

**PLANNING COMMITTEE – 17 SEPTEMBER 2020****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO – 20/503138/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use (including minor external alterations) of vacant units for use as an indoor bowling alley (Class D2)		
<b>ADDRESS</b> Units 4 & 5 Bourne Place St Michaels Road Sittingbourne Kent ME10 3JY		
<b>RECOMMENDATION</b> – GRANT subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed change of use is acceptable in this town centre location and the impacts on the surrounding area and amenities would also be acceptable.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The development would take place on land/buildings owned by Swale Borough Council		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Keith Pullinger (Deputy Chairman & Founder) <b>AGENT</b> Burrows Little Ltd
<b>DECISION DUE DATE</b> 15/09/20	<b>PUBLICITY EXPIRY DATE</b> 19/08/20	

**Planning History**

14/505440/FULL - Proposed mixed use development - on six parcels of land - of 212 residential apartments (use class C3), 3158 sq m of retail space (use class A1), A 308 space multi storey car park, 1713 sq.m cinema (use class D2), 2320 sq.m ground floor restaurant units (use class A3), first floor D2 use and the re-alignment of St Michael's road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station – Approved.

19/504649/FULL - Minor material amendment to condition 2 of application 14/505440/FULL . The changes sought relate to site 4, incorporating amendments to the design of Block A (including façade amendments to the Station Road elevation, a reduced height to Block A overall, reconfiguration of Block A ground floor to create 6 restaurant units (with increase in restaurant space within Block A from 1787sqm to 1865 sqm), and provision of additional outdoor seating areas to Block A - Approved

**1. DESCRIPTION OF SITE**

1.1 Members will be well aware of the “Spirit of Sittingbourne” development proposals which span across six sites in the town centre and which benefit from planning permission under 14/505440/FULL.

- 1.2 This application relates to the “Leisure quarter” (also known as site 4) which consists of the hotel (now complete), a cinema and restaurant units (undergoing internal works / fit out), and the public square opposite the train station, which is also complete.
- 1.3 Units 4 and 5 subject to this application are located within the main building known as “Block A”, and which houses 6 units on the ground floor approved for use as restaurants, and a cinema on the upper floor.
- 1.4 The frontage to Units 4 and 5 faces eastwards across a walkway that forms part of the new public realm, and separates Block A from the adjacent Forum public car park. The rear of the units face Station Street to the west.

## **2. PROPOSAL**

- 2.1 This application seeks planning permission to change the use of units 4 and 5 from the restaurant use as permitted to an indoor bowling alley. The units measure 687sqm in combination, and would accommodate 9 “reduced length” bowling lanes, a gaming area, a reception / servery and tables / seating. The facility would be operated by the same company as the cinema, and the entrance into the bowling alley would be from the cinema entrance to the north of the units, via a new internal entrance.
- 2.2 The existing glazed entrance and windows on the east elevation would remain, but would be locked and/or utilised as fire exits only. The only external change would be the replacement and slight adjustment in location of a door on the rear elevation of the building, facing Station Street.
- 2.3 The application is seeking for the proposed bowling alley to be open for the same hours as permitted for the restaurant uses, i.e. up to midnight every day.

## **3. RELEVANT PLANNING CONSTRAINTS**

- 3.1 The site is located within the Sittingbourne Town Centre boundary and within the designated Sittingbourne Regeneration Area.

## **4. POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) – Paragraphs 8 (achieving sustainable development), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the local plan), 85 (taking a positive approach to town centres, including adapting to change in retail / leisure industries, providing main uses in town centres), 91 (providing healthy and safe places), 92 (providing recreational facilities),
- 4.2 National Planning Practice Guidance (NPPG) – Town centres and retail
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies ST5 (Sittingbourne area strategy), Regen 1 (Central Sittingbourne Regeneration Area), DM1 (maintaining town centres), DM2 (proposals for main town centre uses), DM6 (transport demand / Impact), DM14 (general development criteria)

## **5. LOCAL REPRESENTATIONS**

- 5.1 None received.

## **6. CONSULTATIONS**

- 6.1 Kent County Council Highways – Raise no objection to the proposal.
- 6.2 SBC Environmental Health Officer – Raise no objections following the submission of a noise report, subject to the implementation of measures to restrict noise outbreak from the building, as detailed within the report.
- 6.3 Kent Police – Raise no objection subject to the following measures being secured by planning conditions –
1. A suitable treatment e.g. bollards, fixed planters, railings, feature treatments to be incorporated to protect the large panels of glazing.
  2. All new glazing to be laminated, all existing glazing if not laminated to be treated appropriately.
  3. The routes around the site to be lit and left clear with maximum surveillance opportunities and no recessed areas.
  4. Any non- public routes around the site to be secured with access control.
  5. Lighting to be approved by a Member of the ILP or the Society of Light and Lighting to ensure it works with the development and CCTV.
  6. Glazed panels used for surveillance must not be obstructed, this includes by signage, advertising or “pop up” units.
  7. The physical security of the building and any new external doorsets and windows to meet SBD Commercial standards. Emergency access doors to have alarms and monitored CCTV coverage.
8. An access control management strategy is required. Access control is required to manage access throughout the building and help avoid unauthorised access.

## **7. BACKGROUND PAPERS AND PLANS**

- 7.1 The application includes proposed floor plans and elevations, a Design and Access statement, and a Noise Report.

## **8. APPRAISAL**

- 8.1 The external physical alteration to install a door to the rear of the building is minimal and raises no planning issues. I note that the existing glazed frontages to the units would remain, albeit that the doors would not be in regular use, and that the internal layout has been designed with seating and tables adjacent to the frontage, which will provide an “active frontage”.
- 8.2 In my opinion, the main issues relate to the general acceptability of a leisure use and loss of restaurant units in this location, and whether the operation of a bowling alley would cause any impacts of concern, such as additional noise and disturbance that may arise from the bowling activity and associated machinery and the hours of opening sought.
- 8.3 Policy Regen 1 of the Local Plan relates specifically to the defined Central Sittingbourne Regeneration Area, which encompasses the town centre boundary, and land further to the

north between the railway and Eurolink Way, and on either side of Mill Street. This policy states that developments which support, consolidate and expand Sittingbourne as the main business, retail, cultural, community and civic centre for the borough will be permitted. It seeks to maintain and enhance the retail offer of the primary shopping areas, and also to maintain and enhance the mix and diversity of services and facilities and non retail uses that underpin the retail and community functions of the town centre for both the day and night-time economy.

- 8.4 Policy DM2 of the Local Plan states that main town centre uses (which includes leisure uses) should be provided within existing centres, and only elsewhere if they meet sequential tests to justify that such locations are not available.
- 8.5 A bowling alley falls squarely within a leisure use, and as such a “town centre first” approach should be taken. The use would add to the diversity of complementary town centre uses in Sittingbourne, and has the potential to contribute to both the daytime and night-time economy. Whilst the proposal would result in the loss of two permitted restaurant units, this would effectively replace one defined town centre use with another. I also note that within the wider leisure quarter itself, 5 units would remain for use as restaurants and that as such this offer remains well catered for. I am therefore content that the use would have the potential to add to the vitality and diversity of the town, and is supported under policies Regen 1 and DM2 of the Local Plan.
- 8.6 In terms of more detailed impacts, a noise assessment has been undertaken to demonstrate the likely impacts arising from the operation of the bowling alley. The report identifies the closest sensitive receptors to be those properties on Station Street and the new Travelodge hotel. The report assesses the noise relating to the bowling alley, including operation of the pinsetter machinery, and has identified a range of internal acoustic mitigation measures to mitigate noise outbreak, including the use of an acoustic baffle / ceiling, and acoustic walling / lining. The Council’s Environmental Health department are content with the noise mitigation measures proposed, the installation of which can be controlled by planning conditions.
- 8.7 The applicant has confirmed that the opening hours would be the same as permitted for the restaurant units (i.e until midnight every day). I consider it would be reasonable to impose a similar restriction on the proposed bowling alley, and the applicant has confirmed that they are not seeking any later hours of use for the facility.
- 8.8 The comments from Kent Police are set out above, and it is noted that they recommend planning conditions to control / protect areas of glazing, external lighting, and physical security / access control measures. Crime prevention measures, including the use of bollards, toughened glazing and secure doors, and external lighting and CCTV, have already been incorporated into the wider leisure quarter development under the terms of previous planning permissions. I do not consider it would be reasonable or necessary to impose any further conditions on this application, particularly as it is essentially an application for a change of use.
- 8.9 Although the proposal does not include any detailed assessment of transport impacts, I am satisfied that the use would be unlikely to generate more customers than if the units were occupied by restaurants as approved, and that the town centre location and proximity to the train station and bus services provide a variety of travel choices. I note that KCC Highways raise no objection to the proposal.

## **9. CONCLUSION**

- 9.1 Taking the above factors into account, I am of the opinion that the change of use is acceptable in principle in this town centre location, that the unit would retain an “active frontage” to the new Leisure Quarter, that noise outbreak from the use can be controlled by

condition, and that general activity / traffic movements would be unlikely to be greater than the approved use for restaurants. As such I am content that the proposal would not cause harm through its location, impact on neighbouring amenities or highway / traffic impacts. It would be in accordance with policies ST5, Regen 1, DM1, DM2, DM6 and DM14 of the Local Plan.

## 10. RECOMMENDATION

GRANT Subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following approved drawings: 616/110, 616/111, 616/200, 616/300, 616/301  
Reasons: In the interests of proper planning and for the avoidance of doubt.

- 3) No mechanical ventilation, filtration equipment, air conditioning, heating, ventilation or refrigeration equipment shall be installed on the building until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. As a minimum, each unit shall be designed with attenuation to reduce the noise level of each item to 26dBA at 10 metres of each inlet/exhaust.

Reason: To safeguard the amenities of nearby residential properties.

- 4) The use of the bowling alley hereby permitted shall be restricted to the hours of 07:00 to 2400 on any day

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

- 5) The bowling alley shall not be open to the public until the following noise mitigation measures, as set out in the report by Sharps Redmore Acoustic Consultants, have been completed:
  - installation of a sound absorbent ceiling / baffle over the pinsetter area to achieve a reduction in  $L_{eq}$  noise levels of at least 3dB per octave band, as specified on P10 of the report ( $L_{eq}$  being equivalent continuous noise level).
  - installation of wall lining sound reduction measures as specified on P10/11 and in Appendix E of the report.
  - Installation of any external door on the western boundary (which does not benefit from internal wall lining) to an acoustic level rated at  $R_w$  45dB. ( $R_w$  being weighted sound reduction index).

Prior to first opening of the units, the developer shall give the Local Planning Authority notice of completion of the above works and shall allow inspection of the mitigation measures installed. The mitigation measures shall be retained in-situ thereafter.

Reason: To safeguard the amenities of nearby residential properties.

- 6) The units shall not be open to the public until the specification and performance of the acoustic internal walls, as shown in Appendix E of the report by Sharps Redmore Acoustic Consultants, have been submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details. The mitigation measures shall be retained in-situ thereafter.

Reason: To safeguard the amenities of the area.

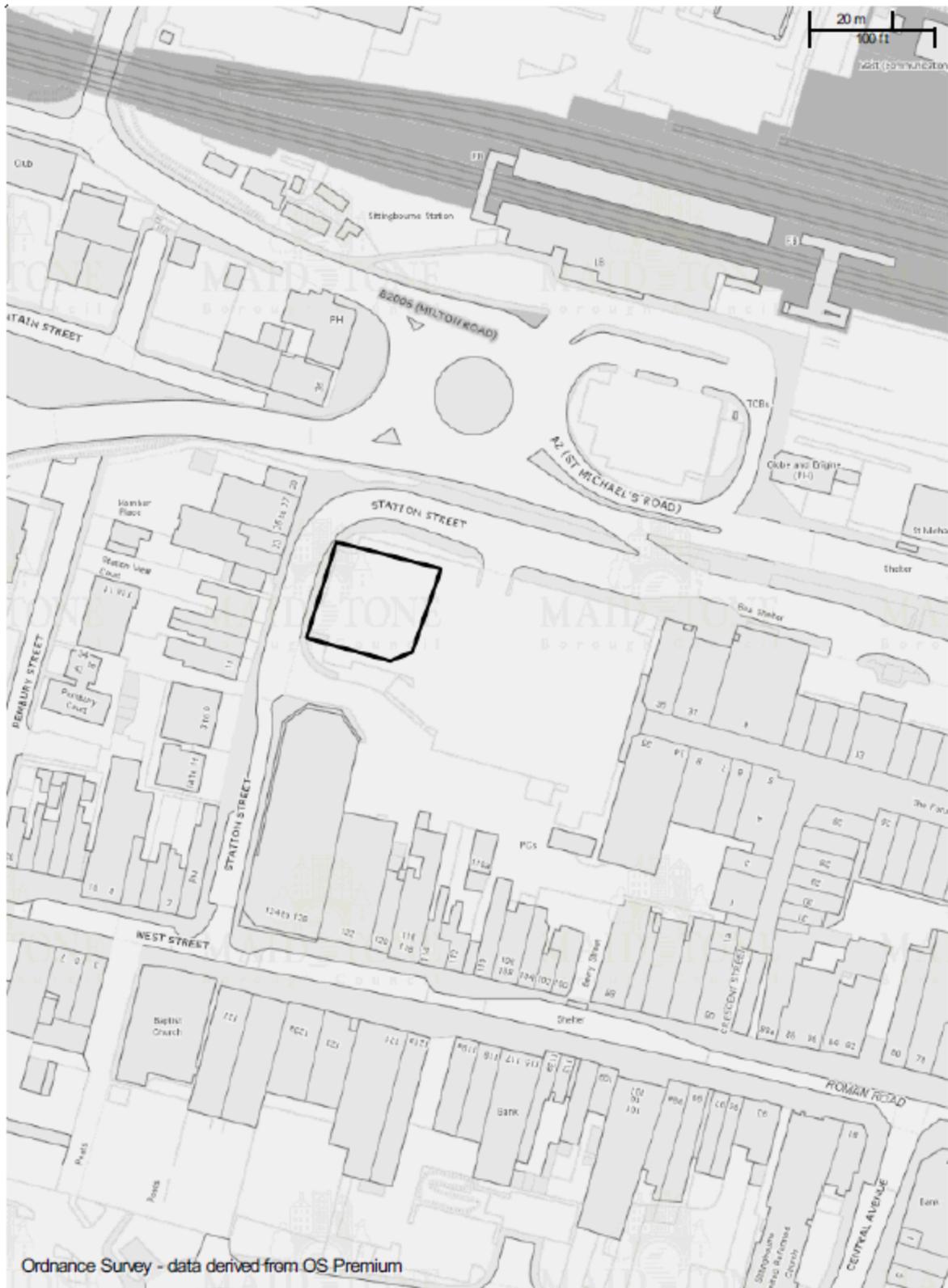
**The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) Feb 2019, the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Ordnance Survey - data derived from OS Premium



20/503138/FULL - Units 4 & 5 Bourne Place St Michael's Road Sittingbourne

Scale: 1:1250

Date: 17/09/2020 14:50 PM by: GMB

