



Delegated Report

Full Planning Application

Application No:	20211264
Location:	Bootys Hair And Beauty 6 The Bay Vigo Gravesend
Description:	Change of use of a Beauty Salon (Sui Generis) to a Pizza Takeaway (Sui Generis).
Applicant:	Sblended Aquascorp Ltd
Site Visit:	22/12/2021

Procedural Issues

The description of this application is incorrect. The unit known as 'Booty's Hair and Beauty' has been in use as both a Hairdresser (Class E) and a Beautician (Sui Generis), therefore the description should include both uses as shown in the revised Use Class Order 2020.

Submitted Documents/Plans

Application Form - dated 08/10/2021
Planning Statement - dated 08/10/2021;
Supplementary Information - Ventilation Specification;
Drawing no. 1 - Site Location Plan (scale - 1:1250);
Drawing no. 2 - Block Plan (scale - 1:500);
Drawing no. 3 - Rev. 1 - Existing and Proposed Floor Plans;
Drawing no. 4 - Rev. 1 - Elevations.

Relevant Planning History

No relevant planning history.

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
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- T1 - Impact of Development on the Highway Network
- 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 12 - Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020;
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

External Consultees

Vigo Parish Council - Vigo Parish Council do not have any objections to this proposal but note that the proposed hours of opening are 16:00 to 00:00 (weekdays) and 12:00 to 00:00 (weekends and bank holidays). This is not in line with the trading hours for the other two takeaways in The Bay, and as such we would ask that the hours of opening are amended.

We would ask that the Pizza Takeaway closes at 11pm (weekdays, weekends and bank holidays), to reflect and mirror the closing time of the other takeaways in The Bay.

We trust this is in order, but please do not hesitate to contact us if you wish to discuss further.

KCC - Heritage - The site lies within an area of multi-period archaeological potential, however, I consider it unlikely that the proposed works will have a significant archaeological impact and have no further comments to make in this case.

Internal Consultees

GBC - Environmental Protection Team (Regulatory Services) - The following to be considered:

Code of Practice - Please apply

Lighting - Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Odour/Fumes - We are also concerned about the potential for a nuisance to be caused by the odour arising from the proposed use. In order to be satisfied that it would be unlikely to cause a nuisance, details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions should be submitted to and approved, in writing by the Local Planning Authority, prior to determination or commencement. The approved scheme shall then be installed prior to operation in accordance with the approved details.

Noise - Before the development hereby permitted is first brought into use, a post installation BS4142:2014

assessment shall be carried out and submitted to the Local Planning Authority for approval, for the approved extraction system, to demonstrate impact on the nearest Noise Sensitive Receptors. Any works identified as required to ensure the rating noise is at least 5dB below the LA90 background noise shall be carried out prior to the first commercial use of the extraction system.

This service would also expect the gas fired pizza oven to be installed instead of a wood burner oven as advised in the Specification & Defra Report. This is because a wood burner oven could have a detrimental smoke impact on the local amenity/nearby receptors and it is therefore recommended that this be conditioned.

GBC - Commercial Team (Regulatory Services) - 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.

Food Safety Comments - I am unable to fully comment on the structure of the kitchen as the plans do not provide me with a detailed layout. Further detailed plans are therefore required.

It is a requirement under Article 6(2) of Regulation 852/2004 that food business operators must register their establishments with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. Registration is via the Gravesham Borough Council website www.gravesham.gov.uk/food-safety

The applicant must ensure that the kitchen fully complies with current food safety legislation to the satisfaction of the Regulatory Services Manager. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

All internal structures to the kitchen must be impervious, non-absorbent and washable i.e. easy to clean and maintain in a clean condition.

Any floor drains must be fitted with a close-fitting grill which is easy to clean.

The kitchen should be pest proofed as far as possible i.e. gaps and holes to external doors, windows, pipes and drains etc. must be filled or covered with a solid, durable material in order to minimise pest entry points in to food preparation and storage areas.

Lavatories must not lead directly into rooms in which food is handled, stored or prepared. There should be an intervening ventilated space between toilets and food rooms. Food should not be stored in that space.

The provision and location of sinks and wash hand basins is an important consideration in the design and planning of a kitchen. A minimum of 1 wash hand basin and a separate double sink unit must be installed.

A dishwasher is also recommended.

The layout and scale of the business operation is such that mechanical ventilation, with a balanced air intake and appropriate extract system, maybe required. This will need to achieve a minimum of 30 air changes per hour and a maximum ambient temperature of 25C within the working kitchen. I recommend that you contact a specialist contractor in this regard.

For further advice on starting a food business, please visit the FSA website
<https://www.food.gov.uk/business-guidance>

Neighbouring properties

Nineteen surrounding properties were consulted and three representations were received. The representations all registered objection to the proposal, for the following reasons:

- Excessive Takeaways within Vigo
- Another takeaway is not needed - Indian and Pizza/Kebab shop within Vigo
- Located next to a pub and restaurant
- Turning shopping centre into a food court
- Lack of community cohesion

The consultation period expired 3rd November 2021.

Officer's Analysis

Site Description

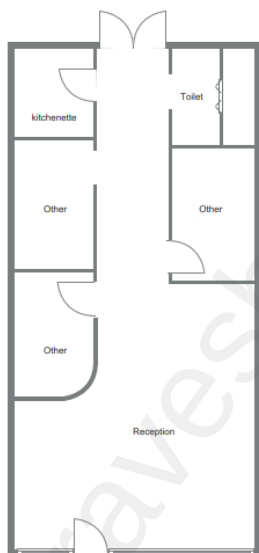
The site is located within the Vigo village centre. The established use of the site is a hairdressers and beauty salon - 'Booty's Hair and Beauty'.



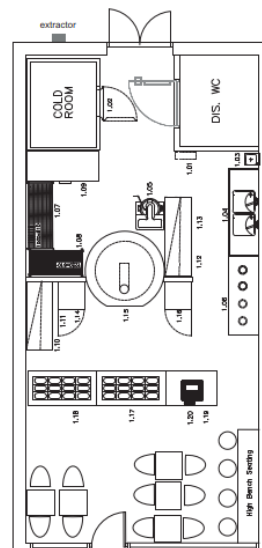
The Proposal

This application proposes a change of use for the commercial unit from a hairdresser (Class E) / beauty salon (Sui Generis) to a hot food pizza takeaway (Sui Generis). The development would involve internal alterations that include the removal of internal walls, installation of a pizza oven and other preparation surfaces. The existing toilet will remain at the rear and a new cold room will be installed.

Existing Floor Plan



Proposed Floor Plan



The pizza takeaway will have the following opening hours:

	Opening Hours
Monday - Friday	16:00 - 00:00
Saturday - Sunday (incl. Bank Holidays)	12:00 - 00:00

The Planning Statement highlights that these opening hours have been selected to ensure that the business is not open during typical school opening hours, and that they reflect the opening times of other Sui Generis hot food takeaways in the local centre.

Principle of the Development

The site is located within the urban area in the Gravesham Local Plan Core Strategy Policies Map and is defined in the Town Centre Retail Frontages and Village Centre Retail Centres Background Paper Appendices April 2018 as a local centre of 'Westcourt Parade'.

The description of the parade in this document is:

A compact centre serving Vigo Village, comprised of 7 shop units, with The Villager public house and Vigo Village Hall immediately adjacent. Provides good range of services to local area. Car park to rear of shops included in boundary. Designate as Village Centre.

In Gravesham's Local Plan Core Strategy (LPCS) (2014), Policy CS08 (Retail, Leisure and the Hierarchy of Centres) safeguards the retail character and function of existing and new centres by resisting development that would adversely affect vitality and viability, and ensures that the loss of shops within local centres is resisted in order to maintain the role of local shopping. As such it is important to maintain a core of local shops and contain any spread beyond the confines of the local shopping centres.

The table below demonstrate the existing mix of units within the Vigo village centre. The assessment includes 'The Villager Pub' as this is directly adjacent to the centre.

Survey of Units in Village Centre			
Address	Name	Use	Use Class
1 The Bay	Vigo Grill	Hot food takeaway	Sui Generis
2 The Bay	Glam Squad	Hairdresser/Beautician	E / Sui Generis
3 - 4 The Bay	Londis	Newsagent, post office, general store	E
5 The Bay	Vigo Tandoori	Hot food takeaway	Sui Generis
6 The Bay	Booty's Hair and Beauty	Hairdresser/Beautician	E / Sui Generis
7 The Bay	Vigo Pharmacy	Chemist	E
8 The Bay	Krystle Flower Design	Florist	E
Public House	The Villager	Pub and Restaurant	Sui Generis

The introduction of another restaurant/takeaway establishment (Sui Generis) could be considered to undermine the function of the local centre and have an adverse effect the vitality of the Local Centre.

Saved policy S7 (Hot Food Shops and Restaurants and other A3 units) of the Gravesham Local Plan First Review (LPFR) (1994) states that such uses should not cluster with other similar uses to create a dead frontage.

There are currently two existing hot food shops within the village centre and a pub/restaurant adjacent to the shops. Considering that the centre is small, it would be difficult to sustain an argument that the provision of another hot food shop would not have an adverse effect on the retail character and function of the parade.

Given the shop unit is currently vacant, it might suggest a difficulty in establishing a viable use for the unit. In addition, the Florist (8 The Bay) is seemingly vacant. Therefore, an argument may be made that an occupied unit, notwithstanding its use, is more preferable than a vacant unit. However, it is important to

balance the oversaturation of uses against vacancies.

The opening hours of the proposed takeaway mean that the unit will be closed for the majority of the day. This, along with the other takeaways (Sui Generis), will result in a dead frontage and unoccupied centre throughout the day. A number of neighbouring properties registered objection to this proposal on the ground of clustering uses and viability of the centre.

The Planning Statement argues that the existing hairdressing usage is not viable, considering no. 2 The Bay (Glam Squad) is a hairdresser/beautician. Whilst the Local Planning Authority acknowledge this point, the unit could be changed to create more viability and variety within the village centre.

On balance it is considered that the proposed use would be contrary to local policy by clustering similar uses within a small village centre. This would have an adverse effect on the retail function of the parade, its viability and variety, as well as creating a dead frontage for the majority of the day. As such, the proposal is contrary to Policy CS08 (LPCS) and saved policy S7 (LPFR).

Design, Character and Appearance

The change of use does not involve any significant alterations to the exterior of the building. In this respect, it is considered there will be no harmful impact on the street scene or character of the area.

Note: - this application is for a change of use and does not propose or relate to any advertisement on the unit. If permission were to be granted a separate application for advertisement would be required by planning condition.

Impact on Neighbouring Amenity

Policy CS19 (LPCS) requires new development to be located, designed and constructed to safeguard the amenity, including privacy, of its occupants and those of neighbouring properties and land and avoid adverse impacts from pollution, including noise, air, odour and light pollution.

Saved policy S7 (Hot Food Shops and Restaurants and other A3 units) of the Gravesham Local Plan First Review states that such uses should not have a detrimental effect on the amenity of any nearby residential accommodation. The application site is not located close to any surrounding residential properties, with the nearest dwelling 70m (approx.) to the east.

The Council's environmental health officers have not objected to the application; however register concerns regarding noise and odours, while noting that no noise assessment was submitted in support of the application. However, these matters could be secured by condition.

It is therefore considered that the development would not harm local amenity and is in accordance with Policy CS19 (Development and Design Principles) (LPCS), saved policy S7 (LPFR) and Section 12 (NPPF).

Lastly, a number of objections have been received from several neighbouring properties in the local area and particularly in relation to oversaturation of hot food takeaways within the village centre. This has been debated in the 'Principle of Development' section above.

Parking and Highways

There is not considered to be a detrimental impact on the parking provisions around the local centre as a result on this application. The Vigo village centre has numerous parking areas around the shopping parade. In addition, the takeaway service is not considered to result in considerable demand for spaces that would detrimentally impact on provision.

Any Other Material Planning Considerations

Impact on the Landscape - the application site is located with the rural settlement inset from the Green Belt, but is within the Vigo Scarptop Woodlands Landscape Character Area. This area is characterised by a relatively level topography, large areas of uninterrupted dense native coppice woodland and a complex network of uniform housing located within woodland to the North West. The views are limited due to dense housing and woodland.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The proposed change of use will not impact on the Vigo Scarptop Woodlands Landscape Character Area. The site is located within an established village centre and is located within the rural settlement.

Conclusion and Balancing Exercise

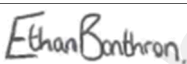
The application has been fully considered and it is contrary to local and national planning policy.

The proposed change of use to a hot food takeaway will cluster similar uses within the Vigo village centre to the detriment of variety, retail function and create a dead frontage for the majority of the day. On balance, the clustering of uses in a small shopping centre is considered to outweigh the harm of a vacant unit, whereby an alternative use could increase the viability and vitality of the centre. As such, the development is contrary to Policy CS08 (LPCS) and saved policy S7 (LPFR).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	22 nd December 2021	Dated:	22 December 2021