

MC/18/3093

Date Received: 23 October 2018

Location: The Queens Head 390 Maidstone Road Rainham Gillingham

Proposal: Refurbishment of building incorporating single storey entrance lobby to front, removal of first floor window; replacement of ground floor window and removal of cladding to front; timber canopy to front; new external extraction flues; external lighting, patio area to be constructed in existing car park area to front with in-ground umbrella canopy, in ground planters and picket fencing, alterations to car parking layout including resurfacing; new and replacement fence panels; landscaping and associated works

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Ward: Rainham Central Ward

Case Officer: Paul Ives

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th March 2019.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 1978 p08, 1978 p09, 1978 p10, 'Bahama' Jumbrella design specification, ELG LED floodlight detail, Saxon Paving slab details and Ansell Lighting specification received on 24 October 2018; 1978 p04 (Tree protection) received on 29 November 2018; 1978 p05 Rev A and KD 6715 02 Rev A received on 5 November 2018; System Air extraction fan specification MUB 062 560D4-A2 IE2 received 10 December 2018; 1978 p04 Rev B, 1978 p07 Rev B received on

13 February 2019, and accompanying Emails received on 13 and 18 February 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The external floodlighting as shown on drawing number: 1978 p04 Rev B (received on 13 February 2019) shall be implemented in accordance with the submitted details with the spread of light shown and thereafter maintained in accordance with the details hereby approved.

Reason: In the interests of protecting neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003 and the objectives of paragraph 127(f) of the National Planning Policy Framework 2019.

- 3 The timber boarded fencing to screen the new ducting system as shown on drawing number: 1978 Rev B received on 13 February 2019 shall be installed prior to the kitchen being brought into use and shall be maintained thereafter.

Reason: In the interests of visual amenity in accordance with Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 4 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars (reference 1978.p04 received on 29 November 2018). Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (reference 1978.p04 received on 29 November 2018) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 The submitted parking layout shall be provided, surfaced and drained within 3 months from the date of this permission in accordance with the details shown on drawing number: 1978 p04 Rev B received on 13 February 2019. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 Prior to the commencement of the installation of the flue ducting system hereby permitted, full detail of the system to include the extraction and treatment of cooking fumes, and details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented and thereafter be maintained in accordance with the approved details.

Reason: Required prior to installation in the interests of protecting nearby residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003 and the objectives of paragraph 127(f) of the National Planning Policy Framework 2019.

For the reasons for this recommendation for approval, please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application proposes works to the existing premises including comprising the following:

- Provision of new canopy to front eastern elevation of the premises to a gable design supported by pillars. It would project approx. 1.3m from the existing entrance doors and 2.5m across the width of the frontage;
- Provision of new smoking shelter canopy (and shelf) to front elevation of a sloping roof design;

- Replacement of extraction flue to the rear (western elevation) of approx. 3.7m high linked to a horizontal duct of 9.7m width set 1m max above the existing roof and enclosed by 2.2m max close boarded fencing surround;
- Replacement of existing front window to eastern elevation designed to match the existing 'handed' window on same elevation; and
- Siting of canopy shelter to southern side of building fronting Woodside.

Other works as part of the refurbishment include:

- Re configuration of car park providing 33 parking spaces in total with new surface and provision of white lining;
- Formation of hard surfaced landscape area to pedestrian frontage with planters and post and rail;
- Removal of first floor window to front (eastern) elevation;
- Removal of existing internal lobby to side;
- Remodelling of internal layout to customer service areas including toilets; and
- Provision of external lighting to elevations.

Some works have commenced on site.

Relevant Planning History

MC/16/3189	Prior approval under Part 16 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and regulation 5 of the Electronic communications code (conditions and regulations 2003) for the removal of 12.5m high monopole and installation of replacement 11.7m high Phase 4 monopole and Pogona equipment cabinet and associated development Decision Prior approval required and granted Decision date 28 September 2016
MC/12/0719	Alterations to existing single storey front projection to facilitate new entrance lobby (Demolition of existing porch/lobby) Decision Approved Decision date 15 May 2012
MC/07/2117	Construction of single storey front extension (demolition of lobby) Decision Approved Decision date 15 January 2008
MC1999/5505	Extension to rear of building to form dry store. Decision Approved Decision date 11 October 1999

Representations

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

Three letters of representation have been received objecting to the proposal on the following grounds:

- The existing flue has adverse impact on visual amenity and is poorly maintained
- The proposed extraction is larger higher and more prominent detrimental to visual amenity
- Noise impact from ductwork
- Noise and dust impact from construction works
- Existing fencing should be maintained on the southern boundary for security reasons
- Light pollution
- Impact on tree
- Loss of tree screening to mobile phone mast
- Impact from the extension to the car parking and security issues associated
- Adverse impact from later hours of opening beyond 23:00hrs

Following revisions and comment from the agent in respect of neighbour concerns, no further representations received. Other matters raised are not material planning considerations.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Principle

The site is a fully functioning establishment that sells drink and hot food. The use would not be altered by the proposed alterations and the proposal is mainly to improve the existing facility. As such, there is no land use / principle consideration for this application.

Design

Development should respect the visual amenity of the surrounding area. The applicant proposes a number of works to the site to enhance the appearance of the building and improve the facilities for customers. The alterations proposed to the appearance of the building, car parking, and outdoor space would respect the appearance of the site. The

applicant has also agreed to screen the proposed flue with timber boarded fencing. The proposal would, on balance, uplift the appearance of the site and enhance the facilities and at the same time upgrade overall site. As such, the proposal is considered to be acceptable in design terms and would accord with Policy BNE1 of the Local Plan and paragraph 124 of the NPPF.

Tree impact

The existing tree protected by a Tree Preservation order would not be detrimentally affected by the development. The applicants propose to safeguard the tree with protection fencing during the course of construction. Whilst an additional tree would be loss to the development, the tree is not worthy of protection in terms of its species and whilst there is some screening value, no objection is raised to its loss.

On this basis, the development would comply with the objectives of Policy BNE41 and BNE43 of the Local Plan.

Amenity

The proposal represents an opportunity to provide mitigation against historic concerns combined with upgrading the premises. New lighting is proposed to illuminate the parking area but minimise spread of light outside the site boundary. In terms of extraction system, the applicant has confirmed that the system is monitored on 6-month basis before and after a full jet wash/ deep clean of the ducting system. The applicant has also confirmed that this can be reduced to intervals of 12 weeks if required. Part of the cooking method of the new business is that there would be less use of chargrill for cooking which in turn would produce less smoke, when compared to the previous business (Harvester). With these measures in place, no objection is raised on this basis.

No changes are proposed to the hours of opening. In consideration of the proposed scheme, where the premises/use already exists, it is considered that the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Highways

The site currently has 29 parking spaces served by three ingress/egress points on both Maidstone road and Woodside. The proposed scheme seeks to reduce the access from three to two points on Maidstone Road and reduce off street parking to three parking spaces accessed from Woodside on the site. The plans include the provision of 33 off-road parking spaces (including two disabled bays) to serve the premises with improved lighting; number plate recognition to manage use of the parking and improve the layout with deliveries catered for outside opening hours within the parking area off Maidstone Road. Whilst one disabled space would be loss, parking availability would be improved overall. It is recommended that the parking spaces be managed by planning condition to be retained and that vision plays are maintained for highway safety and efficiency reasons. Overall, no objection is raised and the development is considered acceptable

with regard to Policies T1, T2 and T13 of the Local Plan and paragraphs 105 and 108 of the NPPF.

Other matters

The applicants have no objection to the name of the premises being retained as the Queens Head in response to requests by the public. The applicant has agreed to reaffirm protection of site boundary treatment in an attempt to avoid damage to the northern boundary from customer parking.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The proposed development is considered acceptable and, would result in an enhanced appearance of the site within the streetscene. There would be no adverse impact on the amenity of neighbouring occupiers or highways. The proposal, therefore, is in accordance with Policies BNE1, BNE2, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 105, 108, 124, 127 and 127(f) of the National Planning Policy Framework 2019.

This application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to 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://publicaccess1.medway.gov.uk/online-applications/>