

West Malling West Malling And Leybourne	568025 157797	8 November 07 2 July 07	(A) TM/07/01879/FL (B) TM/07/01878/LB
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Proposal: (A) Change of use of building to A3/A4 use with associated minor alterations
(B) Listed Building Application: Change of use of building to A3/A4 (restaurant, cafe, public house)

Location: 62 High Street West Malling Kent ME19 6LU
Applicant: Public House Collection Ltd

1. Description:

- 1.1 Members will recall that these applications were deferred from the December meeting of the Area 2 Planning Committee for a Members' site inspection. The site inspection took place on 25 January 2008.
- 1.2 My previous report and the supplementary report concerning these applications are reproduced within an Annex of this report.

2. Reason for reporting to Committee:

- 2.1 The applications were originally called to committee by Cllr Worrall who raised various concerns with regard to traffic, parking, noise and amenity. They are now being reported back to Committee following the Members' site inspection.

3. Consultees:

- 3.1 Since the applications were reported to the Area 2 Planning Committee on 5 December 2007 the following additional representations have been received:
- 3.2 Private Reps: One additional representation received, that says: "I do not know of anyone in West Malling who wants a champagne and oyster bar".
- 3.3 Kent Police: I really could not say if a conflict would happen if this was to go ahead. We do not seem to have much of a problem in town at night, no more than any other town. So it would be hard to comment if the impact would increase because of the opening of this restaurant.

4. Determining Issues:

- 4.1 A late representation refers to the proposal being for a "champagne and oyster bar". No reference to a "champagne and oyster bar" has been made in any of the documents submitted in support of the application. The genre or indeed the

operator of the premises is of no relevance to the case. The key consideration is the end use of the premises as a restaurant/café/drinking establishment (A3/A4 use). However, Members will recall that the proposed use would be restricted to the preparation and service of cold food only as no details of a kitchen extraction facility have been submitted with this application.

- 4.2 Members will have noted from their site inspection that West Malling has a busy and vibrant evening economy. Car-parking on busy evenings can at times be limited, particularly on the street and in the public car park area behind Tesco. However, at the time of the Members' site inspection, the Ryarsh Lane car park (which offers unrestricted public parking after 4pm) had a large number of unoccupied spaces (estimated 1 in 3). It may well be that there is an opportunity to address this imbalance by implementing better signage for the Ryarsh Lane car park. This of course would need to be done independently of this planning application.
- 4.3 Members will note comments received from Kent Police who were asked to comment specifically on whether a conflict might arise by having this premises located beside The Joiners Arms and if there are any existing crime issues in the two public car park areas. Based on their response and on the advice of the Council's Crime Reduction Coordinator I do not believe the available evidence would support a sustainable reason for refusal based on potential crime and disorder issues, in this instance.
- 4.4 All the other issues concerning this proposal were fully discussed in my previous reports reproduced within the Annex of this report. My recommendation remains unaltered other than Condition 5 of TM/07/01879/FL where 'eastern' has been substituted with 'western'.

5. Recommendation:

(A) TM/07/01879/FL:

- 5.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 30.05.2007, Details of property dated 30.05.2007, Design and Access Statement dated 30.05.2007, Site Plan dated 30.05.2007, Floor Plan 06/1332/001 Existing dated 30.05.2007, Floor Plan 06/1332/02 Proposed dated 30.05.2007, Letter MB/CW/6268 dated 12.09.2007 subject to the following:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The premises shall only be open for the preparation and sale of food and drinks between the hours of 0800 to midnight Monday to Saturday and between the hours of 1000 and 2330 on Sundays and Public Holidays.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

3. No development shall take place until details of a scheme for the handling, storage and disposal of all waste materials and refuse have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall show provision for the covered storage of such materials, shall be fully implemented before the use of the premises is commenced, and shall be retained and utilised at all times thereafter.

Reason: In the interests of pollution control in general and residential amenities in particular.

4. No primary cooking of unprepared food shall be carried on within the premises. Only re-heated food that has been prepared elsewhere or cold food shall be served within the premises.

Reason: To accord with the submitted application and to safeguard the amenities of neighbouring residential properties and because the Council had particular regard to the precise nature of the proposed use in determining the application.

5. The existing first floor door to the rear (west facing) elevation serving the dining room shall be used as an emergency exit only and shall remain closed at all times unless egress is needed in an emergency.

Reason: To ensure the amenities of adjoining residents are not adversely affected.

Informatives

1. Should at any time an application be made to prepare hot food on this premises, full details of the proposed kitchen extraction facility along with a risk assessment in accordance DEFRA guidance would be required to accompany any such application.
2. This planning permission does not purport to grant permission for any alterations to the shop front or grant consent for any advertisements to be displayed on the premises for which separate applications may be required.

(B) TM/07/01878/LB:

6.2 **Grant Listed Building Consent** in accordance with the following submitted details: Certificate B dated 30.05.2007, Letter dated 02.07.2007, Letter dated 30.05.2007, Design and Access Statement dated 30.05.2007, Schedule of Materials dated 02.07.2007, Location Plan DHA/6268/01 dated 30.05.2007, Floor Plan 06/1332/02 dated 30.05.2007, Floor Plan 06/1332/001 dated 30.05.2007 subject to compliance with the following conditions:

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. The standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

Informatives

1. The developer is asked to contact the Local Planning Authority prior to removal of internal walls at first floor level so that arrangements may be made to inspect the wall bracing. Contact phone no. 01732 876265.
2. This Listed Building Consent does not purport to grant permission for any alterations to the shop front other than hereby approved, or grant consent for any advertisements to be displayed on the premises for which separate applications may be required.

Contact: Bevan Houlbrooke