



Delegated Report

Householder Planning Application

Planning Application No: 20241140

Location: ORB Virtual Reality 1 - 2 Darnley Road Gravesend Kent

Description: Change of use from a virtual reality gaming shop to a hot food takeaway.

Applicant: Mrs Imrana Khanam

Site Visit Date: 06 February 2025

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. IK/01 Site location plan;
Drawing no. IK/02 Existing and proposed block plans received 23 January 2025;
Drawing no. IK/03 Existing ground and basement layouts;
Drawing no. IK/04 Proposed ground floor layout received 23 January 2025;
Drawing no. IK/05 Proposed basement layout received 23 January 2025;
Drawing no. IK/06 Proposed rear and side elevations received 23 January 2025;
Design and Access Statement December 2024;
Email from the agent received 14 January 2024; and
Email from the agent received 23 January 2024.

Superseded Documents/Plans

Drawing no. IK/02 Existing and proposed block plans received 16 December 2024;
Drawing no. IK/04 Proposed ground floor layout received 16 December 2024;
Drawing no. IK/05 Proposed basement layout received 16 December 2024; and
Drawing no. IK/06 Proposed rear and side elevations received 16 December 2024.

Procedural issues

Following a request from the case officer, the applicant provided amended plans and additional information to clarify the proposed development.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211460	Application for approval of condition 5 attached to planning permission reference number 20210317 relating to details of the shopfront.	Approved	09.03.2022
20210317	Application for change of use from a hairdressers (Class E (Cii)) to an indoor virtual reality recreational fitness centre (Class E(d)) and new shopfront.	Permitted	10.11.2021
20110042	Continued use of rear part of 1-2 Darnley Road as a	Permitted	11.04.2011

	treatment room.		
20080408	Change of use from A2 estate agents to a hair, beauty and tanning salon.	Permitted	23.06.2008
20070954	Continued display of externally illuminated fascia sign.	Permitted	20.12.2007
20070282	Change of use from A1 retail to A2 estate agents and energy assessor.	Permitted	24.05.2007
20050923	Change of use of ground floor and basement to a hot food take away.	Refused	20.12.2005
20050505	Change of use of ground floor and basement from shop to a hot food take-away.	Refused	11.08.2005
20050168	Conversion of first floor and second floors to provide a self-contained flat and bedsit.	Permitted	18.04.2005

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- S4 – Non-shopping Uses in the Shopping Areas
- S7 – Hot Food Shops and Restaurants and other A3 uses

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

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 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving Well-Designed Places

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)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

Initial response:

Although an extract flue is proposed which terminates at eaves level, no other details have been provided. No information has been given as to the type of cuisine proposed. More information will therefore be needed and this can be addressed by conditions.

The proposed opening hours are acceptable in this location. The following to be considered:

Code of Practice on Construction and Demolition

Please apply as appropriate.

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

Second response:

The additional/amended information is noted. Nothing further to add to the consultation response dated 13 January 2025.

GBC – Commercial Team (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

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 Comments

I am unable to fully 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 www.gravesham.gov.uk/food-safety

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 Assimilated 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 any 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 into 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 - Waste & Recycling Manager
No response received.

KCC - Highways & Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Kent Police - Designing Out Crime Team

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, and other areas with limited natural surveillance or 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. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation, and locks) including folding or sliding to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
4. Windows on the ground floor to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
5. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the Institution of Lighting Professionals), particularly where a lighting condition is imposed, to help avoid conflict and light pollution.
6. Access control. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.
7. Parking - Where unavoidable, the car parking area must be covered by natural surveillance from an "active" window e.g. reception and sufficient lighting. In addition, we recommend CCTV and appropriate signage for visitor bays to avoid conflict and misuse.
8. We advise on the use of ground/ wall SBD or sold secure anchors within a cycle storage area/ sheds of dwellings to deter bicycle theft. Bin storage must also be secure with access control.
9. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can become a climbing aid or even an arson hazard.
10. 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.

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 publicised by a site notice and to 21 neighbouring properties by letter. No representations have been received. The overall consultation period expired on 13 February 2025.

Officer's Analysis

Principle of the Development

Paragraph 97 of the National Planning Policy Framework (NPPF 2024) requires applications for hot food takeaways and fast food outlets to be refused where they are within walking distance of schools, unless the location is within a designated town centre or in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

The application site is located within the Gravesend Town Centre Opportunity Area and the Primary Shopping Area and is part of a secondary shopping frontage. Policy CS05 of the Gravesham Local Plan Core Strategy (2014) states that the Gravesend Town Centre 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 of the Gravesham Local Plan Core Strategy (2014) 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.

Saved Policy S4 of the Gravesham Local Plan First Review (1994) allows some changes of use in secondary shopping frontages, where the uses are appropriate to the town centre location, they require a shop window frontage and provided that the total number of such uses, in each street is not excessive.

Saved Policy S7 of the Gravesham Local Plan First Review (1994) sets out a number of criteria that should be met for proposed changes of use to hot food shops and restaurants. These include not clustering with similar uses to create a dead frontage, not being detrimental to residential amenity, not interfering with the free flow of traffic along the highway and discreetly locating ventilation trunking.

As a town centre location, where there is no evidence of takeaway uses having an adverse impact on local health, pollution or anti-social behaviour, the application site is considered acceptable under paragraph 97 of the NPPF (2024).

Within the Darnley Road frontage containing the application site, there are seven commercial units being used as follows;

Address	Name	Use Class
62 New Road	The Wheatsheaf Public House	Sui Generis
1-2 Darnley Road	ORB Virtual Reality (the application site)	Class E(d)
3 Darnley Road	Barber Kent 2	Class E(c)(iii)
4-6 Darnley Road	Home Foods	Class E(a)
7 Darnley Road	Studio 7 restaurant	Class E(b)
8 Darnley Road	Black Eagle Security Systems	Class E(c)(iii)
9-10 Darnley Road	The Somerset Arms Public House	Sui Generis

Only one of the existing commercial uses in the vicinity of the application site is in retail use (Class E(a)), whilst the other units are in uses that are considered appropriate in a commercial, business or service locality. The existing use of the application property is already non-retail and as such, there would be no loss of a retail unit, should planning permission be granted. The proposal would be the first takeaway in this particular shopping frontage, therefore if granted, there would not be any clustering of similar uses.

Overall, it is considered that the proposed development would be an appropriate use in the town centre and would not harm the retail function of Gravesend. As such, the proposal would be acceptable in principle and be broadly in line with Policies CS05 and CS08 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy S4 of the Gravesham Local Plan First Review (1994).

The proposal would also be in line with the first criteria of Saved Policy S7 of the Gravesham Local Plan First Review (1994). The following paragraphs will assess the detailed impacts of the proposal, in line with the rest of the Saved Policy S7 criteria.

Design, Character and Appearance

The proposed development would comprise of a change of use, with the only external alteration being associated with the installation of a ventilation/extraction system at the rear of the building. The extraction ducting would have a natural aluminium finish but would not be visible from any public vantage points. It is noted that there are existing examples of aluminium ducting on buildings at the rear of the application site.

It should be noted that no changes are proposed to the current shopfront. No details regarding signage or advertisements have been submitted as part of this application. Separate advertisement consent would be required for any illuminated signage, which will be determined on its own merits. For the avoidance of doubt, an informative can be added to any planning permission granted informing the applicant of this.

Overall, it is considered that the proposal would not cause harm to the character or appearance of the application property or the surrounding street scene and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy S7 of the Gravesham Local Plan First Review (1994).

Neighbouring Amenity

There is residential use on the upper floor of the application site and on the upper floors of nearby neighbouring buildings. There will also be residential uses in the building opposite the application site (Joynes House) because it is currently being converted into flats.

The introduction of a takeaway at the application site has the potential to cause adverse odour and noise/disturbance impacts to the occupiers of any surrounding residential properties from cooking/odour extraction activities, customer visits/activities and delivery driver visits/activities. An extraction flue is shown on the proposed rear elevation drawing but no further details of the proposed extraction system are provided.

GBC Environmental Protection raise no objections to the proposal but advise that an appropriate kitchen ventilation system will need to be installed to ensure that odour and noise impacts are mitigated. To this end they advise that a noise assessment and details of the proposed extraction system will be required. Subject to the applicant's agreement, pre-commencement conditions can be added to any planning permission granted to ensure that the appropriate information is submitted and approved.

The proposed opening hours would be 11:00 – 23:00 Monday – Friday; 11:00 – 00:00 on Saturdays and 11:00 – 22:00 on Sundays and Bank Holidays. GBC Environmental Protection raise no objections to these hours and it is noted that they are in line with other such uses in the town centre. The application site is located adjacent to a public house and close to a restaurant and a second public house and as such, any noise/disturbance associated with the proposed development would be experienced in this context. Therefore, the proposed opening hours are considered acceptable and there would be no adverse noise/disturbance impacts. The opening hours can be subject to a planning condition attached to any planning permission granted.

The proposal includes the provision of refuse storage on land that is outside the application site. However, it is noted that there are various stores and a garage on-site that could be utilised for refuse storage. Therefore, should planning permission be forthcoming, an informative highlighting commercial refuse arrangements can be attached to the decision.

The application site is located in the Gravesend A226 One Way System Air Quality Management Area (AQMA). This AQMA relates to nitrogen dioxide emissions, the main source of which are vehicle exhausts. Although the proposed development would be likely to increase vehicle movements in the surrounding area, it is not considered that the increase above the existing use, would be so significant as to warrant a refusal on air quality grounds.

Overall, it is considered that subject to conditions, the proposed development would have no significant adverse impacts on the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy S7 of the Gravesham Local Plan First Review (1994).

Parking and Highways

Paragraph 115(b) of the NPPF 2024 requires new development to ensure that safe and suitable access can be achieved for all users and paragraph 115(d) requires any significant impacts on the transport network or on highway safety to be cost effectively mitigated to an acceptable degree. Paragraph 116 sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Policy CS11 of the Gravesham Local Plan Core Strategy (2014) requires new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Saved Policy P3 of the Gravesham Local Plan Core Strategy (2014) requires development to make provision for vehicle parking in accordance with adopted parking standards unless justified as an exception and states that parking provision should normally be provided on the development site.

Saved Policy S7 of the Gravesham Local Plan First Review (1994) seeks to ensure that hot food shops are located where there is sufficient car parking available to ensure that the proposal will not harm highway safety.

There is an existing garage located at the rear of the application site, which is accessed via a driveway from Darnley Road (however due to a raised hardstanding, the garage is not accessible to vehicles). As such, no off-street parking provision would be available.

Darnley Road is part of the one-way system for Gravesend Town Centre and as such, is subject to significant levels of traffic. A signal controlled junction is located some nine metres to the north of the application site, where three lanes of vehicles are undertaking manoeuvres to ensure that they are in the appropriate lane to traverse the junction. In the immediate vicinity of the application site, on both sides of Darnley Road, parking/waiting is prohibited by double yellow lines and there can be no loading or unloading on Mondays to Saturdays from 08.30 to 18.30.

The following image illustrates the proximity of the junction to the application site (the site is identified with an arrow);



Google Street View Image October 2024

It is noted that there is a loading bay in Barrack Row (some 62 metres to the south, around the corner) which should not be used for parking and in New Road (some 22 metres to the north, around the corner) there is another loading bay, again which should not be used for parking and a disabled parking bay, which could be used by a limited number of potential customers. The closest public car park is located at Gravesend Station, some 160 metres to the south, accessed from Barrack Row.

Experience of existing takeaway uses highlights that customers and delivery drivers often seek short visits to collect food and as such, are unlikely to utilise parking spaces located some distance from the premises. Instead, they are likely to park on street ignoring any parking restrictions in place. In such a busy and constrained location as the application site, such parking would be likely to obstruct the free flow of traffic in Darnley Road and would be significantly detrimental to highway safety.

It is noted that the existing business at the application site (an indoor games facility) necessitates people being more likely to find a parking space, given the length of their stay whilst they utilise the gaming area, as opposed to the proposed takeaway use, which would only require a short visit.

Whilst it is acknowledged that the application site is located in the town centre, which is a highly accessible location, both by private vehicles and public transport and that the bus interchange and train station are located in very close proximity, for the reasons outline above, the likelihood of vehicles being parked indiscriminately outside the premises is significant. As such, the advantages of a town centre location would not outweigh the adverse highway safety impacts identified.

It is highlighted that KCC Highways & Transportation have declined to respond to a consultation regarding this application because the proposal does not meet their consultation protocol arrangements and that the Borough Council does not currently have a Highways Officer. However, in response to consultations regarding planning application reference 20150923 (for a restaurant at no. 7 Darnley Road), KCC Highways & Transportation and the then, GBC Highways Officer both set out specifically that no takeaway use should be included in the proposal, due to the potential adverse impacts to highway safety. These comments are contained in Appendices 1 and 2. As such, planning permission at no. 7 Darnley Road was granted for a restaurant only with any takeaway use being specifically precluded by condition.

It is also highlighted that a proposal for a restaurant and takeaway at no. 21 Darnley Road (reference 20210876) was refused planning permission on highways grounds (and residential amenity grounds). The delegated report for that application is contained in Appendix 3.

The application details suggest that the proposed takeaway would have some waited on tables/seating at ground floor and basement level, with a play area also being provided in the basement. Therefore, the proposal appears to have some elements of a mixed restaurant/takeaway use, rather than being just a hot food takeaway (as stated on the application form and design and access statement). However, in line with the approach taken at nos. 7 and 21 Darnley Road, it is considered that the adverse highway safety issues associated with the takeaway element of the use, would be overwhelming.

Overall, the application site is located on a busy road, in close proximity to a signalled road junction, in an area where no on-street parking is available. As a result, the proposed development would be likely to result in illegal parking, whilst customers and delivery drivers visit the premises to collect their takeaways and orders. Therefore, the proposal would be detrimental to the safe and free flow of traffic on Darnley Road and significantly undermine highway safety. As such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), to Saved Policy S7 of the Gravesham Local Plan First Review (1994) and to paragraph 115 of the NPPF 2024.

Any Other Material Planning Considerations

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

The issues highlighted by the GBC Commercial Team (Regulatory Services), the Kent Police Designing Out Crime Team and KCC Highways & Transportation can be brought to the attention of the applicant in informatives attached to any planning permission granted.

Conclusion

The proposed development would be an appropriate use in the town centre, would not harm the retail function of Gravesend, would not be detrimental to the character or appearance of the building/area or be detrimental to the residential amenity of surrounding occupiers. All of which weigh in support of the proposal. However, the proposed development would be detrimental to the safe and free flow of traffic on Darnley Road and significantly undermine highway safety.

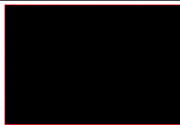
Overall, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits.

Recommendation

That planning permission be refused on the following ground;

1. The application site is located on a busy road, in close proximity to a signalled road junction, in an area where no on-street parking is available. As a result, the proposed development would be likely to result in illegal parking, whilst customers and delivery drivers visit the premises to collect their takeaways and orders. Therefore, the proposal would be detrimental to the safe and free flow of traffic on Darnley Road and significantly undermine highway safety. As such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), to Saved Policy S7 of the Gravesham Local Plan First Review (1994) and to paragraph 115 of the NPPF 2024.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	18th February 2025	Dated:	18 February 2025