

MC/13/3268

Date Received: 12 December, 2013

Location: 168 Delce Road, Rochester, ME1 2EP

Proposal: Change of use Class from A1 shop to use Class A3 and A5 cafe and takeaway

Applicant: Mr Singh

Agent: Mr Tony Hawkins Coteq LTD 187 Edwin Road Gillingham Kent ME8 OAH

Ward Rochester East

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 2 April, 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers A.03, A.04, A.01.1, A.02.1, A.02.2 all received on 12 December 2013 and Drawing Number A.02.3 received on 6 January 2014 and Drawing Number W450/4 Extract Fan Detail received 7 January 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of the development hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 5dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS 4142:1997. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The use hereby permitted shall only operate between the hours of 07:00 to 12:00 Mondays to Fridays inclusive and between the hours of 07:00 to 21:00 on Saturdays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Prior to the commencement of the development details of refuse disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be brought into use prior to the first operation of the use and shall thereafter be retained.

Reason: To provide satisfactory measures for refuse disposal in the interests of amenity and to comply with Policies BNE and BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the change of use from a shop (Class A1) to a café/takeaway (Class A3/5). The proposed floor plans show a seating area for up to 36 people. The opening hours of the proposed A3/A5 unit is 7:00 hours until 21:00 hours Monday to Saturday. It is also proposed that there will be two full time employees. Internally very few changes are proposed, with only cooking equipment and a serving counter being installed. Externally no proposed changes to the shop front will occur. The only external change proposed is the installation of an extractor flume.

Relevant Planning History

MC/03/0574	Construction of a 3-bedroomed self contained flat at first floor level Approved 14 July 2003
96/0550	Application for certificate of lawful development for the use of premises as retail shops (ground floor of 168 Delce Road and 4 Cossack Street) with ancillary workshop (2 and 3 Cossack Street) and 2 flats (first floor of 168 Delce Road and 4 Cossack Street) LDC granted 04 October 1996

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

11 letters have been received raising the following summarised planning objections:

- Too many takeaways on Delce Road.
- Another takeaway will create more potential traffic issues on Delce Road.
- The proposed change of use will result in more noise disturbances.

All other concerns raised are not considered to be material planning considerations.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle

The application site falls just outside of the Local shopping centre/neighbourhood shopping centre of Delce Road as defined by policy R10 of the Local Plan.

Policy R18 of the Medway Local Plan states that such uses will be permitted outside core retail areas provided certain criteria are met:

- No detrimental impact on neighbouring amenity.
- The concentration of other similar uses would not have environmental or highway safety impact.
- The hours are acceptable.
- There are suitable refuse storage facilities and
- The proposal is acceptable in terms of noise/general disturbance, means of extraction and parking.

Concentration

The proposal will result in a small cluster of cafes/takeaways forming at 168,166 Delce road as well as Delce Healthy Living Centre and 4 Cossack Street. However, the proposal has been considered in the wider context of The Delce as it stretches from 6 -166. Excluding the application site the use classes of Delce Road (even numbers) is as follows:

Use Class	Number of Units	% Of Delce Road
A1	13	35.14
A2	2	5.41
A4	1	2.70
A3/A5	7	18.92
C3	10	27.03
D1	2	5.41
Sui Generis	2	5.41
Total	37	100.00

This table includes the proposed changes of use at 84 and 106-108 The Delce. There is also 1 vacant unit. It demonstrates that while the proposal will result in a small cluster of cafes/takeaways, in the context of the wider area there is not considered to be an undue concentration of such uses which would cause either environmental or highway concerns.

Design

The application does not seek to alter the front elevation to Delce Road. The only external alteration is the provision of an extraction flume but full details have not been submitted. As a consequence an appropriate condition is recommended in order to protect the visual amenity of the area. Subject to this condition the proposal is acceptable in design terms and accords to policy BNE1 of the Local Plan.

Amenity

The proposal would not impinge upon outlook, sunlight, daylight and privacy amenities of neighbouring properties. In respect to the impact of fumes and odours, as stated above full details of the means of extraction have not been submitted and accordingly the above condition will also seek details to protect the residential amenity of the area and in particular those of the occupiers of the flat above.

The application form states that opening hours will be 07:00 - 17:00 Monday to Friday and 07:00 - 13:00 on Saturdays, however the applicant now proposed opening hours of 07:00 - 21:00 Monday to Saturday. It is considered that the proposed hours would be consistent as both retail and takeaway along the Delce, some of which have residential above and are accordingly acceptable.

No refuse details have been submitted with the application and accordingly an appropriate condition is recommended.

Subject to conditions with regards to details of the proposed fume, refuse and hours of operation it is considered that this application is acceptable in amenity terms and conforms to policy BNE2 of the Local Plan.

Highways

Medway Council's parking standard for a hot food takeaway (6 spaces) is comparable to that for the permitted use as A1 retail (5 spaces). There is short-stay parking for around 6 cars immediately opposite the site, with further parking for 8 cars a short distance beyond. The western side of the carriageway, including the junctions, has double yellow line restrictions to discourage indiscriminate parking and bollards are installed outside the site to prevent vehicles mounting the footway. For this reason, and taking into consideration the proximity of substantial residential areas that would generate pedestrian trips, it is considered that the proposed development will not compromise highway safety or the free-flow of traffic and therefore this application conforms to policy T1 of the Local Plan.

Conclusions and Reasons for Approval.

The principle of the proposed change of use as well as the general design and impacts on amenity are considered to be acceptable subject to the recommended conditions relating to hours of use, means of extraction and refuse. The proposed change of use conforms to Policies BNE1, BNE2, R18 and T1 of the Local Plan and is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>