



Delegated Report

Planning Application

Planning Application No: 20240395

Location: Ebbsfleet Rainbow Centre Rose Street Northfleet Gravesend

Description: Change of use of upper floor only from F2(b) Community Hall to F2(a) Retail Shop (retrospective) and insertion of window in front elevation.

Applicant: Mr Chukwuma Okoruwe

Site Visit Date: 06.06.2024

Submitted Documents/Plans

- Application form;
- Drawing no. Y1987/2024/00 Rev. 00 – Site Location and Block Plans;
- Drawing no. Y1987/2024/01 Rev. 01 – Pre-Existing Ground Floor Plan;
- Drawing no. Y1987/2024/02 Rev. 02 – Pre-Existing First Floor Plans;
- Drawing no. Y1987/2024/03 Rev. 03 – Pre-Existing Elevations;
- Drawing no. Y1987/2024/04 Rev. 01 – Pre-Existing Elevations;
- Drawing no. Y1987/2024/05 Rev. 01 – Existing Ground Floor Plan;
- Drawing no. Y1987/2024/06 Rev. 01 – Existing First Floor Plans;
- Drawing no. Y1987/2024/07 Rev. 02 – Existing Elevations;
- Drawing no. Y1987/2024/08 Rev. 00 – Existing Elevations;
- Drawing no. Y1987/2024/09 Rev. 02 – Existing Site Location;
- Drawing no. Y1987/2024/10 Rev. 01 – Proposed Ground Floor Plan;
- Drawing no. Y1987/2024/11 Rev. 01 – Proposed First Floor Plans;
- Drawing no. Y1987/2024/12 Rev. 02 – Proposed Elevations;
- Drawing no. Y1987/2024/13 Rev. 00 – Proposed Elevations; and
- Drawing no. Y1987/2024/14 Rev. 02 – Proposed Site Location Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221135	The ground floor to remain as F2(b) community hall and the change of use of upper ground floor into F2(a)-retail shop with part two storey part single storey side extension and alterations to fenestration.	Refused	18.04.2023
20220600	Change of use of upper ground floor of e2(b) community hall (vacant) into e(a)-retail shop, lower ground floor which is class E and vacant will become a gym, with the erection of two storey rear extension.	Withdrawn	16.08.2022
19870392	Erection of single storey rear extension to form kitchen and toilet accommodation	Permitted	22.07.1987

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area • CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 – Physical and Social Infrastructure
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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
- 6 – Building a strong competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed and beautiful places
- 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006).

Consultations, Publicity and Representations

Consultees

Ward Councillor

- Objects on grounds of parking limitations and sale of alcoholic beverages;
- Already enough shops selling such goods and isn't a need for another one;
- Would alter the quiet residential nature of the area;
- Potentially lead to increase in Anti-Social Behaviour (ASB).

GBC Environmental Protection

Environmental Protection has previously raised concerns both with planning and licensing with regards to the use of this building and also the proposed hours. A Premises License was granted by the Licensing

Panel earlier this year which allowed licensable activities from 08:00 to midnight 7 days a week. This was in spite of objections raised by Environmental Protection, but these hours do represent a curtailment of the hours originally requested. It's noted that the requested hours for the shop are in line with the hours granted on the Premises License. However, I do still have concerns regarding the lateness of the closing time in what is essentially a residential neighbourhood with houses in very close proximity. The access to the retail part of the building on the 1st floor is via a raised walkway which passes with 5m of the neighbouring house. Customers accessing the store late at night could very well result in noise disturbance, particularly as background noise levels at that time will have reduced. Late night shoppers often tend to be those who are visiting on the way home from other licensed premises or entertainment venues and are often noisier as a result. In addition, noise from customers coming in cars could also lead to noise disturbance (car doors shutting, car radios on loud, engine noise etc). A closing time of no later than 10pm would be more suitable in this location.

In addition, any plant (chillers, air conditioning, condenser units etc) must not be installed without an appropriate noise assessment being undertaken. This is to prevent any noise problems to the nearby residential premises.

It is also recommended that the hours that deliveries and servicing (refuse collection etc) take place are restricted to avoid noise problems.

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

Noise:

Prior to the installation of any plant or equipment, a noise impact assessment shall be carried out by a suitably qualified acoustic consultant and submitted to the LPA for approval.

The report needs take into account the days/times of operation and the details and impact of any plant or equipment. The report must demonstrate how the proposed development will comply with the following:

The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Opening Hours:

Opening hours shall be restricted to Monday to Sunday between 0800 hours and 2000 hours

Deliveries and servicing Hours:

Deliveries and collections to and from the site shall only be undertaken between:

- Monday to Fridays between 0800 hours and 1900 hours
- Saturdays between 0800 hours and 1300 hours
- Not at any time on Sundays and Bank Holidays

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).

Electric Vehicle Charging Points

This Service would wish to see the inclusion of suitable electric vehicle charging facilities in the customer carpark in support of the Council's commitment to become carbon neutral by 2030.

Neighbouring properties

33 surrounding properties were consulted plus site notice – overall consultation expiry date was 05.07.2024 – no responses received.

Officer's Analysis

The application site consists of a two-storey detached building (a former Methodist Church) situated at the western end of Rose Street opposite the junction with Station Road. The building is set down at a lower level than the pavement and is accessed via a pedestrian bridge/ramp from Rose Street which leads to the front door which is at first floor level. This pedestrian bridge/ramp is not in the ownership of the applicant and is owned by Gravesham Borough Council. There is a car park in front of the building accessed from Station Road which is also not in the ownership of the applicant. The building fronts onto Rose Street and this elevation has a projecting two storey gable element. There is a single storey lean-to extension on the western flank with a flat roofed single storey extension attached to it and an extension on the eastern flank forming the lobby area. To the east and south are residential dwellings, to the west is a green area and to the north is the car park. The site is currently vacant but was last used as a community hall - the Ebbsfleet Rainbow Centre. It has two levels - lower and upper.

The site is located in the urban area of Northfleet, within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area.

The proposal is for retrospective planning permission for change of use of upper floor only from F2(b) Community Hall to F2(a) Retail Shop (retrospective) and insertion of window in front elevation. The lower floor would remain as a community hall use.

In previous application ref. 20240395 the proposal was for change of use of upper ground floor into F2(a)-retail shop with part two storey part single storey side extension and alterations to fenestration with the ground floor to remain as F2(b) community hall. The application was refused on the following ground:

- 1. The proposed extension by virtue of its size, particularly its width, and design would be an overly dominant and incongruous addition which would not be in keeping with the scale or character of the host building and would be harmful to the streetscene. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).*

The applicant appealed the decision to the Planning Inspectorate and the appeal was subsequently dismissed. The Inspector agreed that the proposed extension would have had a harmful effect on the character and appearance of the host building and the surrounding area.

It therefore needs to be seen whether this current proposals resolves the ground of refusal of application ref. 20221135 and the Inspector's reasons for dismissing the appeal and whether all other matters are also acceptable.

Principle

The application site is a two storey building (former Methodist Church) set within a predominantly residential area with the current use of the site being a community centre (Use Class F2(b)).

Paragraph 97 of the NPPF (2023) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

(a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and

other local services to enhance the sustainability of communities and residential environments;
(b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
(d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
(e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Policy CS10 (LPCS) states:

Support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being. Where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.

In this case the F2(b) community hall would remain at ground floor level. At first floor it is proposed to change this to an F2(a) shop (local community shop). The Use Classes Order (2015) as amended considers a shop to be a local community use if it is selling essential goods (including food), its floor area would not exceed 280 sq. m and there is no other facility within 1000 m.

At the size and layout it can be seen the premises would be a local convenience style shop and so it could be considered a local community use. Also, it is important to note that the lower part of the building is to remain as a community hall.

Therefore, taking a rounded balanced view it is considered that as the change of use of the first floor from community hall use to a F2(a) shop (local community shop) would be acceptable and retain an overall community use of the building.

As such the principle of the use is considered acceptable and the proposal in this regard would therefore be compliant with Policy CS19 (LPCS) and paragraph 97 of the NPPF (2023).

Design, Character and Appearance

This matter related to the ground of refusal of previous application ref. 20221135.

This was because of the harmful effect that the proposed part two, part single storey side extension would have on the character and appearance of the host building and the surrounding area. There are no extensions now proposed so this matter has been entirely removed.

There is a new window has been installed in the front elevation of the building. Its rectangular form does not match in with the round headed windows in the rest of the building and it therefore appears a somewhat incongruous addition however, the window has been fitted in the front gable section of the building where there were previously no windows and not in the walls which have the round headed windows. There is therefore considered more scope to install a rectangular window in this front gable section. It is also noted that artificial planting has been installed across the entire expanse of the window and it therefore appears more a feature window with a green wall type character. Overall it is considered the window is acceptable in respect of the character and appearance of the building and streetscene.

In summary, the proposal is therefore now considered acceptable in respect of design, character and appearance and the proposal is therefore compliant with Policy CS19 (LPCS) and the ground of refusal of previous application ref. 20221135 has been resolved.

Neighbouring Amenity

There are residential properties immediately to the south of the site in Ebbsfleet Walk and also the east.

It is prudent to note that in previous application ref. 20221135 there was no concern with the impact on the amenity of neighbouring properties in respect of the proposed change of use of the first floor level to a shop. The Inspector saw no evidence to disagree. The opening hours in that application were less than what is now proposed in this current application. In the previous application the proposed opening hours were 08:00 – 22:00 Monday - Friday, 08:00 – 19:00 Saturday and not open on Sundays or Bank Holidays. However, in this application the proposed opening hours are 08:00 to 00:00 Monday - Sunday including Bank Holidays.

GBC Environmental Protection note that these requested hours are the same as what has been allowed on the Premises Licence granted by GBC Licensing and that they objected to such hours in their consultation on the Premises Licence. GBC Environmental Protection advise that they still have concerns regarding the lateness of the closing time in what is essentially a residential neighbourhood with houses in very close proximity with the access to the retail part of the building on the 1st floor being via a raised walkway which passes with 5m of the neighbouring house to the east. They advise that customers accessing the store late at night could cause noise disturbance to neighbouring properties from people and vehicle noise. As such they suggest opening hours of 08:00 – 22:00 Monday to Sunday would be more appropriate in this location. They also advise that a noise impact assessment will be required for any plant or equipment and a restriction on the timing for deliveries and servicing which they recommend is 08:00-19:00 Monday to Fridays, 08:00 – 13:00 on Saturdays and not at any time on Sundays or Bank Holidays.

The proposed use as shop in itself is not a noisy use but it is the matter of customers entering and exiting the shop with associated people noise of talking, shouting etc and vehicle noise of car doors slamming, music, tyres etc. which could cause a potential disturbance. Any customers accessing the shop have to do so by using the ramp which as stated is in close proximity to neighbouring properties.

Although GBC Licensing have granted a Premises Licence for licensable activities between the hours of 08:00 to 00:00 Monday - Sunday including Bank Holidays this is considered too late and unreasonable an hour for closure of the shop given the potential noise disturbance to neighbouring properties. From looking at other nearby shops and even the nearby public house it can be seen they all have earlier hours.

The Rose Public House to the north-east of the site is open 11:00 – 23:00 Monday – Saturdays and 12:00-22:00 on Sundays. Northfleet Food & Wine at no. 171 High Street is open from 06:00 – 23:00 Monday – Sunday and the Costcutter at 9 The Hive is open 08:30 – 21:30 Monday – Saturdays and 09:00 – 21:30 on Sundays. The proposed opening hours would therefore not be in keeping with the median of opening hours in the vicinity. The application site too as these other sites is in close proximity to neighbouring properties.

As such it is considered that notwithstanding that GBC Licensing have granted a Premises Licence for Licensable Activities between the hours of 08:00 to 00:00 Monday - Sunday including Bank Holidays, this would not be reasonable given the potential impact from noise disturbance on neighbouring properties and it would not be in keeping with the other opening hours in the area but would be much later. It is considered that the proposed opening hours recommended by GBC Environmental Protection of 08:00 – 22:00 Monday to Sunday would be appropriate if permission were forthcoming. Conditions on restricting the timing of deliveries between 08:00-19:00 Monday to Fridays, 08:00 – 13:00 on Saturdays and not at any time on Sundays or Bank Holidays would also be required as well as a condition to request details of any plant and equipment together with a noise impact assessment to ensure that the amenity of neighbouring properties would not be impacted on by noise disturbance.

In respect of neighbouring amenity it is therefore considered that subject to conditions the proposal would be compliant with Policy CS19 (LPCS).

Parking and Highway Safety

The application site provides no off-street parking; although there is a car park in front of the building accessed from Rose Street this car park is not owned by the applicant (and is not included in the red line

boundary). There is cycle parking proposed to the west of the building.

This is the same as previous application ref. 20221135. In that previous application the GBC Highways Officer raised concerns that as the car park in front of the site is not within the application site or in the ownership of the applicant there is effectively no control over this car park but does note that the existing use (of a community hall) could generate a similar car parking demand.

For this reason it was considered that the proposal was acceptable in respect of parking and this remains the case with this application. The site does not have its own off-street parking for the existing community hall use however, it is considered that the change of the first floor of the building only from a community hall to a shop whilst retaining the community hall use at ground floor level would attract the same parking demand overall. Therefore, although the site does not have its own parking this is not considered a reason to object to the proposal and the impact would be no greater than the existing situation.

In respect of parking and highway safety the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Other

Concerns have been raised regarding the sale of alcohol and that there is already enough shops selling such goods, that there isn't a need for another and there is the potential for Anti-Social Behaviour. The site is a detached building and is not part of a parade of other units. As stated above the nearest other shops are at The Hive and in the High Street, but it not considered that allowing this proposal would result in an excessive number of shops in the area. The matter of the sale of alcohol is not a material planning consideration. It is also considered that there is insufficient evidence to prove that the proposed change of use of the first floor of the building from a community hall to a shop would result in Anti-Social Behaviour.

The proposal would also have the benefit of bringing what was previously a vacant building back into use. Although the lawful use of the building is a community hall it was vacant prior to the current shop at first floor being created.

Any Other Material Planning Considerations

Refuse – There is existing waste and recycling for the community hall to the west of the building and this will remain for the proposed shop at first floor and the remaining community hall use at ground floor level. This is considered acceptable and compliant with Policy CS19 (LPCS).

Conclusion & Recommendation

The proposal is now considered acceptable in respect of design, character and appearance as the extension which was proposed in previous application ref. 20221135 is no longer proposed and the new window which has been installed is on balance considered acceptable. In this regard the ground of refusal of application ref. 20221135 has been resolved as has the reasons for the Inspector dismissing the appeal of that application. The proposal is also considered acceptable in respect of the principle of the change of use of the first floor of the building from a community hall to a shop. It would be acceptable in respect of the neighbouring amenity subject to conditions regarding opening hours, hours for deliveries and detail of plant and equipment together with a noise impact assessment. The proposal would be acceptable in respect of parking and highway safety.

Recommendation: Permission subject to conditions.

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5 August 2024	Dated:	07 August 2024