



Delegated Report

Full Planning Application

Planning Application No: 20260551

Location: 3 Kempthorne Street Gravesend Kent DA11 0TA

Description: Change of Use from a retail shop to a takeaway and Installation of an extraction flue pipe on the side elevation.

Applicant: Mr Prapon Ahmed

Site Visit Date: 22/06/2026

Submitted Documents/Plans

- Application Form
- Drawing No: A09 Rev 003 (Proposed First Floor Plan)
- Drawing No: A08 Rev 003 (Proposed Ground Floor Plan)
- Drawing No: A07 Rev 003 (Proposed Side Elevation)
- Drawing No: A06 Rev 003 (Proposed Rear Elevation)
- Drawing No: A05 Rev 003 (Existing Side Elevation)
- Drawing No: A04 Rev 003 (Existing Rear Elevation)
- Drawing No: A03 Rev 003 (Existing First Floor Plan)
- Drawing No: A02 Rev 003 (Existing Ground Floor Plan)
- Drawing No: A01 Rev 003 (Existing Ground Floor Front Elevation)
- Drawing No: GR-DA110TA-000001 Rev A01 (Existing First Floor Plan)

Supplementary Information

- Design and Access Statement
- Silencers
- Silence Box Fan
- Odour Assessment
- Noise Impact Assessment
- Bracket/Connector Details

Relevant Planning History

Reference	Description	Outcome	Decision Date
20190958	Display of 7no. non-illuminated fascia signs.	Consent for Advert	01.11.2019
19790100	Details of redevelopment for shopping purposes together with a car park and all necessary servicing outline site only	Permitted	13.02.1979
19790101	Redevelopment for shopping purposes the erection of a public house and restaurant formation of a pedestrian hall and construction of an extension to the proposed	Permitted	05.04.1979

	car park and ancillary works		
19770445	Outline application for development for shopping and office purposes together with a car park and all necessary servicing	Permitted	10.11.1977

Development Plan

Gravesham Local Plan Core Strategy (2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy
- CS18 – Climate Change
- CS19 – Design & Development Principles

Paragraph 34 of the NPPF (2024) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2024), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2024)

- Section 2 - Achieving sustainable development
- Section 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 9 – Promoting Health and safe communities
- Section 12 - Achieving well-designed places

Supplementary Planning Guidance

- SPG 3 - Advertisement Control Policy Guidance (1996)
- SPG 4 - Shopfront and Commercial Premises (2020)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Local Ward Councillors

No comments received

Environmental Protection

The submitted odour and noise details have been removed and are generally satisfactory.

The extract system has been designed with a Japanese food end user in mind. Based on this, the odour risk assessment score is 18 which indicates a low-medium level of odour control. The system has been designed for this with fine filtration and carbon filters. Whilst this is acceptable for this type of cuisine/user, the level of odour control will not be appropriate or sufficient for higher grease/odour foods. For example, if the user changes to eg a kebab, burger, fish and chips etc involving heavier levels of frying/grilling or more odorous food such as curry/Chinese, then the level of odour control may not be sufficient.

To address this, can some form of planning restriction be placed on any consent linking the premises to this end user only and requiring an upgraded extract system for any other style of cuisine?

The findings of the submitted Noise Impact Assessment are accepted. Providing the extract system is installed in accordance with the plans and mitigation measures in the NIA, noise should not be an issue at the nearest noise sensitive premises.

GBC Licensing Team

The following to be considered:

The application is requesting the opening time for a Saturday until 23.30. Under the Licensing Act 2003, the sale of hot food and/or drink is licensable after 23.00.

They would therefore need to obtain a premises licence to permit the trading between 23.00 and 23.30.
<https://www.gravesham.gov.uk/premises-licence/apply-new>

Kent Police Designing Out Crime

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

- 1. CCTV is advised for all areas, especially at entry points, till areas, areas with limited natural surveillance such as the rear of shop floor and storage areas containing high-value equipment. Please ensure the CCTV supports the lighting plan.*
- 2. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.*
- 3. If new external doors and windows are proposed, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS. Existing rear doors and windows that are not being replaced may require limiters/ restrictors to help maintain security.*
- 4. Access control. Adequate access control is required for entrances used by staff only such as till area, storage rooms and other restricted areas.*
- 5. Waste bins associated with this proposal should be kept in a secure enclosure, ideally away from the building as bins can become a climbing aid or even an arson hazard.*
- 6. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.*

To note, as Designing Out Crime Officers we use Secured By Design Guidance in our recommendations. Whilst our comments may be standardised within this letter, we encourage the applicant to contact us to discuss the plans in further detail.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Neighbouring properties

The application was advertised by way of site notice and letters to 3 surrounding properties. The consultation period expired on 17.07.2026 and no comments were received.

Analysis

Proposal

The proposal seeks to change the use of an existing retail shop to a takeaway. The proposal also seeks to install an extraction flu pipe on the side elevation.

Officer Analysis

The application site comprises a two storey building within St Georges Shopping Centre which has been described as vacant since 01/05/2024 on the submitted application form. The main frontage of the site faces into the shopping centre from where there is an access for customers. The rear of the site is accessible via Bath Street and comprises a commercial entrance for delivery vehicles. This area is shared between the units and also includes refuse storage and commercial parking.

The premises has a lawful use as a retail shop but proposes to change the use from retail (Use Class E) to sui generis takeaway and the installation of an extraction flue to the flank elevation, the design and access statement says that there will be no alterations to the shop front.

Despite there not being any alterations to the shop frontage, there will likely be an advertisement board installed and it is noted that there are no details provided on this and the installation of an advertisement board will likely be subject of a separate application. Should permission be forthcoming an informative will be added to ensure that the applicant is made aware of this.

The principle considerations in the assessment of this application are:

- Design, Character and Appearance
- Neighbouring Amenity
- Refuse
- Parking and Highways

Principle of Development

The application site is located within the Gravesend Town Centre Opportunity Area and the Primary Shopping Area. Policy CS05 (LPCS) states that the Opportunity Area will be the principal focus for town centre related economic and social activity in the Borough and that this will be achieved by consolidating the existing retail area, encouraging a mix of employment and residential uses, improving its role as a transport hub by the creation of a public transport interchange, promoting an evening economy through giving support to the provision of leisure uses and taking full advantage of its heritage and riverside setting.

Policy CS08 (LPCS) states that the Council will seek to reinforce a sustainable network and hierarchy of centres which includes 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.

Within St Georges Shopping Centre and adjoining town centre there is a large mix of retail units and other suitable uses and including other takeaways within the vicinity. However given the other uses in the area this conversion would not result in a disproportionate number of takeaways. Therefore, it is considered the change of use of the application unit from a retail to sui generis takeaway would not harm the overall retail function of the town centre.

Policy CS05 (LPCS) does encourage a mix of employment uses and it would still be retained as a commercial use which would support the economic activity of the town centre including the night time economy.

The proposed development would bring an empty unit back into use which has stood vacant since 01/05/2024 and would provide employment for the equivalent of 7 FTE when operating according to the application form.

It is considered that the proposal would not lead to a predominance of hot food takeaways in St Georges Centre and would not harm the retail function or sub-regional role of Gravesend town centre or its economic activity and that the change of use from a retail shop to a takeaway is an acceptable development in principle. Furthermore it would create employment in the town centre and bring a vacant retail unit back into use. As such in respect of principle of development the proposal is considered compliant with Policies CS05 and CS08 (LPCS).

Design, Character and Appearance

The proposed development would comprise of a change of use which would require the installation of an extractor flue to the flank elevation of the property. The property is end of terrace and the extractor flue would only be visible from the commercial side of the premises. Flues are a common view to the rear sides of commercial properties and there is no impact on the frontage of the site.

The current shopfront is uniform with its surroundings which is characterised by single glass panel doors and large display windows, the proposal states that there will be no alterations to the frontage, however as previously mentioned there will inevitably be some installation of signage and advertising which would require a separate grant of planning permission.

It is considered that the proposal would not cause harm to the character or appearance of the area and is considered compliant with Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The unit will be retained within commercial use however the opening timings are likely to be longer than the previous use. It is noted that any operation taking place after 11pm requires a licence, therefore the applicant would need to apply for a 30minute licence on Saturday trading hours which state the closing time would be 23:30hrs. A condition would be imposed to ensure the takeaway is only open beyond 11pm provided it is licensed to do so. The condition will also ensure that the takeaway is only open on the times mentioned on the application form to safeguard neighbouring amenity.

The change of use from a retail shop to takeaway and subsequent installation of an extractor flue should be considered in terms of impact on neighbouring amenity. The site is not close to residential units and is very much within the retail hub of Gravesend where the general ambient noise levels are higher with more traffic movements.

As per the comments of Environmental Protection, the proposed extraction system has been designed with a Japanese food end user in mind. It is therefore considered that the odour risk assessment is a low-medium level of odour control. However it is noted that this extraction system is suitable for this type of cuisine, however if the unit changes the type of cuisine to greasier foods eg a kebab, burger, fish and chips etc involving heavier levels of frying/grilling or more odorous food such as curry/Chinese, then the level of odour control may not be sufficient.

GBC Environmental Protection have accepted the noise impact assessment and states that as long as the system is installed in accordance with the submitted details then the mitigation is sufficient to safeguard the nearest sensitive premises. If permission is forthcoming the proposal will require compliance with the approved plans and submitted information including the NIA.

Overall, it is considered that subject to conditions the proposed development would have no significant adverse impacts on the residential amenity of any surrounding neighbouring premises and in respect of neighbouring amenity the proposal would be compliant with Policy CS19 (LPCS).

Parking and Highways

The proposal is for a takeaway which is in a sustainable location close to shops and public transport. The rear of the site has off road parking provision which is not open to the public but could be utilised for delivery drivers and staff. As such in respect of parking and highway safety the proposal is considered acceptable and compliant with Policy CS11 (LPCS).

Refuse

The existing shop already has provision for commercial refuse storage to the rear of the site and as described in the design and access statement disposal will be carried out on times allocated by the council without causing any nuisance to the road users.

These provisions are acceptable and in line with the rest of Kempthorne Street.

Conclusion

Subject to conditions the proposal is considered acceptable in respect of the principle of development, design, character and appearance including neighbouring amenity, parking and refuse.

Recommendation: Permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	05/08/2026	Dated:	6th August 2026