



Delegated Report

Householder Planning Application

Planning Application No: 20230242

Location: AP Accountax Ltd 22 Queen Street Gravesend Kent

Description: Change of use application from Class E (Offices) to Sui Generis (Takeaway).

Applicant: Mr Singh

Site Visit Date: 27/04/23

Submitted Documents/Plans

Application Form
001 – Location Plan
002 – Existing and Proposed Floor Plans
Design and Access Statement
Heritage Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20230263	Erection of a second-floor extension to create additional 2 bedroom flat.	Pending Consideration	Pending Consideration
20211111	Partial demolition of existing rear extension, erection of a one and an half storey detached building at the rear to accommodate two replacement flats plus an additional 4 x 1 bedroom flats. Infill of existing yard at 20 Queen Street to form enlarged retail unit, extension to outrigger at rear of 22 Queen Street to form enlarged first floor flat and an further storey/addition at second floor level to 22 Queen Street including frontage alterations to accommodate a 2 bedroom flat.	Refused (Appeal ref APP/K2230/W/3295488 Dismissed on 05.01.2023)	15.12.2021
20210506	Partial demolition of existing rear extension, erection of a one and half storey rear extension to accommodate two replacement flats plus an additional 4 x 1 bedroom flats. Infill of existing outrigger to enlarge first floor flat and add a second floor to 22 Queen Street including frontage alterations to accommodate a 2 bedroom flat.	Refused	09.07.2021
19890347	Change of use of the ground floor from retail to a bookshop/cafe with office accommodation at first floor level.	Permitted	16.06.1989
19770431	Installation of new shop front alterations to shop premises and erection of first floor extension at rear to form sanitary accommodation to flat	Permitted	27.07.1977

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 the Hierarchy of Centres
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Area
- S4: Policy for Non-shopping Uses in the Shopping Areas
- S7 – Policy for Hot Food Shops and Restaurants and other A3 uses
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings

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 4 – Decision Making
- Section 6 - Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving sustainable development and well-designed places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- High Street and Queen Street Conservation Area Appraisal (2009)
- Management Plan for the Gravesend Town Centre Conservation Area (2009)

Consultations, Publicity and Representations

Neighbouring properties

28 surrounding properties were consulted and a site notice was placed on 27th April 2023 near the site and the site was advertised in the Gravesend Messenger on 28th April 2023. The expiry date for submission of comments ended on 17th May 2023. No comments received.

Consultees

Ward Councillors: No response received.

GBC - Environmental Protection:

Although the location and building (commercial/office) is appropriate for this type of use being town centre, the information submitted with this application is rather sparse. No information or details have been provided regarding the type of food to be prepared on the premises. No information or plans have been submitted regarding any extraction equipment.

An appropriate kitchen ventilation system will need to be installed to ensure that odour and noise are dealt with. An Odour assessment should accompany any details submitted and should refer to the current guidance - "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (2018 update). Plans showing the layout (both internal and external) of the extract system will be required.

A noise assessment will also be required in respect of the kitchen extract equipment. It's noted that the 1st floor of this building and the adjoining building may be residential. In addition, a separate planning application (ref 20230263) has also been submitted for a 2nd floor extension to create a 2-bedroom flat. The impact of noise associated with the proposed takeaway on the current (and ideally the proposed) residential premises needs to be considered in the noise assessment.

To address the above, the following conditions are recommended:

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

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

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 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).

GBC Conservation Officer: No response received.

GBC Highways Officer: No response received.

Officer's Analysis

Site Context and Proposal

This application is solely for the change of use of the ground floor office at 22 Queen Street office use (previously in use by AP Accountax Ltd (Class E) to a takeaway restaurant (Sui Generis). The application does not propose any external alterations to the frontage.

The application is located within the Gravesend Town Centre Opportunity Area and the primary shopping area and constitutes a secondary shopping frontage and as such, Policies CS05 and CS08 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy S4 of the Gravesham Local Plan First Review November 1994 are relevant.

Policy CS08 of Gravesham Local Plan Core Strategy (LPCS) seeks to support development of a scale and type appropriate to the position of the centre in the hierarchy and their character and safeguard the retail character and function of existing centres. At a national level the NPPF (2021) states at paragraph 81 that

significant weight should be placed on the need of supporting economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policy CS05 (LPCS) seeks to ensure that the competitiveness of the town centre is improved through economic and social activity, by supporting and enhancing; retail, leisure and entertainment, whilst maintaining a satisfactory living environment.

Saved Policy S4 allows changes of use which are appropriate to a town centre shopping area and which require a shop window frontage, provided that the total number of buildings in such uses, in each length of street is not excessive.

Saved Policy S7 of the Local Plan First Review (LPFR) (1994) states that hot food shops and takeaways should not cluster with other similar uses to create a dead frontage, should not have a detrimental effect on the amenity of any nearby residential accommodation, should not interrupt the free flow of traffic and finally that ventilation trunking should be discreetly located.

In this instance, this section of Queen Street is served by a number of restaurants/takeaways and a mix of shops and residences at the upper floors.

In 2022 the following takeaway/restaurant occupiers were present in Queen Street:

- Pad Thai
- Divizia Italian Restaurant
- New taste of China
- J's Diner & Grill
- Golmok Korean Kitchen
- Tops Pizza
- Blu Eats
- The Boys Italian Seafood Restaurant
- Tasty African Food
- Reliance Fish Restaurant
- Perfect Pizza

Immediately to either side of the subject building is located J's Diner and Grill and a 'Homemart'. There are a number of restaurants/takeaways on Queen Street and this does now form part of its character. However, there are also a mix of other retail uses including retail stores, and salons in this area. Whilst an additional takeaway could contribute to an intensification and clustering of restaurants along this street, in this instance, it is felt that this additional takeaway would not tip the balance on this mixed use street. Therefore, it is considered that the proposal would safeguard the retail function in accordance with Policies CS05 and CS08 (LPCS), saved Policy S7 of the LPFR as well as paragraph 81 of the NPPF (2021).

The following sections will consider the detailed design and impacts of the proposed development and will determine whether these aspects of the development are in line with the remaining aspects of Saved Policy S7 of the Gravesham Local Plan First Review November 1994 as well emerging policies

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions, as well as saved Policy S7. 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, odours, traffic generation and car parking. Comments on these aspects are as follows:

Hours of Use

The application proposes opening hours of 11am-11pm Monday to Sunday including Bank Holidays. These weekday hours are generally considered acceptable, the closing time is in line with other restaurants and Sui Generis uses. The neighbouring restaurants (J's Diner and Grill) has a 7am-5pm weekday trading hours with Sunday's hours being 8am to 4pm. However, the hours proposed are similar to other nearby takeaways.

Noise

The application has not been supported by any information relating to noise and no noise impact assessment has been provided. Environmental Protection have requested a planning condition to ensure that a noise impact assessment is submitted and approved in writing by the Local Planning Authority. The first floor level will be retained as residential accommodation. There is also an application pending consideration for additional second floor residential accommodation.

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 potential for a nuisance to be caused by the odour, and have requested a planning condition to ensure that details of the ventilation extraction system, particularly regarding odour elimination abilities, should be submitted for the approval of the Local Planning Authority. The first floor level will be retained as residential accommodation. There is also an application pending consideration for additional second floor residential accommodation.

It is considered that issues relating to noise and odour elimination can be dealt with by planning conditions prior to the use commencing on site.

It is noted that details of refuse storage have not been provided. These would be required by condition to ensure no significant adverse impacts to occupiers of nearby and adjoining residential properties.

Parking and Highways

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

The application site is located in the town centre, where a number of public car parks area available. The site is also accessible by public transport. It is noted that the existing office use would have the potential to generate some vehicle movements.

Queen Street is narrow with limited opportunity for on street car parking and because a takeaway would result in a higher demand for on street car parking that could either obstruct the carriageway to through traffic or obstruct the footway to the detriment of pedestrian flow. However, there is no evidence on the availability or otherwise of on street parking places during the proposed opening hours and as such cannot sustain an objection.

Overall, it is considered that there would be no adverse impacts to highway safety and the proposal would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P5 of the Gravesham Local Plan First Review November 1994.

Design, Character and Appearance (Conservation Area)

This application site is located in the High Street and Queen Street Conservation Area where greater weight is placed upon the impact of development on the character of the area. However, given that there are no external changes proposed to the unit as part of this change of use application, there would be limited impact to the character of the area and Conservation Area. However, no details of ventilation and extraction have been provided. It is likely that a takeaway use will require some form of ventilation and extraction and such installation could impact the visual amenity of the area. Therefore, details of this would be required by condition.

It is noted that details of refuse storage have not been provided. These would be required by condition to ensure no significant adverse impacts to the visual amenity of the area.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF (2021) in terms of design, character and appearance.

Conclusion & Recommendation

The proposed development would comply with all relevant national and local planning policies, subject to conditions.

The recommendation is therefore to approve.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	31 st May 2023	Dated:	1st June 2023