



Delegated Report

Change of Use Application

Application No:	20220884
Location:	Coin Op Wash, 12 Gateway Parade, Whinfell Way, Gravesend, Kent, DA12 4RU
Description:	**REVISED DESCRIPTION** Change of use of building from launderette (Sui Generis) to a fast food shop (Sui Generis)
Applicant:	Mr Iaian Chapman
Site Visit:	23 rd September 2022

Procedural Issues

The application was submitted with an incorrect description, with outdated use classes predating the amendment to the use class order 2021. The original description listed the fast food takeaway as an A5 use, however hot food takeaways are now Sui Generis use. As such the description for the application was changed to read as follows:

****REVISED DESCRIPTION**** *Change of use of building from launderette (Sui Generis) to a fast food shop (Sui Generis)*

Submitted Documents/Plans

- Application Form - dated 06/09/2022;
- Ordnance Survey Site Location Plan (scale 1:1250);
- Block Plan (scale 1:200);
- Unnumbered Plan Drawing - Existing and Proposed Floor Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
19540471	Composite development of land	PERMITTED	05.06.1957

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS08 - Retail Leisure and Hierarchy of Centres
- CS11 - Transport
- CS19 - Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- S3 - Maintenance of Shopping Frontages
- S4 - Non-Shopping Uses in the Shopping Areas
- S7 - Hot Food Takeaways

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 6 - Building a Strong, Competitive Economy
- Section 7 - Ensuring the Vitality of Town Centres
- Section 12 - Achieving Well-Designed Places

Consultations, Publicity and Representations

Internal Consultees

GBC - Commercial Health (Regulatory Services) - No objection in principle. The following comments are made for the information of the applicant.

Health and Safety - In these premises Gravesham Borough Council (GBC) Environmental Health will be the enforcing authority. The applicant must ensure that these premises comply fully with the Health and Safety at Work (etc) Act 1974 and all relevant regulations made there under. For information and advice on health and safety matters check out the HSE website www.hse.gov.uk or contact the Environmental Health team on commercialhealth.admin@gravesham.gov.uk or 01474 337 000.

This workplace will be immediately subject to the requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. Particular attention should be made to the following requirements.

- Regulation 6 requires that effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.
- Regulation 14 requires that every window or other transparent or translucent surface in a door or gate shall where necessary for reasons of safety be constructed of a safety material or be protected against breakage and also be appropriately marked.
- Regulation 20 requires that suitable and sufficient sanitary conveniences shall be provided at readily accessible places. Where between 6 and 25 persons are employed a minimum of 2 water closets must be provided.

Food Safety - I am unable to comment on the structure of the kitchen as the plans do not provide me with a detailed layout. Further detailed plans are therefore required.

It is a requirement under Article 6(2) of Regulation 852/2004 that food business operators must register their establishments with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. Registration is via the Gravesham Borough Council website <https://register.food.gov.uk/new/gravesham>

The applicant must ensure that the kitchen fully complies with current food safety legislation to the satisfaction of the Regulatory Services Manager. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

All internal structures to the kitchen must be impervious, non-absorbent and washable i.e. easy to clean and maintain in a clean condition.

Where inspection chambers become part of the internal structure of the kitchen they must be closed with a secure, sealed, airtight cover.

Ensure that any waste pipes which become part of the internal structure of the kitchen terminate externally at an appropriate height.

Any floor drains which become part of the internal structure of the kitchen must be fitted with a close-fitting grill which is easy to clean.

The kitchen should be pest proofed as far as possible i.e. gaps and holes to external doors, windows, pipes and drains etc. must be filled or covered with a solid, durable material in order to minimise pest entry points in to food preparation and storage areas.

Lavatories must not lead directly into rooms in which food is handled, stored or prepared. There should be an intervening ventilated space between toilets and food rooms. Food should not be stored in that space.

The provision and location of sinks and wash hand basins is an important consideration in the design and planning of a kitchen. A minimum of 1 wash hand basin and a double sink unit must be installed. A dish washer is also recommended.

The layout and scale of the business operation is such that mechanical ventilation, with a balanced air intake and appropriate extract system, is likely to be required. This will need to achieve a minimum of 30 air changes per hour and a maximum ambient temperature of 25C within the working kitchen. I recommend that you contact a specialist contractor in this regard.

For further advice on starting a food business please visit the FSA website - <https://www.food.gov.uk/business-guidance>

GBC - Environmental Protection (Regulatory Services) - Very little information has been submitted with this application so it's difficult to make an informed response. In this respect, there are concerns regarding odour and noise control in relation to the proposed takeaway. There are no details of the type of cuisine proposed, hours of use of the takeaway or details regarding the layout of the kitchen or any extract ventilation. All of these can have a bearing on any impact to nearby residential premises (there are residential properties above this parade of shops/businesses, over the road and to the rear).

A kitchen extract system will be needed and this must be designed and installed in accordance with the EMAQ/Defra Control of Odour and Noise form Commercial Kitchen Exhaust Systems (2018 update). It is likely that to be compliant with the guidance, a high-level discharge flue will be needed and with the flats above, this may be tricky to install without interference to windows and without causing disturbance through noise and vibration. The applicant is advised to seek guidance from a specialist kitchen ventilation designer/installer to see whether a compliant system can be installed.

With regards to hours of use, it will be important to ensure that the hours are not extended to such an extent that disturbance is caused to local residents from customers or food collection/delivery vehicles (Uber Eats etc). It is not known whether the flat above is in the same ownership, so it will be important to ensure that any noise generated within the takeaway kitchen or serving area does not result in a nuisance to the residents above. It is noted that the Fish & Chip shop in this parade advertises opening hours of 11:30am to 9:30pm Monday to Saturday with the takeaway being closed on Sundays. In addition, another takeaway (not yet in operation) has opening hours of 12noon and 11pm Monday to Saturday. Hours along

these lines are appropriate.

In respect of this and other matters, it is recommended that the following be considered and conditioned as necessary:

Odour/Fumes: Restaurant/takeaway odour - Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)".

Full details of proposed extraction system to deal with grease and odour control should include:

- a) Plans and details of all duct work (internal and external) and equipment.
 - b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
 - c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
 - d) Details, including manufacturer's specification/data sheets of the fan.
 - e) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
 - f) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).
- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the LPA to verify the installation, ensuring minimum discharge rates are included.

The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme.

After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Noise: Restaurant/Takeaway Noise - Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)".

The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

- a) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- b) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- c) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and

Assessing Industrial and Commercial Sound".

- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels.

The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met.

After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Hours of use/Opening hours - It is advised that appropriate opening hours are placed on any permission in order to protect the residential amenity. Environmental Protection would consider the following as reasonable opening hours in this location:

- Monday to Saturday: 12 noon to 11:00pm
- Sundays and Bank Holidays: No opening

Smoke Control Informative - The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions, and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Lighting - Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting (including any illuminated advertising signage) that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated). Illuminated advertising signage should comply with ILP Lighting Guide 05: The Brightness of Illuminated Advertisements.

Code of Practice on Construction and Demolition - Please apply to prevent nuisance from noise and dust during demolition and construction occurring to nearby residential and commercial premises.

GBC - Highways Officer - This property is located in a local shopping area served by its own service road with some off main street parking. I have no objections.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 23rd September 2022.

In addition, twenty-seven surrounding properties were consulted and four representations were received. Three of the representations registered objection to the development and one representation was supportive of the shop changing use, but was unsure of the proposed cuisine of the takeaway. The objections have been separated into material and non-material planning considerations, and have been

listed below (please note only the material planning considerations are relevant to this decision):

Material Planning Considerations

- Over provision of hot food takeaways
- Impact on amenity (odours and fumes)
- Impact on parking and highways
- Increase in anti-social behaviour

Non-Material Planning Considerations

- Loss of a busy laundrette, which is a useful service for surrounding residents

The consultation period expired 14th October 2022.

Officer's Analysis

The site comprises a ground floor laundrette (Sui Generis) with residential above. It is located within an identified Local Centre which comprises 6 units. The Local Centre is formed by a parade of shops with mixed uses and is also in close proximity to another Local Parade, approximately 150 metres from the site at The Alma. The Local Centre is served by an access road which runs parallel with Whinfell Way and also provides a parking area. The premises all have residential use on the first and second floors.

The parade is situated in the Riverview Park area of Gravesend and is a predominantly residential area. The premises is a three storey building with two storeys of residential premises on the first and second floor, access at the rear. To the side and rear of this building is an access road, leading to several garages.

Proposed Development

The application seeks to change the use of the laundrette (Sui Generis) into a hot food takeaway (Sui Generis). The development would result in the loss of a service on the parade and within a neighbourhood shopping centre.

The application is a poor submission with a distinct lack of detail and substandard plans. The submission fails to detail the type of hot food takeaway, the hours of use or details regarding the layout of the kitchen or any extract ventilation. However, the Local Planning Authority are able to determine the application as submitted.

Principle of Development

The site is located within the urban area in the Gravesham Local Plan Core Strategy Policies Map and is defined in the Town Centre Retail Frontages and Village Centre Retail Centres Background Paper Appendices April 2018 as a local centre of Gateway Parade (Whinfell Way). The description of the parade in this document is:

One of the largest centres in the Gravesend urban area, after Perry Street in Northfleet. Primarily serves the Riverview Park estate area, where it is centrally located on main bus route into Gravesend town centre. Comprises two interlinked parades on two road frontages with small Tesco supermarket linking them. Whilst proportion of A1 uses is relatively low, this is made up by the fact that there are two relatively large convenience stores as part of the mix. Centre also has library, the Christopher Centre (public hall), GP surgery and dentist. Car parking to The Alma parade. Car parking on road frontage to Gateway Parade, Whinfell Way. Designate as neighbourhood centre.

In Gravesham's Local Plan Core Strategy (LPCS) (2014), Policy CS08 (Retail, Leisure and the Hierarchy of Centres) safeguards the retail character and function of existing and new centres by resisting development

that would adversely affect vitality and viability, and ensures that the loss of shops within local centres is resisted in order to maintain the role of local shopping. As such it is important to maintain a core of local shops and contain any spread beyond the confines of the local shopping centres.

The table below demonstrate the existing mix of units within the Gateway Parade.

Survey of Units in Neighbourhood Centre			
Address	Name	Use	Use Class
2-8 Gateway Parade	Costcutter / Hardware	Convenience Store	Class E
10 Gateway Parade	S&H Hair & Beauty	Beauticians	Sui Generis
12 Gateway Parade	Coin-Op Wash	Laundrette	Sui Generis
14 Gateway Parade	Spice Palace Takeaway (Vacant)	Hot Food Takeaway	Sui Generis (A5)
16 Gateway Parade	Riverview Fish Bar	Hot Food Takeaway	Sui Generis (A5)
18 Gateway Parade	Riverview Therapies	Health Centre	Class E

The introduction of another restaurant/takeaway establishment (Sui Generis) could be considered to tip the balance with the number of hot food takeaways which undermines the function of the local centre and has an adverse effect the vitality of the Local Centre.

Saved policy S7 (Hot Food Shops and Restaurants and other A3 units) of the Gravesham Local Plan First Review (LPFR) (1994) states that such uses should not cluster with other similar uses to create a dead frontage.

There are currently two existing hot food shops within the centre, albeit one of these units is currently vacant. Considering that the centre is small, it would be difficult to sustain an argument that the provision of another hot food shop would not have an adverse effect on the retail character and function of the parade.

Given that the neighbouring unit is currently vacant, it might suggest a difficulty in establishing a viable use within the centre. Therefore, an argument may be made that an occupied unit, notwithstanding its use, is more preferable than a vacant unit. However, it is important to balance the oversaturation of uses against vacancies, especially as the existing use on the neighbouring unit is a hot food takeaway. If this unit is brought back into the same use, which would not require planning permission and out of the control of the Local Planning Authority, it would result in no.3 hot food takeaways next to each other. This would be a cluster of the same use and result in dead frontages during most of the morning when the premises are not open.

It important to note that planning applications for hot food takeaways have been refused previously on this parade, with one refusal dismissed at appeal. Under planning application ref. 20051052 at no. 18 The Gateway Parade was refused and dismissed at appeal. A later application at the same site was refused by the Local Planning Authority for a change of use to a hot food takeaway in 2011 (ref. 20110111). Although these applications were refused under a historic planning policy context, the makeup of the parade and mix of uses is not significantly different from 2011 as demonstrated in the assessment below:



Google Streetview - October 2008



Google Streetview - July 2012



Google Streetview - May 2018

It was evident on the site visit that the Gateway Parade has not changed since the 2018 street view image above. Therefore, the refused applications are material planning considerations and the provision of a new hot food takeaway on the Gateway Parade is considered to be unacceptable.

Overall, on balance it is considered that the proposed use would be contrary to local policy by clustering similar uses within a small centre. This would have an adverse effect on the retail function of the parade, its viability and variety, as well as creating a dead frontage for the majority of the day. As such, the proposal is contrary to Policy CS08 (LPCS) and saved policy S7 (LPFR).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. The NPPF also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Under this proposal, the key issues that would affect neighbouring amenity relate to the hours of operation, noise, social effects of gambling and car parking.

Hours of Use

The application form nor any supporting information has stated the intended opening hours of the hot food takeaway. Given the residential uses above, the Local Planning Authority are concerned with potential late or disruptive opening hours of the takeaway, however these matters can be restricted by planning condition and is therefore not sufficient grounds to refuse the application.

Noise

The application has not been supported by any information relating to noise and no noise impact assessment has been provided. GBC Regulatory Services (Environmental Protection) are concerned about the lack of detail and therefore the potential for nuisance to be caused by noise to the detriment of neighbouring amenity. Given that the first and second floors of the block are in residential use the potential for disturbance is increased. Therefore, although pre-commencement conditions could be attached, on the basis of the information provided it is considered that the hot food takeaway would impact on the amenity of surrounding residents by virtue of noise.

Odours

The application has not been supported by any information relating to the extraction systems to eliminate odours. GBC Regulatory Services (Environmental Protection) are concerned about the lack of detail and therefore the potential for nuisance to be caused by odours to the detriment of neighbouring amenity. Given that the first and second floors of the block are in residential use the potential for disturbance is increased. Therefore, although pre-commencement conditions could be attached, on the basis of the information provided it is considered that the hot food takeaway would impact on the amenity of surrounding residents by virtue of fugitive odours.

Summary of Amenity

The lack of supporting information submitted alongside this application is a concern for the amenity of surrounding residents. It is acknowledged that strict planning conditions, and pre-commencement conditions, could mitigate the impact on amenity, however the lack of detail and overprovision of hot food takeaways on the parade is likely to result in unacceptable impacts on amenity by virtue of noise and odours contrary to Policy CS19 (Development and Design Principles) (LPCS) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2021).

Parking and Highways

Policy CS11 (Transport) (LPCS) seeks to ensure that new developments mitigate their impact on the highway and provide sufficient parking in accordance with adopted parking standards.

The Highway's Officer has raised no objection to the proposed change of use, as the parade is served by its own service road and there are no parking restrictions on nearby streets. Therefore, on the limited details provided there are no highway objections.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Section 12 of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The information provided does not show any elevational drawings for the Local Planning Authority to determine the design impact of the proposed development. For instance, the scale, bulk or massing of any extraction equipment could impact on the character of the area. Nevertheless, these matters could be dealt with by way of planning conditions and any alterations to the advertisement on the frontage would require an advert consent from the Local Planning Authority.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The proposed change of use would undermine the retail function of this Local Centre by proposing the loss of a further shop and would create a cluster of similar uses within the parade to the detriment of the vitality and amenity of the surrounding residents.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	25 th October 2022	Dated:	26 October 2022