

MC/15/2835

Date Received: 10 August, 2015

Location: The Railway, 113 Station Road, Rainham, Gillingham, ME8 7SF

Proposal: Construction of a single storey side and rear extension with roof-top garden and associated internal and external alterations, mechanical plant and extraction system

Applicant: J D Wetherspoon Plc

Agent: Mr R Morgan Witcomb Project Management Ltd PO Box 8782
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Ward Rainham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9 March 2016.

Recommendation - Refusal

- 1 The proposal, due to its design, scale and location, would be out of proportion with the main building and would result in over-development of the site, which would fail to respect the character and appearance of the surrounding development and due to its prominent location, would result in harm to the appearance of the street scene. As such, the proposal would be contrary to the provisions of Policy BNE1 of the Medway Local Plan 2003 and paragraph 58 of the National Planning Policy Framework 2012.
- 2 The proposal, due to its location, scale and height, would result in an unacceptable loss of light, outlook and privacy for neighbouring occupants. In addition, the proposed roof garden, by virtue of its use and proximity to neighbouring properties, would create an unacceptable level of noise and disturbance, which would be detrimental to the residential amenity that surrounding occupants can reasonably expect to enjoy. As such, the proposal is contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003.
- 3 The proposal would result in the loss of trees and in the absence of survey information to demonstrate whether the trees are suitable to be used by roosting bats and in the absence of any emergence surveys that may be required as a result, the proposal could result in harm to a protected species and is therefore contrary to Policy BNE39 of the Medway Local Plan 2003 and Paragraph 118 of the National Planning Policy Framework 2012.

Proposal

The proposal seeks planning permission for the construction of a single storey side and rear extension, with the creation of a roof-top garden, associated internal and external alterations, mechanical plant and an extraction system.

The application site is L-shaped and has a main frontage to Station Road, adjacent to the entrance to the station car park and a small return frontage to Tufton Road. The Station Road frontage is occupied by a three storey building that is currently vacant, having last been used as a public house with ancillary residential accommodation over. There is a vehicular access off Station Road, which is currently gated, leading to a car park at the rear. There is a derelict outbuilding in the car park and a large tree at the Station Road frontage to the site. To the rear, the site is overgrown.

The proposal is to infill the area to the rear, to create a larger customer seating area on the ground floor with a garden on the north side facing the station car park. In addition, a new kitchen and storage area would be provided. A roof garden would be provided over the proposed extension and plant would be installed on the roof of the kitchen. The proposed extension would effectively occupy the entire site with just a small open area to the front of the Station Road access and the proposed garden area to the north. The extension would project 36m from the rear of the main building and 28m from the rear of the projection on the north side of the existing building. In addition, it would project 5m to the south of the existing building, onto the vehicular access, resulting in a building on the southern side of the site measuring 35m long rising to an eaves height of 3.5m and a ridge height of 8m. It would continue towards the return frontage to Tufton Road projecting a further 6m to accommodate the storage area and plant. This part of the extension would be 3.5 m high with a flat roof and would include a fire escape within 1m high railings.

The second floor of the existing building would be used for further storage and staff facilities. The proposal would increase the overall floorspace from 448 sq. m. to 851 sq. m.

The Tufton Road frontage to the site would be cleared and used for deliveries to the site, and a fire escape is shown from the roof garden to this delivery area.

It is submitted that 20 members of staff would be employed at the premises. The opening hours are not known at this stage.

The application is accompanied by a Design and Access Statement, Weatherspoon's Code of Conduct for Responsible Retailing, and Ecology Survey, an Arboricultural Impact Assessment and details of the odour unit.

Relevant Planning History

MC/09/1351	Demolition of building and construction of a two storey block containing four 1-bedroomed self contained flats with associated parking Approved With Conditions 17 December, 2009
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MC/06/0623	Construction of two storey block of four 1 bedroom flats with associated parking and amenity area (demolition of existing stable block) Refused 19/06/2006
MC/05/1841	Demolition of building and construction of a two storey block containing four 1-bedroomed self contained flats with associated parking Refused 07/12/2005 Appeal UPHeld 13/11/2006
MC/05/0209	Demolition of building and construction of a three storey block containing six 1-bedroomed self-contained flats with associated parking Refused 30/03/2005

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Network Rail and KCC's Biodiversity Officer have also been consulted.

Ten letters have been received raising the following objections:

- Noise and disturbance from vehicles delivering via new access;
- Overlooking/loss of privacy to neighbouring houses and gardens from roof garden and fire escape;
- Noise and disturbance from plant, staff and customers;
- Fumes from delivery vehicles, plant, kitchen and waste.
- Loss of light and outlook;
- Lack of parking;
- Loss of barn;
- Proposed access is too narrow for delivery vehicles;
- Plans are inaccurate;
- Loss of on street parking in Tufon Road;
- Development would be overbearing and out of character.

Three letters have been received making the following comments in support of the application:

- The development will bring life back into the area and provide employment;
- The proposal would bring an empty building back into use;
- Parking will not be an issue as people will leave their cars at home and walk to the pub.

Network Rail has written saying that they have no comment.

KCC Biodiversity has written given advice of bats and birds which is included in the appraisal.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle of development

The building has an established use as a public house, although it has been empty for a while. The application site is outside Rainham Shopping Centre and is not within a local centre identified under Policy R10 of the Local Plan. The area is predominantly residential, with some shops and the railway station nearby. The principle of an extension to the public house is acceptable in principle.

Design and appearance

The proposed development would occupy almost the entire site, extending the size of the property considerably; appearing particularly prominent and intrusive when viewed from the station carpark to the north and from surrounding properties to the south, where the proposed development would present a large blank wall. The extension would be of a scale and size that would be out of proportion with the existing building, resulting in overdevelopment of the site. It would fail to relate in scale to the host building and would detract from the appearance of the area.

The proposal would be unsatisfactory in terms of scale, mass, proportion, layout and siting and would fail to respect the scale and appearance of the existing building and spaces and as such, would be contrary to Policy BNE1 of the Medway Local Plan and the design objectives set out in chapter seven of the National Planning Policy Framework.

Neighbour Amenity

The closest properties to the site are to the south and comprise a terrace of four three-storey town houses (2, 2a, 2b & 2c Tufon Road) and a two storey corner property (111 Station Road), which is occupied as three flats. The rear gardens of the town houses vary between 5m and 7.5m in depth. The proposed extension would be built to within 0.5m of the boundary and would result in a vast blank elevation (approx. 35m by 8m) to the rear of these properties. The extension would have a significant, detrimental impact on the residents of these properties through loss of daylight and loss of outlook and an objection is raised in this regard under this regard under Policy BNE2.

Although the roof garden has been designed to prevent overlooking, the fire escape would be directly accessible from the roof garden and its use would result in loss of privacy through overlooking of surrounding properties and an objection is raised under Policy BNE2.

The proposed roof garden would be used by customers and because of its close proximity to residential properties, would be likely to result in an unacceptable level of noise and disturbance to neighbouring occupants, particularly during the summer months. An objection is also raised in this regard under Policy BNE2.

Other concerns could be addressed by the imposition of appropriate conditions, to control open hours, hours for deliveries, and noise and odour from the extraction system and air conditioning plant. However, in view of the concerns raised in terms of loss of light, loss of outlook, loss of privacy and noise and disturbance from the roof garden, an objection is raised under Policy BNE2.

Highways

No on-site parking is proposed. However, in view of the proximity of the site to Rainham Shopping Centre, Rainham station and nearby public car parks, no objection is raised in terms of parking under Policy T13 of the Local Plan. The existing vehicular access onto Station Road would be closed and a new vehicular access onto Tufton Road created. This access would be for serving and delivery only and would necessitate vehicles either reversing into or out of the site. No objection is raised in principle to of this access onto Tufton Road.

Ecology and trees

The application was accompanied by a Tree Survey, which has identified six trees at the rear of the site and a small group of trees close to the northern boundary at the rear. Under the proposed scheme, all of these trees would be removed. Of these trees one (T4) a holly tree is identified as a Category B tree (of moderate quality and value) whilst the remainder are Category C trees (of poor form with limited long term potential). Whilst the trees are of some prominence, they are not considered to be of sufficient value or significance as to impose a constraint of the development of the site and therefore no objection is raised in this regard under Policy BNE43 of the Local Plan.

However, KCC Biodiversity has recommended that a survey is needed to assess the suitability of the trees to be used by roosting bats and that recommendations are made for any emergence surveys. In the absence of such survey work, the proposal could result in harm to bats, which are a protected species and as such, an objection is raised under Policy BNE39 of Medway Local Plan and Paragraph 118 of the National Planning Policy Framework.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Refusal

The proposed development is considered to be unacceptable in scale and size, resulting in over-development of the site, out of character with its surroundings and would have an adverse impact on the amenities of the occupiers of neighbouring properties in terms of loss of light, loss of outlook, loss of privacy and noise and

disturbance. In addition, the proposal fails to ensure that the proposal would not harm protected species. Accordingly, the proposal would conflict with Policies BNE1, BNE 2 and BNE39 of the Local Plan and Paragraph 118 of the National Planning Policy Framework and is therefore recommended for refusal.

The application would normally be determined under officer delegated powers but is being referred to Committee for consideration, in view of the number of representations received contrary to the officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>