

MC/22/2984

Date Received: 20 December 2022

Location: 28 London Road Rainham
Gillingham Medway

Proposal: Construction of a 2 1/2 storey extension to front to create extra (Sui Generis) space for the takeaway at ground floor level and office space at first floor level with mezzanine internal floor and raising the roof height, installation of rooflights and solar panels to roof on street view.

Applicant Zaan Limited

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Agent BEAU Architecture
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Ward: Twydall Ward

Case Officer: Mary Smith

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 8th March 2023.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received 20 December 2022:

004 Rev P1 Proposed Site Plan
005 Rev P1 Proposed Floor Plans
006 Rev P1 Proposed Elevations

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

- 3 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The area shown on the submitted layout as vehicle parking and turning space shall be kept available for such use for workers and customers of the site only and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking and turning area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous conditions in the public highway and with regard to Policies T1 and T13 of the Medway Local Plan 2003.

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

Proposal

It is proposed to add an extension to the front of this property. On the ground floor this would result in extra floorspace for the existing hot food takeaway premises (Domino's pizza), the extension projecting forward by 2.8m and being the same width as the existing building, 10.2m. On the first floor the extension would form a void above the ground floor extension, open to views through from the existing first floor office. The existing rear facing roof slope of the front part of the building would then be extended up, bring the ridge forward and higher to provide a second floor within the roof space. This would provide an office (9.6m by 3.9m) with associated facilities (store, kitchen and shower areas totalling 8.5m by 1.9m). The applicant has confirmed that these facilities are intended for use by office directors and not for residential purposes.

Externally this front, extended section of the building would be metal clad with the roof plane facing London Road consisting of rooflights on the front, lower half, with PV panels on the higher section closest to the ridge. The extension would be set back 0.3m from the front of the building at 26 London Road, with the proposed ridge being approximately 1.4m higher than the ridge of this neighbouring property and also the roof of the car showroom building to the other side at 30 London Road. Aside from this front section the rest of the building and external areas of the site, including the car parking, would remain unchanged.

Relevant Planning History

MC/19/1292	Construction of a 3-storey front extension and two storey side extension to provide additional floor space to the existing hot food takeaway (use class A5) at ground floor level and existing offices (use class B1) at first floor level together with a new second floor level for office use (use class B1); a shared fire escape to the side elevation linking across to number 26 London Road and associated works Refused 31 July 2019
MC/13/2752	Variation of conditions 06 on planning permission MC/11/0839 (Change of use to hot food take-away (Class A5); installation of a new shop front and air compressor units) to extend opening hours. Approved 24 December 2013
MC/11/2226	Details pursuant to conditions 04, 05, 07, 08 & 09 on planning permission MC/11/0839 for change of use to hot food take-away (Class A5); installation of a new shop front and air compressor units Discharged 9 November 2011
MC/11/1940	Construction of part first floor/part two storey extension to the rear to form first floor office with new stair access including access to existing first floor flat and associated car parking. Approved 25 August 2011
MC/11/0839	Change of use to hot food take-away (Class A5); installation of a new shop front and air compressor units Approved 2 June 2011

Representations

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

Seven letters have been received raising the following objections:

- Visually obtrusive, too high, overbearing.
- Out of keeping with the primarily residential area, all characteristics of original traditional architecture lost.
- Gradual change in the area has long term implications.
- Overlooking local residents.
- No additional parking for office employees or the extended takeaway, local residents already have difficulty parking, and this would increase, including on Edwin Road.
- Increased risk of accidents, already an accident hotspot, danger for pedestrians and dangerous to turn right from the site.

- There could be additional fast-food providers operating from the site and also possible residential use of the upper floors, with greater parking implications.

Southern Water has provided information regarding connections to the public sewer. The applicant will be advised via an informative.

Councillor Barry Kemp confirms his agreement with the common complaints he has received from residents:

- Height of the building is totally out of keeping with the street scene and exceeds the Mercedes Benz showroom.
- There is insufficient parking on site, the plans include a parking area that does not belong to them, and this will exacerbate parking on Edwin Road; and
- Access to and from the site is already dangerous, especially when turning right.

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 2021 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

A previous application for a three-storey front extension together with other additions was refused planning permission in 2019, reference MC/19/1292, for three reasons. The first related to the poor design of the front extension, a three-storey glazed box-like structure, the second to the poor appearance of the flat roofed side/rear extension and the third to the adverse impact of the side/rear extension on neighbouring occupants at 26 London Road.

The current scheme does not include the side/rear extension previously proposed therefore only the first of these reasons for refusal is of relevance to the current case. The comparison of the refused and current schemes will be assessed in the design section below.

Principle

The site is located within a neighbourhood centre (12-40 evens London Road) as designated by Policy R10 of the Local Plan. At present it is used for hot food takeaway purposes on the ground floor (sui generis) with offices on the first floor above (Class E). The current proposals would not alter these lawful uses within this small commercial centre and there is no overriding objection in principle to a fairly minor intensification in their use (although acceptability will depend on detailed matters). Paragraph 81 of the NPPF says that significant weight should be given to the need to

support economic growth, taking into account local business needs, and the scale of use would not compete with town centres.

Design

At present the building consists of a former public house which has been converted to its current uses, a fairly traditional building with rendered walls and a slate (mainly) pitched roof which has been altered over the years. Nos. 24 and 26 London Road to the east are also currently a traditional semi-detached pair with commercial uses on the ground floor and flats above, with a vehicle rental business in a former petrol station site beyond that. To the west of the site is a gap which provides vehicular access to the rear as well as some parking, with a modern car dealership building beyond, this being mainly glazed to the front with cladding to the side wall.

The current proposal is to raise the front roof plane and ridge height in conjunction with a two-storey front extension, giving accommodation in the roof space. The submitted front elevation does not illustrate this particularly well, appearing block like and dominant, not dissimilar to the previously refused scheme, due to the rooflights with solar panels above filling most of the roof. However, when read together with the side elevations and the illustrations in the Design and Access Statement, it is considered that this revised scheme has been designed to respect the massing and scale of the adjacent properties. Instead of being a full three-storey box-like front addition like the previous, refused scheme, the roof pitch is kept, albeit extended further forwards across the front extension and so resulting in the raising of the ridge height, and it would still be set slightly further back than nos. 24 and 26, by 0.3m which is preferable. Whilst the ridge would be higher than both nos. 24 and 26 and the car dealership building to the other side by approximately 1.4m, this small commercial enclave has a mix of designs and styles, such that this in itself it not considered harmful. In addition, in view of the existing changes to the original building on the site, the introduction of a modern twist to the building, incorporating metal cladding and solar panels, may be considered as a step forward within this small neighbourhood commercial centre, and may also be considered to help visually bridge the gap between the modern car dealership building to one side and the traditional semi-detached pair to the other.

On balance, the design and scale of the current scheme and its impact on the character and appearance of the locality is considered acceptable including with regard to the advice in Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

Amenity impacts can arise from the physical building and from activity associated with its use.

As at the time of the previous application it is not considered that the proposed front extension would result in harm to neighbours due to overbearing impact, loss of light or privacy, with the current extension being smaller than the previously refused scheme, two-storey with use of roof space rather than full three storey. Although there is a first-floor side window to no. 26, this is already restricted by the existing building,

with the main windows to the front and rear of this neighbouring property not being affected. Other neighbours are further away, including the dwellings across the busy London Road, and in this urban context it is not considered that there would be a harmful loss of amenity to them.

With regard to activity generated by the site it is recognised that the floorspace of the hot food takeaway would be increased as part of the proposals. At present the depth of this unit is approximately 16.7m and it would be increased by a further 2.8m, adding a relatively small additional floor area. The applicant has also confirmed that the takeaway would continue to operate as a single unit, and not be split for different providers. In these circumstances, whilst there may be a small increase in the number of customers visiting the takeaway it is considered unlikely that this would be to such an extent as to result in an unacceptable increase in noise and disturbance to the local neighbourhood. Similarly, although the office extension may result in some additional comings and goings at the site this is unlikely to result in harm to amenity bearing in mind the nature of such use and usual daytime hours of operation.

In summary the amenity impacts of the development are considered acceptable including with regard to Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

The submitted plans show 12 on-site parking spaces and this would not change because of the proposed development. The applicant has confirmed that he is the owner of all the site and that all parking spaces would be available for workers and visitors. As stated above, it has also been confirmed that the ground floor takeaway will remain a single unit by one operator.

The adopted parking standards are maximums, such that there would be no additional requirement for spaces to meet them as a result of the development, this being the relatively small increase in the floor area of the hot food takeaway and the provision of an office with associated facilities in the roof space. For context, the standards would attract a maximum demand for two additional spaces due to the development. Parking is prohibited by double yellow lines in front of the site on London Road, but concern has been raised regarding overflow parking from commercial sites taking place local residential streets. However, bearing in mind the small scale of the current proposal, if there is any change in this respect it is likely to be minimal.

Concern has also been raised regarding highway safety and the site access. There are four recorded accidents for the vicinity for the last three years, summarised as follows:

- 1) This involved a car that pulled out of Domino's at 5:30pm on a Friday.
- 2) There was a shunt at the nearby pedestrian crossing (approximately 80m east of the site access).
- 3) A second shunt occurred for no apparent reason.
- 4) A serious injury was caused by a driver pulling out of Edwin Road and then performing a U-turn across the path of a motorcyclist.

One of these incidents was a manoeuvre from the current site but this is not viewed as a pattern. In addition, it is unlikely that the proposed development would result in a significant increase in vehicular movements.

In summary no objection is raised to the proposal in respect of parking and highway safety impacts. Conditions could be used to restrict the subdivision of the unit however given the small size of the extension to the existing business and the fact that the unit is currently in sui generis use, any additional business would require planning permission. Consequently, the development is considered acceptable with regard to Policies T1, T2 and T13 of the Local Plan and paragraphs 110-112 of the NPPF.

Conclusions and Reasons for Approval

There is no objection in principle to a relatively minor extension to existing commercial uses within this neighbourhood centre. The proposed design has been improved in comparison with the previously refused front extension, being of a more suitable scale and massing, and it would introduce an interesting and modern approach to the site which has limited architectural appeal at present. The amenity impacts are acceptable, and it is not considered that the relatively small additions would significantly add to the parking and highway safety impact of the existing uses. Approval is therefore recommended including with regard to Policies R10, BNE1, BNE2, T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraphs 81, 110-112, 126 and 130 of the NPPF.

The 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, these representations being supported by Councillor Barry Kemp.

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/>