

MC/21/1502

Date Received: 21 May 2021
Location: 117 Watling Street Gillingham
Medway ME7 2YX
Proposal: Change of use from Opticians (Class E) to hot food takeaway
(Sui Generis) with alterations to front facade for increased glazing
Applicant: Mr Ramazan Cetinkaya
Britannia Fish Bar
Agent: Tsquare Consultants Ltd
Mr Cem Uzum
15 Witham Way
Rochester
ME2 2DS
Ward: Watling Ward
Case Officer: Josie Doherty
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 21st July 2021.

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 numbers 1002-00-ZZ-DR-A-0010 and 1002-00-ZZ-DR-A-3002 received 21 May 2021 and 1002 -00-ZZ-DR-A-3601 received 15 June 2021

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All materials used externally shall match those set out in the planning application form received 21 May 2021.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The use hereby permitted shall only operate between the hours of 11:00 to 22:00 Mondays to Saturdays inclusive and between the hours of 12:00 to 21:00 on Sundays and Public Holidays.

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

- 5 Prior to the first use of the unit as a hot food takeaway, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property 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

Change of use from Opticians (Class E) to hot food takeaway (Sui Generis) with alterations to front facade for increased glazing to better serve the proposed use.

Relevant Planning History

MC/06/1004	Change of use from first floor storage area of opticians into a first floor two bedroomed flat Decision: Approved with conditions Decided: 27 July 2006
GL/80/339	Change of use of first floor from vacant rooms to extension of optician's premises Decision: Approved with conditions Decided: 5 February 1981

Representations

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

49 letters have been received raising the following objections:

- Increased pressure on parking
- Increase in smells from cooking fumes
- Loss of Class E retail unit
- Site should be used for residential purposes
- Oversaturation of hot food takeaways in the existing area
- Increase in late night noise

17 letters of support have been received raising the following points:

- Proposal would bring an empty unit into use
- Proposal would reintroduce a Fish and Chip shop into the area after 2 closed down

A **petition** has also been submitted in support of the application with **69 signatures**. It should be noted that **6** of the signatories also submitted letters of support.

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 2019 and are considered to conform.

Planning Appraisal

Principle

The application site is situated between the designated local centres of Rainham Road/Watling Street and Watling Street. Policy R10 of the Local Plan lists the Local Centre of Rainham Road/Watling Street to be between 168-182 (evens) and 101-109 (odds) and of Watling Street to be between 46-94 (evens) and 123-147 (odds). The position of the application sites at 117 Watling Street means that it, alongside 5 other units which is a stretch of frontage of approx. 40m, are sandwiched between the two local centres but are not specifically defined within either. Although the site is not specifically defined within the designated neighbourhood centres its proximity to them means that no objection is raised with regard to the use. Furthermore, planning history for the site itself as well as neighbouring units (111-119) that have also been omitted from inclusion within the neighbourhood centre show that the units have had typical neighbourhood centre retail uses since at least the 1960's, as such Policy R10 can be considered to apply.

The application site is currently vacant and has been for several years, its most recent use was an opticians (Class E). Policy R10 of the Local Plan resists development that

would result in the loss of existing shopping facilities, as the proposal would bring back into use a vacant unit and would not actively displace an existing retail use no objection is raised in this regard.

The 'Hot Food Takeaways in Medway' guidance note (HFT) released in 2014 sets out in paragraph 5.12 that the approach to considering proposals for hot food takeaways within Neighbourhood Centres such as Watling Street will involve determining the proportion of each town centre use class (previously A1, A2, A3, A4, A5, D1 and D2, now Class E and Sui Generis) and converting that into an overall percentage. It states that A5 hot food takeaway (now sui generis) uses should not normally exceed 15% of the overall linear meterage. Paragraphs 5.17 and 5.18 of the HFT guidance notes that an overabundance of hot food takeaways displaces other shop and food options and impacts on the vitality and viability of designated town and neighbourhood centres. To ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.

The applicant has provided an assessment of the existing hot food takeaway usage on Watling Street within the submitted Planning Statement. They state that Watling Street covers approx. 600 linear metres and currently has 10 hot food takeaways with an estimated frontage of 60 linear metres, 10% of the overall linear metres of Watling Street. The introduction of a new hot food takeaway would therefore not exceed the 15% threshold.

To verify this assessment, a separate survey of hot food takeaways along Watling Street has been undertaken. It is estimated that from the end of the designated Watling Street centre, at the junction with Darland Avenue, to the beginning of the Rainham Road/Watling Street centre, at the junction with Ash Tree Lane, there is approx. 540m of linear retail frontage, this does not include Gillingham Fire Station. Within the same physical parameters there are 10 hot food takeaways, it is important to note that as set out within the HFT guidance notes this number does not include restaurants and cafes. The various types of takeaway are as follows:

- 3 Kebab
- 2 Chinese
- 2 Indian/Tandoori
- 1 Chicken
- 1 Grill
- 1 Pizza

The linear frontage of hot food takeaways within this area is therefore approx. 53m, as such the existing percentage of linear metres is 9.8%. If permitted the application would increase the linear frontage by approx. 4m, therefore increasing the overall percentage to 10.5%. The proposal is therefore considered to conform with the approach laid out in the HFT guidance note and as such no objection is raised in regard to principle.

Design

The proposal also intends to alter the existing shop front to better serve the proposed use, these alterations are minimal and are contained to the increase in glazing to the existing windows and alteration to the signage at the top of the shopfront. The proposed changes to glazing are considered appropriate for the proposed use and would have minimal impact to the appearance of the shopfront and therefore the wider area. The proposed change to the shopfront signage would not require planning permission as advertising signage directly above shop fronts such as this are considered to have deemed consent or are subject to a separate advertisement consent application. Therefore, the proposal is considered to comply with Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

The proposed extraction flue is situated to the rear of the building. The design of the flue and type of system proposed are considered acceptable in terms of ensuring neighbouring amenity is not detrimentally impacted by the development. Concerns have been raised regarding a potential increase in late night noise. Providing an appropriate condition is applied restricting the opening hours this is considered acceptable.

The proposal is therefore considered to comply with Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

Highways

Impacts on highways safety and function have been considered. Given the location of the site between two neighbourhood centres it is not considered that the proposed change of use would result in a detrimental impact on the function or safety of the highway. The proposal is therefore compliant with Policies T1 and T13 of the Local Plan and paragraph 109 of the NPPF.

Conclusions and Reasons for Approval

In summary, there is no objection in principle to the proposed change of use to a hot food takeaway. The impact of the development with regard to design, impact on amenity and highways safety is acceptable. The proposal is in accordance with the Hot Food Takeaways Guidance Note, Policies R10, BNE1, BNE2, T1 and T13 of the Local Plan and paragraphs 109, 124 and 127 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's 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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>