

**MC/22/2426**

**Date Received:** 12 October 2022  
**Location:** Lordswood Ten Pin Bowling and Snooker Centre Newton Close  
Lordswood Chatham  
**Proposal:** Retrospective part change of use to restaurant with installation of external door together with installation of security roller shutter to fire escape and installation of intake and extract grills to kitchen extraction system  
**Applicant Agent:** Mr T Watters  
MJB Architectural Services Ltd  
Mr Matthew Beasley  
9 Stanley Road  
Cliftonville  
Margate  
CT9 2DL  
**Ward:** Lordswood And Capstone Ward  
**Case Officer:** Mary Smith  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8th March 2023.**

**Recommendation - Approval with Conditions**

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

Received 4 November 2022

Drawing 0024-PL04 Proposed Ste Plan

Received 27 January 2023

Drawing 0024-PL05 Rev A Proposed Ground Floor Plan

Drawing 0024-PL06 Rev A Proposed Elevations

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

- 2 Within one month of this permission 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 to the Local Planning Authority for its written approval. 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 within one month of its written approval by the Local Planning

Authority and thereafter shall 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.

- 3 Within one month of this permission details of refuse storage shall be submitted to the Local Planning Authority for its written approval. The approved details shall be implemented on site within one month of their written approval by the Local Planning Authority and thereafter shall be retained 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.

- 4 All customers and visitors to the restaurant (including any collecting food) shall access and exit the facility through the 'Main Bowling, Bar and Restaurant Entrance' to the building and not through the 'Lobby' and 'Fire Escape' door as detailed on the PROPOSED Ground Floor Plan drawing no: 0024-PL05 Revision A hereby approved (other than in the case of an emergency). Only deliveries to the premises and staff employed on the premises shall access and exit using the 'Fire Escape' door.

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 The use hereby permitted (including any associated deliveries) shall only operate between the hours of 1200 to 2300 Sundays to Thursdays inclusive and between the hours of 1200 to 00:00 (midnight) on Fridays and Saturdays.

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**

This is a retrospective application for a part change of use of the Lordswood Ten Pin Bowling and Snooker Centre (Class F2) to create a separate restaurant area (Class E), which would result in a mixed use of the building. The restaurant is in the southeast corner of the building. One of the fire exit doors has been altered to create a separate access to the restaurant, with a new door and security roller shutter. The pedestrian route to this door (from Sultan Road) has been cleared of foliage and tidied up with a grass bank, a low retaining wall and slabbed path. However, following concerns regarding the impact of the use of this alternative access it has now been confirmed

that it will be used for deliveries and staff only, with all customers accessing through internal doors within the Bowling and Snooker Centre. The submissions include some details of an extraction system with 0.6m by 0.6mm intake and extract grills on the northwest side gable of the roof.

### **Relevant Planning History**

91/0511      Single storey extension to form bowling alley.  
Approved 30 July 1991

90/0909      Single storey side extension  
Approved 30 November 1990

### **Representations**

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

**Three objections** have been received, in summary raising the following material planning concerns:

- Noise from people coming and going.
- Noise from the extraction system and roller shutters
- Smell (extraction system not doing its job)
- Area at the back for smokers, smoke pollution and spotlight which lights nearby houses
- Parking issues for this residential street
- CCTV camera points to neighbouring property

### **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 2021 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

### **Planning Appraisal**

#### *Background*

This application is as a result of a planning enforcement investigation as the restaurant use commenced and associated changes were made without obtaining planning permission. Local residents raised a number of concerns about the application as originally submitted and several matters were subsequently raised with the applicant, resulting in the submission of some revisions/clarifications. Where relevant these will be referred to in the assessment below.

### *Principle*

The site is located close to the Local Shopping Centre at Lordswood, to the side of St David's Church and with its main access being off Newton Close, opposite the public car park for the centre. Policy L1 of the Local Plan seeks to avoid the loss of leisure facilities and in the current case the restaurant occupies a relatively small portion of the building, less than 20%, such that the main leisure facilities are not lost. Policy R18 says that restaurants, etc, will be permitted outside the defined core retail areas if given criteria are met regarding the impact on their surroundings, to be assessed below. Paragraph 81 of the NPPF gives significant weight to the supporting economic growth and productivity, with paragraph 93 recognising the importance of social, recreational and cultural facilities. In summary, there is no overriding objection in principle to the addition of the restaurant use, however its acceptability will depend on detailed matters, especially the impact on the living conditions of neighbours.

### *Design*

The external changes associated with the introduction of the restaurant use are minor. The alteration to the former fire escape door with roller shutter and the tidying up of the path to it from Sultan Road (including paving and a small retaining wall) are acceptable from a design and visual aspect, as is the addition of small grills in the roof facing towards St David's Church. There are no objections in this respect with regard to Policy BNE1 of the Local Plan and paragraph 130 of the NPPF.

### *Amenity*

The main area of concern is the impact of the restaurant use on residential neighbours. The originally proposed main pedestrian access route was between the sides of dwellings and their gardens in Sultan Road. This was not considered to be suitable, introducing a public access route next to a relatively quiet rear areas of these properties. Arrivals and departures of customers and any congregation outside for smoking, etc, causes a loss of amenity particularly late in the evening. The plans have therefore been amended such that customers would enter and leave via an internal entrance from the Bowling and Snooker Centre, using the main entrance on the northwest corner of the building, away from the dwellings in Sultan Road and in Japonica Close. The alternative access would only be used for deliveries to the site and staff access, and it is not considered that this lower level and different nature of activity would be likely to result in significant noise and disturbance. It is noted that the hours of opening proposed for the restaurant is 1700 – 2300 Sunday to Thursday and 1700 - 0000 Friday and Saturday, the Bowling and Snooker Centre (which includes a bar) operates longer hours, from 1030 – 0000 Sunday to Thursday and 1030 – 0100 Friday and Saturday. A condition to control the operating hours of the restaurant use is recommended, although as lunchtime/afternoon opening would not cause significant harm, the allowable hours of opening are adjusted to account for this should the operator wish to do so.

As well as from noise and disturbance, the restaurant use can also cause a loss of amenity due to odour and noise from any associated extraction system. An extraction system has been installed and details of this have been provided. However, it is not considered acceptable for purpose and further, revised details of a scheme to extract

and treat cooking fumes, including details for the control of noise and vibration from the system, are needed. The applicant has agreed to this in principle, with full details to be agreed by planning condition.

Local residents also raised concern regarding and spotlight and CCTV, it is understood that these have now been altered to avoid further concern. Details of refuse storage have not been provided and a condition to ensure that suitable provision is made is therefore recommended.

In summary, it is recognised that the restaurant use may cause a loss of amenity to neighbours however following discussions with the applicant's agent over operational details it is considered that, subject to conditions, any significant harm can be suitably mitigated. Therefore, no objections are raised in this respect including with regard to Policies BNE2 and R18 of the Local Plan and paragraph 130 of the NPPF.

### *Highways*

The revised customer access route to the restaurant is a positive improvement with regard to parking and highways impacts, as well as to amenity. This is because the entrance is onto Newton Close, opposite a public car park, rather than between dwellings on Sultan Road. Customers arriving by car are therefore far more likely to use the car park rather than to compete with Sultan Road residents for on-street spaces. Although the site access directly onto Sultan Road would be used for deliveries and staff access, the frequency of such use would be relatively low, and it is not considered that traffic generation would lead to a significant impact on road safety and the local highway network. There are no objections with regard to Policies T1 and T13 of the Local Plan and paragraphs 110-112 of the NPPF.

### **Conclusions and Reasons for Approval**

In summary, whilst there is no overriding objection in principle to the change of use of a small part of this leisure use building to a restaurant, the change as submitted was caused some concerns to the amenities of nearby residential occupiers. However, an amendment to the route for the arrival and departure of customers, together with changes to the cooking extraction system to be secured by conditions, can mitigate this impact, such that the development is considered acceptable. Approval is therefore recommended including with regard to Policies BNE1, BNE2, R18, L1, T1 and T13 of the Medway Local Plan 2003 and paragraphs 81, 93, 110-112 and 130 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 for approval.

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### **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://publicaccess1.medway.gov.uk/online-applications/>