

MC/15/4461

Date Received: 21 December, 2015

Location: Gemini House, Maritime Close, Medway City Estate, Rochester,
ME2 4DJ

Proposal: Siting of a mobile hot food trailer

Applicant: Miss Rogers

Agent: Mr Bucknall RDArchitects The Joiner's Shop The Historic
Dockyard Chatham Kent ME4 4TZ

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9 March 2016.

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 No. 2228 (08) 1250, Drawing No. 2228 (08) 001 and Drawing No. 2228 (08) 200 received on 21 December 2015.

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 15:00 Monday - Friday, 07:00 - 13:00 on Saturdays and Bank Holidays; with no trading on Sunday.

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 Prior to the commencement of the use hereby permitted, a scheme to minimise the transmission of noise from the proposed external generator, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the use is commenced and shall thereafter be maintained in accordance with the approved details.

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 The trailer shall be positioned with the customer-serving hatch facing west at all times when open for serving customers.

Reason: To minimise any risk to road safety, in accordance with Policy T2 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 application seeks planning permission to site a trailer in Maritime Close for use as a hot food takeaway. The proposed hours of operation are 06:00 to 15:00 Monday - Friday, 07:00 - 13:00 on Saturdays and Bank Holidays, with no trading on Sunday. The trailer would be left on site when not in use. The proposed trailer would be approx. 3.1m in height, 3.1m in length and 2.2m in width. The serving hatch would be set perpendicular to the highway.

The trailer would be sited on the property of S&A Hayward. The Design and Access Statement states that the trailer would be sited so that it would not interrupt the gates of any property within Medway City Estate and orientated so that the serving hatch would be facing towards Gemini House, away from the Maxwell Road, to ensure continued pedestrian safety.

Relevant Planning History

None relevant.

Representations

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

Frindsbury Extra Parish Council raises no objection to the application.

Four letters of objection have been received, raising the following concerns:-

- Unsuitable location. Maritime Close is too narrow for vehicles to pass on either side of the road because of vehicles parked on both sides of the road;
- Customers of the food trailer will not be able to park alongside, unless they completely block the entrance of Howdens, Marwood or RM Tyres. They will therefore have to cross a busy and congested road that does not have pavements or pedestrian walkways. This is hazardous and unsafe for pedestrians and drivers;
- Vehicles would park on the road between the entrance to Marwood and in Kenden Business Park, using parking spaces belonging mostly to Pirates Cave Chandlery. This is unacceptable and must not be permitted; existing businesses operate

respectfully within the confines of their area and parking spaces. There is no space or spare land for additional traffic or parked vehicles;

- Due to the proposed location, it is inevitable that the proposed business will generate additional traffic and parked vehicles. A food outlet would seriously exacerbate the present situation and the Council must take this into consideration. If permission was to be granted, the by-product of its trade will undoubtedly cause access issues for delivery vehicles, customers and staff of the existing businesses;
- It would result in a negative economic effect in the way of potentially decreased business, trade and livelihood. This would be to the detriment of local longstanding council tax paying businesses;
- In the past, this vehicle has been trading outside our premises illegally, with bags of rubbish left directly outside our entrance which has attracted vermin and foxes.
- There are no toilet or hygiene facilities.

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 of Development

Paragraphs 20 to 22 of the NPPF encourage the building of a strong, competitive economy and paragraph 160 requires local Planning Authorities to have a clear understanding of business needs within the economic markets operating in and across their area.

The site is located within the Medway City Estate, which is protected by Policy ED1 (Frindsbury Peninsula), which is an employment designation in the Medway Local Plan 2003. This policy states that development in this area will only be permitted for Class B1, B2 and B8 uses and that proposals for development resulting in the loss of existing industrial, business or storage and distribution development to other uses will not be permitted.

As part of the evidence-base for the Local Plan, a Strategic and Economic Needs Assessment (SHENA) has been commissioned to assess the need for housing, employment and retail land. This work has covered a review of the present employment locations in Medway that will inform the Council's Local Plan Strategy. The SHENA's initial conclusions have found the Medway City Estate to be a key component of Medway's employment picture at present and in the future and states that the estate should be protected, maintained and in some areas enhanced.

Whilst the proposed hot food trailer would not provide a B1, B2 or B8 use, it would not result in the loss of existing industrial, business or storage and distribution development to other uses. Its location is not considered to be in a position that would prevent any of the existing businesses from operating. Concerns have been raised that the siting of the van would result in inconsiderate parking that would affect existing

businesses; however, the fear of such a potential indirect economic consequence does not appear to have any justification, cannot be substantiated and would not be an issue that would justify a recommendation of refusal in terms of the objectives of Policy ED1. As such, the proposed hot food trailer is not considered to conflict with the objectives of Policy ED1, which is to ensure that sufficient land is provided to enable a variety of employment opportunities to come forward and retain existing appropriate sites for employment use.

The scheme would provide a service for existing businesses within Medway City Estate and the principle of the use is considered to be acceptable.

Visual impact

The trailer would only be visible from along Maritime Close and is not considered to cause any visual harm to the street scene.

Impact on Residential Amenity

The proposed hours of operation are 06:00 to 15:00 Monday - Friday inclusive, 07:00 - 13:00 on Saturdays and Bank Holidays, with no trading on Sunday. The site is not close to any residential properties and as such, no adverse impact would result from the proposed development. A condition is recommended to regulate hours.

The applicant has advised that the hot food trailer would be powered with a petrol generator that would be kept externally, hidden underneath the trailer. The model specifications indicate a noise level of 97dB at 7m. If members are minded to approve this application, it is suggested that a condition be placed on any permission to ensure that a scheme of sound attenuation be submitted and approved in writing by the Local Planning Authority.

Subject to the suggested conditions, the development is considered to comply with the objectives of Policy BNE2 of the Medway Local Plan 2003.

Highways

Concerns have been raised to the narrowness of Maritime Close, pressure on parking, issues around large and heavy vehicular movement and the generation of additional traffic.

The majority of passing trade is likely to be on foot and therefore unlikely to generate significant vehicle movements to and from the site.

Concerns have also been raised with respect to the impact upon the existing access gates serving the business unit to the south, currently occupied by Marwood Group Ltd. This business requires large and heavy vehicles to deliver plant hire equipment. It is not considered that the siting of the hot food trailer would inhibit the opening of the gates.

Given that vehicular speeds are likely to be restricted along Maritime Close, the highway safety risks are considered to be low,

The siting of the proposed trailer is not considered to have an impact on the adopted highway network and no objections are raised on highway grounds or in consideration of Development Policies T1 and T2, which seek to safeguard highway safety.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for this Recommendation

Having regard to current National Planning Policy and the Local Development Plan Policies, the proposed siting of the hot food trailer is not considered to adversely affect the provision of employment within Medway City Estate. It is considered acceptable in relation to impacts upon residential or visual amenity and would not result in highway safety issues. As a result, the application is considered to conform to Development Plan Policies ED1, BNE1, BNE2, T1 and T2 of the Medway Local Plan 2003.

The application is reported for members' consideration due to the number of representations received against the 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/>