

Business Support Overview and Scrutiny Committee

BRIEFING NOTE – No. 12/14

- Date:** 11 August 2014
- Briefing paper to:** All Members of the Business Support Overview & Scrutiny Committee
- Purpose:** This briefing note was as a result of discussion at the meeting of this Committee on 3 July 2014.

Saved Policy R18 of the Medway Local Plan 2003

This Briefing Note is in relation to the report on Hot Food Takeaways in Medway: A Guidance Note.

In determining planning applications for takeaways the Local Planning Authority (LPA) must first consider the policies in any adopted Development Plan (The Medway Local Plan 2003) and then consider any further supplementary planning documents (SPD's), the National Planning Policy Framework (NPPF), and any other guidance. In respect to the Development Plan policies, the LPA has considered the policies in the Local Plan to determine which ones are up to date and consistent with the NPPF. These include policies R17 and R18.

Policy R17 relates to changes of use from Class A1 (retail) to class A2 (financial and professional services) or A3 (food and drink) at ground floor level within and on the edge of the core centres of Chatham, Strood, Gillingham, Rainham and Rochester.

(Note: - at the time of the 2003 plan class A3 uses included restaurants, pubs and takeaways. Subsequent to the Plan class A3 was subdivided to create separate use classes for pubs (Class A4) and takeaways (class A5).)

Policy R18 relates to premises outside of main centres and sets 5 criteria for the determination of planning applications for hot food takeaway shops, restaurants, cafe's, bars and public houses. These are:

- (i) There is no significant detrimental impact on neighbouring land uses or residential amenity
- (ii) The presence of any similar uses in the locality, and the combined effect that any such concentration would have, would be acceptable in terms of environmental impact and highway safety; and
- (iii) The proposed hours of opening are acceptable in relation to the amenities of the area; and
- (iv) Suitable refuse storage, disposal and collection facilities are provided; and

- (v) The proposal pays particular attention to meeting the provisions of policies BNE2, BNE3, T1, T13, and T22 in respect of the mitigation of noise and general disturbance, for the proper extraction and treatment of fumes and smells, and arrangements for parking, servicing and access for people with disabilities.

All planning applications for takeaways outside of main centres have been and are considered against the above criteria. Specific reference to the Policy and criteria is made in all reports cleared under delegated powers or determined by the Planning Committee. The interpretation of the policy will be affected by appeal decisions and Government advice and policy (set out now in the NPPF and NPG's).

It is these policies that the Hot Food Takeaways in Medway: Guidance Note proposes to build upon and provide greater clarity and strength to and will assist the Authority in determining applications and defending decisions to refuse, particularly in relation to clustering and opening hours.

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