

**MC/23/0673**

**Date Received:** 17 March 2023

**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, installation of rooflights and solar panels to roof on street view - Resubmission of MC/22/2984.

**Applicant** Zaan Limited

Mr Abdul Mumtaz

**Agent** BEAU Architecture Ltd  
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1 Central Avenue  
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ME10 4AE  
United Kingdom

**Ward:** Twydall Ward

**Case Officer:** Mary Smith

**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7th June 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:

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Drawing 004 Rev P1 Proposed Site Plan

Drawing 005 Rev P1 Proposed Floor Plans

Drawing 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 extension hereby approved shall not be used until details of cycle parking provision for staff (covered, secure facilities) and customers have been:
- (a) submitted to and approved in writing by the Local Planning Authority; and
  - (b) provided in accordance with the approved details.

The cycle parking provision shall be retained as approved, available for use at all times thereafter.

Reason: To ensure the provision and retention of suitable secure cycle parking provision with regard to Policies T4 and T13 of the Medway Local Plan 2003.

- 5 The area shown on the submitted layout as vehicle parking and turning space shall be provided in accordance with the details hereby approved prior to the first use of any part of the development hereby approved and thereafter shall be kept available for such use for workers and customers of the site only at all times that the site is in use. 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.

- 6 The hot food takeaway unit on the site shall be used as a single unit with one operator and shall not be subdivided to provide additional outlets or multiple operators.

Reason: In the interests of highway safety as a variety of operators is likely to attract additional customers and with regard to Policy T1 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**

This is a revised application for an extension to the front of the property, the external design having been altered in response to the refusal of the previous application (MC/22/2984) by the Planning Committee in March 2023.

The proposed internal floorplans remain unchanged. 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, and within the roof space there would be 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.

Previously the roof of the proposed extension was to be a simple pitch with a ridge running parallel to the road, similar to the existing roof but with the ridge brought forward and higher in order to extend over the proposed front addition. The current plans now show the same degree of roof pitch but with a flat section in the centre. A chimney has been added to the side, with additional first and second floor glazing to either side of it. This reduced roof height would now be very similar to the height of the adjacent building at 26 London Road, the proposed extension being set back 0.3m from the front of this neighbouring property. 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. Aside from this front extension the rest of the building and external areas of the site would remain unchanged other than a minor alteration to the exact layout of the parking to the side of the frontage in order to accommodate the proposed chimney.

## **Relevant Planning History**

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| MC/22/2984 | Construction of a 2 ½ 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.<br>Refused 13 March 2023  |
| 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.<br>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 Officer and Southern Water have also been consulted.

**Southern Water** has provided information regarding the public sewer and advice regarding this (the application agent is aware of this from their comments on the previous application).

**Four letters** have been received objecting to the application on the following grounds:

- Overbearing forward projection and over dominant contemporary design.
- Loss of character of pre war pub.
- Design out of character with area.
- Increase in risk of accidents.
- Additional car parking needs not accounted for and car parking in the area is limited.
- Extra traffic on local roads will be a problem.

## 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 most recent previous application on this site, MC/22/2984, and the current application do not include the side/rear extension previously proposed, therefore only the first of these reasons for refusal is of direct relevance to these subsequent applications.

Although the design of the front extension for MC/22/2984 was significantly different to that of MC/19/1292, extending the existing roof form rather than introducing a full three-storey box-like front addition, it was still considered unacceptable by the Planning Committee and was refused for the following reason:

*The proposed development by virtue of its height and forward projection, would result in an unduly prominent and over-dominant appearance, detrimental to the character and appearance of the locality and contrary to Policy BNE1 of the Medway Local Plan 2003 and paragraph 130 of the National Planning Policy Framework 2021 and therefore should be refused in accordance with paragraph 134 of the National Planning Policy Framework 2021.*

### *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 as at the time of the previous applications 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*

The main issue is the design of the proposed extension. 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. 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 most recent previous application, MC/22/2984, took from the form of the existing building, extending the pitched roof to cover the proposed front extension but introducing a modern twist by incorporating metal cladding and solar panels. Although the contemporary style of design and external materials were considered acceptable, it was decided that the height and forward projection would have resulted in an unduly prominent and over-dominant appearance, detrimental to the character and appearance of the locality and permission was refused on this basis. The current application has addressed this concern by reducing the height of the proposed extension, such that it would now be very similar to that of the adjacent building, whereas previously it would have been approximately 1.4m higher. It would also still be set back from the front of the building at 26 London Road by 0.3m. The altered design retains a contemporary feel and may be considered as a step forward within this small neighbourhood commercial centre, as well helping to visually bridge the gap between the modern car dealership building to one side and the traditional semi-detached pair to the other.

In summary, it is considered that the revised design with a lower roof height, the step back from the front of the adjacent building and the overall appearance would appear acceptable within this locality, including with regard to the advice in Policies BNE1 and BNE9 of the Local Plan and paragraph 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 last 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 scheme being lower than the previous one.

Similarly, as at the time of the previous application whilst it is recognised that there may be a small increase in the number of customers visiting the takeaway it is unlikely that this would be to such an extent as to result in an unacceptable increase in noise and disturbance to the local neighbourhood (the applicant has confirmed that the takeaway would continue to operate as a single unit, and not be split for different providers). In addition, the office extension may result in some additional comings and goings at the site, but this would be unlikely to result in harm to amenity bearing in mind the nature of such use and usual daytime hours of operation.

In summary, as at the time of the previous application the amenity impacts of the development are considered acceptable including with regard to Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

### *Highways*

As at the time of the last application, 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 and previously concern was 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 was also previously raised regarding highway safety, and this was considered in detail as part of the last application. Although one recorded incident in the last three years involved a manoeuvre from the current site this was not viewed as a pattern and in any case, it is unlikely that the proposed development would result in a significant increase in vehicular movements at the site.

In summary, as at the time of the last application no objection is raised to the proposal in respect of parking and highway safety impacts. Conditions are recommended to ensure that the hot food takeaway remains as a single unit with one operator (as multiple units could significantly increase movements), to require the parking provision to be provided (including a minor change to the layout to accommodate the proposed chimney to the side of the building) and to require details of cycle parking (as they have not been provided, in the interests of sustainability). Subject to these conditions the development is considered acceptable with regard to Policies T1, T2, T4 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 altered to address the previous reason for refusal, lowering the roof height and keeping the extension set back from the neighbouring building, 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, BNE9, T1, T2, T4 and T13 of the Local Plan and paragraphs 81, 110-112 and 130 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination as it is a resubmission following the refusal of previous application MC/22/2984 by the Planning Committee in March 2023 and due to the extent of representations received expressing a view contrary to the recommendation.

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## **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/>