

Reference: 21/02116/FUL	Site: Balkan Bites 206 London Road Grays Essex RM17 5YP
Ward: Grays Riverside	Proposal: Change of use from Sui Generis (Launderette) to use class E(b) (sale of food and drink for consumption on the premises)

Plan Number(s):		
Reference	Name	Received
1368_02 P3	Ground Floor Plan, Elevations, Block Plan and Location Plan as Proposed.	13 December 2021
1368_04 P2	Ground Floor Plan, Elevations, Block Plan and Location Plan as Existing	13 December 2021

The application is also accompanied by:

- Transport Statement (Dated 21 January 2022)
- Application Form

Applicant: Mr Sabah Sokolaj	Validated: 13 December 2021 Date of expiry: 21 March 2022 (Extension of Time Agreed)
Recommendation: Refuse	

This application is scheduled for determination by the Council’s Planning Committee because it has been Called in by Councillors Huelin, Jefferies, Onoaji, Spillman and Thandi. (in accordance with Part 3 (b) 2.1 (d) of the Council’s constitution) because *“there is a petition of approx 600 local Grays residents that would like to see this approved due to it being an empty shop for 6+ years. It is our understanding that there has been an independent highway review and residents are keen to attend and be able to speak on behalf of the application.”*

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for the change of use of the building from the existing lawful use as a launderette to a restaurant. The

applicant's submissions indicate that the intention is for food and drink to be consumed on the premises. The applicant's submissions state that the premises would be open between 10:00 and 22:00 on weekdays and between 08:00 and 22:00 at weekends and on bank holidays.

- 1.2 Three car parking spaces, four cycle parking spaces and a refuse store are proposed at the rear of the site.

2.0 SITE DESCRIPTION

2.1 The application site is located at the junction of London Road and Castle Road within the settlement of Grays. The site features an end-terrace building that was formerly used as a launderette at ground floor. A forecourt at the front of the building features a raised and enclosed platform has recently been built and retrospectively granted planning permission. At the rear of the building is a recently built single storey extension and a service area.

2.2 The adjacent premises of 204 London Road was most recently used as a hairdressers. All other properties within the immediate vicinity of the site are in residential use, but there are intermittent commercial properties, such as the property as application site, within the residential area of London Road.

2.3 The site is located within Flood Zone 3. However, as the application relates to a change of use only, it is not necessary for a Flood Risk Assessment to have been submitted and flood risk need not be considered in any further detail.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
21/00896/FUL	Change of use from Sui Generis (Launderette) to E1 (b) cafe restaurant and single storey rear extension.	Withdrawn
21/00895/FUL	Retrospective planning application for decking area to front of 204+206 and single storey rear extension for 206 London Road.	Approved
21/00369/FUL	Change of use from Sui Generis (Launderette) to E1 (b). (Cafe & restaurant) Single storey rear extension.	Withdrawn
20/01619/FUL	Change of use from Sui Generis (Launderette) to use class E(b) (sale of food and drink for consumption (mostly)	Refused

	on the premises) and single storey rear extension.	
03/01065/FUL	Change of use from laundrette to A3 (hot food takeaway)	Refused and Appeal Dismissed.

3.2 As application 20/01619/FUL is the only recent application that has been determined that related to the use of the premises, it is considered relevant that that application was refused for the following reasons:

1. Policy PMD1 of the Core Strategy states that development will not be permitted where it would have an unacceptable impact on the amenity of neighbouring occupiers.

Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

The proposal would introduce a restaurant/café within a predominantly residential area, which would lead to unacceptable effects to amenity. The hours of operation would make the site busier in the evenings and later at night. The proposal would lead to increased noise, smells and number of visitors to the site at times in which residents would reasonably expect a lower level of activity. The proposal is contrary to Policies PMD1 and PMD2 of the Core Strategy.

2. Policy PMD2 of the Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Core Strategy requires all development to provide a sufficient level of parking.

Policy PMD9 of the Core Strategy ensures that proposals for development affecting highway will be considered in relation to the road network hierarchy and the function of each level of that hierarchy. The aim is to enhance the street scene and to mitigate adverse impacts on the transport system, which includes impacts on capacity, safety, air quality, and noise.

The proposal would provide deficient vehicle parking in an area already heavily oversubscribed for parking. Failure to provide adequate parking

provision within the site will result in vehicles being displaced on-street to the detriment of highway safety and efficiency.

The intensification of vehicles around the proposal would affect free and safe flow of traffic on London Road which is one of the main routes into Grays. As such, proposal would impact on road safety and pedestrian safety.

4.0 CONSULTATION AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters and a site notice.

Nine (9) representations have been received which object to the application on the following grounds:

- Inadequate parking available within the area to accommodate the proposal in addition to all existing land uses around the site.
- Parking will block emergency access.
- Vehicle movements will reduce highway safety.
- Noise pollution
- Odour from cooking equipment and extraction.
- Additional litter.
- Sale of alcohol would lead to additional disturbance, nuisance and anti-social behaviour.
- Out of character.
- Overlooking.
- Additional restaurants are not needed, particularly in a residential area, as Grays is well catered for in the Town Centre and throughout the area.
- Previous refusals at this site and 229 London Road should be repeated.
- Submitting repetitive applications might have caused a reduction of objections through apathy.
- Lack of emergency access to the flat above the premises.
- Many supporters are not local residents.

Thirty-nine (39) representations have been received which support the application on the following grounds:

- Much needed facility and community asset.
- Enabling the use of a vacant building
- The condition of the building and site has been improved.
- Future users of the building will ensure that there is no litter.
- Creation of jobs.
- There is enough car parking, especially as parking is available at the Morison's car park and other public car parks within Grays.
- Well located for local residents and for people to be able to walk to.
- Wheelchair access created under the terms of other permission.
- The cuisine would be different to all other food premises.
- Pleased that consultation has occurred with the applicant.
- The sale of alcohol would be to a limited extent.
- On-street parking, access and highway safety would be no worse than the existing situation.
- Most grounds of objection have been challenged.

A petition signed by 268 people has also been received in support.

Two representations have been received where it is indicated that they do not support the proposal, albeit their names appear on the petition that has been submitted. It has been clarified that they do not support the proposal and their objections have been included above.

THURROCK COUNCIL ENVIRONMENTAL HEALTH OFFICER:

- 4.3 No objection subject to a condition restricting construction hours.

THURROCK COUNCIL HIGHWAYS:

- 4.4 Recommend Refusal.

It is considered that the provision of 3 parking spaces does not meet the requirement for 15 parking spaces to be provided, based on the standard parking provision of 1 space per 5 square metres of restaurant floorspace.

There is likely to be an increase of vehicle movements which could cause conflict in an area that is over-subscribed in terms of on-street parking. On-street parking within the evenings as a result of the proposed use would

heighten the existing difficulties of parking in evenings when parking demand in the residential area is greatest.

The impact on road and pedestrian safety, the effect on the free flow of traffic and the effect of increased on-street parking would be contrary to Policy PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Although a takeaway facility is not proposed, if it were this would heighten the concerns that have been raised.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

6. Building a strong, competitive economy.
7. Ensuring the vitality of town centres;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
11. Making effective use of land;
12. Achieving well-designed places;

5.2 National Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design

- Determining a planning application
- Effective use of land
- Making an application
- Noise
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

5.3 Local Planning Policy Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

- OSDP1: (Promotion of Sustainable Growth and Regeneration in Thurrock).

Thematic Policies:

- CSTP8: Vitality and Viability of Existing Centres
- CSTP15: Transport in Greater Thurrock
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016, the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the development.
- II. Traffic Impact, Access and Car Parking
- III. Effect on Neighbouring Properties
- IV. Design and Layout and Impact upon the Area
- V. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 Policy CSTP8 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 states that the Council will maintain and promote the retail function of existing centres, going on to state that the Council will resist proposals for main town centre uses in out of centre locations and edge of town centre locations if sequentially preferable locations for that development are preferable. This approach is consistent with the NPPF.

6.3 The application would involve the provision of a main town centre use outside of the town centre and it has not been demonstrated that other sequentially preferable locations are not available. However, the proposal would replace an existing use that would also be expected to be located within a main town centre and, as such, the proposed change of use would not further undermine the objectives of promoting the vitality and viability of existing centres. This is particularly the case given the small size of the property and the nature of the use. It is noted that no objection was raised to the overall principle of the use previously and, subject to the matters of detail that are set out below, it is considered appropriate and reasonable to take the same stance in respect of this application.

II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.4 The Council's Highways Team have identified that the site is located within an area where there is significant levels of on-street parking and they have also noted that, whilst 3 parking spaces are proposed, this falls significantly short of that which would be expected of this type. In this regard, the Council's Draft Parking Standards set out that parking should be provided for uses of this type at a rate of 1 space per 5 square metres of floorspace and, therefore, 15 parking spaces should be provided.
- 6.5 The advice received is that the need for staff parking would lead to this parking provision being inadequate, particularly as the site is quite remote from any public car parks. Therefore, whilst it is noted that it has been demonstrated within the applicant's Transport Statement that the parking would be accessible, it would not be adequate. Furthermore, although the applicant and local residents have cited the presence of car parks within Grays Town Centre, they are at least 500 metres from the application site and, as such, are not likely to be regularly used by the staff and customers of the premises.
- 6.6 The Highways Team have stated that the potential increase in vehicle trips to the site is likely to cause conflict with the already over-subscribed on-street parking on London Road and surrounding roads and that this is likely to be further exacerbated by the proposed use operating into the evenings and at weekends, where traditionally and currently on-street parking would be used by local residents only. It is considered likely that the proposed use would lead to an increase in parking and traffic movements at this location and it has been suggested that this would be a concern, particularly as the site is located at the junction of Castle Road and London Road and as London Road is one of the main routes of the locality.
- 6.7 As set out above, the previous comparable application was refused on the grounds of parking provision and the effects on the highway and, whilst the applicant's Transport Statement has been reviewed, it does not address the concerns that have been raised consistently by the Highways Team. Even if takeaways or deliveries are prohibited under the terms of a condition, this would not overcome the concerns that have been raised.
- 6.8 Furthermore, whilst it is noted that the site is accessible on foot, by regular bus services and by bike, with cycle parking being provided, it is considered that this does not address the concerns that have been set out above.
- 6.9 Overall, it is considered that the inadequate parking provision and the intensified use of the roads around the site would affect the free and safe flow of traffic, to the detriment of highway and pedestrian safety. The proposal is,

therefore, unacceptable and contrary to Policies PMD2, PMD8 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.10 As set out above, the previous comparable application at this site was refused on the grounds that introducing a restaurant/café within a predominantly residential area would lead to unacceptable effects on residential amenity. It was deemed that the hours of operation would make the site busier in the evenings and later at night and the proposal would lead to increased noise, smells and number of visitors to the site at times in which residents would reasonably expect a lower level of activity.
- 6.11 In reaching that conclusion, it was identified that the proposal would result in a marked change in use and pattern of use and activity across the day. It was noted that a launderette would be likely to have a continuous level of activity across the day with a small number of customers at any one time and no significant peaks and troughs of activity. Conversely, a café / restaurant use would be busier over the lunch time period and markedly busy in the evenings and later into the night.
- 6.12 Accordingly, as the site is in a predominantly residential area and nearby residential occupiers would reasonably expect noise levels to be lower in the evening, the proposed use was deemed to be at odds with the local environment and incongruous within this predominantly residential area. It was also noted that the unit is not within a designated commercial/shopping area and would lead to unacceptable disturbance to nearby residential properties, most notably the residential flat directly above the unit and the nearby adjoining properties.
- 6.13 The applicant's submissions state that the premises would be open between 10:00 and 22:00 on weekdays and between 08:00 and 22:00 at weekends and on bank holidays. The only change to the hours of use in comparison to the previous application would be that the premises would now open later on weekdays. However, in respect of the evening opening times, the hours of use would remain as previously proposed and, as such, it is considered that it would remain the case that the premises would cause more activity in a largely residential area at times when residents would expect there to be less activity.
- 6.14 No details of the provision of cooking equipment and it is noted that the Environmental Health Team have raised no concerns in relation to the

proposal. As such, it is considered that it could be possible to impose a condition to require details of cooking equipment and odour escape prevention to be provided to address the concern that was raised before. However, even if this matter is resolved in that way, it is considered that the proposed use would still cause activity that would be likely to lead to disturbance to the detriment of the amenities of neighbouring residents.

6.15 Whilst it is noted that some commercial premises can change use to a restaurant or café use without needing planning permission, those rights are not applicable to premises that were formerly used as launderettes and, as such, do not provide a fallback position in this case.

6.16 For these reasons, it is considered that the effect of the development on the living conditions of nearby residents and the amenity of the local area would be unacceptable and contrary to Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

IV. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.17 Building operations have been approved at the site under the terms of another recent application and no further exterior works are proposed as part of this application. As such, no objections are raised in this regard. Whilst some interested parties have identified that these retrospectively approved works should be taken to represent a benefit of the proposal, as those works have already occurred and fall outside the scope of this application, it is not considered that they should carry weight in the assessment of the acceptability of the proposed use. Those works were considered in the context of the existing lawful use of the premises and there is no reason to conclude that the proposed use would be the only use that could bring about such benefits.

V. OTHER MATTERS

6.18 Some interested parties have identified that the proposed use would represent an asset to the local community and would meet a demand that is currently unmet. These factors are recognised and no objection is raised to the proposal in terms of its location outside a town centre, but there is no evidence base available that leads to a conclusion that this is the only location where this suggested need could be met. Furthermore, whilst it has been suggested that the proposed use would offer a cuisine that is not provided elsewhere in the local area, as the type of food sold cannot reasonably be the subject of a condition, this is not a factor that can be given any weight.

- 6.19 The vacant premises being put to use would be a benefit of the proposal but it is not considered that it has been demonstrated that the proposed use would be the only means of putting the building to use and, as such, this benefit does not outweigh the harm that has been identified above.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL/REFUSAL

- 7.1 The proposed development would create additional activity at the site and within the local area which would be likely to detract from the living conditions of the amenities of the area and also lead to the intensified use of the roads within the surrounding area and an increased demand for parking which would be unmet. The harm arising in both of these respects would outweigh the benefits of the proposal that have been identified by the applicant and some interested parties.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reasons:

- 1 The proposed development would, by virtue of the nature of the proposed use and the hours of opening, cause an increased level of activity at the site and within the vicinity of the site in a manner that would detract from the living conditions of local residents and the amenity of the area. The proposal is, therefore, unacceptable and contrary to Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.
- 2 The proposed development would, by virtue of the nature of the proposed use and the hours of opening, cause intensified vehicle movements and cause an increased demand for parking that would not be met at the site and within the local area. This would be likely to cause harm to pedestrian and road safety in a manner that is unacceptable and contrary to Policies PMD2, PMD8 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.

Positive and Proactive Statement

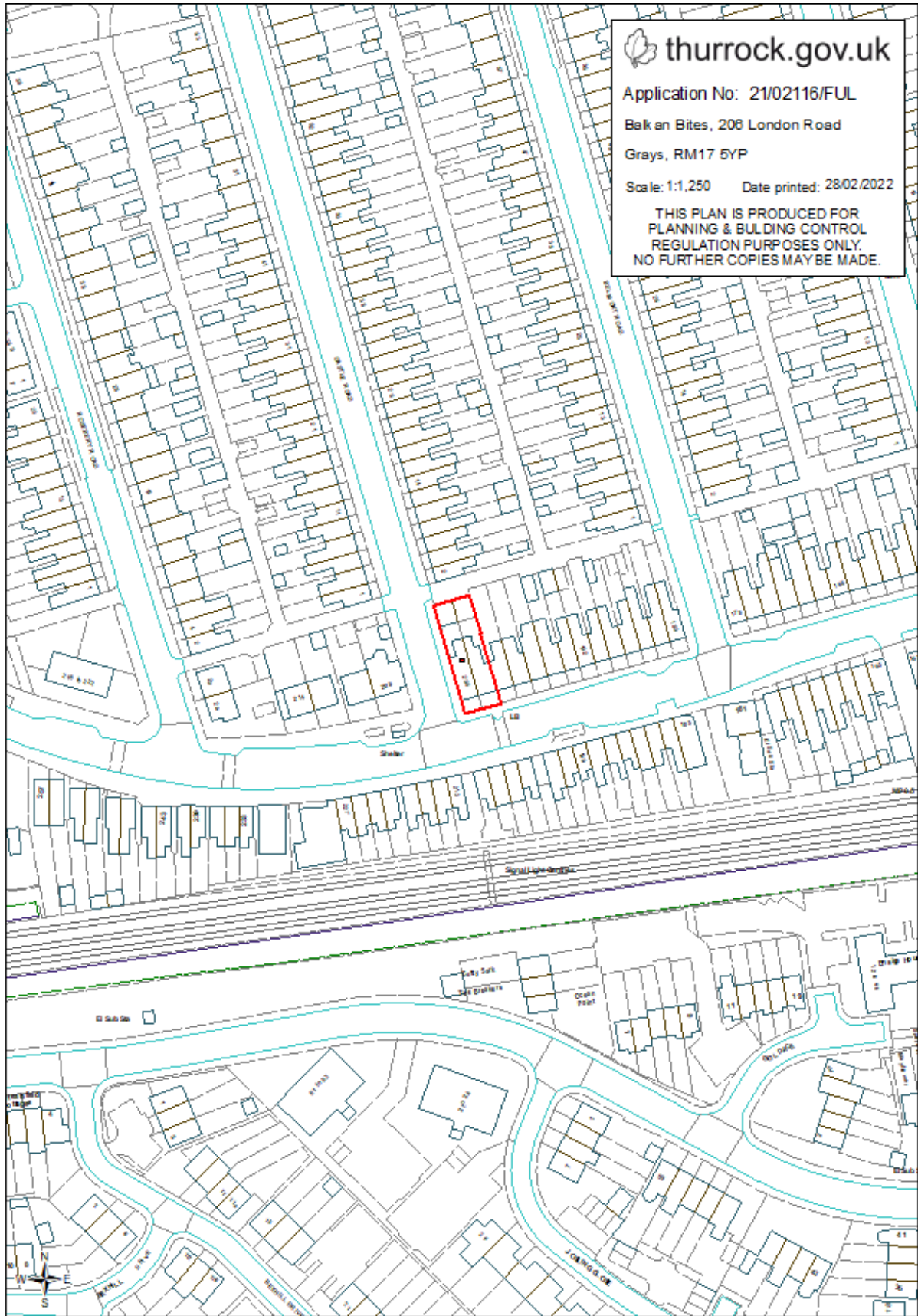
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the

reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<http://regs.thurrock.gov.uk/online-applications>



 thurrock.gov.uk

Application No: 21/02116/FUL

Bak an Bites, 206 London Road

Grays, RM17 5YP

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