

Delegated Report

Planning Application

Planning Application No: 20230642

Location: 90 Parrock Road, Gravesend, Kent DA12 1QF

Description: Change of use from a shop selling wedding attire to a wellness and beauty treatment use which is Sui Generis.

Applicant: Mrs Emma Stagg, Utopia Beauty Rooms

Site Visit Date: 3 July 2023

Submitted Documents/Plans

Application form
Planning, Design and Access Statement
Drawing no. 23/407/01 (existing and proposed plans and elevations)

Relevant Planning History

20210884	Loft conversion to provide 2 bedrooms and one bathroom. Change 1st floor rear window to door and window to provide additional fire exit route to a place of safety.	Permitted	27.08.2021
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

GBC Commercial Health

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.

Skin Piercing

If any invasive skin piercing procedures for example tattooing, ear, body or cosmetic piercing, or electrolysis are to be undertaken at the premises, by the applicant or the eventual tenant will need to register these activities with the Environmental Health. Registration **MUST** be gained prior to any such activities being undertaken.

For further information and to register online for any of these treatments, the applicant should visit the council website on <https://www.gravesham.gov.uk/home/environmental-health/tattoos-and-skin-piercings/overview>

This is very important if invasive skin piercing procedures are to be undertaken as the premises must comply with the appropriate local byelaws on the location and number of sinks etc. a copy of the byelaws can also be viewed on the Council website.

GBC Environmental Protection

There is a flat above the shop which could be impacted by the business in terms of noise and also fumes from chemicals such as nail removers, varnishes etc. The floor/ceiling partition may need upgrading to deal with this.

The following conditions are therefore recommended:

Sound Insulation:

Prior to the operation of the business, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.

Odour/fumes:

Prior to the first operation of the premises a scheme for the extraction and treatment of fumes and odours together with a maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment 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.

Upon further clarification from EP the following comments were made:

Whilst it is true that adequate ventilation is required for the H&S of employees my comment referring to Regulation 6 of the Workplace Regulations 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 can easily be satisfied by having openable windows.

I note that the applicant has advised they do not plan on offering nail extensions which may have required some sort of local mechanical ventilation due to the chemicals that are used. However, I can confirm we have never insisted on this for any of the nail bars and I have not included it in my response on this occasion either.

And:

I can confirm that we still require the upgrade to the sound insulation. It does not matter that the occupant intends to use the space quietly. The potential impact of the class of use has to be considered and it is correct in my view to protect against the worst-case scenario that could arise from the proposed change of use. Future occupants in the same planning usage class may not have a quiet activity and may well disturb the residential uses above.

The benefit of upgraded sound insulation is that it will also help prevent the ingress of any fume / odour of treatments, chemicals into the residential units above, that the salon uses now or in the future.

GBC Highway Development Management Officer

This is a retail unit, in what appears to be a very busy area, given the high level of parking demand visible on the images on Google Street View. However, the immediate area also has a high level of waiting restrictions on the major routes through the junction, although the more minor routes are not protected.

The style of business proposed for the shop will be significantly different to the previous use with potentially higher number of visits per day, and more clients on site at any one time. This could result in a significant increase in car parking demand and needs to be considered carefully.

The common use of redundant retail unit is a hot food takeaway with its very short term visits when parking enforcement is minimal and given the visit is short people will often ignore the risk of being given a parking ticket to the detriment of the free flow of traffic and so park on street where their on street parking restrictions. So most uses are better than this option.

Looking at the applicants existing premises there is no dedicated car parking, just some on street parking bays on Cross Lane West and uncontrolled parking in the nearby residential streets.

Given there does not appear to be any details regarding staffing levels or hours of business, it is considered some controls need to be initially imposed. Temporary permissions can then be applied for regarding hours of trading to determine if there is any unacceptable impact on vehicle parking.

In addition, any permission should be personal so permitting any other use to be judged on its merits.

To avoid the peak period for residential parking in the nearby uncontrolled streets it is suggested that business should be restricted to between 9am and 5pm Monday to Saturday with no trading on Sundays. The proposed use should be restricted to either a personal permission, or to a particular activity, to permit any other use to be judged on its merits.

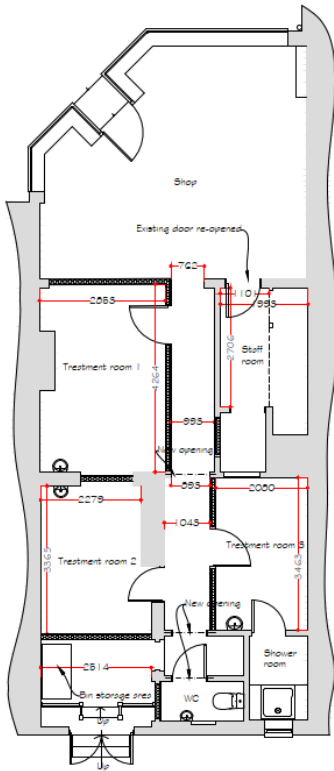
Neighbouring properties

The application has been advertised by site notice and letters to eight individual properties. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks planning permission for the change of use from a shop selling wedding attire to a wellness and beauty treatment use which is Sui Generis. The change of use relates only to the ground floor and will provide for three treatment rooms, a staff room, shower room, WC and bin store area together with a shop area to the front:



The suggested opening hours are:

Monday 10am-7pm

Tuesday 9am-6pm

Wednesday 9am-8pm

Thursday 9am-8pm

Friday 9am to 6pm and

Saturday 9am to 4pm.

The applicant has confirmed that no loud music or equipment will be used and no nail extensions are provided which cause harmful fumes.

Principle

The application site is a currently a bridal shop that sits within a group of shops. There is an empty unit to one side and a florist to the other. There is a car park close to the site and restricted on street parking in the vicinity.

Policy CS07 of the Gravesham Core Strategy 2014 supports new employment floorspace and policy CS08 seeks to protect and enhance existing local centres. The Council will safeguard the retail character and function of existing centres by resisting development that would adversely affect their vitality and viability and will encourage the provision of a mix of units including opportunities for small shops and independent traders in all centres.

The local centre within which the application site is located consists of a kitchen/bathroom showroom, hairdressers, café, computer repair and sales shop and florist. The loss of a bridal shop and its replacement with a wellness and beauty shop is not considered to harm the overall vitality and viability of the local centre. The visitors to the beauty rooms are likely to utilise the services of the other units in the parade and are therefore will complement them.

The principle of a change of use to a beauty salon is acceptable and complies with the objectives of policies CS7 and CS8 of the Gravesham Core Strategy 2014.

Design, Character and Appearance

The proposal to change the use of the building from shop to beauty treatment rooms will involve no external changes to the appearance of the building. The proposal therefore will have no detrimental impact on the character and appearance of the area and therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

Neighbouring Amenity

The proposed change of use will not result in any additional volume to the property and therefore there will be no loss of amenity to any neighbouring property in terms of loss of outlook, privacy, sunlight or daylight.

There is a flat above the shop which could be impacted by the business in terms of noise and also fumes from chemicals such as nail removers, varnishes etc. However the proposed use is the same as the business currently located at 3a Cross Lane West which also has a residential flat above. The applicant has confirmed that the aim of the business is wellness and relaxation and the playing of loud music or use of noisy equipment would defeat the objective of the service provided. They have also confirmed that they do not use products with harmful fumes as they do not offer nail extensions. Given that the site's situation is very similar to 3a Cross Lane West (where the business is currently based) and there has been no material change to policy since that decision was issued (20140245) it is considered that the same conditions relating to noise should be imposed on this permission in order to be consistent. A condition is therefore recommended that no noise shall be emitted that exceeds the existing background noise by 3db. With regards to ventilation, clarification has been sought and confirmed that the business would need to adhere to Regulation 6 of the Workplace Regulations which would be easily satisfied by having openable windows.

Subject to a noise condition the proposal accord with policy CS19 of the Gravesham Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021 with regards to the impact on amenity.

Parking and Highways

The immediate area surrounding this retail unit has a high level of waiting restrictions on the major routes through the junction, although the more minor routes are not protected.

The proposed use will be significantly different to the previous use with potentially higher number of visits per day, and more clients on site at any one time. This could result in a significant increase in car parking demand and needs to be considered carefully.

Looking at the applicants existing premises there is no dedicated car parking, just some on street parking bays on Cross Lane West and uncontrolled parking in the nearby residential streets. The site at Parrock Road does have a car park within walking distance and unrestricted parking along Whitehill Lane and Sun Lane. There are less restrictions after 1pm in other roads within walking distance of the site.

Given that the site has more available parking than the current location it is not felt that a temporary or personal permission is necessary and therefore no objections are raised on highways grounds.

Conclusion

The proposed change of use to beauty salon (sui generis) will have no detrimental impact to the character and appearance of the area, surrounding local centre, neighbouring amenities, parking or highway safety and therefore accords with the abovementioned policies and is recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	29 August 2023	Dated:	29th August 2023