

MC/16/3590

Date Received: 25 August, 2016

Location: 47-49 High Street, Rochester, ME1 1LN

Proposal: Change of use from retail (Class A1) to restaurant (Class A3), construction of an extension to side/rear and alterations to existing shopfront (demolition of existing extensions)

Applicant: Halpern Properties Ltd

Agent: Mr Hinsley Tetlow King Planning 32 High Street West Malling
ME19 6QR

Ward Rochester West

Case Officer Chris Butler

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 16 November 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 all received on 25 August 2016:

Drawing Number(s) HSR47/14/SK30; HSR47/14/SK31D; HSR47/14/SK32B; HSR47/14/SK33B; HSR47/14/SK34A; HSR47/14/SK35A; HSR47/14/SK36A; HSR47/14/SK37C; HSR47/14/SK38; LX-8613 Rev C (Proposed Plant Layout); and LX-8613 Rev C (Proposed Plant Position).

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

- 3 The noise rating level associated with the development site shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142:2014.

Reason: In the interests of protecting residential amenities in accordance with policy BNE2 of the Medway Local Plan 2003

- 4 An acoustic assessment demonstrating compliance with condition (3) above shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site (acoustic mitigation) pursuant to condition (3) shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the acoustic assessment having been undertaken and all works, which form part of the approved scheme, shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority. The acoustic mitigation shall thereafter be maintained in accordance with the details approved pursuant to this condition.

Reason: In the interests of protecting residential amenities in accordance with policy BNE2 of the Medway Local Plan 2003

- 5 No development shall commence until full details of the new shopfront, including:
- A) joinery details at a scale of 1:20 or less;
 - B) cross sectional details, taken longitudinally and transversely, through opening top hung lights, side hung casements and doors to include details of pilasters and mouldings to the shop front at scales of 1:5 and 1:10 respectively; and
 - C) the proposed colour finish to the shop front

have been submitted to and approved in writing by the Local Planning Authority. The existing shopfront and fascia shall be removed from the site and replaced with the new shopfront and fascia, as approved pursuant to this condition, prior to the commencement of the use of the premises (as a restaurant) hereby approved.

Reason: To ensure that the development makes a positive contribution to the High Street and its surroundings, including the Conservation Area and the setting of nearby listed buildings, and with regard to Policies R8, R17, BNE1, BNE 9, BNE12, BNE14 and BNE18 of the Medway Local Plan 2003.

- 6 No development shall take place until details and samples of all materials to be used externally in the construction of the shopfront and the construction of the rear extension, including bricks, slates, rainwater goods, Etc., have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved pursuant to this condition.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, including the character and appearance of the Conservation Area and the setting of nearby listed buildings, and with regard to Policies R8, R17, BNE1, BNE 9, BNE12, BNE14 and BNE18 of the Medway Local Plan 2003.

- 7 The use hereby permitted shall only operate between the hours of 08:00 to 23:00 Mondays to Saturdays and 10:00 to 22:00 on Sundays and Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity including in view of the cumulative effect of a number of late night uses in the High Street and the presence of residential properties in close proximity to the site and with regard to with Policy BNE2 of the Medway Local Plan 2003.

- 8 No goods shall be loaded, unloaded or otherwise handled external to the building and no vehicles shall arrive or depart within the application site outside of the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring properties in accordance with Policy BNE2 of the Medway Local Plan 2003

- 9 The use hereby permitted shall not be brought into use until full details of any provision on the site for people wishing to smoke (Smoking Provision) have been submitted to and approved in writing by the Local Planning Authority. The approved details of the Smoking Provision shall be provided on site prior to the approved use being brought into effect and shall thereafter be maintain for that use.

Reason: In order to protect the amenities of nearby occupants, particularly the occupiers/residents located adjoining and in close proximity to this site and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 10 The extraction flue and ancillary equipment, hereby permitted, shall be painted matt black prior to the development permitted being brought into use. Thereafter the extraction flue and ancillary equipment shall be maintained in

a painted matt black finish.

Reason: In the interests of visual amenities of the conservation area, the setting of the listed building that are located close to and adjoining the site and in the interests of the visual amenities of adjoining occupiers and the surrounding area in general in accordance with Policies BNE1, BNE2, BNE12, BNE14 and BNE18 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 seeks the change in use of 48-49 High Street, Rochester from general retail (a Class A1 use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) (UCO) to a restaurant use (a Class A3 use as defined by the UCO) and the demolition of a small part of the building, built in the 1960's and the removal of the existing shopfront and construction of extensions to side/rear and the installation of a new shopfront.

The proposed layout shows the entrance to the premises being retained as existing, whilst the remainder of the development will form a dining area, kitchen/store area and WC area. In terms of the alterations to the shopfront, the existing shopfront is proposed to be taken out and replaced by a new shopfront with sliding-folding doors giving access to a small external frontage court for use by the restaurant.

Relevant Planning History

MC/04/2268 Replacement of shop front, existing shutters to be retained
Decision Refusal
Decided 24/11/2004
Appeal Dismissed
Decided 19/01/2006

MC/03/0107 Retrospective application for the installation of roller shutters
Decision Refusal
Decided 10 March, 2003

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.

Councillor Tranter has written making the following comments on this application:

"My normal stance with business related applications is, subject to normal requirements; allow the forces of competition to decide those which are valid.

In this case though it is about a change of use, taking away a retail business and replacing it with another restaurant. Central Rochester has, over many years become far more leisure oriented, which is largely perfectly reasonable but we are certainly not short of places to eat and drink. However, many hundreds of residents still live in the area and so this is still very much a mixed economy and I believe we must not construct and falsely allow further erosion of the very limited local shops. This particular shop is by far the most 'useful' in terms of day to day items the average household might need. In fact, for those with modest needs it can provide just about everything. Losing this to another restaurant will, in my opinion, irreversibly contribute to changing that area of the town centre.

It will also weaken the position of other 'household' type retailers nearby such as green grocery, since it will simply force local people to travel to the bigger supermarkets. Not so long ago we sadly lost a fine butcher further down the high street. It would be a shame to contribute to further decline. I might add that many local people in picking up small local items also frequent the eating and drinking places. This mix is essential to the whole economy. In fact, even some local eating places purchase items from this shop when in need!

I do not think we should contribute to this unhelpful migration which will serve no useful purpose other than diminish the whole high street economy and so we should decline to allow the change of use."

The City of Rochester Society comments that the City of Rochester is normally relaxed about changes of use of High Street premises, preferring to see a shop unit productively used rather than empty and abandoned. However, they express their reservations about the change of use of the present food store to a restaurant.

They consider that there are already a considerable number of eating places in the High Street, including several in the stretch between Northgate/Soley Hill and the bridge. On the other hand they consider that a number of retail food outlets has declined in recent years, which makes the choice for local residents, who do not wish to travel to the big supermarkets, very limited.

Whilst the City of Rochester Society state that they accept as a fact of modern life that restaurants form an important part of the town centre offer, there is still a need for a High Street to provide day-to-day services for both residents and visitors. In the light of this they urge the Members of the Local Planning Authority to consider this application very carefully before giving consent.

The Historic Rochester Residents Association (HRRRA) has written expressing concern about this planning application and the fact that a considerable number of residents have already lodged objections indicates the strength of feeling about the possible loss of a unique amenity. The HRRRA comment that whilst "...other High Street shops may offer a small range of household products but only the Food Hall carries enough variety to distinguish it from a convenience outlet. The loss of this useful retail outlet would mean that residents would have no alternative but to use out-of-town supermarkets or internet-based delivery services. For many of the older residents, neither is a feasible option."

They state that whilst they "...understand the owners' presumed wish to maximise the return from their property by using it as a restaurant instead of a well-stocked grocery shop. We are all, however, aware that Rochester High Street is already well served with restaurants of all types and qualities, not to speak of coffee shops, charity shops and so on. Longer term residents will also be aware that the balance of the High Street has undergone a marked change in recent years - and this change has been to their disadvantage."

In the light of their comments the HRRRA urge the Planning Committee to consider this application in the light of the Council's own Local Plan Policies.

R17 (A2 and A3 Uses and Change of Use) and R8: (Rochester City Centre).

The HRRRA notes that the "Core Area of Rochester city centre is defined on the proposals map..." and that "Within the Core Area, use Classes A 1, A2 and A3 and other uses appropriate to the form of the centre, will be permitted provided they support the vitality and viability of the centre as a whole." The HRRRA states that "...Such uses should be compatible with the specialist and tourism related character of the centre or cater specifically for the day to day needs of the local residential population. A very high quality of design and layout will be required reflecting the unique historic character of the centre."

The HRRRA notes that the applicant has been good enough to refer to these policies in their Planning, Design and Access Statement, and that they must be aware that this proposal may contravene these policies. They also note that the applicant has made claims, in this statement, that the HRRRA advise that they would be more than happy to rebut, but have refrained from do so in order not to unnecessarily extending their submission.

In terms of the structural alterations, the HRRRA have advised that they have no objection to those works, particularly at the front of the premises and that perhaps some investment in making the building more attractive might improve the flow of customers.

Twenty-Eight letters of objections from Twenty-Six separate addresses have been received raising the following summarised objections:

- Rochester has plenty of restaurants already and a further restaurant will be too many and result in damaging the local economy, which would be contrary to paragraph 23 of the National Planning Policy Framework, which:
 - recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres; and
 - where town centres are in decline, advises that local planning authorities should plan positively for their future to encourage economic activity.

A balanced and good mix of shops in the High Street should be retained and the general retail store provision should be increased to bring customers into the town centre, instead of allowing them to visit Bluewater or Hempstead Valley for example. Therefore, this property should not be allowed to lose its class A1 status, as its loss will reduce footfall and push even more people out of the town, delivering a further blow to independent retailers and adversely impact on the vitality and diversity of the High Street.

- This convenience store is virtually unique to the local area and is well used by local residents, shopkeepers and visitors to Rochester alike. Its loss will prevent it from continuing to benefit the community and effect the daytime economy. It is the only independent supermarket retailer that serves the Rochester Bridge end of the High Street and its loss will force the people, including the elderly and infirm, Etc., to use supermarkets that are located some distance away, thus increasing traffic volume and time expended on shopping. Rochester High Street is not just for tourists and people eating out and the proposed use would be likely to result in less people using the High Street and living in the area generally, which is bad for everyone;
- The attraction of this site to be a restaurant is the wide pavement and this outside area being used to enable outside seating;
- The proposed enlargement of the premises indicates a large restaurant/takeaway, which would be detrimental in its effect on the conservation area, particularly in terms of litter and noise should it become a takeaway;
- Discarded food will increase the food supply for vermin, such as foxes, whose activities significantly contribute to litter problems in the area; and
- Increased traffic on the roads resulting from people who would have used this local convenience store to drive out to the larger supermarkets.

One letter of support has been received making the following summarised comments which are considered to be material to this submission:

- Support a change of business as they consider a restaurant will sit well, in this location and when Castle Concerts, Dickens or Sweeps is on, will help ease crowds, during busy periods, as most of the current eateries are full at peak times.
- This store isn't the same store it used to be, it used to be a much relied on store in the High Street, but with the opening of Morrison's, it's not needed as much if it all.
- The shop unit currently attracts anti-social behaviour, with street beggars who sit outside it in the corn exchange entrance and opposite in the public space, pestering locals and tourists.

Three letters of comment from two separate addresses have been received making the following summarised observations:

- The High Street suffers from anti-social behaviour, especially at weekends, some of which is fuelled by this premises. To some extent the High Street would benefit from the change of use.
- Whilst the façade is rather dated and in need of some repair, but this premises is the only convenience store in the High Street, other than a small newsagent that is right at the other end of the high street. This store is not only used by those visiting Rochester, but also the employees and workers in the local area and the loss of such a valuable amenity, to yet another restaurant, is something that should seriously be considered before approving this scheme.
- In addition to the above comment have been received with regard to the access from the rear of the property into an area that is used by private car parking area and rented garages and often heavily used by adjoining businesses and organisations for staff car parking. There is also official or unofficial right of way access from the property for refuse collection. The writer advises that due to the usage of the car parking area and the adjoining private car park area this access will not be able to be used for deliveries of either building materials or food stuffs once open should the change of use be granted, particularly as there is a bus lane immediately outside the entrance to the car parking area.

LPA Officer Comment: Land ownership and right of way issues are private civil matters between the two parties and are not material planning consideration. The Local Planning Authority is not able to intervene in private civil issues such as land ownership and right of way and it is not be able to take any such concerns into its consideration/determination of this application.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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 Considerations

Background

The application site consists of a single storey shop, accessed from the High Street, which is set back from the street frontage line. The building has a narrow courtyard to the rear of the shop and there is a secondary access to the rear of the premises, accessed from Corporation Street via a private right of way.

The character and density of the surrounding buildings in the area is mixed, with many having Georgian, Victorian and Edwardian facades that are between 2, 3, and 4 storeys in height. The application site is located within the core retail area of Rochester as defined by the Local Plan and forms part of the Historic Rochester Conservation Area. Although the application site is not listed, both the properties located either side of the application site are listed, with the Corn Exchange located to the south-eastern side of the application site being Grade I listed and number 45 High Street, located to the north-western side of the site being Grade II listed. Other properties in the immediate vicinity of the application site are also listed and directly across from the site there are views of Rochester Castle, a Grade I Listed and Scheduled Ancient Monument. Finally the City Wall, which is a Scheduled Ancient Monument lies to the north-west of the site, approximately along the line of the back end of Corporation Street, albeit below ground level at this point.

Principles of Development - Use

This proposal would amount to the type of use, expected in a town centre location and would be a use that conforms with the objective of paragraph 24 of the National Planning Policy Framework (NPPF). In terms of more specific Local Plan Policies, Policy R8 of the Medway Local Plan 2003 (the Local Plan) refers to permitting A1, A2, A3 and others uses appropriate to the form of the centre provided they support the vitality and viability of the centre as a whole. This policy also states that such uses should be compatible with the specialist and tourism related character of the centre or cater specifically for the day to day needs of the local residential population.

As a point of qualification Members must note that the Local Plan predates an amendment to the Town and Country Planning (Use Classes) Order 1987 (as amended) that split the then A3 (Food and Drink) use class into three distinct use classes in their own right. The use classes as revised in 2005 split the then A3 (Food

and Drink) use into use classes: A3 (Restaurants); A4 (Drinking Establishments) and A5 (Hot Food Takeaways). As all of these use classes, as amended) form part of the former A3 use class which applied at the time of the adoption of the Local Plan, any reference an A3 use class within the Medway Local Plan 2003, must be taken to refer to A3 (Restaurants); A4 (Drinking Establishments) and A5 (Hot Food Takeaways), as they exist today.

Policy R17 states that changes of use from Class A1 to A2 or A3 at ground floor level will be permitted in the core retail area except where the addition of such a use within any particular part of the centre would cumulatively have a detrimental effect on the character and retail function of the centre or visual amenity.

In respect of Policy R8 a restaurant use could be compatible with the tourism related character of central Rochester. However the impact of a further outlet for such use on the vitality and viability of the centre, including the cumulative effect, must also be assessed with regard to both Policies R8 and R17.

An assessment of the mix of ground floor uses between 2-14 (evens), 15-178 (inclusive) and 180-198 High Street, Rochester was undertaken in September 2016. Of the 165 units surveyed: 88 (53.3%) are in Class A1 (General Retail) type uses; 12 (7.3%) are in Class A2 (Financial and Professional Service) uses, 21 (12.7%) are in a Class A3 (Restaurants and Cafes) uses; 9 (5.5%) are in Class A4 (Drinking Establishments) uses, 3 (1.8%) are in a Class A5 (Hot Food Takeaway) use; 4 (2%) are in a B1 (Business) use; 1 (0.7%) are in a Class B8 (Storage and Distribution) Use; 9 (5.5%) are in a Class D1 (non-residential institution) use; 2 (1.2%) are in a Class D2 (Assembly and Leisure) type use; 2 (1.2%) are in sui generis type use (a use not falling within any other use class); and 11 (6.6%) are vacant units.

In term of the proposal, the use would alter this mix such that there would then be 87 (52.7%) in a Class A1 (General Retail) type units, a 0.6% decrease, with the A3 (Restaurant) type units increasing to 22 (13.3%), a 0.6% increase. Although this proposal would result in a further reduction in retail units, which is not ideal, the existing site frontage is of poor quality and on balance the proposed development, which includes improvements to the frontage, as discussed further below, is considered to be acceptable in principle.

This would be a positive measure in respect of the character and appearance of the area and therefore potentially of the vitality and viability of the centre.

Consideration has also been given to the Historic Rochester Conservation Area Management Plan, adopted September 2010 in reaching the above balanced conclusion. This does refer to the need to consider limiting concentration and percentages of A3, A4 and A5 uses on the High Street, but also to the need to promote the enhancement of buildings that do not make a positive contribution to the quality of the Conservation Area.

Principles of Development - Engineering Operations

In terms of the principles of the proposed demolition and new extensions, together with the proposed replacement shopfront. Policy BNE1 of the Local Plan is relevant to the general principles of built development, whilst policies BNE12, BNE13, BNE14, BNE17 and BNE18 relate to the impact of development on listed buildings, their setting and the considerations given to development within conservation areas. The Listed Building and Conservation Area policies are considered in more detail below. However, in terms of general principles, the proposed demolition and other alternations, including the new extensions and replacement shop frontage are all considered to be in conformity, generally, with the Government's National Planning Policy Framework, the Government's National Planning Practice Guidance and the relevant policies in the local plan and guidance documents.

Streetscene and design, including impact of the development on the conservation areas and the setting of listed buildings.

The change of use element of this proposal has been discussed in detail above and it is not considered that to convert the existing building to restaurant use will be out of keeping with the wider pattern of uses within Rochester High Street. In terms of the demolition of a small part of the building, built in the 1960's, which is located to the rear of the building, and its replacement by a larger rear extension, together with a side extension occupying part of a small courtyard area between the premises and the Cornmarket building to the south of it, these are all considered appropriate in relation to their impact on the character, appearance and functioning of the built and natural environment. The use, scale, mass, proportion, details, materials, layout and siting are all considered to respect the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area.

In terms of the proposed demolition works, which include the replacement of the existing shopfront, and the installation of a new shopfront and erection of extension to the side and rear, these works are all considered to result in a development that will be of a high quality of design that will preserve or enhance the area's historic or architectural character and appearance as well as having no detrimental impact on the architectural or historic interest of any of the adjoining listed properties or the scheduled ancient monument located close to the site.

The rear of the site is almost wholly be hidden from view, including from the surrounding buildings with a frontage to Northgate and extending across to the yard area behind the site. To the rear of the main area of the building are three single storey extensions that appear to have been constructed at different times. The oldest of the extensions has a hipped slate pitched roof, the others with flat roofs. All of the extensions are constructed in brickwork, and the varying type of bricks used suggests that they were constructed at different times. None of these extensions are of any significant architectural quality or importance. The intention to demolish the two more modern extensions to make way for the proposed new extensions are all

considered to be acceptable and whilst the neighbouring building to the north-west of the site (no 45 High Street) is a substantial 3 storey Georgian townhouse with a basement and attic accommodation within a Mansard roof that property will remain unaffected by this proposal.

In relation to the front of the site, the proposals for this façade are to retain and maintain or refurbish all the existing original elements with the exception of the timber shopfront, which is to be replaced. Essentially there would be three sections to the proposed façade divided and contained at each end by decorative pilasters. The centre section would contain four partially glazed folding/sliding doors. These can be opened when required to allow use of the external paved area by diners. This would be flanked at either end by a pair of internally opening casement windows. These are based on similar window designs elsewhere in the High Street, and provide an appropriate design for this location.

The shopfront opening is too high for doors and frames alone and it is proposed to have a row of top hung casement windows above the sliding/folding doors and side hung casement window, which would provide background ventilation when the weather is too cold to open the doors. The new shopfront also incorporates a narrow fascia, with the potential for signage. The proposed shopfront will be constructed in timber, with traditional detailing and painted finish.

The existing property is specifically identified in the Conservation Area Appraisal as having a negative contribution on the conservation area. Whilst the proposals will not increase the height, the alterations and extensions proposed will be more in keeping with the surrounding buildings and make a positive enhancement. The existing frontage will also be retained but enhanced to create a visually appealing setting.

As stated above the proposed replacement of the existing shopfront as part of the proposed development would result in a substantial improvement in the character and appearance of the property from the High Street. This positive enhancement of the building would benefit both the setting of nearby listed buildings and the Conservation Area.

In terms of the location and position of the extraction flue and ancillary related equipment, which is typically associated with a development of this nature, the details submitted show the extraction unit, flues and ancillary equipment are sensitively located to the rear of the site, on the flat roof of the proposed extension. This proposed location will not be visible from the High Street, when viewed from the ground level, and is also screened by the roof of the rear extension. This screening further limit the visibility of the extraction flue and ancillary related equipment.

The extraction flue and ancillary related equipment are also located away from the boundary with the adjoining listed buildings and the impact of this equipment and the other changes discussed above, including on the setting of nearby listed buildings

and on the Conservation Area, are considered to be minimal and acceptable. The changes to the frontage elevation are also considered to be acceptable.

In summary the visual impact of the development would result in an overall positive benefit and is therefore considered acceptable including with regard to Policies BNE1, BNE9, BNE12, BNE13 BNE14, BNE17 and BNE18 of the Medway Local Plan 2003

Amenity Considerations

The site is located within the High Street and the proposed use is consistent with a town centre location. There are already other premises in the area which are open in the evening. In these circumstances it is not considered that the proposed use would result in unacceptable harm to the amenities of the occupants of nearby properties, including local residents. It is recognised that there is a cumulative effect from such uses which are open in the evening however subject to controlling the hours of opening by planning condition it is not considered that in the site circumstances a refusal of permission on the grounds of additional noise and disturbance can be justified. It is also considered necessary to restrict the hours of loading/unloading by planning condition, as well as a condition requiring details of any area on the site to be set aside for smokers.

In terms of impact on amenity resulting from noise, the proposed kitchen extract system shows a high degree of filtration to remove odours. The kitchen extract and supply ventilation equipment is to be located in the recess created by the rooflines of the rear buildings, which will provide a barrier effect to the propagation of noise from the systems. However, as the kitchen extract flu terminates above the roof lines, a significant and unimpeded source of noise is likely to be created. Although there is no residential accommodation directly adjacent to the development site, there is residential accommodation above No. 43 High Street, which would have direct line of sight to the extract flu termination. The location of all items of ventilation together in the same area (for example 4 identical air conditioning units) could increase the amount of noise produced, and hence received at any sensitive receptors. The cumulative noise levels produced, the screening effects of the roofing, and propagation paths to receptors needs to be assessed to determining the level of exposure at the nearest residential facades. As a consequence evidence showing that the noise rating level is 10dB below the existing background, when assessed in accordance with BS4142:2014 is required and that further assessment work will be needed to satisfy that there will not be a noise issue at the nearest noise sensitive receptor. However, this is not a sufficient reason in its own right to raise an objection to the application and planning conditions can be imposed that: A) restricts the noise from the site; and B) require the submission of an acoustic assessment demonstrating that the extraction flues and ancillary equipment can be installed and maintained within acceptable limits.

In summary subject to a number of planning conditions the impact of the development on amenity is therefore considered acceptable including with regard to the advice given in Policy BNE2 of the Local Plan.

Highways

As with many sites in central Rochester there are no specific parking facilities on the site and there is little scope to provide any. The adopted parking standards specify maximum rather than minimum levels of provision and therefore there would be no contravention of them. There is a rear vehicular access via the land to the rear of the Corn Exchange onto Corporation Street, which the applicants indicate that they have a right of way over. This rear access would provide limited rear access related to refuse collections and similar servicing requirements. The site is easily accessible by public transport and there are public car parks in the local area. In these circumstances it is not considered that the development would be detrimental to highway safety. It would be acceptable with regard to Policies T1, T2 and T13 of the Medway Local Plan 2003.

Local Finance Considerations

None.

Conclusions and Reasons for Recommendation

In summary the loss of this retail unit and its change to a bar/restaurant use would reduce the percentage of Class A1 retail units in this section of the High Street from 53.3% to 52.7%. Whilst this is not ideal the existing retail use has a poor appearance in the streetscene generally, which is not assisted by the single storey nature of the property and its existing appearance. The proposal include a new shopfront which would result in a major improvement of the site and in its impact on the Conservation Area and the setting of nearby listed buildings. On balance it is therefore considered that the change of use is acceptable.

In the context of the existing uses in this High Street location, subject to conditions, it is not considered that the use would result in unacceptable harm to the amenities of neighbours or that it would result in harm to highway safety. The development is therefore considered acceptable including with regard to the advice given in the NPPF, Policies BNE1, BNE2, BNE9, BNE12, BNE14, BNE18, R8, R17, T1, T2 and T13 of the Medway Local Plan 2003.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of letters that have been received contrary to 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/>