



Delegated Report

Planning Application

Planning Application No: 20241108

Location: Former 141B Central Avenue Gravesend Kent DA12 5BH

Description: Application for variation of condition ii (Hours of Business) attached to planning permission reference number GB/88/1154 for change of use from chiropodist osteopath surgery to shop; to hours of business from 06.00 until 23.00 hours every day of the year.

Applicant: Mr Balamurali Kamelenthiran

Site Visit Date: 23/01/25

Submitted Documents/Plans

Application Form
RBD1 – Plans and Elevations as Existing and Proposed
Flood Risk Assessment
Design and Access Statement
Covering Letter

Relevant Planning History

Reference	Description	Decision	Decision Date
20080613	Erection of a two storey detached, three bedroom dwelling with two car parking spaces at the front and vehicular access on to Kings Drive.	Permitted	09.09.2008
19900384	Installation of new shopfront.	Permitted	06.07.1990
19881154	Change of use from chiropodist osteopath surgery to shop	Permitted	07.03.1989
19860462	Change of use of drawing office to consulting rooms for a chiropodist and osteopath	Permitted	21.07.1986
19790958	Change of use from a shop to a drawing office at unit 3	Permitted	31.12.1979
19770958	Application incorporating listed building consent to demolish north side single storey extension for the erection of a two storey extension at the side to form garage with store over	Permitted	15.02.1978

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy Employment and Skills

- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received

GBC Environmental Protection

There is no objection to this application. Having checked our records, there haven't been any complaints associated with the existing/current operating hours of the shop.

GBC Licensing

I can confirm that the application to vary their licensing hours was granted on 13 December 2024. The licence shows that they can sell alcohol: Monday to Sunday 6am to 11pm.

KCC Highways

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Neighbouring properties

6no. surrounding properties were consulted and the final date to submit comments ended on 09.01.25. 3 comments were received from members of the public. All objecting to the proposal.

Summary of objections:

- This shop is surrounded by residences and there is an existing issue with people congregating outside the shop and undertaking anti-social behaviours which would be exacerbated by the

additional hour.

- Noise associated with the shop including people congregating and cars already disrupts people particularly at night.
- Internal changes have made the shop dangerous, including blocking the fire escape of the adjoining flat, boxes and bottles stacked along the aisles, and a dirty and unkempt appearance with a hazardous ramp replacing the steps.
- The shop has expanded outside with vegetables, newspapers, fedex, and clothing collection points, which encourages fly tipping.
- The ground at the side is used for dumping.
- The shop frontage is unsightly and impacts the character of the area.
- Parking is dangerous as customers park over the busy crossroad impacting others driver's vision.

Officer Note:

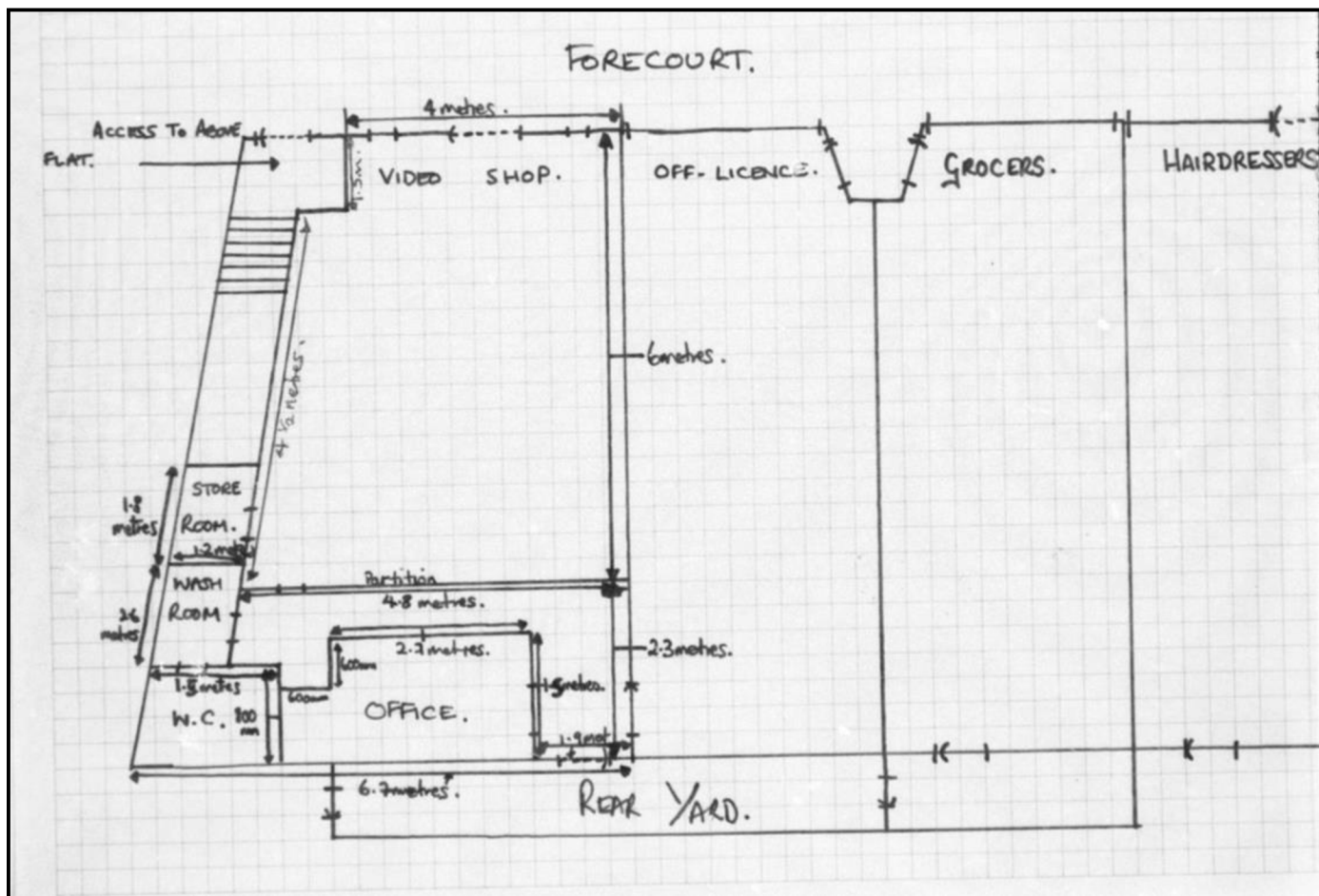
This assessment can only consider material impacts relating to change of hours as proposed by this application. Other matters raised by residents, relating to existing issues such as health and safety matters etc., would be more appropriately reported to the Environmental Health department at Gravesham Borough Council. Details on how to do this can be found at the following link:

[Environmental Health – Gravesham Borough Council](#)

Officer's Analysis

Site Context

The planning history of the site is important to establish. The site known as 141B refers to part of the now established convenience shop. However, it was previously a chiropodist, and the convenience store was situated next to it, with a smaller site. As the site now forms a singular unit, the planning histories are become intertwined. In 1988, planning approval was given for the change of use of the chiropodist to a video shop. The below snipped block plan from planning approval 19881154, details the relevant areas and the uses of the buildings along the row at the time.



The below google map image taken in October 2008 shows that although the shop no longer appears to have been for sale of videos, it was still a separate unit from the adjoining shop.



The below Google map image captured in August 2009 shows that it was still a separate unit at this time:



By 2012, the unit has been absorbed into the neighbouring unit as per the below July 2012 image:



The site visit took place on 23/01/25 The image below was taken at the time.



Principle of Development

This application seeks to amend condition ii of planning approval 198801154 (GB/88/1154). The approval was for 'Change of use from chiropodist osteopath surgery to shop'. Condition ii of that approval is:

(ii) No business use of the premises shall take place between the hours of 10.00p.m. of any day and 9.00a.m. the following day.

The proposed change is to allow opening of the shop between 6:00am and 11:00pm every day. Essentially, this would allow the shop to open 3 hours earlier and 1 hour later, than as approved.

The Design and Access Statement details that the shop has been trading under the following hours:

Monday to Thursday 06:00 to 22:00 hrs
Friday 06:00 to 23:00 hrs
Saturday 07:00 to 23:00 hrs
Sunday 07:00 to 22:00 hrs

It is stated that the applicant was not aware of the planning restriction on hours of use, and this became apparent, when recently seeking to amend premises license hours for sale of alcohol for consumption off the premises.

GBC Licensing were consulted and confirmed that licensing hours for sale of alcohol were amended to be 6am to 11pm Monday to Sunday, on 13th December 2024.

However, the website for this shop details the opening hours as follows:

Central Stores, Best-one

Open · Closes 22:00

Store Info

Central Stores, Best-one
141 Central Avenue
Gravesend DA12 5BH
GB

01474 537506

[Get Directions](#)

Opening Hours

Wednesday	07:00 - 22:00
Thursday	07:00 - 22:00
Friday	07:00 - 22:00
Saturday	07:00 - 22:00
Sunday	07:00 - 21:00
Monday	07:00 - 22:00
Tuesday	07:00 - 22:00



As this application seeks to vary a condition, only the material planning impacts of the change, should be considered by this assessment. These matters are:

- Neighbouring Amenity
- Parking and Highways

Neighbouring Amenity

This shop is located in a residential area. And so, the change of hours proposed could have an impact on neighbours. In particular, there is potential impact in terms of noise. It is noted that it appears at the very least that the shop has been operating between 07am to 10pm which exceeds the approved hours of 9am to 10pm by 2 hours earlier in the morning. Comments received from members of the public have raised concerns regarding noise. However, the Environmental Protection Team have commented and confirmed that they have received no objection in relation to noise on this site.

This retail unit is the only of the three units left as the hair salon no longer exists. Therefore, there are no other units in the row for comparable operating hours. There is a nearby row of shops along Kitchener Avenue, which forms part of a local centre, unlike the unit to which this application relates. The Kings Farm Mini Mart appears to operate hours between 6am and 9pm. However other units along the row have more condensed hours. The alternative hours proposed between 6am and 11pm are longer than other nearby shops. However, there are limited other retail units nearby for comparison. Given that extended hours have been in operation and no complaints have been received and that the hours would exclude the main period at night, the extended hours are considered unlikely to significantly exacerbate any noise issues. It is only an additional hour in the evening which is not significantly different.

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

The proposed change of hours, could result in issues related to traffic and parking. However, it is evident that the existing site attracts vehicles. The question at hand is how will the increased hours effect the traffic and parking issues which appear to be evident based on the site visit and neighbouring comments to that effect.

It is evident based on the committee report for 19851154, that traffic issues were a key consideration, when allowing the change of use of this site from a chiropodist to a shop. In that assessment the office also makes the following observations:

'In 1985, an application for the continues use of the premises as an office without complying with condition

(ii) of the above-mentioned planning permission, was refused and a subsequent appeal dismissed. The following extract from the appeal decision appears to infer that a use which attracts short-stay vehicles would be acceptable in this locality.

“It is clear from the representations that any non-residential use of no’s 139-143 will result in an attraction of vehicles to the premises. These vehicles may belong to visitors of the shops or offices, delivery and service vehicles, or vehicles belonging to occupants of the premises. However, such vehicles will tend to stay only a short time or to be present during the hours of business. It is also inevitable that such vehicles will park outside adjoining houses at certain times of day in the absence of parking restriction in the area.”

As is evident, the shop use of the site has been considered acceptable in terms of traffic generation previously. It was assessed that vehicles would likely park for a short time only and be present only during hours of business. This would still be the case with increased hours. Whilst there are undoubtedly parking issues in the area, the increased hours of operation would not likely generate significant traffic numbers, and it may result in spreading the vehicle movements out throughout the increased hours of operation, rather than a heavier traffic flow during the approved condensed hours. In terms of concerns raised regarding hazardous parking, there are available spaces to park within the street and nearby streets. Should individuals choose to park hazardedly as shown in the latest image of the site, at the front of the shop, on the pavement, this is not a matter to be considered at this application, as this is an existing issue. Such matters would be more appropriately addressed via parking enforcement measures, from the appropriate highway authority.

As highlighted before, the changes to the opening hours are quite minor and so their impact is unlikely to materially alter the current arrangement or operation of the site.

In respect of parking and highways the proposal is therefore considered compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Conclusion & Recommendation

The proposal to extend the opening hours will not result in any exacerbating harm in terms of amenity of neighbouring properties or parking or highway safety and as such this proposal is therefore compliant with local and national planning policy. The opening hours would be consistent with the approved License for Sale of Alcohol.

Conditions

Condition (i) related to the time limit for the permission to be begun. As this has clearly expired, this condition shall not be reinstated. Condition (ii) is the only remaining condition which should be updated to refer to the new hours of operation as follows:

(ii) No business use of the premises shall take place between the hours of 11.00p.m. of any day and 6.00a.m. the following day.

Reason: In the interests of amenity.

The following informative will also be attached:

1. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the

Development Plan for the area.

2. DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3. EXTENT OF THE PERMISSION

For the avoidance of doubt this permission has been granted under section 73 of the Town and Country Planning Act 1990 to vary condition (ii) and amend the permission relating to the notification of grant of planning permission reference 19881154 dated 7th March 1989.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	30 th January 2025	Dated:	31 January 2025