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| 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 2007 and February 2008 meetings of the Area 2 Planning Committee. The first deferral was for a Members Site Inspection and the second for officers to investigate the car parking situation in West Malling after 21.30hrs.
- 1.2 Both previous reports and the supplementary reports 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 with the extra information requested.

3. The Site:

- 3.1 This is as previously described.

4. Planning History:

- 4.1 This is as previously described.

5. Consultees:

- 5.1 No further responses have been received at the time of writing this report.

6. Determining Issues:

- 6.1 These are as previously described.
- 6.2 In relation to the investigation of the car parking situation in West Malling after 21.30hrs, Officers carried out inspections of Ryarsh Lane Car Park and the Tesco Car Park and the on-street parking situation on Friday 7 March at 20.30hrs and 22.30 hrs.

6.3 The results are as follows:

| | Ryarsh Lane Car Park (total available spaces 125) | | Tesco Car Park and rear of High Street (east side) (total available spaces 136) (4 spaces used for recycling) | | On High St (between Ryarsh Lane and Water Lane) (total available spaces 69) | |
|-----------|----------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------|---------------|
| | Occupied spaces | Vacant Spaces | Occupied spaces | Vacant Spaces | Occupied spaces | Vacant Spaces |
| 20:30hrs | 35 | 90 | 133 | 3 (disabled) | 68 | 1 |
| 22:30 hrs | 40 | 85 | 94 | 42 | 57 | 12 |

6.4 The above shows that at 20.30 hours, the Tesco/High Street car park and on-street car parking is at a premium but that there are plenty of spaces at Ryarsh Lane. During this period, all members of the public can legitimately use Ryarsh Lane car park when visiting premises in West Malling. Members will note that at this time, the Tesco shop is still open and it is also a popular time for collecting takeaways. Members are advised that the above figures do not include illegal parking in the Tesco car park and on-street (eg outside marked bays, on double yellow lines and in bus stops). At 20.30 hrs, there were 7 illegally parked cars at Tesco and 12 in the High Street.

6.5 At 22.30 hours, there were spaces available at all 3 locations. At this time, the Tesco shop is closed.

6.6 Members are advised that in regard to the survey results in the original report, the restaurant at 38 High Street has closed but still enjoys a lawful A3 use (restaurant and café).

6.7 In light of these findings, I continue to consider that these applications are worthy of support.

7. Recommendation:

(A) TM/07/01879/FL:

- 7.1 **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 out 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: Marion Geary