

**Aylesford**                                **572176 158481**                                **25.02.2005**                                **TM/05/00608/FL**  
Aylesford

Proposal:                                Change of Use from A1 (Retail) to A5 (Sale of Hot food)  
Location:                                5 Premier Parade Aylesford Kent ME20 7LN  
Applicant:                                Premier Stores UK

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**1. Description:**

1.1 Members will recall that this application was deferred at your previous meeting in May to enable further investigation into a number of matters, including the issue of alleged anti-social behaviour. My previous report, and the Supplementary Report to the May meeting are reproduced as Annex 2. A confidential report from the Chief Solicitor also appears in Part 2 of this Agenda.

**2. Planning History:**

2.1 In addition to that set out in the previous report, a retrospective application has now been received for alterations to the shop front at number 5 (TM/05/01693/FL).

**3. Consultees (additional responses to those set out in the previous report and Supplementary Report):**

- 3.1 Crime Reduction Co-ordinator: Any take-away has the potential for being a gathering place for youths and anti-social behaviour. A complaint has not been received for several months in this area and there are no specific disorder problems in the Parade. No ASBOs have been issued to offenders in this area. ASBOs are the last resort and attempts are usually made to resolve problems as they occur.
- 3.2 PC: Objection still stands but should permission be granted the details for the ventilation terminal would be acceptable provided the filter changing recommendations are adhered to and fan noise is within the limits for residential areas.
- 3.3 KCC (Highways): The floor area is 95.37 square metres. Based on a retail use the parking provision is currently assessed at 1 space per 18 square metres of floor area. Therefore number 5 would require 5 spaces. This is to be compared against the requirement for a takeaway of 6 spaces. There is therefore a theoretical shortfall of one space. The applicant is offering parking in the rear yard that is unlikely to be attractive to customers but could be used for staff. Customers will be able to use the available communal parking serving the whole parade. Number 5 was once part of a bigger unit combined with number 4. Taking the scenario of numbers 4 & 5 being one large unit then the floor area will be in the order of double the requirement of number 5 i.e. 10 spaces. With number 4 remaining as a retail unit there is no difference in the parking requirement for that unit. Therefore

the comparative overall theoretical parking requirements for 4 & 5 are very similar. With regard to traffic generation the existing retail unit could open for longer hours as it is not fettered by opening restrictions. It is possible that without a further planning application number 5 could open in the evenings and attract traffic in a similar way to a take-away. I do not therefore consider that traffic generation is a consideration.

#### **4. Determining Issues:**

- 4.1 There are a number of matters I would like to clarify in the light of the debate that took place at the previous meeting.

##### Parking

- 4.2 The parking provision identified in the submitted plans shows a small communal parking area to the east and two unreserved spaces in front of the shop. Parking is also available to the rear of number 5 in a yard area but, as KCC (Highway) point out, this is likely to be more attractive to staff than to customers. I understand that separate parking is provided for residents of the flats. When the parade of shops was built there was no parking area to the front. This was created approximately 10 years ago by Tonbridge and Malling Borough Council. This area and the small car park to the east are controlled by Tonbridge and Malling Borough Council. The applicants agents have served the requisite notice on the Council, having included these areas within the application site.

##### Anti-Social Behaviour

- 4.3 In exercising its Planning powers, as with many of its other functions, the Council has a responsibility to have due regard to the effect that its decisions will have on crime and disorder. The prevention of crime and the enhancement of community safety are material considerations in dealing with a planing application.
- 4.4 Members will have heard the views expressed at the previous meeting regarding perceptions of antisocial behaviour associated with the existing take-aways in this Parade. However, the Council's Crime Reduction Co-Ordinator is not aware of any current or recent incidents in this regard. There is therefore no real evidence to support the perception that such a problem currently exists. Moreover, in these circumstances I believe it would be difficult to demonstrate that, by granting planning permission for the use proposed thereby increasing the number of take-aways in the Parade from two to three, the risk of anti-social behaviour would be noticeably increased. That being the case, I do not believe there to be a sustainable reason for refusing permission on those grounds.

PPS6: Government advice on retail provision, etc

4.5 In terms of the hierarchy of retail centres this parade is available to meet every day needs of the area. The introduction of a third take-away will add to the evening economy in the area as well as retail activity during the day. This site lies within a residential area and is easily accessible on foot by many nearby residents. Premier Parade is an important part of the local shopping network. There is no policy preventing A5 uses in this parade and I do not consider the use of three of the six units for take-away premises to be harmful to the amenities of the area, or to the overall function of this Local Centre. A number of other units would remain available to service a range of local shopping needs for the locality. This includes the now separate part of the larger unit formerly comprises of nos. 4 and 5.

**5. Recommendation:**

5.1 **Grant Planning Permission** as outlined in the submitted details as amended by letters dated 21 March 2005 and 12 April 2005 and flue details received 8 April 2005.

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

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

2 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

3 The development hereby approved shall only operate between the hours of 10.00 and 22.30 Mondays-Saturdays and 17.00 -21.30 on Sundays and shall not operate at any time on Public or Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

4 The use shall not commence until full details of a scheme of mechanical air extraction from the kitchen, including arrangements for the continuing maintenance of this equipment and any noise attenuation measures required in connection with the 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 is being operated.

Reason: In the interests of the amenities of nearby properties.

- 5 Noise emissions from the extraction system shall at no time exceed 35dB(A) at the façade of the adjacent premises.

Reason: To protect the amenities of the occupants of nearby dwellings.

- 6 The premises shall be used only for a take-away and for no other purpose (including any other purpose in Classes A3 or A5 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In the interests of the residential amenities of the occupants of the area.

Informatives:

- 1 With reference to condition 4 above, reference should be made to the new Guidance - Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005).
- 2 It is suggested that appropriate refuse bins are sited adjacent to the shop unit with a sign placed inside the premises advising customers to make use of them.

Contact: Hilary Johnson