

Delegated Report

Planning Application

Planning Application No: 20250190

Location: 29 The Hill Northfleet Gravesend Kent

Description: Change of use of building to a premises producing and selling cakes and baked goods and non-alcoholic drinks including external alterations in respect of windows and doors.

Applicant: Mr Lee Martin

Site Visit Date: 28 April 2025

Submitted Documents/Plans

- Application form;
- Drawing no. PL03 - Site Location Map, Existing and Proposed Block Plan;
- Drawing no. PL02 – Proposed Floor Plans and Elevations;
- Drawing no. PL01 – Existing Floor Plans and Elevations;
- Heritage Statement;
- Design & Access Statement; and
- Detailed information on proposed use.

Relevant Planning History

Reference	Description	Decision	Decision Date
20040378	Change of use of premises to a residential dwelling.	Refused	16.08.2004
19910703	Change of use from workshop to garage and taxi office and erection of antenna aerial on the front elevation.	Refused	04.12.1991
19880074	Renewal of planning permission GR/86/910 for use of premises for sale of motor accessories and electrical repairs to car parts.	Refused	06.04.1988
19860910	Renewal of planning permission GR 83 552 for use of premises for sale of motor accessories and electrical repairs to car parts	Permitted	02.02.1987
19830552	Renewal of planning permission GR 83 4 for use of premises for sale of motor accessories and electrical repairs to car parts	Permitted	05.09.1983
19830004	Use of premises for sale of motor accessories and electrical repairs to car parts	Permitted	31.01.1983
19820098	Use of premises for vehicle restoration and retail of accessories	Permitted	07.04.1982
19810589	The use of premises as a repair workshop	Granted	06.07.1981
19760811	Erection of a single storey extension at side to provide additional storage accommodation	Permitted	01.12.1976

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
- CS11 - Transport
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- 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.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)
- The Hill, Northfleet Conservation Area Character Appraisal

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The Council has a statutory duty under 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects the settling of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection – 01/07/2025 (first comment)

The D & A refers to 'producing and selling baked goods'. As such a kitchen extract system is likely to be needed. Due to the premises location, which is not close to any residential, this can be addressed by way of a pre-commencement condition regarding odour and noise control. 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

GBC Environmental Protection – 24/07/2025 (second comment)

Thanks for the updated information. It's appreciated that bakeries are generally low in terms of odour and grease, particularly if no savoury products are made. An appropriate level of filtration and extraction will however still be required. The system the Building Control officer has approved, will not take into consideration factors that we look at – for example odour/fumes in terms of nuisance and also whether the mechanical ventilation has a balanced air intake and appropriate extract system to achieve a minimum of 30 air changes per hour and a maximum ambient temperature of 25C within the working kitchen. The latter is a requirement of food safety legislation.

The applicant is advised to look at the EMAQ/DEFRA guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2022) and follow the odour risk assessment. Bakeries as such are not listed so I'd advise using the criteria for Tea Shops. They should also take advice from a specialist kitchen extract/commercial extract contractor/company.

Looking again at the location and recommended conditions, they are probably a bit onerous for this location and scale of business, so I would propose the following condition for odour control and I'm ok to waive the requirement for a noise impact assessment as there is no residential close by – particularly at the side/rear where any flue/extract is likely to be located.

EXTRACTION/TREATMENT OF FUMES/ODOURS

Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ Publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2022. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is noted, however, that the application title includes 'Illuminated shop signage'. Please note the maximum value of luminance must not exceed the maximum permitted values for the relevant zone given in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The zones and their corresponding maximum level of luminance are detailed below:

Size of Advert/Sign - Up to 10m²:

- * Zone E0 (Protected; dark) - 0 cdm-2
- * Zone E1 (Natural; intrinsically dark) – 100 cdm-2
- * Zone E2 (Rural; low district brightness) – 400 cdm-2
- * Zone E3 (Suburban; Medium district brightness) – 600 cdm-2
- * Zone E4 (Urban; High district brightness) – 600 cdm-2

Size of Advert/Sign - Over 10m²:

- * Zone E0 (Protected; dark) - 0 cdm-2
- * Zone E1 (Natural; intrinsically dark) – n/a
- * Zone E2 (Rural; low district brightness) – 200 cdm-2

- * Zone E3 (Suburban; Medium district brightness) – 300 cdm-2
- * Zone E4 (Urban; High district brightness) – 300 cdm-2

All measurements are in Candelas per metre squared.

Kent Police

1. CCTV is advised for all areas, especially at entry points, till areas, and other areas with limited natural surveillance or storage areas containing high-value equipment. Please ensure the CCTV supports the lighting plan.
2. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
3. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation, and locks) including folding or sliding to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
4. Windows on the ground floor to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
5. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the Institution of Lighting Professionals), particularly where a lighting condition is imposed, to help avoid conflict and light pollution.
6. Access control. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.
7. Parking - Where unavoidable, the car parking area must be covered by natural surveillance from an "active" window e.g. reception and sufficient lighting. In addition, we recommend CCTV and appropriate signage for visitor bays to avoid conflict and misuse.
8. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can become a climbing aid or even an arson hazard.
9. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.

Neighbouring properties

2 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 25 June 2025 – no responses received.

Officer's Analysis

The application site consists of a single storey detached building situated on the northern side of The Hill.

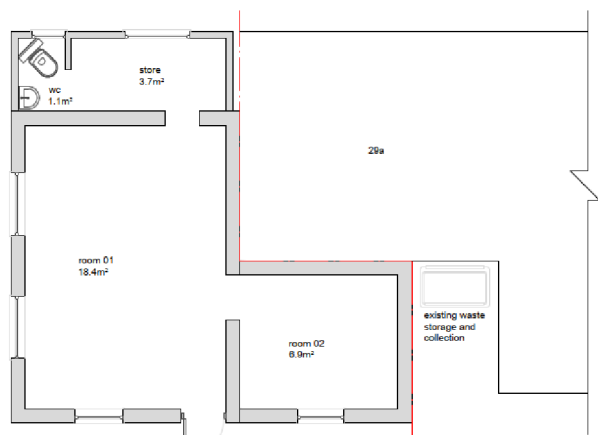
As originally submitted the proposal was for 'Internal and external alterations, front elevation illuminated shop signage to existing redundant office building and change of use to form a shop producing and selling baked goods and non-alcoholic drinks Use Class E(b)'.

As the use would not be for consumption of food and drink (mostly) on the premises, as there is only three seats in the entrance area for any customers to sit and eat and drink, the agent was advised that the description would need to be amended to remove the use class E(b) element. Also the elements about illuminated signage as that would need Advertisement Consent not planning permission. The agent was therefore advised that the description would need to be amended to 'Change of use of building to a premises producing and selling cakes and baked goods and non-alcoholic drinks including external alterations in respect of windows and doors' instead.

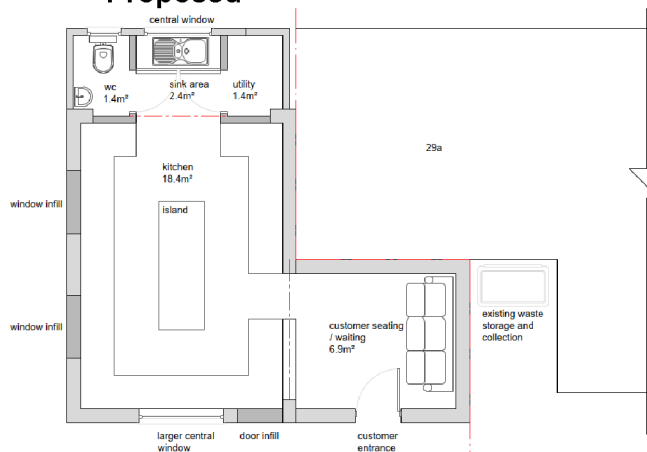
It is stated in the Design & Access Statement that this shall be a traditional coffee shop. It is said that the majority of sales will be for take-out and there will be a small seating/waiting area at the front. The opening hours will be Monday – Friday 08:00 – 16:00 and weekends and Bank Holidays 10:00 – 13:00. There are some external alterations proposed which are changing the two front windows into a larger window and an entrance door in the front elevation and infilling the two windows in the west flank elevation.

The existing and proposed floor plans are as follows:

Existing

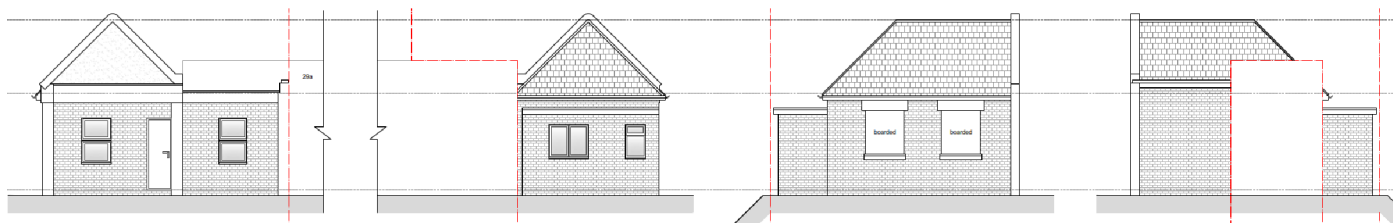


Proposed

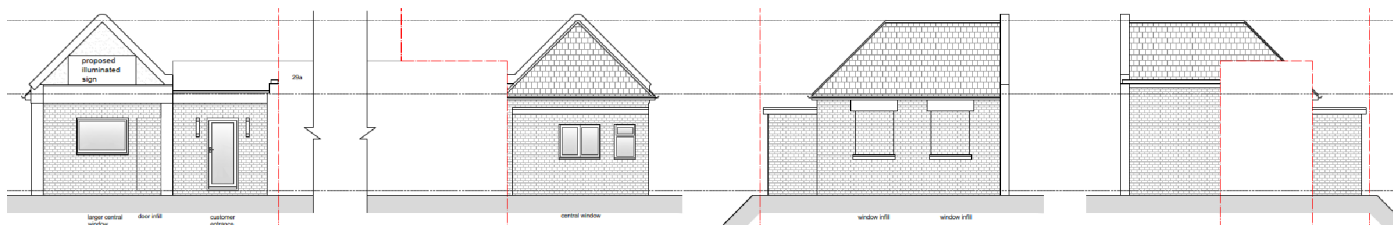


The existing and proposed elevations are as follows:

Existing



Proposed



The principle considerations in the assessment of this application are:

- Principle
- Design, Character and Appearance
- Neighbouring Amenity
- Parking and Highway Safety

Principle of change of use

It is stated in the submission that the existing use of the building is an office. From looking at the planning history there is no record of planning permission being granted for the change of use of the building to an office. It appears the last known lawful use of the building granted was the sale of motor accessories and electrical repairs to car parts. Subsequent applications for change of use to a taxi office and then a residential dwelling were refused planning permission. It is stated in the submission that the office use finished 7 years ago and the building has been empty since then.

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS) which prioritises development in the urban area.

Policy CS07 (LPCS) states:

Development resulting in the loss of B class employment floorspace will not be supported unless otherwise allowed for by policies set out in the Core Strategy or where:

- the proposal will deliver at least an equivalent number of new jobs on- site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or*
- the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5);*
- the existing premises have an unacceptable environmental impact on the area within which they are situated and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.*

In respect of the above criteria of Policy CS07 (LPCS) the following assessment is made.

With regards the first criteria, the proposal would not deliver at least an equivalent number of new jobs on site or elsewhere within the Borough. The existing number of employees is said to be four and the proposed number of employees would be one.

With regards the second criteria, the applicant has not submitted any marketing exercise in accordance with Appendix 5 (LPCS) (Marketing Requirements in relation to loss of existing B (now E(g)(i)) Class employment premises, sites or commercial wharves) to demonstrate that the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and that there is no demand for them.

With regards the third criteria it cannot be said that the existing premises has an unacceptable environmental impact on the area.

Whilst ordinarily the proposal would be contrary to Policy CS07 (LPCS), given that there is no record of planning permission being granted for change of use to an office or any Lawful Development Certificate, there is no evidence that the office use is lawful. It is therefore considered that to refuse the application on a loss of office use would not be acceptable in this case.

The property has been empty for seven years and the proposed use would be bring this empty building back into use.

On balance it is therefore considered that the change of use from office to a shop producing and selling baked goods and non-alcoholic drinks Use Class E(b) would be acceptable. It is considered that the loss of office use on this occasion can be justified and the proposal would not be contrary to Policy CS07 (LPCS).

Design, Character, Appearance and Heritage

There are some external alterations proposed in the front and west flank elevations. In the west front elevation, the left most window would be changed from a window of vertical proportions to a window of horizontal proportions. The front door would be removed. The right most window would be replaced by a new front door to the premises. In the north flank elevation the two existing windows would be infilled. The building is modern and the fenestration changes are considered fairly minor and would not have an overall harmful impact on the character of appearance of the host building or streetscene. As such the proposal would also preserve the character and appearance of The Hill Conservation Area. As such, the proposal in respect of design, character, appearance and heritage is considered compliant with Policies CS19 and (LPCS).

Neighbouring Amenity

As submitted, it was stated that the use would be a traditional coffee selling baked food items and drinks (non-alcoholic) with the majority of sales for take-out but with a small seating/waiting area at the front with three seats. It had been stated that the proposal was for change of use to form a shop producing and selling baked goods and non-alcoholic drinks Use Class E(b). However, that use class is for consumption (mostly) on the premises which this would not as there would only be a small waiting area with three seats shown on the proposed floor plan and the majority of sales would be for takeout.

It was considered that insufficient information had been submitted to enable a full assessment of the proposed use and the agent was asked to provide exact detail on how the proposed use would operate and this was provided by the applicant. In summary the use would be:

- A small, independent cake and baked goods business, offering both made-to-order cakes and a daily selection of sweet and savoury items;
- Will be the production of celebration cakes and cheesecakes for pre-order (birthdays, weddings, events) and preparation of a daily selection of baked goods for walk-in customers (e.g. cupcakes, brownies, cookies, pastries). There will also be the serving of hot and cold drinks, including tea, coffee, hot chocolate, iced coffee, and bottled/canned drinks;
- Customers may walk in and purchase items directly from a display cabinet, collect pre-ordered cakes, sit and enjoy their food and drinks at the small internal seating area;
- All food will be prepared and baked on-site, a kitchen extraction system will be installed to manage odours and ventilation from baking and food preparation and a noise impact assessment will be conducted to ensure any extraction equipment complies with environmental standards and does not disturb neighbouring properties.

GBC Environmental Protection (EP) stated in their original comments that a kitchen extract system is likely needed due to the production and selling of baked goods and that given that residential properties are not particularly close, this can be dealt with by way of pre-commencement conditions with regards both odour and noise control. The agent was asked to amend the description of the proposal to remove the reference to Class E(b) as the proposed use would not be for consumption mostly on the premises and whether they agreed to the pre-commencement conditions requested by GBC EP.

The agent responded to advise that such a complex ventilation system is not needed and that a much simpler system has been agreed by the Building Control officer and so did not agree to the pre-commencement conditions on the ventilation scheme or noise scheme for it. The case officer went back to GBC EP to advise of this and provide the detail of the proposed use which had been provided. GBC EP advised that although bakeries are generally low in terms of odour and grease, particularly if no savoury products are made, an appropriate level of filtration and extraction will however still be required. They advised that the system the Building Control officer has approved, will not take into consideration factors that they look at – for example odour/fumes in terms of nuisance and also whether the mechanical ventilation has a balanced air intake and appropriate extract system to achieve a minimum of 30 air changes per hour and a maximum ambient temperature of 25C within the working kitchen (a requirement of food safety legislation).

GBC Environmental Protection advised that the applicant is advised to look at the EMAQ/DEFRA guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2022) and follow the odour risk

assessment. Bakeries as such are not listed so they advise using the criteria for Tea Shops and that the applicant should also take advice from a specialist kitchen extract/commercial extract contractor/company. They advise that on looking again at the location and the recommended conditions, they are probably a bit onerous for this location and scale of business, so they propose using a new condition for odour control and they are ok to waive the requirement for a noise impact assessment as there is no residential close by – particularly at the side/rear where any flue/extract is likely to be located.

Subject to the condition as requested by GBC Environmental Protection regarding a scheme and maintenance schedule for the extraction and treatment of fumes and odours (which is a much simpler condition than previously requested), then proposal would protect the amenity of neighbouring properties and surrounding area with regards odour. The proposed hours of use of Monday-Friday 08:00 – 16:00 would also need to be conditioned should permission be forthcoming. Subject to these conditions, the proposal in respect of neighbouring amenity would be compliant with Policy CS19 (LPCS).

Parking and Highways

The proposed use would be for baking and selling of cakes which people could collect or call in. The site has no off-street parking provision. Kent Highways have been consulted on the proposal and advise that it does not meet the criteria to warrant involvement from the Highway Authority. There is a public car park in very close proximity to the east, it is considered therefore that there would be sufficient parking provision for visitors so as not to cause any danger in respect of highway safety. There is a bus stop outside the premises therefore vehicles would not be able to indiscriminately park outside the premises in any case. Overall it is considered the proposal in respect of parking and highway safety would be compliant with Policy CS11 (LPCS).

Any Other Material Planning Considerations

Waste – The refuse storage would be the same as existing – in the same location with one large bin to the right of the building. This is considered acceptable and in respect of refuse storage the proposal is considered compliant with Policy CS19 (LPCS).

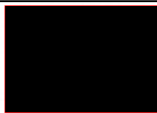
Conclusion

The proposal is acceptable in respect of principle, design, character, appearance and heritage, neighbouring amenity (subject to conditions) and parking and highway safety. As such the proposal subject to conditions is compliant with local and national planning policy.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	01/08/2025	Dated:	06 August 2025