

**Aylesford  
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**TM/05/00608/FL**

**Pages 25-35**

**Change of use from A1 (Retail) to A5 (sale of hot food) at 5 Premier Parade  
Aylesford Kent ME20 7LN for Premier Stores UK**

Private Reps: 49 additional letters of objection have been received raising no new issues. However, there has been a greater emphasis on anti-social behaviour and the lack of parking spaces. In particular, examples of anti-social behaviour have been presented, such as damage to cars, vehicles broken into and intimidating behaviour in Elm Walk, The Avenue, Orchard Avenue and the children's play area known as the Pit.

A number of photographs have also been received showing the service road and service yard, along with photographs of the car park and access road in use. The photographs are taken in the morning and in the evening. The photographs show a number of parking spaces available within the communal parking areas, along with parking along the access road.

A petition has also been received with 304 signatures raising objections on lack of parking, anti-social behaviour and lack of need for extra takeaway.

PC: Reiterates its OBJECTION to this hot food 'take away' on basis of noise, nuisance, litter and vandalism which it will attract.

DHH: Client Services has verbally indicated that there is an existing litter problem in the Premier Parade and The Pit area, however, it is a general litter problem.

Kent Police: Verbally indicated that there is not a problem of anti-social behaviour around Premier Parade. There is however, anti-social behaviour at The Pit.

DPT: A copy of letter sent by Southern Water to neighbour has been submitted. It indicates that there is sufficient capacity within the existing sewerage system to deal with the discharge of extraneous material. Southern Water is able to prosecute companies where there is the discharge of illicit substances. Appropriate grease traps should be installed to ensure there is no discharge of materials, which would interfere with the free flow of the public sewerage system. This can be controlled by condition.

Members will note that an informative is attached to the recommendation covering litter and the siting of refuse bins and signage to advise customers to make use of them.

Condition 2 of the recommendation is not required as the parking area already exists and is communal, rather than allocated to individual units.

Some of those who have written-in have drawn attention to a change to the Use Classes Order that took place recently. The position is that the Use Classes Order was modified in March 2005 so as to separate into different use classes restaurants, drinking establishments and hot food takeaways. Previously these had all been in one single use class. So, previously, if the Council permitted a restaurant the site could also be used for a pub or takeaway unless the Council applied planning conditions to prevent the whole range of uses, in the use class, taking place.

Under the old arrangements the Council did, from time to time, used planning conditions, which would allow a takeaway but not a restaurant, or the other way round - dependent on the precise circumstances that arise in the locality of the site. The new use classes order makes this process simpler in that the Council doesn't now have to think about the possible use of limiting conditions.

But, the Council still has to consider the same factors as previously and reach a view on a case by case basis. For instance the Council will need to look at the mix of uses in a shopping area (in the sense that an inappropriate mix of uses could be detrimental in planning terms), the access and parking and the potential crime and disorder impacts of a proposal. None of these matters have been changed by the revision to the use classes order - these were, and remain, important factors to be assessed in making any planning decision.

In this case, as I have indicated previously, I cannot see that these factors either alone or in combination, justify refusal – especially as a retail unit (albeit with a smaller floorspace) will remain should the proposal be allowed. There is of course no guarantee that any retail unit will be retained in its current specific shopping use.

## **AMEND RECOMMENDATION**

### **Omit Condition 2**

### **Add condition**

**7. The use shall not commence until full details of a scheme of grease traps for the sinks and drains for the kitchen, including arrangements for the continuing maintenance of this equipment, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system being operated.**

**Reason: In the interests of pollution control.**

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