

MC/14/1788

Date Received: 25 June, 2014

Location: 25 Parkwood Green Shopping Centre, Parkwood, Gillingham,
ME8 9PW

Proposal: Change of use of existing A1 shop to A5 hot food takeaway
together with the installation of an extraction flue

Applicant: Mr Bakici

Agent: Mr S Mckay SJM Planning Unit 2 39A Maidstone Road Paddock
Wood Kent TN12 6DG

Ward Rainham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5 November, 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:
Proposed floor plan received on 11 September 2014 and Existing and Proposed Elevations and Floor Plans received on 23 October 2014
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 17:00 to 23:00 seven days a week (including 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.

- 4 No deliveries shall be taken at or despatched, loaded, unloaded, stored or otherwise handled, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public Holidays.

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

2003.

- 5 The extraction system as shown on the details received on 14 October 2014 shall be implemented before the development is brought into use and shall thereafter be retained.

To regulate and control the permitted development in the interests of amenity in accordance with Policies 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

The submitted application proposes the change of use from retail (Class A1) to hot food takeaway (Class A5)

The works would also include the provision of an extraction flue to the rear of the premises and it is proposed that the hot food takeaway would be open between 17:00 to 23:00 seven days per week (including public holidays). The proposal would result in the employment of 2 full time and 2 part time staff members and the unit would be laid out to provide a public serving counter with food preparation, w/c for staff and storage to the rear. Access for deliveries would be as existing to the rear of the site.

Relevant Planning History

Case ref: GL/60/70 Change of use from Class I retail to excepted retail of pet animals and birds plus cats meat shop.
Decision Approval with Conditions
Decided 29 July, 1977

Case ref: NK3/60/70 Shop front.
Decision Approval with Conditions
Decided 17 December, 1971

Representations

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

13 letters of objection (from 12 households) have been received objecting to the proposal and using the same template letter, two petitions (one with 3 signatures and the other with 13 signatures) have been submitted objecting to the proposal on the following grounds:

- already several food shops and takeaways in the small shopping centre and there is no need for anymore
- odour generation
- late night opening would result in noise and disturbance through gathering of people

- crime generation
- adverse impact on nearby business as food and drink uses in the locality are already competitive
- Residential flats will be adversely affected by the extraction unit
- The area would benefit from a shop with similar opening hours

1 letter received prior to the application being made valid expressing concern about poor publicity, residents and traders will potentially object and that there are too many hot food takeaways in the locality

Development Plan Policies

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

Planning Appraisal

Background

The property is currently vacant (since January 2014) but was last used as a pet store (Class A1). In relation to this application for a change of use, the application was submitted with the opening hours proposed as being between 11:30 until 24:00 Monday to Saturday and 11:30 until 23:00 on Sundays. The applicants have accepted reduced hours of operation at officer request. Also they were requested to revise the extraction flue detail which has been submitted.

Principle

The site lies within the neighbourhood centre of Parkwood and is covered by Policy R10 of the Medway Local Plan 2003 and Policy R18 is also relevant. The site is within 400m of Parkwood Junior and infant schools to the east. Medway Council's Cabinet agreed on 15 July 2014 to adopt new guidance 'Hot Food Takeaways in Medway: A Guidance Note' as a material consideration in relation to determining applications for new hot food takeaways. The guidance introduced some restrictions on the location and operating hours of new takeaways. This targets the issues of over-concentration of takeaways in particular areas, and in locations close to schools. The guidance covers planning applications for new takeaways only.

In all cases where the property is situated within 400 metres of a school, A5 uses will be subject to restricted opening hours enforced through an appropriate condition. This will ensure that outlets are not open during school lunchtimes and for a period after school, so as to contribute towards healthier lifestyles for younger people in particular. It does not apply to existing businesses. Following submission, the applicant was asked to re consider hours of opening in view of the proximity to the school and in line with an

existing nearby hot food takeaway and they agreed to this to comply with the objectives of the guidance. This can be secured by planning condition.

In addition to the Hot Food Takeaways Guidance Note, Policies R10 and R18 of the Medway Local Plan 2003 seek to secure a balance of shops and services in local centres. Whilst hot food takeaways contribute to the mix of centres, it is important that they do not dominate the local retail food offer in the area. An over abundance of hot food takeaways displaces other shop and food options and impacts on the vitality and viability of designated neighbourhood centres. Because of this some communities in Medway have a limited choice of and access to fresh, nutritious food. The clustering of hot food takeaways breaks up the continuity of the retail frontage and can detract from the primary retail function resulting in the loss of shops, which is to the detriment of local residents and the vitality and viability of the centre as a whole.

The council will therefore consider the possible impact of new takeaways in local centres as part of an assessment of the vitality and viability of the centre as a whole. In doing so an assessment is made to determine the proportion of each main frontage in terms of each centre use class (A1, A2,A3, A4, A5, D1 and D2). This will normally be expressed in linear metres converted to an overall percentage; A1 should normally account for at least 40% of the total. A5 uses should not normally exceed 15%

An existing land use survey was carried out of the Local Centre, comprising of 1 to 44 Parkwood Green and is listed below:

1 & 3 Parkwood Green	A1
2 Parkwood Green	D1
4 Parkwood Green	A3
5 Parkwood Green	A1
6 Parkwood Green	A1
7 Parkwood Green	A1
8 Parkwood Green	A1
9 Parkwood Green	A1
10 Parkwood Green	A2
11 Parkwood Green	A5
13 Parkwood Green	A1
15 & 17 Parkwood Green	A1
22 Parkwood Green	A1
24 Parkwood Green	A1
25 Parkwood green	A1 (application site)
26 Parkwood Green	A1
28 Parkwood Green	A1
29 Parkwood Green	A5
30 Parkwood Green	A1
32 Parkwood Green	A2
34 Parkwood Green	A1
36 Parkwood Green	A5
38 Parkwood Green	A3

40 Parkwood Green	A1
42 Parkwood Green	A1
44 Parkwood Green	A5

Use Class	Existing Linear Metre Frontage	Existing Percentage	Proposed Linear Metre Frontage	Proposed Percentage
A1	117m	71%	111m	67%
A2	12m	7%	12m	7%
A3	12m	7%	12m	7%
A5	18m	11%	24m	15%
D1	6m	4%	6m	4%

Cumulative analysis of the retail centre as existing and proposed in linear metre frontage

The proposal would result in the occupation of an empty retail unit. The change of use would result in an increase to 15% of Class A5 uses, therefore taking it to, but not exceeding, the 15% threshold to comply with the objectives of the Hot Food Takeaways in Medway: A Guidance Note. The reduction in A1 retail floorspace to 66% would remain above the recommended 40% threshold. It is considered that the proposal would not result in a detrimental impact on the retail vitality of the Local Centre and indeed the occupancy of the unit add to the vitality. On this basis, the proposed change of use is considered to be in accordance with Policies R10 and R18 of the Medway Local Plan 2003 and the Hot Food Takeaway in Medway: A Guidance Note, 2014.

Street scene and design

There would not be any significant changes to the external appearance of the building. The main change would be to the rear with an extraction fan housing proposed on the rear elevation facing a service yard. As a result of the siting of the extraction fan, the impact of the development in terms of visual amenity is considered negligible and therefore in accordance with BNE1 of the Medway Local Plan 2003.

Neighbours amenities

The potential impact on the occupiers of the neighbouring properties could occur in two ways that being the noise levels and odor. The most effective way of controlling noise would be through conditions controlling hours of use and servicing. Subject to these conditions it is not considered that there would be any unacceptable impact to neighbouring uses from noise even when considering the cumulative impact of the proposed use and the nearby hot food takeaway at number 29.

In terms of odor the details of an extraction unit have been provided and a condition is recommended to ensure that the scheme for the extraction and treatment of cooking fumes, including details for the control of noise and

vibration from the system, is implemented. The application is, therefore, in accordance with Policies BNE2 of the Medway Local Plan 2003.

Highways

The application site is located close to a bus route and there are a number of public car parks nearby. It is therefore considered that there are sufficient transport linkages for the employees of the café as well as customers and bearing in mind the retail centre is to serve the local community and that people would also walk to the unit, there are no highway concerns raised and the application is considered to be in accordance with Policies T1 & T13 of the Medway Local Plan 2003.

Other Matters

As the proposed floorspace of the hot food takeaway is under 100sqm, the need for a financial contribution to be secured under s106 as set out in the Hot Food Takeaway in Medway: A Guidance Note is not triggered in this case.

Local Finance Issues

None relevant to this application.

Conclusion and reasons for this Recommendation

The change of use of the building would result in the occupation of an empty unit bringing a greater vitality to the area. The conditions relating to hours of operation, timing of deliveries and implementation of extraction unit for cooking fumes means that there would be an acceptable impact on the amenities of neighbouring properties. There would also be no detrimental impact on highway safety or parking provision in the area. The application is therefore considered to be in accordance with the above mentioned Development Plan policies.

This proposal would normally fall to be determined under delegated powers but is being reported to Planning Committee for determination due to the level of representation received contrary to officer 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://publicaccess.medway.gov.uk/online-applications/>