



Delegated Report

Planning Application

Planning Application No: 20231087

Location: Old Prince Of Orange 1 Old Road East Gravesend Kent

Description: Retention and relocation of kiosk for the sale of shell fish.

Applicant: Donna Clement

Site Visit Date: 6th November 2023

Submitted Documents/Plans

Application Form

01 – Plans and Elevations as Existing

02 – Plans and Elevations as Proposed

03 – Site Location Plan

04 – Block Plans as Existing

05 – Block Plans as Proposed

Planning Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20080130	Retention of the covered smoking shelter.	Permitted	17.04.2008

Other planning history is pre-1990 or relates to refused development which was not undertaken.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- T5 – Access to the Identified Highway Network
- T1 – Impact of Development on the Highway Network
- 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)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-designed Places and Beautiful Places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

Ward Councillors:

No comments received.

GBC Highways Officer:

As presented, I object to the proposal, the parking at the front of the public house is relocated to the rear without any evidence that there is adequate space within the rear car park.

In addition, I note the proposed location places the kiosk over a manhole, which makes access to the manhole impossible for maintenance without moving the kiosk. It is unclear who the manhole serves, and what is below ground. If the manhole serves other properties, the occupiers of those properties may have a right of access, legal guidance would be necessary.

GBC Environmental Protection:

No objection to this application. The hours of use (Saturdays and Sundays 10:00 to 16:00) are considered reasonable. I also have referred this consultation to the Commercial Health team as the application involves a food business.

Neighbouring properties

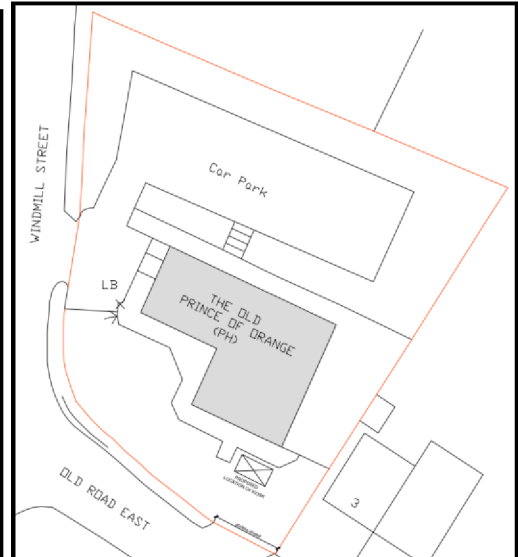
The final date to submit comments ended on 01.12.23. A site notice was placed on site on 6th November 2023. 11 no. surrounding properties were consulted and 3 comments, objecting to the scheme were received from members of the public. IT is noted that one of the comments was duplicated.

Summary of Objections:

- As the kiosk would be blocked off by a fence, customers would need to park away from the kiosk on nearby roads resulting in reduced parking for those who live on nearby roads.
- Position of kiosk raises concerns about pavement parking and highway safety issues.

Officer's Analysis

This application relates to the positioning of kiosk for the sale of shellfish to the front of this public house. During the site visit it was noted that the kiosk exists as per the below photograph but would be repositioned as indicated on the below site plan (Not to Scale).



Principle of Development

Policy CS02 (Scale and Distribution of Development), identifies first tier settlements, including Gravesend as the most sustainable parts of the borough. As an urban area in Gravesend, proposed development here would generally be acceptable in principle, subject to consideration of all other relevant matters.

In this instance, the main points to consider would be the potential impact on; Visual Amenity (Design, Character and Appearance), Residential Amenity of neighbours, Highways and Parking provision..

Design, Character and Appearance

The proposed kiosk would be a small addition, of non-permanent appearance. It would be located to the front elevation of the public house, albeit to the side rather than centrally located which would be a reasonable addition in terms of appearance. It would be unfortunately located partially fronting the building which is of positive design characteristic of a public house. But, given its low form height and footprint, and its non-permanent appearance, it would not have a significant impact on the design, character and appearance of the area. However, a more discreet location to the side/rear of the building would be preferable.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF (2023) in terms of design, character and appearance.

Neighbouring Amenity

It is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, 3 objections to the proposal were received, but these related to concerns with regard to parking and highway safety not to residential amenity.

The neighbour most likely to be impacted, would be the one nearest to the proposed position of the kiosk; 3 Old Road East, which is located to the southeast of the site. AS the below image taken during the site visit shows, there is an existing brick wall between the plots. The kiosk would be 1.2m high from the lowest ground level and would be 7.3m from this neighbour's side elevation. Given the low height, the obscuring wall and the distance from the neighbours' property, the kiosk would not physically overbear, overshadow or result in direct overlook of this neighbour's property.

The Environmental Protection Team have also advised that they would find the opening hours of the kiosk acceptable.



The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Parking and Highways

At present there is parking provision located to the front of the property and parking area also located to the rear of the public house. The proposed scheme would close the access to the front car parking area, reducing parking availability to the rear area only. It is noted that some front parking availability has previously been lost as a result of the provision of benches externally. However, as per the objection raised by the GBC Highways Officer, adequate parking detail has not been provided to justify the reduction in parking spaces, evidencing that there would be sufficient parking availability. However, it should be noted that a lesser reduction in car parking spaces may be possible by exploring alternative positions of the kiosk which would not close off the front parking space.

The GBC Highways Officer has also raised concerns regarding the positioning of the kiosk over a manhole. However, this would not be a material planning consideration. However, the applicants should seek to discuss whether the manhole will need to be relocated with the relevant drainage authority.

It has not been demonstrated that adequate vehicle and cycle parking provision would remain available in accordance with paragraphs 110 to 113 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

However, given the potential non-permanent nature of the kiosk, a temporary permission may be an appropriate method to consider the impacts in terms of parking, allowing that any future application, would then have parking usage data available to evidence the impacts from the scheme on a longer term basis.

Any Other Material Planning Considerations

Conclusion & Recommendation

A concern raised by this development is the availability and likely usage of parking to access the kiosk proposed. A temporary consent would allow for the opportunity to assess the likely traffic and parking impact, before a permanent decision is made on this scheme.

The recommendation is therefore to permit temporary consent, subject to planning considerations.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	12th December 2023	Dated:	19 th December 2023