

MC/13/3215

Date Received: 9 December, 2013

Location: 233 High Street, Rochester, ME1 1HQ

Proposal: Change of use from A1-shop to A4 -drinking establishment

Applicant: Mr S Hearn

Agent:

Ward River

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 19 February 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: MP.A1.1 as received on 9 December 2013.

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

- 3 The use hereby permitted shall only operate between the hours of 06:00 to 22:00 Mondays to Fridays inclusive, 11:00 to 23:00 on Saturdays and 12:00 to 22:00 on Sundays and Public Holidays.

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

- 4 No development shall commence until a scheme to minimize the transmission of noise from the use of the premises has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is first brought into use and shall thereafter be retained 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.

- 5 No amplified noise or sound shall take place at any time in connection with the use hereby permitted.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policies R18 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 planning application seeks permission for the change of use of no. 233 High Street Rochester from a shop (Class A1) to pub which falls under the Class A4 use. The business will open between 06:00 to 20:00 Mondays to Fridays inclusive, 11:00 to 23:00 on Saturdays and 12:00 to 22:00 on Sundays and Bank Holidays. The pub will employ 1 full time member staff and 2 part time staff members. It is not proposed to alter the shopfront, nor are there any external alterations to the rear of the building.

Relevant Planning History

MC/05/1204 Demolition of part single/part two storey rear extension to no. 233 and all buildings at no 235 and construction of 2 five storey blocks incorporating no.233 to facilitate the provision of 2 retail/office units (Classes B1/A2) and 44 self-contained apartments and construction of a detached 4/5 storey block to rear comprising 24 self-contained apartments with associated parking
Approved 24 November, 2005

Representations

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

The City of Rochester Society have raised objection to the development on the grounds that the development would result in a loss of retail floorspace and represents an inappropriate form of development.

A petition against the development of 44 signatures has been submitted with the following comments:

- The original permission did not identify the shop as a drinking establishment,
- The development adversely impact upon the residential amenity.

10 letters of objection have been received with the following comments:

- The development will result in noise, disturbance and anti-social,
- The development adversely impact upon the residential amenity,
- The proposed use will exacerbate current local highway issues and no parking is provided,
- The development would be more suited to the main part of Rochester High Street.

All other matters raised in correspondence which is not listed above are non material.

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. The Star Hill to Sun Pier Planning and Design Strategy is also relevant.

Planning Appraisal

Principle

The application site forms part of the Star Hill to Sun Pier Conservation Area and comprises a retail unit which was created during the construction of the Lyon Court development in 2008. This unlisted property has never been occupied, although the neighbouring unit, no. 231 High Street is currently in use as a retail unit (Class A1). The site is adjacent to Rochester train station, and this adds to the wider mixed character of the area which comprises residential, retail and restaurant uses. This site is located outside of the main town centre and has no retail designation in the Medway Local Plan 2003.

Policy R18 of the Medway Local Plan provides more specific advice on hot food and drink uses such as this proposed A4 use and it says 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.

The Star Hill to Sun Pier Planning and Design Strategy (adopted May 2004) encourages mixed uses within the Conservation Area, which is considered fundamental to the success of the Star Hill-Sun Pier Strategy area and the retention of its interesting and diverse character.

The proposed development brings a long vacant unit back into use and the

development is considered acceptable in principle and in principle accordance with Policy R18 of the Medway Local Plan 2003 and the Star Hill to Sun Pier Planning and Design Strategy.

Design

The application site forms part of the Star Hill to Sun Pier Conservation Area. Policy BNE12 advises that special attention should be paid to the preservation and enhancement of the character and appearance of Conservation Areas. The National Planning Policy Framework emphasise the importance of the historical environment and the need for development in Conservation Areas to preserve or enhance the character of the area. The proposal itself does not seek any external alterations and accordingly the development will not impinge upon the visual amenity of the street scene or wider Conservation Area. The retention of the ground floor front elevation is pleasing. Nevertheless, in the absence of any external alterations, the development complies with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

Amenity

The proposal would not impinge upon outlook, sunlight, daylight and privacy amenities of those neighbouring properties. The predominant concern raised in objections received is in respect of noise and disturbance to local residents. The proposed opening hours are considerate acceptable and the very nature of this small scale operation would not cause significant harm to residential amenity. No amplified music is proposed, and this will be controlled by condition. Furthermore, no air conditioning units are necessary to serve this use. Subject to control over hours of operation, no amplified music and no air condition units or extraction facilities, the scheme is considered acceptable under Policies BNE2 and R18 of the Medway Local Plan 2003.

Highways

The proposal is for a change of use to a pub. In terms of the highways impact of this proposal it is considered that the main issue will be the level of parking demand associated with the proposal and the potential impact this will have on nearby residential amenity and the impact, if any, on highway safety. The application suggests that no car parking will be provided on site. Public car parking is available within a short distance from the site. Double yellow line parking restrictions along the site frontage, and the gated entrance to Lyon Court will prevent over spill parking from the development. It is considered that the development will not compromise highway safety, the free-flow of traffic in the vicinity of the site or any impact on parking provision for existing residents in the area. No objection is raised with regard to Policies T1 or T13 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

In the light of the above the proposed change of use from retail (A1) to a pub (A4) meets the criteria for such a development outside of the main town centre, in accordance with Policy R18 of the Medway Local Plan 2003. It would not lead to an unacceptable impact upon neighbouring amenities through increased noise and

disturbance or highway safety hazards and therefore is in accordance with Policies BNE2, R18, T1, T2 or T13 of the Medway Local Plan 2003.

This application would normally fall to be considered under officers' delegated powers but has been reported for Committee determination due to the amount of representations which have been received contrary to this recommendation and at the request of Cllr Mackness who considers that the key determining issues in relation to this application in terms of amenity and parking should most properly be considered by the Planning Committee.

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>