

MC/16/4951

Date Received: 8 December, 2016

Location: 352 High Street Rochester ME1 1DJ

Proposal: Change of use from A1 retail to mixed class use A4 Micro pub and A3 cafe

Applicant: Mr R Collins

Agent: Dimitris Bellrock Property 52 Bow lane London EC4M 9ET

Ward River

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 15 March 2017.

Recommendation - Refusal

- 1 The combined effect of the proposed part Class A4 micro pub use would result in over concentration of non-retail A1 uses within the parade which backs onto residential dwellings on St Bartholomew's Terrace and would result in a harmful impact on the residential amenity of the occupiers of these properties by reason of excessive noise, disturbance and pollution from the use and smoking area. The proposal would also result in impact from the rear access to the refuse store and from the likely additional pedestrian and vehicle movements to the rear of the premises in connection with the proposed use, contrary to Policies R18 and BNE2 of the Medway Local Plan 2003 and to the fourth core planning principle in paragraph 17 of the National Planning Policy Framework.

Proposal

It is proposed to change the use of this vacant premise from Class A1 retail to mixed use of Class A3 café and Class A4 micro pub. It is intended to serve coffee and basic food in the mornings, with alcohol only served after noon. The aim is to create a friendly environment with a range of real ales; craft beers etc. with no live amplified music or fruit machines but select acoustic events and simple forms of amusement only. Opening hours are given as Monday to Saturday from 10am to 11:30pm, on Sundays from 10am to serve coffee with a closing time of 10.30pm. There will be two full time and one part time staff. Initially it is intended to refurbish the ground floor only and then later to use the basement once a month for different events such as comedy

nights or skittles. Internal alterations would be made such as to create separate male and female toilets and to the rear of the building it is proposed to provide a smoking area and refuse storage.

Relevant Planning History

MC/05/0466	Construction of a single storey rear extension with pitched roof over existing flat roof to rear and part conversion of ground floor to accommodate a two bedroomed flat together with change of use of 1st and 2nd floors from offices to 3, 2-bedroomed maisonettes with associated works Decision Approval with Conditions Decided 28/04/2005
MC/01/1973	Change of use of first and second floors from offices to three 2-bedroomed maisonettes and construction of porches, terraces and external staircase Decision Approval with Conditions Decided 24/01/2002
92/0664	Change of use of 352 from shop with flat over to offices and erection of enclosed staircase to the rear of 350 and 352 Decision Approval with Conditions Decided 20/10/1992
87/274	Proposed change of use of part first floor and total second floor to provide one bedroomed flat Decision Approval with Conditions Decided 09/06/87

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. The Town Centre Manager has also been consulted.

33 letters of objection have been received (2 from 2 separate writers, 3 from 1 writer and 3 (plus one further submission of comment) from 1 writer) on the following grounds:

- Greater parking problems for residents who have parking permits including from delivery drivers, illegal and double parking to the rear, blocking the road, cars have been damaged in the past, safety risk;
- The rear area is unsuitable for large bins as it is accessed by steps and is a smaller area shared between the flats, also smell and rodent issue;
- The rear area is under the neighbours patio and entrance walkways to flats and so is unsuitable for a smoking area, bad for health;
- Use of rear area would be intimidating for residents and make them feel unsafe;
- Pollution and smoking in the street (infiltrating in to neighbouring properties), more for locals to clear up (sick, blood, urine, empties, etc. in doorways, alley

- and street);
- Increased noise inside and outside the property including to the rear, disruption and rubbish, very close to local residents;
 - Excessive opening hours, beyond 11pm, also morning opening will mean early morning deliveries;
 - Increased anti-social behaviour;
 - Already incidences of drug dealing in the street;
 - Already two micro pubs and other pubs and cafes in the area, no local need for new service and the survival of other businesses could be affected, better if micro pubs are spread out;
 - Noise from the Northern Seaman micro pub still causes disturbance after soundproofing, the current site could not soundproof the frontage due to historical protection and similarly many residential neighbours have single glazing being in this Conservation Area; and
 - Response to concerns raised does not realistically address the issues.

5 letters of support have been received on the following grounds:

- Good to see small independent pubs for social benefit/community spirit;
- Revenue and employment to Medway, training for students and support Kent businesses in its supply chain;
- Micro pubs are quiet establishments which generate little noise, trouble or antisocial behaviour;
- Small venue means it is likely that smaller vehicles will deliver, small quantities of goods can be unloaded a distance away, not blocking roads; and
- Few drive to a micro pub and there are public car parks in easy reach.

Councillor Mackness has requested that the application be reported to Committee if it is recommended for approval on the basis of its impact on the amenity and quiet enjoyment of the adjacent residential properties.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

The site lies in the part of the High Street between the core retail areas of Rochester and Chatham. The Local Plan shows this as being within an urban Conservation Area, with no specific use designated. Policy R18 of the Local Plan provides guidance on hot food takeaways, restaurants, cafes, bars and pubs in such areas, stating such uses will be permitted outside the defined retail core areas providing that certain criteria regarding amenity, combined impact, hours, refuse and noise/disturbance/parking/access.

In the current case the site is in a slightly unusual position in that this block of the High Street, that the application property is located within, backs onto St Bartholomew's Terrace and has a close relationship with it. This compact residential street contains a terrace of 12 houses and is of limited width with no formal turning facilities and parking all along its southern side. As well as the houses this road also provides access to the rear of the High Street properties, both a mix of commercial and residential occupants, and to the land to the west. Aside from the current site numbers 348-364 High Street currently contain one Class A1 retail unit, two Class A2 financial and professional service units, two Class A3 restaurants one of these being a double unit and the other being vacant, one Class A5 takeaway and one Class D1 dentist. Of the original units this means that 4 out of 9 are currently in restaurant/takeaway use. The change of the current unit from Class A1 retail to a mixed Class A3/A4 use would result in more than half of the terrace being in 'entertainment' based uses. Such uses generally focus on the evening economy, attracting activity and their main customer bases at such time. Due to the close relationship of the units with the tight-knit residential terrace to the rear it is considered that the cumulative impact of the concentration of such uses, particularly the introduction of a part Class A4 public house use, would result in harm to the amenities of local residents. In these circumstances the development would be contrary to Policy R18 of the Local Plan and refusal is recommended.

Design

The site is located within the Star Hill to Sun Pier Conservation Area and although not listed itself it sits opposite the listed North Foreland public house and a row of four listed terraced properties. The property has an attractive historic shop front with two floors of residential accommodation above. Due to level differences the shop level is below the street level of St Bartholomew's Terrace to the rear. The proposed works to the building are primarily internal. Subject to details, which could be secured by planning conditions, the minor external changes including repairs to the shopfront are likely to enhance the character and appearance of the site and its historic surroundings. In these circumstances there is no objection to the proposal with regard to the design of the building works including with regard to Policies BNE1, BNE9 and BNE14 of the Local Plan and the advice in the NPPF (Sections 7 and 12).

Amenity

The main amenity concern is the impact on local residents, particularly those living above the site and the neighbouring commercial units and those in St Bartholomew's Terrace to the rear. This is both in respects of activities inside and outside of the building.

With regard to activities within the building micro pubs mainly focus on the social element of people getting together to have a drink and talk. The application submissions state that any monthly musical event would be held in the basement (with soundproofing) and not in the bar. If permission were to be granted it would be important to secure further details to ensure that adequate soundproofing was installed both in respect of noise transmission within the building (to the adjoining occupants) and to the outside of the building and this could be achieved by planning

conditions. Similarly conditions could be used to secure details of any chilling plant for the ales/beers in order to prevent harmful noise effects and to prohibit the playing of any amplified sound (voice, music) anywhere on the premises in order to prevent unreasonable noise breakout.

However whilst it is likely that noise transmission from within the building could be controlled it is more difficult to restrict any impact from the activities which would occur outside, primarily the coming and going of patrons. The applicants have confirmed that they intend to provide a sociable venue for responsible likeminded adults with measures to enforce and maintain a responsible and sensible drinking attitude. As the site is within a High Street location it is by nature relatively busy including during the evening period. However as well as the High Street the site also adjoins the tight-knit residential area of St Bartholomew's Terrace to the rear. The proposals include a smoking area in the small rear yard, as well as a refuse storage area. This area is virtually underneath the small garden terrace and access walkways to the flats above the High Street. It is considered that the use of this area in such manner would have a harmful impact on the living conditions of these neighbouring occupiers from pollution and noise disturbance. In addition although it is not intended that patrons access the site from the rear this could become an area to congregate, potentially to try and park and for deliveries which would be likely to cause further disturbance. The impact with regarding to parking and deliveries will be considered further below.

Consequently, it is considered that the proposed use coupled with the late opening hours, would have an unacceptable impact on the residential amenity of the neighbouring occupiers and as such is considered to be unacceptable contrary to the advice in Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

Highways

The site has designated car park/parking and none can be provided, in common with the majority of properties in this area. However due to its location on the High Street where there are public car parks/spaces nearby together with access to public transport there is no objection raised on parking or highway safety grounds in regard to Policies T1 and T13 of the Local Plan. However, whilst many potential patrons are likely to choose not to drive to the site it is likely that some will attempt to find on-street parking in the vicinity of the site. In addition deliveries and refuse collection vehicles would need to stop near to the premises. Whilst any commercial use of the premises is likely to result in some impact in these respects, there is concern that the proposed mixed use including part Class A4 use would to some extent exacerbate this. This would be likely to add to the adverse impact on the residential occupiers as a cumulative impact together with other commercial uses with access from St Bartholomew's Terrace. Parking, deliveries and manoeuvring is a significant issue in this restricted road and therefore any potential worsening of this should be avoided.

Local Finance Considerations

None considered relevant.

Conclusions and Reasons for Refusal

In summary it is considered that the combined effect of the proposed part Class A4 public house use in addition to the existing entertainment uses in this terrace which backs onto the residential properties on St Bartholomew's Terrace would have a harmful impact on occupiers of those properties by reason of excessive noise, disturbance and pollution, contrary to Policies R18 and BNE2 of the Local Plan and to the advice in the NPPF.

The application would normally be determined under delegated powers but is being referred to Planning Committee due to the number of the representations received, in support, which expresses views contrary to the recommendation for refusal.

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/>