

MC/14/0649

Date Received: 10 March, 2014

Location: Unit 5, Block T, Pier Road, Gillingham, Kent

Proposal: Change of use to mixed use restaurant/bar (Class A3/A4) and alterations to the rear elevation

Applicant: University of Kent

Agent: Mrs Andrews Porta Planning LLP 14-17 Wells Mews PO Box 7775 London W1A 3FP

Ward Gillingham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20 May 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: 3531/001, 002, 101, 111G, 150, 151, 152, 153, UO33/Site/21 rev B & OU33/PI16 Rev A received on 10 March 2014.

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

- 3 The use shall not commence until arrangements for the conduction and extraction of fumes have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be fully implemented prior to the first use of the building and shall thereafter be retained in operation and maintained for the duration of the use.

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 Prior to the commencement of the use hereby permitted, the sound insulation measures recommended in the Noise Assessment (Project Number: 4169) which forms part of the submitted application, shall be completed in full and thereafter maintained in accordance with the approved details for the duration of the development hereby permitted. No changes to

the approved scheme shall be made without the prior written approval of the Local Planning Authority.

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 The use hereby permitted shall only operate between the hours of 07:00 to 23:00 every day of the week, except when operating between the hours of 07:00 and 01:00 on no more than 50 days in each academic year. The Local Planning Authority shall be notified in writing in advance of those dates on which the use shall operate later than 23:00.

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

- 6 No servicing and deliveries to the unit shall take place outside the hours of 07:00 to 18:00 Mondays to Fridays inclusive and between the hours of 08:00 to 13:00 on Saturdays and shall not take place on Sundays and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 The refuse storage arrangements for the unit, shown on approved drawing no: OU33/P116 rev A shall be provided before the use hereby permitted is commenced and shall thereafter be retained for the duration of the development hereby permitted.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy 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 is for a change of use to mixed use restaurant/bar (Class A3/A4) and alterations to the rear elevation

The application relates to Unit 5 on the ground floor of Block T on the Berkeley Homes site, Pier Road, Gillingham. The unit is located in the middle of the building and is currently vacant, with Tesco Express to the front, a charity shop, Subway and Domino's Pizza to the rear. The upper floors are occupied as student accommodation and immediately above the front of the unit is a first floor outdoor podium as a private amenity space for students. The unit has a floorspace of 437 sq. m.

The main entrance to the restaurant would be on the western side of the building,

which is pedestrianised. The unit would have an acoustic screen at the entrance with a social study space at the front. The social study space will also serve as a chillout area with access for medical services during an emergency. The main seating area would be in the centre with the kitchen and toilets to the rear. No changes are proposed to the front elevation, although a fire exit would be provided at the rear.

Vehicular access for servicing the unit is located to the rear (eastern side of the building) and is accessed via Blake Avenue. This servicing area includes visitor parking, a loading/unloading area, a bin store and an electricity sub station.

It is submitted that 8 full time and 50 part time staff would be employed. The stated opening hours are 07:00 to 23:00 seven days a week for the restaurant and 07:00 to 01:00 (Mondays to Saturdays) and 07:00 to 23:00 on Sundays and Public Holidays for the bar. However, late opening will be limited to a maximum of 50 events per year. These events will occur during the Autumn and Spring terms and there will be no more than two a week. Residents will be able to access the facility but post 23:00 access will be restricted to students who will need to show identification.

The application is accompanied by a supporting Planning Statement, an Operational Overview which includes details of security, noise monitoring and prevention of public nuisance, and a Noise Assessment.

Relevant Planning History

Case ref: MC/09/0775 Change of use of part of ground floor of Block T from retail use (Class A1/A3) with coffee shop to classes A1, A2, D1 and B1a uses including changes to the ancillary areas to the student accommodation and reconfiguration of the car park and service area.

Approved 23 July 2009

Case ref: MC/09/0464 Details pursuant to conditions 06, 14 & 27 on planning consent MC2007/1025 for Redevelopment of site to provide accommodation for 604 students with ancillary facilities, 1,202 sq. m. of retail use (Class A1/A3) with coffee shop, including access arrangements, associated landscaping and car parking facilities.

Decision Decided

Case ref: MC/08/2009 Application for variation of condition 22 of planning permission MC2007/1025 (Redevelopment of site to provide accommodation for 604 students with ancillary facilities, 1,202 sq. m. of retail use (Class A1/A3) with coffee shop, including access arrangements, associated landscaping and car parking facilities) to allow opening hours between 0700 and 2300 hours on any day of the week.

Decision Approval With Conditions

Decided 06/04/2009

Case ref: MC/07/1025 Redevelopment of site to provide accommodation for 604 students with ancillary facilities, 1,202 sq. m. of retail use (Class A1/A3) with coffee shop, including access arrangements, associated landscaping and car parking facilities.
Decision Approval with Conditions
Decided 28/08/2007

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of around 400 neighbouring and nearby properties.

One letter has been received supporting the application.

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

Background

The application has been submitted by the University of Kent which is seeking to provide a social space similar to that provided at the Canterbury Campus. It would be a bistro style unit providing eating and drinking space, social space and capacity for screens and music. The unit has been on the market since 2010 but to date, little interest has been shown.

The site currently benefits from an extant planning permission for a restaurant/cafe use (Class A3) by virtue of planning permission MC2009/0775 which was granted on 22 July 2009 and has been partly implemented. However, there is no planning permission for a bar (Class A4) use.

The University held a public exhibition at the Medway Campus on 7 April 2014. The feedback from public consultation was generally positive. In addition, the University arranged for 7 local residents to visit the bistro at the Canterbury Campus.

Principle

The site is within an area allocated for employment use within the Medway Local Plan, reflecting the use of the area at the time. However, this allocation has been superseded by the Gillingham Waterfront Planning Brief (June 2004) which seeks to promote a mixed use development for the area, including housing, student accommodation, employment and leisure uses. Food and drink uses, to encourage visitors to the area are also considered to be acceptable.

Policy R18 of the Medway Local Plan states that restaurants, cafes, bars and public houses will be permitted outside defined core retail area, provided that the following criteria are met:

- (i) There is no significant impact on neighbouring land uses or to residential amenity; and
- (ii) The presence of any similar uses in the locality, and the combined effect that any such concentration would have, would be acceptable in terms of environmental impact and highway safety; and
- (iii) The proposed hours of opening are acceptable in relation to the amenities of the area; and
- (iv) Suitable refuse storage, disposal and collection facilities are provided; and
- (v) The proposal pays particular attention to meeting the provision of Policies BNE2, BNE3, T1, T13 and T22 in respect of the mitigation of noise and general disturbance, for the extraction and treatment of fumes and smells, and arrangements for parking, servicing and access for people with disabilities.

There are no similar uses in the vicinity. The proposed facility is for students at University of Kent who many of whom reside in this and in neighbouring blocks and who currently have no such facility. The proposal would not therefore result in the concentration of such uses.

R18 (i), (ii) and (v) will be assessed under the 'Amenity' section below.

It is submitted that the existing refuse and waste facility, located in the rear service area would serve the proposed use.

Subject to issues of neighbour amenity, highways and parking being addressed, no objection is raised under Policy R18 of the Medway Local Plan.

Design

Apart from a fire door at the rear of the building, no external alterations are proposed to the building. The existing shopfront will remain. Any advertisements will be subject to separate control under the Control of Advertisements Regulations. No objection, is therefore, raised under Policy BNE1 of the Medway Local Plan.

Amenity

The principle amenity issues to consider are hours of operation, potential noise and disturbance and fume extraction.

The proposed opening hours are 07:00 to 01:00 (Mondays to Saturdays) and 07:00 to 23:00 on Sundays and Public Holidays. However, late opening is also proposed but will be limited to a maximum of 50 events per year. The opening hours for the previously approved Class A3 use are 07:00 to 23:00 seven days a week. Therefore apart from the 50 days per year, when special events will be held, there is no significant change in the proposed opening hours. Subject to an appropriately worded condition, no objection is, therefore raised in terms of opening hours.

A noise assessment was submitted as part of the application. This is a detailed report which covers all areas of potential noise and makes recommendations to minimise noise. The report and proposed measures to minimise noise is considered acceptable. It should be noted that the upper floors of Block T are occupied by students who are likely to use the facility. It should also be noted that the entrance and the customer area will be located at the front of the unit under the podium as such it is considered there will not be any noise disturbance to the units above. The student accommodation is located to the rear of the building over the kitchen area and toilets.

No details of the method of fume extraction are shown on the submitted application. It is recommended that a condition be attached to any planning permission requiring details to be submitted.

Subject to these conditions, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Medway Local Plan.

Highways

The Council's adopted Vehicle Parking Standards require the provision of one space per 6 sq. m. for restaurants and cafes and one space per 4 sq. m. for public houses and bars as a maximum. This would result in an increase in the parking requirement from 73 spaces to up to 109 spaces. 33 spaces are shown serving the entire ground floor of Block T. This level of parking was considered to be acceptable when the previous applications were considered.

It should be noted that the proposal is for use by students attending University of Kent, many of whom live in Block T or in other nearby student accommodation. It is, therefore likely that most of the students who would use the facility would not travel by car. Therefore, no objection is raised in terms of traffic generation or parking under Policies T1 and T13 of the Medway Local Plan.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Approval

The proposal is considered to be acceptable in principle and in terms of neighbour amenity, highways and parking, subject to appropriate conditions. The proposal would comply with Policies BNE1, BNE2, BNE3, R18, T1 and T13 of the Medway Local Plan and is recommended for approval.

The application would normally be determined under Officer delegated powers but is being referred to the Planning Committee for consideration at the request of Cllr Mrs Chambers.

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>