

# Delegated Report

## Planning Application

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**Application no:** 20231263

**Location:** Keen Fork 148 Parrock Street Gravesend Kent

**Description:** Application for the approval of conditions 3 and 4 attached to planning permission reference number 20211061 relating to Noise Impact Assessment and Ventilation System.

**Applicant:** Mr Itayi Mandizha

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### Submitted Documents/Plans

Application Form Dated 06 December 2023;  
Specification of Ventilation System and Noise Abatement Dated Nov 2023 Reference KN/FK/LTD;  
Drawing no. E102 (System Drawing); and  
Flakt Group Fan Selector Technical Summary;

### Relevant Planning History

- 20230663** Application for the approval of conditions 3 (Noise Impact Assessment) and 4 (Ventilation) attached to planning permission reference number 20211061.  
**Refusal of Details 15.08.2023**
- 20220645** Application for approval of condition 4 attached to planning permission reference number 20211061 relating to details of the ventilation system including a detailed cross section showing the design of the entire extraction system intended to be installed, including details of the filtration system to be used, dimensions of ductwork, including height above roof level, and location of noise mitigation measures of the system as recommended in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 and details of the ductwork external finish.  
**Refusal of Details 23.08.2022**
- 20211061** Change of use of a shop (Class E) to a hot food takeaway (Sui Generis) with installation of an extractor/vent system.  
**Permitted 12.01.2022**

### Development Plan

#### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS18 – Climate Change
- CS19 - Development & Design Principles

#### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

- C12 – Replacement Dwellings

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)

- 2 – Achieving Sustainable Development
- 12 – Achieving well-designed and beautiful places

#### **Consultee**

*Environmental Protection* - I can confirm that this is the same specification and information that was submitted and agreed during the pre-application discussions with the agent. In this respect, I am satisfied that Conditions 3 and 4 of 20211061 relating to Noise Impact Assessment and Ventilation System have been complied with. I can recommend that both conditions can be discharged.

#### **Analysis**

##### Condition 3

Condition 3 relates to a noise impact assessment and states the following;

3. *Prior to the use hereby permitted coming into use the recommendations as set out in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 shall be carried out in their entirety and evidence of their implementation provided to the Local Planning Authority prior to first use of the takeaway.*

*Reason: In the interest of protecting residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

Following discussion with the Environmental Protection Officer prior to formal submission, the following was agreed;

- An alternative silencer/attenuator has been proposed - 100DIA 1200 Length 50mm Ins Silencer (Model No GALSLU100120050). In terms of the Minimum Insertions loss it is compliant with the specification for most of the frequencies. For those frequencies where the specification is not achieved (63,125 and 1K Hz), the amount is minimal. In this respect, the attenuator is suitable.  
[https://www.i-sells.co.uk/mob/prod\\_detail.php?products\\_id=10287&ref=var](https://www.i-sells.co.uk/mob/prod_detail.php?products_id=10287&ref=var)
- Only 1 silencer is to be fitted – details above.
- The attenuator is fitted in an appropriate location and flexible connectors are to be used. Details have been provided and the drawing updated.  
<https://www.ductstore.co.uk/acatalog/Flexible-Connectors.html>
- The silencer/attenuator detailed above has a mineral wool with absorbent polyester lining – this is compliant.
- An alternative fan/acoustic power box has been proposed – this is compliant with the specification given in table 5.4 of the NIA – FlackWoods ePowerBox 50-355-1-4 (355mm fan in an acoustic lined enclosure).
- Details of antivibration pads/mounts have been provided. These provide a minimum deflection of 10mm which is compliant with the specification given in the NIA.

<https://www.vital-parts.co.uk/m12-turret-mount-anti-vibration-500kg-weight-rating-15356-p.asp>

- The drawing has been updated to show the flexible couplings and details have been provided. [Flexible Duct Connectors - 400mm | Soler & Palau \(5138921100\) \(tlc-direct.co.uk\)](#)
- Details of the isolated fixings have been provided (see link provided earlier).

The Environmental Protection Officer has agreed that the submitted information adheres to the comments above and that there is sufficient information for Condition 3 to be discharged.

#### Condition 4

Condition 4 relates to the ventilation extraction system and states the following;

4. *Notwithstanding the approved plans and details, prior to installation of the ventilation extraction system, details of the ventilation system including a detailed cross section showing the design of the entire extraction system intended to be installed, including details of the filtration system to be used, dimensions of ductwork, including height above roof level, and location of noise mitigation measures of the system as recommended in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 and details of the ductwork external finish shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of the use hereby permitted and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.*

*Reason: In the interest of protecting residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

Sufficient information has been submitted relating to the ventilation extraction system, as confirmed by Environmental Protection. It is considered that Condition 4 can be discharged.

#### **Conclusion**

The Local Planning Authority is satisfied with the details submitted in relation to condition 3 (noise) and 4 (ventilation) of planning permission 20211061 and can be discharged accordingly.

#### **Recommendation:**

Permitted

**See draft Decision**

|                      |                                                                                     |                     |                                    |
|----------------------|-------------------------------------------------------------------------------------|---------------------|------------------------------------|
| <b>Case Officer:</b> | Miss Faye Hobbs                                                                     | <b>Team Leader:</b> | <b>Richard Hart</b>                |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>                      |
| <b>Dated:</b>        | 4th January 2024                                                                    | <b>Dated:</b>       | <b>8<sup>th</sup> January 2024</b> |