report is accepted but that as the plant/equipment is already in situ and operating then it would have been more appropriate and accurate to use on site measurement of the plant itself rather than using data from technical specification sheets. They note it is stated in the report that a BS4142 assessment has been undertaken however, no workings of it have been submitted, just a statement that noise levels will be 38db which is 10dB below the existing/measured background level – GBC EP advise that the BS4142 assessment needs to be submitted.

They also query whether the BS4142 assessment has taken consideration of the 3 pieces of plant working simultaneously so using cumulative noise levels. **They also do not accept the report stating that the freezers and chillers only operate during the opening hours of business as this type of plant will be operational on and off over a 24 hour period depending on the temperature set and ambient temperature.** GBC EP advise how in the warmer weather the units will be working harder so more noise is likely, which will coincide with neighbours needing their windows open so noise will be more noticeable.

GBC EP advise therefore that the findings of the NIA cannot be accepted and that the NIA should be revised. This will need to rectify all discrepancies and errors and provide the information which is missing. It should cover night-time as well as day-time and noise measurements undertaken from all three pieces of equipment operating simultaneously in order to get a more accurate understanding of the noise levels being emitted, and whether it is the case that the proposed plant noise level can be achieved without mitigation measures as the report currently claims.

On 04/06/2025 the agent was advised of GBC EP's comments and what needs to be done and a revised NIA was requested. The agent was asked if they would be submitting the requested information. No response was received, on 03/07/2025 the agent was written to again advising that the application would now therefore be determined. On 04/07/2025 the agent replied requesting an extension of time until 21/07/2025 but did not advise if they were to submit the required information. At the time of writing there has still been no information submitted, as such the application will be determined as submitted.

As stated, there are residential properties in close proximity to the three units. The closest residential properties are the upper floors of no. 161 itself, the upper floors of the neighbouring buildings in the terrace, and also the residential properties to the rear in Edwin Street which have windows in their rear elevations and private rear garden areas. The nearest part of the rear elevation of one of the properties is only some 4m away from the units with some 8m to the main rear elevation. The rear gardens are of shallow depth at these properties in Edwin so as well as the windows of the properties, the private rear garden areas would also be affected by noise. The response received to the neighbour consultation refers to noise impact, stating that the constant noise of the units affects the enjoyment of their garden space and can be heard in all the back rooms even at night.

The three cooling mechanical plants have the potential to cause adverse noise impacts to occupiers of neighbouring properties. Insufficient information has been provided regarding this impact and as such GBC Environmental Protection have requested, a revised NIA. This was requested in the course of the application but has not been submitted.

In the absence of the required noise information, it is not possible to make an adequate assessment of the impacts of the proposal on the residential amenity of adjacent occupiers and as such, the proposed development would be contrary to Policy CS19 (LPCS).

Any Other Material Planning Considerations

None.

Conclusion

The three cooling mechanical plants due to their proximity to a number of neighbouring properties and the height which they are situated at results in unacceptable levels of noise and disturbance to the detriment of the amenity of occupiers of those neighbouring properties and in the absence of sufficient information to demonstrate this would not be the case the application is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the National Planning Policy Framework (2024).

Recommendation

Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	17 July 2025	Dated:	18th July 2025