

MC/16/2384

Date Received: 1 June, 2016

Location: 378 High Street, Rochester, ME1 1DJ

Proposal: Change of use from takeaway (Use Class A5) to Public House/Micropub (Use Class A4) (retrospective)

Applicant: Mr Dwyer

Agent: Mr Bucknall RDA Consultant Architects LLP The Joiner's Shop
The Historic Dockyard Chatham ME1 3EA

Ward River

Case Officer Majid Harouni

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21 September, 2016.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

2288(08)001, 2288(08)002, 2288(08)003, and 2288(02)1250

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

- 2 The use hereby permitted shall only operate between the hours of 16:00 to 23:00 Mondays to Thursdays inclusive and between the hours of 12:00 to 23:00 on Fridays to 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.

- 3 Within 2 months from the date of this permission, a scheme to minimise the transmission of noise from the use of the premises, shall be submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{Ar},Tr) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined

and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed within two months from the date of the approval of the scheme and no audio equipment or live music shall be use or performed at the premises before the approved scheme is full implemented to the satisfaction of the Local Planning Authority. The noise attenuation scheme shall thereafter be maintained in accordance with the approved details.

Reason: In the interest of residential amenities and in compliance with Policy BNE2 of The Medway Local Plan 2003.

- 4 Within two months from the date of this permission, a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the nearest residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be fully completed within two months from the date of the approval of the scheme and no audio equipment or live music shall be use or performed at these premises before the approved scheme is implemented in full to the satisfaction of the Local Planning Authority. The acoustic protection scheme shall thereafter be maintained in accordance with the approved details.

Reason: In the interest of amenities of the local residents and in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The outside area to the rear of the back door shall only be use as fire exit and for emergency purposes and shall not be used for seating or as an extension of A4 use hereby permitted.

Reason: In the interests of amenity and 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

The proposal is retrospective and the micropub is open as 'The Northern Seaman'.

The proposal seeks permission for the retention of the change of use of the ground floor from a takeaway (Use Class A5) to a Public House/ micropub (Use Class A4). Plans show the ground floor used for customers, with storage at basement level.

The Design and Access Statement sets out that the pub is selling only wines and ales bought from local brewers and vineyards and the intention is to provide a hub for a community of real ale enthusiasts. The intention is to appeal to passers-by by capturing the authenticity of the traditional pub and forming a centre for live acoustic musical entertainment, board game nights and stand-up comedy.

Relevant Planning History

MC/05/2186	Change of use from shop (class A1) into a fish and chips restaurant and take away (classes A3 & A5) Decision Approval with Conditions Decided 23 February, 2006
MC/05/0839	Alterations including partial demolition to facilitate construction of two 1-bedroom flats Decision Approval with Conditions Decided 21/06/2005
MC/04/2485	Construction of a block of two flats with alterations to existing building to allow for partial demolition Decision Refusal Decided 06/04/2005
MC/02/0304	Conversion of maisonette into 2 flats including alterations to ground floor to form front entrance (demolition of chimney stacks and conservatory) Decision Approval with Conditions Decided 11 April, 2002

Representations

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

Four representations have been received objecting on the following grounds:

- Detrimental impact on the viability of the existing pubs and micro pubs in the area; The scale of the proposed micropub is more like a normal pub;
- Potential noise from the proposed micropub.

Two representations have been received in support of the proposal making the following points:

- It would be a business that is not a chain with a regional management structure;
- The space is under-utilized;
- It would increase the use of the area.

The applicant's agent has submitted further information in response to the representations, setting out the following;

- The dilapidated interior of the property has necessarily been upgraded, tidied and cleaned. The removal of a dangerous disability ramp was necessary in the interest of public safety and has now been replaced with a sturdier version. No historical features within the interior fabric have been removed, the previous

decoration of the property has stripped the interior of almost all the original features;

- The site formerly housed a public house. The dilapidated out of use building is currently under Use Class A5 - hot food for consumption off the premises;
- The building has been out of use for some time and is in a state of disrepair and it would be reasonable to assume that the previous business was not successful.
- The proposal aims to become part of a wider regeneration of this part of Rochester High Street which has seen decline over the years;
- There are currently 17 vacant ground floor premises out of 90 local properties in the immediate vicinity;
- The current owners of the property aim to create a long-term sustainable business in this area which offers something different. 378 High Street has previously been a public house, known as "The Albion" in 1903, explaining the layout of the cellar and hatch;
- The business is to be run as a micro pub, the cellar layout (including 10 lager lines) is indicative.

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

Medway Local Plan Policy R18 is considered to be relevant in this case. This policy states that takeaway hot food shops, restaurants, cafés, bars and public houses will be permitted outside the defined retail core areas, provided that the following criteria are met:

- (i) There is no significant detrimental 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 of the Local Plan in respect of the mitigation of noise and general disturbance, for the proper

extraction and treatment of fumes and smells, and arrangements for parking, servicing and access for people with disabilities.

In February 2006, the Planning Committee granted planning permission for change of use of the ground floor of this property to a restaurant. It appears that the A5/A3 business venture as a fish and chip shop was not successful and the premises became vacant.

There will therefore be a need to consider the new use in terms of the vitality of the area and the criteria set out in Policy R18 of the Local Plan.

The policy seeks to ensure that there is not an over-concentration of A4 uses in the general vicinity. Although there are a number of pubs in the general area, including immediately next door (no 376) and Ship Inn at No 349, it is considered that a new micropub would not result in an excessive concentration of A4 uses in the locality, that would be detrimental to the vitality of the area. Careful consideration needs to be given to the opening hours/ noise sources to ensure that there is no significant disruption to residential amenity of the occupiers of the flats at upper floors and nearby. Residential amenity is assessed further below; however, it is considered that the scheme, suitably conditioned, complies with part (i) of the policy.

The site is in a central location, with carparks nearby. Conditions can be attached to control impacts relating to opening hours, music and noise. It is considered that part (ii) of the policy can be met.

Suitable opening hours are considered below, in the amenity section of the report, and a suitably worded condition could address part (iii) of the policy.

No concerns are raised in terms of waste disposal. The proposed new use is unlikely to generate more impact than what the A3/A5 use would have produced. Accordingly, the proposal is acceptable in respect of part (iv) of the policy and in principle.

It is also considered that although the site is not within the core area of Chatham or Rochester, the line of properties connecting both Rochester and Chatham are locations where a mixed-use profile is very much in existence. As such, the influence of commercial uses such as restaurants and bars would enhance the spatial connection between the two centres, increasing the vitality of the area.

In conclusion, the application is assessed as being compliant with Policy R18 of the Local Plan.

Design

The property is a three-storey Edwardian building, with a shop front and rendered upper levels. It is located within the Star Hill to Sun Pier Conservation Area. The property positively contributes to the special character of the area as it retains its historic architectural features.

The Design and Access Statement submitted with the application suggest that there will be no change to the external appearance of the building. Any proposed new

fascia signage to the front façade of the building would need to be the subject of a separate Advertisement Consent application.

It is therefore considered that the application accords with Policies BNE1 and BNE14 of the Local Plan.

Amenity

A key consideration in terms of this change of use to provide a micropub (A4) use is in relation to the flats above the premises and any flats above adjacent buildings. There are a number of potential sources of disturbance from the use as A4. Micropubs normally focus on the social element of people getting together for a drink and talk. However, the submitted application also refers to live acoustic music and stand-up comedy, which could both generate higher noise levels, which could potentially result in unacceptable harm to surrounding residents. The application has not provided sufficient information to adequately consider the transmission of noise from the ground floor use into adjoining residential premises. A condition would be required to determine whether or not further upgrade works are required. Any chilling plant required would also need to be included in assessment, to ensure that it does not harm residents through noise and vibration.

The micropub would need to have adequate soundproofing measures and its use restricted in terms of opening hours/ delivery times in the late evening/ early morning to ensure that there is no significant disruption to the flats above. Equally, the use of the rear area should be restricted to use as a fire/emergency exit only.

The application form and supporting statement submitted with the application indicates that the micropub would be used as a centre for live acoustic music, board game nights, stand-up comedy and spontaneous good conversation.

A condition is also recommended to prevent any playing of amplified sound (voice and music) prior to sound attenuation measures being installed..

A condition would also be attached to control the opening hours, to require the micropub to shut at 11pm. Given its location, surrounding uses and the previous use as a takeaway, this is considered to be reasonable to make the scheme acceptable.

Subject to the above conditions, the application is considered acceptable with respect to Policy BNE2 of the Local Plan.

Highways

It is unlikely the A4 use would generate significant traffic or demand for parking above and beyond the last use as A3/A5 use. There is public parking in the immediate vicinity and the site is not in a remote location, but is easily accessible being in close proximity to the core centres of Chatham and Rochester, including Rochester train station. Accordingly, the scheme is considered to be in compliance with Policy T1 of the Local Plan.

Conclusions and Reasons for Approval

The proposal seeks the re-use of a previously vacant property for an A4 micropub use. The A4 use would not cause significant detrimental impacts on the vitality of the area. Furthermore, the proposal is not considered to unacceptably harm the amenities of the local residents or highways, subject to the recommended conditions. Accordingly, the proposal is recommended for approval, being compliant with Policy BNE1, BNE2 and R18 of the Local Plan and the objectives of the National Planning Policy Framework.

The application would normally be determined under delegated powers but is being referred to Planning Committee 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://publicaccess.medway.gov.uk/online-applications/>