

Delegated Report

Application for Variation of Condition

Planning Application No: 20250367

Location: 44 High Street Gravesend Kent DA11 0AY

Description: Application for variation of condition 6 attached to planning permission reference number 20240080 for change of use from sui generis public house to sui generis takeaway; to allow change of opening times to 08:30 - 22:00 on Monday to Friday, 08:30 - 23:00 on Saturdays, and 09:00 - 22:00 on Sundays and Bank Holidays.

Applicant: Mr Abdulalim Khan

Submitted Documents/Plans

Application Form Dated 11 April 2025;
Drawing no. 001 Revision A (Site Location Plan and Block Plans)
Decision Notice for 20240080;
Decision Notice for 20240777; and
Photo of front elevation.

Previously approved documents and plans (from 20240080)

Covering Letter;
Application form;
Drawing no. 001 Rev. A - Block Plan, Location Plan;
Drawing no. 003 Rev. A - Proposed Elevations, Existing Elevations;
Drawing no. 002 Rev. A - Existing Floor Plan, Proposed Ground Floor Plan; and
Heritage Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240777	Application for the approval of conditions 3 A (i)(ii)(iii)(iv)(v)(vi), 4 A (i)(ii)(iii), and 5 attached to planning permission reference number 20240080 relating to the details of (3)(a) Cooking odour/fume control, (4)(a) Noise survey, and (5) Details and finish and colour of external elements of extraction system.	Approval of details	28.11.2024
20240457	Application for variation of condition 2 attached to planning permission reference number 20240080 for change of use from sui generis public house to sui generis takeaway; to allow a change to the position of the proposed extractor.	Application Refused	16.07.2024
20240080	Change of use from sui generis public house to sui generis takeaway.	Permitted	28.03.2024

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 Hierarchy of Centres
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas

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.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Design for Gravesham – Design Code (2024)
- High Street & Queen Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

The proposed hours represent a significant increase in the hours that the premises will be open. Monday to Friday, its an additional 6 hours each day, Saturdays it's an additional 5 hours and on Sundays/Bank Holidays it's an additional 4 hours. I have concerns that this will give rise to an increase in noise levels associated with the premises which could lead to disturbance to the residents living in various flats around the premises. Whilst I would be amenable to a slight change in hours to allow the applicant to grow their business, I would consider the hours applied for to be excessive in this location.

Perhaps the applicant would like to re-think the hours and put forward an amended schedule of hours.

Neighbouring properties

18 surrounding properties were consulted, as well as a notice displayed on site and in the paper. The overall consultation date expired on 23.05.2025 and no responses have been received.

Officer's Analysis

The application site consists of the ground floor of no. 44 High Street which is a three storey building on the western side of the High Street. The premises has a lawful use as a public house at ground floor level but is currently vacant and the upper floors are in use as three flats.

Planning permission was granted under reference 20240080 to change the use of the public house to a takeaway.

This application is to vary condition 6 of 20240080 relating to the opening areas, changing them from;

The hot food takeaway hereby permitted shall only operate between the hours of 12:00 - 22:00 Monday - Friday; 12:00 - 23:00 on Saturdays and 12:00 - 22:00 on Sundays and Bank Holidays. No works or ancillary operations associated with this use shall be audible at the site boundary, outside of these stated hours.

To the following;

08:30 - 22:00 on Monday to Friday, 08:30 - 23:00 on Saturdays, and 09:00 - 22:00 on Sundays and Bank Holidays.

The application originally asked for longer hours than stated above, but these were considered too excessive due to the residential premises surrounding the site, and so have been scaled back accordingly.

For the avoidance of doubt, this application will only assess any impact from the change of opening hours and not the full change of use from a public house to a takeaway, as this has already been established. The relevant conditions from the 20240080 application will be carried across to this decision, unless they have already been discharged.

Design, Character and Appearance

The proposed amendment to the opening hours will not have an impact on the design, character and appearance of the premises and therefore does not need reassessing as part of this application.

Neighbouring Amenity

The impact on neighbouring amenity was a key consideration of the original change of use application given the residential use on the upper floors of both the application site, and of nearby buildings too. The introduction of a takeaway at the application site had the potential to cause adverse odour and noise/disturbance impacts to the occupiers of any surrounding residential properties from cooking/odour extraction activities and customer visits/activities.

The amenity concerns regarding noise and odour were addressed previously, and considered acceptable subject to conditions 3, 4 and 5 of 20240080. Parts A of conditions 3 and 4 have been discharged, along with condition 5. The second parts of conditions 3 and 4 (parts B) will be re-attached to this decision.

In terms of customer visits, this was controlled by condition 6 as outlined earlier in the report. This application is varying the condition to allow the premises to open for longer hours. After negotiations the

following hours have been agreed, and the condition will be amended accordingly;

08:30 - 22:00 on Monday to Friday, 08:30 - 23:00 on Saturdays, and 09:00 - 22:00 on Sundays and Bank Holidays.

This will cause a comparatively minimal impact on neighbour amenity, give the town centre location of the site.

Overall, it is considered that subject to conditions the proposed development would have no significant adverse impacts on the residential amenity of any surrounding neighbouring premises and in respect of neighbouring amenity the proposal would be compliant with Policy CS19 (LPCS).

Parking and Highways

The proposed amendment will not have any greater impact on parking or highways.

Conclusion

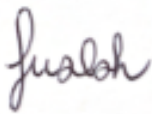
The proposed variation to condition 6 of 20240080 to allow longer opening hours is considered acceptable in terms of neighbour amenity and can be accepted.

The following conditions will be reattached to this current approval;

1. Standard time limit (from date of original approval);
2. Approved drawings/details;
3. Part B of odour control condition;
4. Part B of noise control condition;
5. Opening hours (previously condition 6); and
6. External lighting

Recommendation

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Faye Walsh	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	1st September 2025	Dated:	2nd September 2025