



Delegated Report

Full Planning Application

Planning Application No: 20231136

Location: 67A High Street Northfleet Gravesend Kent

Description: Change of use from Class E (Office) to Class Sui Generis (Hot Food Takeaway)

Applicant: Mr Prela Lir

Site Visit Date: 16.11.2023

Submitted Documents/Plans

- Application Form
- Site Location Map
- Drawing No: 005 Rev B (Existing Block Plan)
- Drawing No: 006 Rev B (Proposed Block Plan)
- Drawing No: 007 Rev B (Proposed Floor Plan)
- Drawing No: 008 Rev B (Boundary Plan)
- Drawing No: 010 Rev B (Refuse Storage Plan)
- Drawing No: 003 Rev B (Existing Floor Plan and Elevations and OS Map)
- Drawing No: 009 Rev A (Existing Floor and Roof Plan)
- Drawing No: 011 Rev A (Proposed Elevations)

Relevant Planning History

Reference	Description	Outcome	Decision Date
20210609	REISED DESCRIPTION _Amendment to the original approved planning application 20190506 to extend the dormer on the second floor.	Permitted	02.07.2021
20190506	Change of use from Class C4 (4 bedroom) HMO to sui generis (7 bedroom) HMO incorporating alterations to roof to form new second floor.	Permitted	04.11.2019
20090534	Conversion of rear part of ground floor and first floor into two, one bedroom self contained flats with a shop/office at ground floor level.	Permitted	24.08.2009

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 - Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- TC2 – Listed Buildings
- P3 – Vehicle Parking Standards
- S7 – 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 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 9 – Promoting Health and safe communities
- Section 12 – Achieving well designed and beautiful places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- The Setting of Heritage Assets by Historic England (2017)

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

GBC Waste and Recycling

"I have reviewed this planning application and I am happy with the refuse and recycling storage provision.

It is good to see that the storage for the commercial and domestic properties is separate.

It will be the responsibility of the business owner to ensure that a suitable contractor is procured to collect the waste from the commercial waste."

Environmental Protection Team

Very little information has been submitted with this application. No indication is given as to the type of cuisine or cooking associated with the takeaway has been given and the plans do not show any form of kitchen extract system or the location of any flue. A full kitchen extract system will be needed and the location of the equipment and external flue will need to be considered so as to avoid any disturbance through noise and odours to nearby and adjoining residential premises.

It would appear that there is a flat above 67A and also the adjoining property looks residential. In this respect this also needs to be considered too in terms of the sound insulation of the internal shared partitions to ensure

that occupants of the flats are not disturbed by noise from the use.

The following conditions are recommended:

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

Code of Practice on Construction and Demolition: *Please apply as appropriate.*

Internal noise:

Prior to the use commencing, 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 wall partitions, 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 use.

GBC Highways Officer

I find this application slightly misleading and confusing. The site on the application form is described as 67 – 77 High Street Northfleet and not 67A.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	
Address Line 1	
Address Line 2	
Address Line 3	
Town/city	
Postcode	

67A is currently part of this wider site and serves as offices and waiting area for the businesses on site, a car wash and tyres. Therefore, the property benefits from a parking area on the remainder of the site, which is at odds with the planning application.

Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- ☐ Yes
☒ No

Planning Portal Reference: PP-12586933



Google Street View November 2022 showing the site being part of the wider complex.

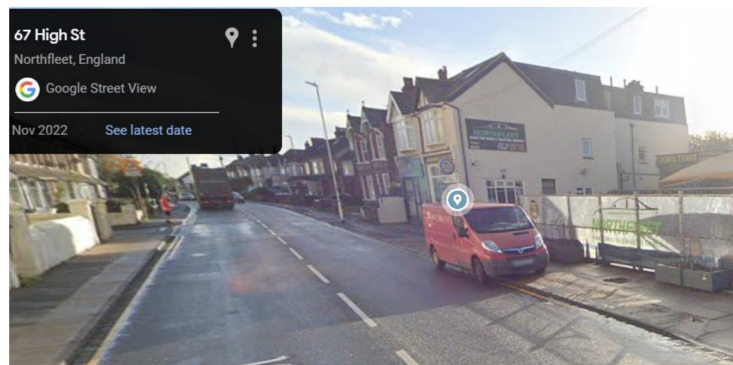
The only thing that identifies 67A as the application site is the red line drawing.

Parking is always an issue with takeaways, given the transient nature of the business, the risk of anyone being fined is minimal for the time it takes to order and/or collect a takeaway. Therefore, without alternative parking being provided, depending on the nature of the takeaway, frequent on street car parking can be

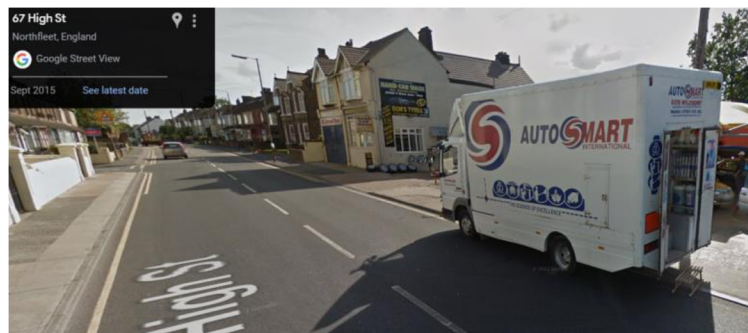
expected, particularly if the occupant offers a home delivery service by one of the common operators of such services.

Whilst the High Street may be less busy since the opening of Thames Way (I have no supporting information one way or the other) It is a more convenient route between Swanscombe and Gravesend than Thames Way due to their being less junctions.

It would be inappropriate to permit this development without suitable parking provision. Particularly when any customer may park on the footway to the detriment of pedestrian traffic.



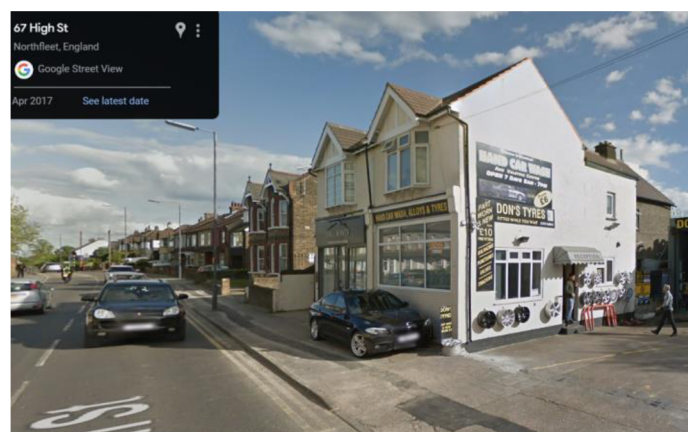
Google Street View November 2022



Google Street View September 2015

Drivers only tend to park on the footway when the carriageway is busy or there is a perceived risk of a collision

It also has been noted that forecourt parking has been practised in an area, where Kent County Council would not permit an access.



Google Street View April 2017

Therefore, as pedestrian safety and free passage could be compromised, I would recommend refusal of the application, unless off street parking can be provided. Kent County Council's draft guidance Movement & Connectivity Parking Standards part of the Kent Design Guide suggests that 11 spaces would be appropriate, one space for every 8m² plus 1 space for every two staff, with no discount for the existing use as this is provided by the extended site within the blue line of the submitted drawing.

Neighbouring properties

The application was advertised by way of site notice and letters to 5 surrounding properties. The consultation period expired on 17.06.2024 and no comments were received.

Officer's Analysis

Procedural Matters

It is noted that the description of the proposal refers to the previous use classes of which some are now obsolete. The takeaway would now fall under Use Class A5 (Hot Food Takeaway).

Proposal

The application site is currently vacant and was a former office, the proposal seeks to convert it to a hot food takeaway which is proposing to increase its opening hours to allow trading on Sundays and Bank holidays. The proposed opening hours/days are:

- Monday – Friday 12:00-20:00
- Saturdays - 12:00-22:00
- Sundays/Bank Holidays - 12:00-22:00

Under the original planning consent granted under 20090534 Condition 3 as approved stated the following:

3 The ground floor commercial premises hereby approved shall only operate between 0730 hours and 1800 hours on Monday to Saturday inclusive, and at no times on Sundays or Public Holidays

3 & 4 In order to protect residential amenity

Design and Impact on Listed Building(s)

The NPPF 2023 also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 203). This is echoed in Policy CS20 of the Core Strategy 2014, which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets out that for development involving affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building. Proposals must be sympathetic in terms of their massing, scale, appearance and materials.

The application site is situated opposite The Portland Club which is a Grade II listed building. The proposed development is not considered to detrimentally impact the setting of a listed building as it will not result in any meaningful changes to the external building. The proposal is therefore compliant with Policy CS20 of the Core Strategy 2014, Saved Policy TC2 of the Local Plan 1994 and section 16 of the National Planning Policy Framework 2023.

Design, Character and Appearance

The application property is situated adjacent to Northfleet Car wash and a tyre fitting company which is all within the same ownership, it forms part of a three storey building which comprises residential units to the

first and second floors and the ground floor is part residential to the rear and commercial to the front. The previous use of the building was that of an office however it has now stood empty for some time.

The proposed change of use is similar to other properties located in Northfleet high Street, which is home to several hot food takeaways, it is also within close proximity of The Hill which has a well-established parade of shops that includes similar businesses with similar opening hours.

The site adjacent to the car wash is an American diner which is situated further along, this diner is not open on bank holidays and closes slightly earlier and is a dine in restaurant with some home delivery options.

It is considered that the change to the takeaways opening hours would not have a detrimental impact on the surrounding area as there are a number of other similar businesses within the vicinity. Furthermore the proposal would offer a lease of life to the vacant premises and provide better use.

There will be some seating to the front of the takeaway, but this is unlikely to result in any meaningful impact to the surroundings.

The proposal therefore accords with Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The application site is within proximity of a dine in restaurant and adjacent to a busy car wash which has several vehicles visiting daily. Domino's Pizza is on The Hill and has opening hours which comprise Mon - Fri 11:00 - 23:00, Saturday 11:00 - 23:00, Sunday 11:00 - 23:00. and so, it is evident that an amendment to condition 3 of planning application 20090534 would bring the current businesses' opening hours in line with similar eateries in the vicinity albeit with shorter opening hours compared to the surrounding businesses which are open for longer hours.

With regard to impact arising from noise and odour nuisance the applicant has not provided any additional information, as per the comments of the EPU the appropriate conditions will be imposed to ensure the relevant reports are submitted and approved by the council before any works can commence on site.

The proposal is considered acceptable and compliant with Policy CS19 of the Core Strategy 2014.

Parking and Highways

The original comments from the highways officer raised concerns regarding the absence of onsite parking, however the applicant has addressed this by way of providing a number of motorcycle spaces. It is considered that the proposal will have no additional impact on the highway.

Refuse

The applicant has demonstrated adequate refuse storage needs to meet the needs of the development.

Conclusion & Recommendation

The application has been fully considered and it is considered that the change of use and subsequent extended opening hours are acceptable.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
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Signed:		Signed:	
Dated:	26.06.2024	Dated:	2 nd July 2024