

2.3 REFERENCE NO - 15/501601/FULL			
APPLICATION PROPOSAL			
Variation of condition 2 of planning approval SW/11/0873 (Proposed Change of Use of first and second floor from offices to 2 x one bedroom apartments (C3). Change of use of ground floor from cafe to mixed cafe (Class A3) and hot food takeaway. (Class A5) - to allow premises to remain open until 12.00pm Monday to Saturday and 9pm on Sundays and Bank Holidays.			
ADDRESS 81 Preston Street Faversham Kent ME13 8NU			
RECOMMENDATION – Grant subject to outstanding representations (closing date to be confirmed)			
SUMMARY OF REASONS FOR RECOMMENDATION			
The additional hours sought do not have a significant detrimental impact on the amenity of the neighbouring residents and reflect similar opening hours of other commercial premises in the town centre.			
REASON FOR REFERRAL TO COMMITTEE			
Faversham Town Council objection.			
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT Mr Sedat Cetin AGENT Jackie Ruaux Planning Consultant	
DECISION DUE DATE 20/04/15	PUBLICITY EXPIRY DATE 20/04/15	OFFICER SITE VISIT DATE March 2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/087	Proposed change of use of first and second floor from offices to 2 x one bedroom apartments (C3).Change of use of ground floor from café to mixed café (Class A3) and hot food takeaway (Class A5).	Approved	6 th September 2011.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 81 Preston Street is located in the defined Core Shopping Area of Faversham Town Centre. It was formerly a community café but is now a café and take-away following a grant of planning permission in 2011 (See above).
- 1.02 This part of the town centre is within the town’s core shopping area and amongst a mix of commercial units including retail with some restaurants, cafes, pubs as well as several residential flats above some of the premises.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the variation of condition 2 of approved SW/11/0873 which granted change of use of the first floor and second floor from offices to two one bedroom apartments, change of use of ground floor from café to mixed café (Class A3) and hot food takeaway (Class A5). Condition 2 specifically restricted the hours of use of the ground floor occupier to the following:

'The use hereby permitted shall not be open to the public outside of the following hours: 7:00am - 11pm Mondays to Saturdays and 9am - 6pm on Sundays and bank holidays unless otherwise agreed in writing by the Local Planning Authority'

- 2.02 Permission is now sought for the variation of condition 2 to allow for extended hours of opening as follows:

7.00am to 12pm Mondays to Saturday
9.00am to 9.00pm Sunday and Bank Holidays

- 2.03 The extended hours would enable the café/takeaway to remain open 1 hour longer than currently permitted on a Monday to Saturday and with an additional 3 hours on a Sunday and Bank Holidays.

3.0 PLANNING CONSTRAINTS

- 3.01 The premises lies within the Faversham conservation area and the designated Core Shopping Area. A number of listed buildings are located in close proximity to the application site.

4.0 POLICY AND OTHER CONSIDERATIONS

Swale Borough Local Plan 2008:
E1 – General Development Criteria
E14 – Listed Buildings
E15 – Development affecting Conservation Area
B3 – Maintaining and Enhancing Vitality and Viability of Town Centres
AAP1 – Faversham Town Centre

5.0 LOCAL REPRESENTATIONS

- 5.01 1 letter of objection making the following summarised comments:

- Midnight is an unsocial hour
- The business should be conducted in the daytime like other businesses do
- Strongly object to the hours of opening on a Sunday

6.0 CONSULTATIONS

6.01 Faversham Town Council objects to the proposal on the following grounds:

- The proposed extension of opening hours from 23:00 to 24:00 Monday to Saturday would be harmful to residential amenity in neighbouring properties
- The Town Council has no objection to the proposed change in opening hours on Sundays and Bank Holidays.

6.02 The Council's Environmental Health Manager has no adverse comments or observations to make.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Submitted application papers for 15/501601/FULL and SW/11/0873.

8.0 APPRAISAL

8.01 In my opinion the main consideration is the impact of the extended opening hours on the surrounding residential amenity.

8.02 I am of the opinion that the extended hours, which are for an extra hour Monday to Friday and an additional three hours on a Sunday and Bank Holiday, would result in minimal impact on the amenity of any nearby residential properties, most of which are residential flats located above commercial premises. Furthermore, a number of commercial premises in the town centre have longer opening hours which reflect the customer demand in the town centre. I do not think that it is unreasonable to allow an extension to the permitted hours in this town centre location where numerous establishments are open late. Members should note that the Committee has in very recent years allowed longer opening hours of 9am to 12pm on any day for new take-away premises at 28/29 Preston Street and 1-2 Limes Place, Preston Street, both of which are within the secondary shopping area of the town which is less central. I note that elsewhere in Preston Street planning permissions have permitted opening until midnight (or are unrestricted) and it is therefore appropriate to allow the application premises to be controlled in a similar manner.

8.03 I note the objection made by Faversham Town Council regarding the additional opening hour on Monday to Friday and the concern that this would be harmful to residential amenity of neighbouring properties. I do not consider that this extra hour is excessive or that it would result in a significant detrimental impact on residential amenity of the area in particular in a town centre location where there are already other businesses open later, for example the local pubs located in the town centre and the takeaway premises referred to above. I therefore do not consider it unreasonable to allow the extra hours of opening.

9.0 CONCLUSION

9.01 On balance, I am of the view that there would be minimal impact on the amenity of the area and I therefore consider the proposal to be in line with local plan guidance. I can confirm that the Council's Environmental Health Team raises no objection to the proposal.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS

(1) The use hereby permitted shall not be open to the public outside of the following hours: 7am - 12pm Mondays to Saturdays and 9am - 9pm on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity of local residents.

(2) The extraction system specified in, and required by conditions 3 and 4 of, approved planning permission SW/11/0873 shall be retained and managed as in accordance with the details approved.

Reason: In the interests of residential amenity of local residents.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

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.