

MC/16/5062

Date Received: 16 December, 2016

Location: 18 High Street, Halling, Rochester ME2 1BX

Proposal: Part single, part two-storey side extensions, two storey rear extension and the raising of the roof height to facilitate the formation of dormers to front to enable conversion of property into five self-contained flats whilst retaining the retail unit A1 use class to ground floor - Demolition of existing dormer and car-port to side and conservatory to rear

Applicant: Mr Patel

Agent: Mr Cook Architecnique Architects 8 Beatty Cottages Stoke Road Allhallows Rochester ME3 9PE

Ward Cuxton & Halling

Case Officer Chris Butler

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 12 April 2017.**

**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:

Drawing Numbers 016-001/001 Rev B; 005 Rev B; 006 Rev F; 007 Rev C; 008 Rev B; 009 Rev C; 010 Rev B; and 011 Rev A.

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

- 3 No development shall take place 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 Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved CEMP, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003. Submission and approval is required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq, T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (L<sub>max</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. 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: In the interests of the amenities of future occupiers in accordance with Paragraph 123 of the National Planning Policy Framework and saved Policy BNE2 of the Medway Local Plan 2003.

- 6 Prior to first occupation of the new dwelling hereby approved, details of secure cycle storage to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details prior to the occupation of the development.

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 T4 of the Medway Local Plan 2003.

- 7 Within one month of the commencement of the development details of the surface and foul water drainage arrangements, to serve the development shall be submitted to the Local Planning Authority for their approval in writing. None of the residential units created by this development shall be occupied until the surface and foul water drainage has been carried out in accordance with the approved details. Thereafter the surface water and foul water provision shall be retained at all times in accordance with the approved details.

Reason: No such details have been supplied and to ensure that the development permitted does not prejudice conditions of amenity and highway safety in accordance with Policies BNE2 and T2 of the Medway Local Plan 2003.

- 8 Foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason. The site lies within a ground water source protection zone 1 and there is a need to ensure that there is no resultant unacceptable risk to groundwater arising as a result of the development.

- 9 Prior to the occupation of any of the flats within this development, full details of the nature of the refuse storage arrangements, their position and the location of the position where the refuse is to be presented for collection shall be submitted to and approved in writing by the Local Planning Authority. The details of the refuse storage arrangements, positioning an presentation location for collection shall be provided prior to the occupation of any of the residential units and retained their after in accordance with those approved details.

Reason: No such details have been provided in the submission documentation, to ensure adequate refuse provisions and arrangements are put in place to serve the development and to ensure they refuse can be collected in a safe and reasonable manner without adverse impact on the character and appearance of the streetscene.

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

## **Proposal**

This application seeks planning permission for the removal of existing dormer windows, demolition of car port to the side (north-east) elevation and conservatory to rear (south-west), to facilitate the erection of a part single, part two storey side extension, a two storey rear extension, and raising of the roof height of the building to enable the conversion of the building to create 5 x 1-bed flats, retention of the shop unit and provision of a store area for the commercial unit. The ground floor commercial

unit will remain in retail use (Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Use Classes amendment England Order 2016) together with the provision of a storage area related to the retail unit.

### **Site Area/Density**

Site Area: 0.0272 hectares (ha)(0.072 acres)

Site Density: 171.23 dph (69.3 dpa)

### **Relevant Planning History**

MC/16/1303	Part single, part two-storey side extensions, two storey rear extension and the raising of the roof height to facilitate the formation of dormers to front rear and sides, to enable conversion of property into five self-contained flats whilst retaining the retail unit A1 use class to ground floor - Demolition of existing dormer and car-port to side and conservatory to rear Decision - Refused Decided 03/06/2016
MC/02/1891	Construction of a conservatory at rear Decision Approval with Conditions Decided 21/10/2002

### **Representations**

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

**Halling Parish Council** has been consulted and has responded advising that they maintain their previous objections the previous application. The Parish Council previously objected on the grounds of parking and overdevelopment.

### **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**

#### *Site description and background*

The site is currently occupied by a (A1) retail premises on the ground floor, as defined by the UCO, with the upper floors being in a single residential unit associated to the ground floor use. The existing building is two storeys in height with a loft space created by dormer windows on the rear and side roof slopes.

To the north-west of the site is a public open space which contains a war memorial, a footbridge providing safe pedestrian crossing over the A289 motorway. The application site, given the adjacent open space, is relatively prominent in the streetscene, especially when viewed from the north, travelling south and also when approaching the site across the footbridge located to the west. The application site is located within a predominantly residential area, and Halling Train Station is located close by. To the south-east side is a pair of semi-detached houses whilst on the opposite side of the road is a long row of two storey terraced houses.

The application property has had a number of additions that do not particularly fit well within the existing streetscape, primarily due to their depth and design.

In respect of the proposal, the proposed development would increase the footprint of the building on the site, however would retain an area to the rear (south-west), as garden/ amenity area. It is not clear from the submitted plans on how this area will be used or accessed, or whether it will serve all of the residential flat units being created as a result of this development.

The development, as proposed, is shown to fill almost the whole width of the plot in a broadly rectangular footprint measuring approximately 7.150m in width (at its widest point) and 26 metres in depth also at its deepest point (from the front to rear elevation). The development as proposed would be 2 ½ storeys high with the top floor being provided within a roof space. This will bring the overall roof height of the resultant extended building to 8.9m high when measured from ground level to tallest point of the ridge, whilst measuring 7.2m height to eaves height, at the highest eaves level on the east elevation and 5.2m height to eaves, at the lowest on the west elevation.

As already mentioned planning permission was refused in 2016 (planning ref: MC/16/1303) for extensions and conversion of the building to 5 flats (all one bed). The reason for refusal is as follows:

1. The proposal is located in a prominent position when approaching Halling village from the north, overlooking an area of open space and the war memorial and is a visual point. For this reason, a high quality design approach is required, which this proposal fails to provide. The proposed elevations fail to address this prominent location well, resulting in a building of poor design, appearance and detailing and fails to relate positively with its surroundings. The proposal would result in over-development of the site and would fail to enhance the streetscene, especially as a result of its mass, bulk and appearance and would not comply with saved Policy BNE1 of the Medway Local Plan (2003) or the design objectives set out in the National Planning Policy Framework, especially Paragraph 56 which stresses that great importance is placed on the design of the built environment and good design being a key aspect of sustainable development, that is indivisible from good planning, and contributing positively to making places better for people, which the current proposal fails to achieve.
2. The proposed development, if permitted, would result in an over-development of the site, which would fail to provide adequate standards of accommodation for future occupants. The bedroom space within two of the flats within the proposed development fails to comply with the Government's Technical Housing Standards

2015 and there is no storage space shown at all within any of the flat units. The proposal also fails to provide separate, adequate refuse storage for the commercial and residential uses. The proposal would result in a substandard level of accommodation and poor levels of amenity for future residents, which those occupiers could reasonably expect to be able to enjoy. The proposal fails to comply with paragraphs 17, 56, 57, 64 and 66 of the National Planning Policy Framework, the Government's National Planning Practice Guidance and saved policies BNE1 and BNE2 of the Medway Local Plan 2003

When compared to the refused scheme, the current proposal has sought to address the above reasons for refusal by a revised design now incorporating two small dormers on the front, change in roof profile to gable end (on the front) to continue existing roof profile, reduction in height of the extensions, and provision of a slight break in appearance of the extension on the west elevation. This design approach helps to minimise the long spans of the building flank wall along this elevation which in turn presents an improved appearance of the building when viewed from the west and further north. Although the massing of the building has increased, in terms of the footprint, the overall reduction in the height and bulk helps to mitigate the overall appearance of the building and prominence within the street scene.

On balance, whilst the proposed development has sought to address the previous concerns raised by the Council, the typical symptoms of overdevelopment has been adequately addressed through this design approach and the proposed development would create a better and improved living environment for the future occupants.

### *Principle*

This site is located within Halling Village, where saved Local Plan Policy H11 states unless the site is allocated for housing development in the local plan, or an exceptional justification can be made, housing development in the rural area will be restricted to minor development within the confines of the villages and settlements as specified within the policy. Halling Village is specified within this policy and detailed on the Local Plan proposals map. The pre-ambule to this policy at paragraph 5.5.34 states:

*"Rural settlements that are of a size, form and structure to be considered villages can often acceptably accommodate minor development or redevelopment within their boundaries. For such larger rural settlements, village boundaries have been defined on the proposals map. These are intended to contain development within the existing built confines, to prevent sporadic development and the loss of valuable countryside. The boundaries have, therefore, generally been tightly drawn to exclude schools, playing fields, actively used allotments, working farms and larger gardens."*

The proposal seeks to intensify development on the site. There is a clear presumption in favour of such development subject to the development being acceptable in respect to all of the other relevant planning considerations detailed in this report.

Policy R10 seeks to prevent development that would involve the loss of existing shopping facilities, including retail, service and food and drink uses (Classes A1, A2 and A3), in Local Centres, Villages and Neighbourhood Centres, as defined on the proposals map and listed within policy unless an improvement to local amenity or the

provision of community facilities occurs that outweighs the loss. Halling Village is shown on the Local Plan proposals map as being protected by Policy R10 and this policy specifically lists all retail premises in Halling Village as being protected.

In terms of the proposed development, the site lies within the village boundaries of Halling Village, as defined by the Local Plan proposals map. The proposal seeks to extend the existing building, currently in mixed use to create 5 flats in addition to retaining the retail unit on the ground floor. This proposal would generally be in compliance with the ethos of this policy.

Paragraph 49 of the National Planning Policy Framework (NPPF), states that *"housing applications should be considered in the context of the presumption in favour of sustainable development."* In this instance the development is in a sustainable location within minutes walk of a bus stop and train station, as well as located close to a number of shops and other facilities within the Village itself. This being the case, it is considered that the principle of the development accords with the above mentioned paragraphs of the NPPF and policies H11 and R10 of the Local Plan, subject to being acceptable in relation to all other relevant material planning considerations, including design, impact on amenity and highways safety, which are discussed in more detail below.

*Design and impact on the setting of the listed building located adjacent to the site, the character and appearance of the streetscene and the surrounding area in general*

Paragraphs 56 and 57 of the NPPF state: *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"* and that it is *"important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes"* respectively.

Additionally Paragraph 57 of the NPPF states:

*"Planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- are visually attractive as a result of good architecture and appropriate landscaping."*

Paragraphs 64, 65 and 66 of the NPPF states:

*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

*Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits); and that the*

*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."*

This application is a resubmission of an application which was refused planning permission in June 2016 (planning reference MC/16/1303). The details are provided above under the 'Background' section of this report. The current proposal has improved the design approach and reduces the prominence of the development in the streetscene. The revised design together with the reduction in height of the extension has been done in such a way that the appearance of the existing building in this prominent location is improved as well as reducing the impact of the proposed development on the character and appearance of the streetscene and its surrounding area in general. This being the case, the design of proposed development is considered to be appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of being satisfactory in terms of its scale, mass, proportion, details, materials, layout and siting.

The current proposal as such results in a development that achieves an acceptable design in this location and is considered to be acceptable when assessed against paragraphs 56, 57 and 65 of the Framework and saved policy BNE1 of the Local Plan.

### *Amenity*

Policy BNE2 of the Local Plan is concerned with the impact of development on the amenities of neighbouring occupiers.

The proposed floorplans submitted with this application shows that the flats will all have window openings facing the front, rear and side elevation (adjacent the Memorial garden). As such, these openings have been carefully arranged to avoid direct overlooking to neighbouring amenity. As such, this provision is considered to be acceptable and would not result in direct overlooking of any neighbouring amenity. Consequently, no increased levels of overlooking would result from the proposed development that would be significantly over and above what is currently experienced.

In terms of the amenity of the future occupants, none of the window openings will overlook each other and as such the privacy of the future occupants would be protected.



In terms of the accommodation proposed, the table set out below the standard in line with the Government's Technical Housing Standards 2015 (THS15). It will be noted that one of the concerns raised is to the level of internal amenity for the future occupants of the development. The current proposal has sought to address this and through the revised design and increase in the footprint of the extension proposed, the current proposal would be compliance with these accommodation standards.

Table

18 High St, Halling	Gross Internal Floor Area (GIFA) in m <sup>2</sup> of proposed development when compared to the 50m <sup>2</sup> required of a 1 Bed 2 Person Unit (1B2P) set out in the Government's Technical Housing Standards (THS).	Gross Internal Area (GIA) of the bedroom in m <sup>2</sup> when compared to the 11.5 m <sup>2</sup> For a double/twin bedroom specified in the THS.	Width in metres of the bedroom when compared to the 2.75 metres specified in the THS for a double/twin bedroom.
Ground Floor Flat - 1 Bed 2 Person unit (1B2P).	60.155	12.94	3.0
First Floor Flat (Front) -1B2P.	59.08	13.36	3.45
First Floor Flat (Middle North-West Facing) -1B2P.	55.94	12.44	4.0
First Floor Flat (Rear) -1B2P.	60.155	12.94	3.0
Second Floor Flat (Rear) - 1B2P.	59.429	12.02	2.9

Overall, this amended proposal is considered to be acceptable in terms of residential amenity, and is considered to comply with Paragraphs 17, 56 and 64 of the Framework and saved Policy BNE2 of the Local Plan 2003.

Turning to issues of noise / dust, due to the nature and the proximity of the development to existing dwellings, there could be problems with noise and nuisance, and dust during the construction phase of the development. However, such concerns can be overcome with the use of a Construction Environmental Management Plan (CEMP) and this being the case should planning permission be granted it would be appropriate to impose a condition requiring a CEMP to be submitted and approved by the Local Planning Authority prior to the commencement of development.

Furthermore, the Council's Environmental Protection Officers have previously considered the residential element of this proposal in relation to the proximity of the A228, in regard to road traffic noise. Due to the proximity of the site to the A228, the area is dominated by road traffic noise that is likely to be influential in the selection of a suitable double glazing specification for the new flats, so as to ensure an acceptable internal noise level is achieved in accordance with BS8233:2014. As such a condition has been recommended to request that such an assessment be undertaken prior to the commencement of the development on site. Subject to this condition being imposed, no concerns are raised to the proposal on noise disturbance grounds.

### *Highways*

The proposal has been considered in light of a car free development and in terms of highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of these highway considerations, especially due to the location of the site to other forms of sustainable transport and the availability of on-street parking. Whilst it is appreciated that the on street parking demand increases at night, in the early hours of the morning and at weekend and whilst the concerns of the Parish Council are noted, there is no evidence to suggest that the proposed development would exacerbate the parking situation in the area to an unacceptable level. In the light of the fact that the Council's adopted Local Plan policy and adopted off street parking standards all allow for a reduction in the standard of parking for developments in close proximity to railway stations, other forms of sustainable development and other general amenities, such as schools, shops and medical practices, the development proposed is considered to be justifiable in terms of a car free parking provision.

In addition to the above, it is not considered that the proposal will result in any increase in risk to highways or pedestrian safety over and above that which already exists and in the light of these matters the development is considered to be acceptable in highways terms.

Turning to other forms of sustainable transport no details of cycle storage provision have been submitted. Whilst the applicant has failed to demonstrate adequate bicycle storage provision of 1 space per residential unit, it is considered that should the development be considered to be acceptable, a condition seeking the provision of cycle storage would be imposed.

### *Ecology and the Habitat Regulations*

The development has been considered in terms of its ecological impact. Due to the development being the redevelopment of an existing building with no likelihood of any ecological impact, whether that be protected species or protected flora or fauna, it is considered that the proposed development would not have an unacceptable impact in this regard.

With regard to the Natural England (NE) bird mitigation requirements and Appropriate Assessment needs, the development site is located outside of the 6km bird disturbance buffer zone as depicted on the map supplied by NE showing the Ramsar

and Special Protection Areas. This being the case, the site lies outside of this designated zone and as such, no contribution is required.

#### *Flooding/Ground Water Protection*

This site lies outside of any flood zone, as defined by Environment Agency or the as detailed within the National Planning Practice Guidance entitled 'Flood Risk and Coastal Erosion'. However, it is located on the very edge of a Source Protection Zone (SPZ) 1, as defined by the EA. This being the case, should planning permission be granted details of the foundation design, as well as the details of the design of the surface and foul water drainage arrangement and a condition preventing the discharge of surface water to the ground, without adequate mitigation measures being installed, would be imposed.

#### *Refuse / waste*

No details of the waste or refuse bin store has been provided. The site would require a minimum of 1 x 1100ltr refuse bins, 1 x 360ltr bin for paper and 1 x 1100ltr bin for mixed recycling. Additionally, due to the mixture of residential and commercial separate storage areas for the bins would be required. This is due to the fact that the Council only collects refuse / waste from residential properties and does not collect from a bin store that houses both residential and commercial bins. Additionally, in the absence of any details as to the location of the proposed bin storage there is some concern that this may be located too far away from the highway for the refuse / waste crews to collect. (i.e. if it is placed in the rear garden). This issue alone is not considered to be a sustainable ground of refusal and can adequately be dealt with by planning condition. Therefore, should planning permission be granted a planning condition, requesting the details of waste and refuse storage and collection point would be appended.

#### *Local Finance Considerations*

None

### **Conclusions and Reasons for Approval**

The current proposal has adequately addressed the previous reasons for refusal. The proposed development is considered to be acceptable in terms of its design, mass and bulk and in terms of the amenity proposed for the future occupiers. Subject to conditions, the proposal is considered to be acceptable when assessed against paragraphs 56, 57, 65 and 121 of the Framework and saved policies H11, R10, BNE1, BNE2 and T13 of the Local Plan.

For the reasons set out above, this development is recommended for approval subject to the imposition of planning conditions.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the representation received from the Parish Council that expresses views 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/>