

<b>DEF ITEM 2 REFERENCE NO - 21/506021/FULL</b>		
<b>APPLICATION PROPOSAL</b> Section 73 - Application for variation of condition 3 (to allow take-away to be open 7 days a week from 16:30 to 22:00) pursuant to SW/06/0575 for - Change of use from retail (Class A1) to take-away (Class A5).		
<b>ADDRESS</b> 21 Chaucer Road, Sittingbourne, Kent, ME10 1EZ		
<b>RECOMMENDATION</b> - Approval		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Whilst the later opening hours proposed by the applicant are not considered to be appropriate during the week, in accordance with the advice received from the Environmental Health team, it is considered that, subject to condition, a revision could be made to the current opening hours to allow for limited Sunday opening hours and later opening hours until 10pm on Friday and Saturday without resulting in excessive noise pollution in accordance with the requirements of Policy DM14 of the Swale Local Plan 2017.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> This application was deferred by the Planning committee in March.		
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Kishore Dey <b>AGENT</b> Architectural Designs
<b>DECISION DUE DATE</b> 11 <sup>th</sup> March 2022		<b>PUBLICITY EXPIRY DATE</b> 2 <sup>nd</sup> March 2022

## 1 Background

- 1.1 Members will recall that this application was previously reported to the Planning Committee on 10<sup>th</sup> March, and that the application was deferred due to a request for the Planning Enforcement Team to investigate complaints relating to breaches of planning control on the site, including the use of a storage room on the site as overnight living accommodation.
- 1.2 The Enforcement Team have investigated the issue and the site has been inspected. It was found that a storage room on the site was being used for occasional overnight accommodation for staff. However, it has been confirmed that the use of the storage room for this purpose has since ceased. This was also confirmed during a site visit.
- 1.3 The applicant recently submitted a planning application under application ref: 22/501800/FULL, seeking planning permission for a retrospective change of use of the storage room to a staff welfare room and for its use for occasional overnight sleeping accommodation. However, this application was refused on 1<sup>st</sup> June 2022.
- 1.4 As the application for the use of the storage room has now been refused and the use of the storage room for sleeping accommodation purposes has ceased, the enforcement issues are believed to have been resolved. Officers will continue to monitor the situation if further complaints are received in the future.

## 2 Appraisal

- 2.1 With regards to the current application which is before the Committee relating to an amendment to the permitted opening hours of the take-away restaurant, the application has not been amended since it was last presented to the Planning Committee and the officer recommendation in respect of the application remains unchanged. I would refer you to the Officer report which was presented to the Committee on 10<sup>th</sup> March, which sets out the reasons for recommending the application for approval. A copy of the report which was presented to the Committee is attached as **Appendix 1** for reference.
- 2.2 Members should also note that since the current application was presented to the Committee on 10<sup>th</sup> March 2022, an application to amend the opening hours of the Chinese take-away which is operating at 27 Chaucer Road was received under application ref: 22/501420/FULL. The application was approved under delegated powers on 17<sup>th</sup> May 2022. The revised permitted opening hours in respect of the Chinese take-away are now as follows:
- Monday-Thursday - 11.30am-9pm  
Friday to Saturday - 11.30am-10pm  
Sundays 4.30pm-8pm
- 2.3 These hours reflect those that are also sought under this application. Whilst complaints have also been received that the takeaway has been breaching current hours of operation, the appropriate mechanism would be to monitor such complaints and serve a breach of condition notice in the event that the business fails to comply with the extended hours.

### 3 CONCLUSION

- 3.1 The officer recommendation in relation to the variation in opening hours remains unchanged and planning permission should be granted in accordance with the recommendations of the Environmental Health team for the following revised opening hours in accordance with the recommended condition as set out in the officer's report (**Appendix 1**):
- Monday-Thursday - 11.30am-9pm  
Friday to Saturday - 11.30am-10pm  
Sundays 4.30pm-8pm

