

MC/16/3762

Date Received: 7 September, 2016

Location: 55-55a Ordnance Street, Chatham ME4 6SJ

Proposal: Part retrospective application for retention of existing shopfront, altered roller shutter to shopfront, cladding to other ground floor front windows and air conditioning units to rear (repositioned)

Applicant: Mr Sabesan

Agent: Mr N Hatton 22 Hartlip Hill Sittingbourne Kent ME9 7PA

Ward Chatham Central

Case Officer Mary Smith

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 18 January 2017.

Recommendation - Approval with Conditions

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

Sheet 01 Revision E received 30 November 2016.

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

- 2 The noise rating level (L_{Ar},T_r) arising from the two air conditioning units hereby approved shall be at least 10dB below the background noise level (L_{A90},T) at the nearest residential facade at all times that they are in use. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: In the interests of the amenities of nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 3 An acoustic assessment of compliance with condition 2 above shall be submitted to the Local Planning Authority for its written approval no later than two months after the first use of either of the two air conditioning units hereby approved. Any provisions indicated in the assessment which need to be made to control noise emanating from the site in order to ensure compliance

with the terms of condition 2 shall be fully implemented within one month of the written approval of the Local Planning Authority and shall be maintained as such thereafter.

Reason: In the interests of the amenities of nearby residents 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 is a part retrospective application for the retention of existing shopfront, an altered roller shutter to the shopfront, cladding to the other ground floor front windows and air conditioning units to rear. At present the air conditioning units are on top of a single storey rear extension flat roof but they are shown to be repositioned on the side wall of this extension within a small enclosed yard to the rear of the shop.

Relevant Planning History (most recent)

MC/15/2640	Installation of illuminated fascia sign (above new shop front) Decision Approval With Conditions Decided 01/12/2015
MC/15/2566	Installation of a new shop front Decision Approval With Conditions Decided 01/12/2015
MC/15/0625	Application for Lawful Development Certificate (existing) for use of the ground floor as a shop (A1 use class.) Decision Approval Decided 27/04/2015
MC/13/1887	Advertisement consent for installation of an internally-illuminated fascia sign Decision Refusal Decided 04/02/2014
MC/13/1849	Application for Lawful Development Certificate (existing) for use of the ground floor level of 55 and 55a Ordnance Street as a shop (A1 use class.) Decision Refusal Decided 23/01/2014
MC/13/1848	Installation of a new shop front and roller shutters Decision Refusal Decided 03/02/2014

Representations

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

6 letters (3 in response to amended plans) from 3 parties have been received raising the following objections:

- Vibration from the air conditioning units;
- Noise disturbance from the air conditioning units, intermittent over 24 hours to house and garden, the proposed location may result in an echo chamber;
- Nearby houses have different layouts so the impact on them will vary, they are old with thin walls and cellars;
- Not all shops require air conditioning units and those at the school are only on in school time during hot weather, not all the time;
- The impact will worsen as the units get older;
- Objections about noise relate to the rear not the front of the property so the rank and bus route submissions are irrelevant to these concerns although deliveries in the early morning (3am) are of concern;
- The shop does not have planning permission, this is a residential area;
- The plans do not correlate with reality including the history of the property and it not clear what is proposed;
- The shutter is superfluous for a grocery store, it has been installed;
- A new ramp has been built across the path at the front of the shop.

3 letters of support have been received (although one of the senders has also been submitting information as part of the application) raising the following matters:

- Useful shop. Investment in the neighbourhood should be supported;
- This has been a shop since 1871;
- There is a condenser on the opposite school wall, all shops/offices have them, they are developed to be silent;
- The shutters are better than those there when it was two shops;
- Busy road used by buses and taxis;
- The removal of a small step (less than an inch) is minor and has given level access to the shop.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Background

Planning permission for a new shopfront was granted in 2015 (MC/15/2566). This followed the granting of a lawful development certificate earlier that year (MC/15/0625) for the existing lawful use of the ground floor as a shop (A1 use class). Prior to that a previous application for a lawful development certificate for this use had been refused due to lack of evidence (MC/13/1849), as had an application for a shopfront and roller shutters both due to doubt over the lawfulness of the retail use and due to the appearance of the proposed shutters (MC/13/1848).

Principle

As the lawful use of the ground floor of the property is for retail purposes there is no overriding objection in principle to the provision of a shopfront, roller shutters and air conditioning units for this commercial use. However the acceptability of the scheme will rest on matters of detail, in particular the visual impact and the effect on amenity.

Design

Policy BNE9 of the Local Plan provides advice on the design of commercial frontages. The current shopfront for which permission is sought is much smaller than the double shopfront previously approved (MC/15/2566). This end of terrace property is of limited architectural interest and although the shopfront is perhaps smaller than usually expected and has little detailing, in the site context it is not considered that this appears harmful to the building or its surroundings. Non-illuminated signage provided over the three blocked up former windows also on the front elevation keeps the visual impact of the commercial use on a relatively small scale in this primarily residential area.

The original shopfront shutter was solid however the plans now show an alternative punch lathe design in accordance with the advice in the Councils Guide to Shopfront Security, the agent stating that there have been a number of issues locally which have necessitate their use. This appearance is considered acceptable.

Originally the air conditioning units were shown to be retained on the flat roof to the rear of the building. As the site is on the street corner with New Street they are in a relatively exposed position visible from the street as well as from some neighbouring gardens. This results in a poor appearance and an alternative position is proposed as part of the current application. This new location would be virtually hidden in a small enclosed yard to the rear of the shop and would result in no visual harm.

In summary the design and visual impact of the development is considered acceptable including with regard to Policies BNE1 and BNE9 of the Local Plan and the advice in the NPPF (section 7).

Amenity

The main amenity concern in respect of this application is the impact of the operation of the air conditioning units on nearby residents. At present the units are in a roof top position which is not ideal in this respect, however the proposal is now to relocate them to a ground floor side wall in the small enclosed yard to the rear of the shop. This position is considered acceptable from an amenity viewpoint although conditions are proposed to ensure that their noise levels would be appropriate for this setting. Subject to this the amenity impact of the development is now acceptable including with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

Highways

The alterations do not result in any additional footprint or volume to the building such that they would be likely to create significant additional traffic to and from the site. It is noted that a minor alteration to form a very small ramp up to the shop front door appears to have taken place recently however there is no harm evident from this. In these circumstances it is not considered that the development results in any detrimental impact on highway safety including with regard to Policy T1 of the Local Plan.

Local Finance Considerations

No local finance considerations relevant to this application.

Conclusions and Reasons for Recommendation

In summary the alterations to the property frontage and the repositioned air conditioning units are not unreasonable changes to this retail premises and their design and amenity impact area considered acceptable. Approval is therefore recommended with regard to Policies BNE1, BNE2, BNE9 and T1 of the Local Plan and the advice in the NPPF.

The application would normally be determined under delegated powers but is being referred to 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/>