



Delegated Report

Variation of Condition Application

Planning Application No: 20240277

Location: DEHA Mortgages 66 - 68 Singlewell Road Gravesend Kent

Description: Application for variation of condition 6 attached to planning permission reference number 20200131 for works to refurbish and subdivide the existing ground floor A1 Unit, to form part Change of Use to A5 (Hot Food Takeaway) and remaining unit to A1/A2 accommodation including changes to the existing shop front and hard standing. To allow; opening of the premises between 08:00 to 21:00 Monday to Sunday.

Applicant: Mr Turan Karalas

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form; and
Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210452	_REVISED_ Installation of cycle parking and electric charging point.	Permission	23.03.2021
20200131	Works to refurbish and subdivide the existing ground floor A1 Unit, to form part Change of Use to A5 (Hot Food Takeaway) and remaining unit to A1/A2 Accommodation including changes to the existing shop front and hard standing.	Permission	06.05.2020

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- S7 – Policy for Hot Food Shops and Restaurants and other A3 uses

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 7 – Ensuring the vitality of town centres
- Section 9 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006).

Consultations, Publicity and Representations

Consultees

GBC – Environmental Protection

There is no objection to this application. Having checked our records, we have not received any complaints regarding the operation of this premises.

Neighbouring properties

Twelve surrounding properties were consulted with an overall expiry date of 24th April 2024. Two letters of support were received and one letter for objection making the following summarised comments:

- Fumes
- Additional Traffic
- Congestion
- More People
- Residential Area

Officer's Analysis

The application site consists of an existing commercial unit located on the corner of Singlewell Road and Cross Lane East and forms part of a small parade of shops and other commercial units. The area is characterised by a mix of residential and commercial. Immediately to the north is Trokes News (newsagents), further along the parade of shops is a hairdressers, a hairdressers, an off licence and an autocentre.

Planning permission was granted under reference number 20200131 for 'Works to refurbish and subdivide the existing ground floor A1 Unit, to form part Change of Use to A5 (Hot Food Takeaway) and remaining unit to A1/A2 Accommodation including changes to the existing shop front and hard standing' on 6th May 2020 and which was subject to a number of conditions.

This current application seeks to vary condition 6 to allow a change of the opening hours to 08:00 - 21:00 on any day.

Condition 6 states:

The A5 use hereby permitted, including any associated deliveries to the premises shall be restricted to between the hours of 08:00 and 18:30 daily. There shall be no deliveries to customers from the premises in association with this use at any time nor any collection of food to take away outside of these stated hours and all on site activity shall cease 60 minutes after closing to customers.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with saved Policy S7 of the Gravesham Local Plan First Review 1994 and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

It is only matters relating to condition 6 which can be considered in the assessment of this application and no others.

Design, Character and Appearance

The application site is located within a Local Centre. The proposed change of operating hours will result in no external changes to the building and therefore there would be no impact in terms of character and appearance. In respect of this, the proposal is therefore compliant with Policy (LPCS).

Neighbouring Amenity

When the original planning application was submitted, there was not considered to be any significant impact from the proposal in respect of neighbouring amenity. It was stated in the Delegated Report that there were no objections or concerns were expressed by Regulatory Services at the impact on nearby residential properties in terms of noise and disturbance.

The appeals Inspector when assessing the amenity impact on a previous refusal (ref. 20180121) concluded that;

“However, as the opening hours would be limited to no later than 2200 hours in the evening I am satisfied that any extra noise resulting from the appeal proposal would not cause undue levels of harm to the living conditions of occupiers of nearby dwellings.

However, I am satisfied that through the imposition of rigorous planning conditions and adequate enforcement unacceptable levels of odours can be adequately mitigated.”

In this application the applicant is seeking to close the premises two and a half hours later to 21:00 instead of 18:30. There is no change proposed to the hours of opening. It is considered reasonable that the premises would want to close later than it currently does and would be in line with similar uses of commercial properties in the area, such as the adjacent newsagents which closes at 21:30, the Lime Minimart which closes at 23:00 and Single Well Food & Wine which closes at 22:30. Overall, it is considered that the closing of the premises at 21:30 instead of 18:30 would not cause any undue impact on the neighbouring premises. In respect of neighbouring amenity the proposal is therefore considered compliant with Policy CS19 (LPCS).

Parking and Highways

In the original application (ref. 20200131) the Highways Officer raised no objections and welcomed the use of bollards to car and vans driving over the footway. The proposal was therefore deemed to be acceptable in respect of parking and highway safety terms. In this case the proposal to open the premises two and a half hours later from 18:30 to 21:00 would also not lead to any undue impact. In respect of parking and highways the proposal is therefore considered compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposal to extend the operating hours will not result in any undue harm in terms of character or appearance, amenity of neighbouring properties or parking or highway safety and as such this proposal is therefore compliant with local and national planning policy.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	21 st May 2024	Dated:	21st May 2024