

MC/16/1697

Date Received: 18 April, 2016

Location: 52, 54 And 54a Green Street, Gillingham, ME7 1XA

Proposal: Construction of third floor level to provide 1 one bedroom and 2 two bed roomed flats (utilising existing upper floor level pedestrian entrances) together with internal alterations.

Applicant: Goldex Investments Ltd

Agent: Miss Gulacsi Architecture Design Limited The Joiners Shop The Historic Dockyard Chatham Kent ME4 4TZ

Ward Gillingham South

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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 29 June 2016.**

**Recommendation: approval, subject to -**

A) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure a sum of £670.72 towards Designated Habitats Mitigation;

B) And the following 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:

Site Plan 8.26/A.04.1

Proposed Ground floor plan 8.26/A.02.08

Proposed First floor plan 8.26/A.02.09

Proposed Second floor plan 8.26/A.02.10

Proposed Third floor plan 8.26/A.02.11

received 25 April 2016

Proposed Elevation 8.26/A.02.3

Existing/Proposed Streetscene 8.26/A.02.4

received 18 April 2016

Existing/Proposed Elevations 8.26/A.03  
Existing/Proposed Elevations 8.26/A.04  
Existing/Proposed Elevations 8.26/A.05  
received 22 April 2016

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

- 3 The extension hereby approved shall not commence until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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 No development shall take place until a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Details are required prior to commencement to ensure that the design can incorporate the approved details and to ensure that the development is in accordance with the objectives of Policy BNE2 of the Medway Local Plan 2003.

- 5 The proposed bin storage as submitted on plan 8.26/A.02.8 shall be implemented prior to first occupation of the proposed flats and following implementation shall be maintained with full unrestricted access to the storage on collection days.

Reason: To ensure that the development accords with the objectives of Policy BNE2 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 planning application proposes the construction of a third floor level to provide 1 one bedroom and 2 two bed roomed flats, together with internal alterations, that would utilise two existing pedestrian entrances at ground floor that currently serve the first and second floor levels of the building with direct access from the highway. The first and second floor levels are currently vacant.

One of the two bed roomed flats would have a lounge, kitchen diner, two double

bedrooms and a bathroom served by an existing stairwell to the south western side of the building.

The other two bedroomed flat and the one bedroomed flat would be served by an existing north eastern staircase within the building. The two bedroomed flat would have one double and one single bedroom with separate kitchen, lounge/diner and bathroom. The one bedroomed unit would have one double room with lounge/diner/kitchen and separate bathroom.

External changes are proposed with the building proposed to increase 2.5m approx. in height overall to a parapet flat roof design with materials to match the existing building. Service access would be retained to the roof level from one of the staircases.

No parking is provided and due to the constraints of the site, no cycle storage is proposed. Bin storage is however proposed to be provided at ground floor with access to the public highway.

### **Relevant Planning History**

MC/15/4170	Application for a Lawful Development Certificate (proposed) for flat conversion on first and second floor above the existing retail unit to form 2 new residential flats Decision Approval Decided 29/01/2016
MC/15/1226	Change of use from a DIY retail unit (A1) to 2 separate units, an A1 retail store and an A3 dessert parlour together with the installation of 2 separate shop fronts Decision Approval With Conditions Decided 15/06/2015
MC/15/4164	Application for a Lawful Development Certificate (proposed) for flat conversion on first and second floor above the existing retail unit to form 2 new residential flats Decision Approval Decided 29 January, 2016
GL/93 0407	Proposed change of use of first and second floor offices to Gymnasium and Leisure Centre Decision Approval with Conditions Decided 27 July, 1993

### **Representations**

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

**34 letters** of representation have been received raising objections to the scheme on the following grounds:

- Inadequate parking that would lead to parking competition on the highway;
- The development would be an eyesore;
- No need for an additional building;
- There is a greater need for education and leisure uses in the vicinity;
- Loss of martial arts facility;
- Detrimental impact on standard of living and residential amenity;
- The developer has not engaged with local business or residents;
- Increased noise and activity from the building process;
- Loss of privacy; daylight and sunlight;
- Increased vehicle movements from construction vehicles;
- Poor access for construction vehicles;
- Adverse impact from existing development approved in the vicinity;
- A construction environmental management plan should be secured by condition;
- Unneighbourly development;
- Out of character with the locality;
- Noise intensification in a noise sensitive area;
- The proposal would be in direct conflict with adopted planning policy;
- A members site visit is requested; and
- planning permission has not been granted for conversion of Martial Arts centre into residential use.

## **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*

The site is located within the urban boundary as defined by the proposals map of the Medway Local Plan 2003. Paragraph 23 of the NPPF asserts that local authorities must recognise that residential development can play an important role in ensuring the vitality of Town Centres and set out policies to encourage residential development on appropriate sites. It is generally accepted that flats above commercial units in such locations are acceptable and no objection is raised to the principle of the development.

### *Impact on the street scene and design*

The proposed changes would respect the building and uplift the appearance of the site through renovation upgrade. With the building sited in a town centre location where building heights are varied with a vertical emphasis, no objection is raised to the additional increase in height and scale of the building. The application is considered acceptable and is in accordance with policy BNE1 of the Medway local

Plan 2003.

### *Amenity*

With regard to amenity for future occupiers, access to the residential flats would be from the highway through existing doors which would serve the first and second floor levels of the building. The flats would all have a good level of fenestration with windows serving all the habitable rooms with views over the street (to the front) or to the rear over surrounding roof levels of adjacent properties and beyond. Whilst the outlook to the rear is limited to roof tops, it is acceptable in amenity terms.

The layout and internal floor space with sole access from the highway would provide an acceptable level of accommodation in this Town Centre location. Whilst no private amenity space can be provided, in consideration of the site's location, proximity to the Great Lines Heritage park and extent of internal space that could be used for drying space, no objection is raised. The internal space proposed would meet the National Technical Standards.

There is potential for noise from the retail units below to impact on the proposed residential properties. The first and second floor levels have prior approval for conversion into flats above 54 and 54A but this development has not commenced and these floors are currently vacant. The first floor level above 52 Green Street is currently used as a gym but the applicants advise that it is their intention to apply at a later date for planning permission for residential use, but this is not part of the current application for consideration. In view of this, the impact on future residents above the current uses needs to be considered and an appropriate sound insulation should also be installed to ensure that noise is not transmitted. An appropriate condition is recommended to require a scheme of acoustic protection to be submitted and installed.

Due to the siting, distance and orientation of the path of the sun, the proposed extension and conversion into flats is not considered to result in an unacceptable loss of amenity for surrounding residents.

The proposed flats are considered to be acceptable and the scheme is considered to be in accordance with policy BNE2 of the Medway local Plan 2003, subject to the appropriate acoustic protection measures being introduced which can be controlled by condition.

In terms of refuse collection and storage, this is proposed to the front at ground floor level for ease of collection. This would be reliant on occupants taking refuse down to the allocated ground floor area for storage within Eurobins that would be provided. The submitted information is considered acceptable. The storage area will be kept free of obstruction on collection days.

### *Highways impact and parking*

Medway Council's Standards indicate that the 3 flats would generate a requirement

for a maximum of 4 off-street car parking spaces. The site is located within a town centre close to public transport and local amenities. It is considered that a residential use would not exacerbate the existing situation where the site is in a sustainable location, where parking within the town centre is available (with or without a permit) and where the residential use would improve the town centre in terms of its vitality as well as safety in the evening. No objection is therefore raised in relation to Policy T13 of the Local Plan.

The provision of cycle storage is generally encouraged, but the site circumstances would not allow for this. It would not be appropriate to mix refuse with cycle storage provision. In consideration of the location of the site close to the town centre and Gillingham Railway Station, no objection is raised in the regard to the objectives of Policy T4.

#### *Developer Contribution-Wildlife mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officers' costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014.

The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff in order that the scheme complies with the objectives of Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

#### *Local Finance Considerations*

None relevant to this application.

#### **Conclusions and reasons for approval**

The proposed development would introduce additional residential accommodation in the Town Centre above ground floor level, which is encouraged through national policy. This would assist with the vitality of Gillingham Town Centre and enhance security and safety outside of retail hours. There would be no adverse impacts with regard to the neighbour amenities or highways and it is considered to be acceptable for the reasons outlined above. The proposal therefore accords with the provisions of policies BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003 and is recommended for approval subject to conditions.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representation 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://publicaccess.medway.gov.uk/online-applications/>