

MC/17/1630

Date Received: 8 May, 2017

Location: 153-155 High Street, Chatham, ME4 4BA

Proposal: Demolition of part of the ground floor rear section to the existing shop and construction of a three storey rear extension and change of use from storage to residential use to create four 1 bedroomed and one 2 bedroomed flats together with the construction of a detached three storey apartment building to the rear of the site incorporating three 1 bedroomed flats and a new access to the side of the shop, communal garden between the rear of the shop and the new build apartment together with the provision of bin storage, cycle storage and associated works

Applicant: RAAS Properties

Agent: Mr J Bolton Synergy Synergy Delta House Laser Quay Medway City Estate, Rochester ME2 4HU

Ward River

Case Officer Hannah Gunner

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 5 July 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 16/180/02, 16/180/03, 16/180/04, 16/180/05 and 16/180/06 received 8 May 2017.

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

- 3 No development above slab level 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 dwelling herein approved shall be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) for the courtyard garden. The courtyard garden shall be landscaped in accordance with the approved details prior to occupation of any dwelling herein approved. Any soft landscaping which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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 a)The separating ceiling and floor between the ground and first floor shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 60 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

b)The separating ceiling and floor between the first and second floor, shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

c)The separating ceiling and floor between the second and third floor, shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To safeguard the amenities of the occupiers of neighbouring residential units and neighbouring commercial uses in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 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 Construction Environmental Management Plan shall include amongst other matters details of: site access; hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; 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 Construction Environmental Management Plan.

Reason: Required prior to commencement of development to ensure no

detrimental impact on the amenities of adjoining properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 No dwelling herein approved shall be occupied until full details of the arrangements for collection of refuse waste from the site have been submitted to and approved in writing by the Local Planning authority. The arrangements for the collection of refuse waste shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: To ensure adequate refuse collection arrangements to ensure the protection of residential amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 No dwelling herein approved shall be occupied until details of the design and location of cycle storage provision that demonstrates each flat having access to individual, weatherproof and secure cycle storage have submitted to and approved in writing by the Local Planning Authority. The cycle storage provision shall be provided in accordance with the approved details prior to occupation of any dwelling herein approved and shall be retained thereafter.

Reason: To ensure that each individual dwelling has access to a reasonable and secure storage area for cycles in accordance with Policy T4 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

Demolition of the ground and first floor rear section to the existing shop and construction of a three storey rear extension and change of use from storage to residential use to create four x 1 bed roomed and one x 2 bed roomed flats together with the construction of a detached three storey apartment building to the rear of the site incorporating three x 1 bed roomed flats and a new access to the side of the shop, communal garden between the rear of the shop and the new build apartment together with the provision of bin storage, cycle storage and associated works.

Site Area/Density

Site Area: 0.044 hectares (0.109 acres)

Site Density: 181.82 dph (73.395 dpa)

Relevant Planning History

MC/14/1673

Refurbishment of an existing commercial property on ground floor. Conversion of upper parts to 5 No flats (2 No Studios, 2 No 1 bed, 1 No 2 bed) and new extension to the rear with 7 No flats (4 No 1 bed, 2 No 2 bed) (Resubmission of MC/13/2877)

Decision Finally Disposed
Decided 23 June, 2016

MC/14/3044 Refurbishment of an existing commercial property on ground floor and conversion of upper parts to two studios, two 1 bed flats, one 2 bed flats with cycle storage
Decision Approval With Conditions
Decided 6 February, 2015

MC/13/2877 Refurbishment of existing commercial property on ground floor, involving new shop front and access door to the residential units to the rear and refuse storage, the demolition of the first floor level of the existing rear extension and construction of a further 22.75m single storey rear extension to the commercial unit. Onto the roof of the commercial extensions to be constructed a four storey flat roofed rear extension to the frontage building to provide 5 residential units (2 studio flat, 2 one bed flat, 1 two bed flats) together with a further 3 storey block of 3 residential units (1 one bed flat and 2 two bed flats) on the mid area of the roof and a four storey block of 4 residential units (1 one bed flat, 1 two bed flat and 2 one bed maisonettes) on the rear area of the roof of the proposed extension to the commercial unit, together with amenity space and cycle storage.
Decision Refusal
Decided 11 February, 2014

Representations

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

1 letter has been received raising the following objections/concerns:

- The proximity of the proposal to the rear of the Pentagon Centre may cause conflicts in due course.
- Conflicts may arise due to noise issues associated with plant and machinery at the centre along with vehicles using the adjacent servicing/parking deck.

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 2012 and are considered to conform.

Planning Appraisal

Background

This application is a result of pre-application discussions dating back to August 2016. As can be seen in the planning history section, planning permission had been obtained on site for 5 residential units (MC/17/3044), however an application for 12 units was finally disposed of due to a long period of inactivity with the application.

As part of the pre-application discussions it was agreed at the early stages that the number of units to be considered as a revised scheme would have to be less than 9. At the initial discussion the main issues of access, outlook, refuse storage and collection, unit sizes and design/layout were approached. It was highlighted that the visual impact in terms of outlook was of concern given that the proposal would look out onto the Pentagon Centre car park. Anything to tackle this issue would be welcomed.

Initial plans were drafted then further discussions were had in relation to the acceptability of the project. The plans were revised a number of times before the applicants came forward with a scheme similar to that being proposed within this application. Given that the principle of residential had already been accepted in this instance with the approval of the 2014 application the main points of discussion within the pre-application stage were related to ensuring the development was suitable in design and for occupants by way of suitable outlook, amenity, and unit size provision.

Principle

Currently the ground floor unit is an A1 retail unit (albeit vacant). The principle of re-instating this A1 use is not of concern and is encouraged within Chatham Town Centre. Policies R1 and R2 identify the site as being within the core retail centre of Chatham and Chatham town centre as a regional scale comparisons goods centre. These policies allow for 'qualitative improvements to existing Class A1 convenience floorspace through refurbishment or redevelopment. The provision of additional A1 floorspace is allowed if supporting the vitality and viability of the core retail area with no highways or access problems.

Policy H4 of the Local Plan generally seeks the concentration of residential development in urban areas to reduce the pressure for Greenfield development which is less viable long term in relation to economies of scale, service provision and environmental considerations. Residential development will be permitted in the urban area, particularly as a result of the reuse of vacant and derelict land, or the change of use or redevelopment of existing buildings no longer required for non-residential use, redevelopment of existing residential areas provided that a clear improvement in the local environment will result, mixed commercial and residential uses and the upper floors of commercial facilities. It is therefore considered that this proposal would meet the requirements of this policy and would allow for residential development opportunities to be maximised within this town centre.

The overall design, impact and intensification of the upper floors are assessed in the relevant paragraphs below. Given that this is a town centre location it is considered that high density occupation is acceptable, in compliance with Policies H4 and H5 of

the Local Plan.

It is also considered that this application is in compliance with the NPPF in that it is considered to be a sustainable development, in accordance with paragraph 7 and 49. In relation to paragraph 23 (ensuring vitality within the Town Centres) it is considered that this proposal recognises that residential development can play an important role in ensuring the vitality of centres.

Design

The application property is currently a retail unit with office and storage space over that is located within the core retail area of Chatham. The High Street to the front of the property is pedestrianised. The adjacent properties are also in retail use with no obvious residential units at upper floors within the surrounding properties. To the rear of the application site is the Pentagon Shopping Centre. Facing onto the rear of the application site are the rear of stores, the former bus station level of the Pentagon centre and rooftop parking. There are ventilation apparatus mounted on the rear facade of the Pentagon centre at its lower level and emergency access door from higher levels leading to a fire escape passageway between the Pentagon building and the rear boundary of the application site. There is an electrical substation to the rear of the adjacent site (157 High Street), which is to the eastern side of the rear part of the application site. The application property currently has a large, two-storey rear extension (flat roof) and surrounding commercial properties have rear extensions of between single storey and five-storey high.

With regards to the works proposed to the existing retail unit, there would be reduction in the width of the shop frontage to allow the creation of a separate access to the proposed flats above. This would result in the shop frontage decreasing by approx. 1.4 metres. It is proposed to move the shop front itself forward to be in line with the front elevation of the building. The existing large extension to the rear is to be reduced in size, however despite this the shop floor area is still to be approximately 100m² and there is to be an additional area at the rear for staff facilities and storage. It is considered that the shop size that is to remain as a result of this proposal is of a good size, and whilst it is smaller than the current vacant unit that exists, this may make it more commercially appealing for smaller or independent businesses. Many of the shop frontages vary in size throughout the High Street. In this case it is considered that the loss in commercial frontage is acceptable as that loss is off set by the improvement to the overall unit. There are no external alterations being made above ground floor level at the front of this property. The distinctive character of the upper floors of this property are to remain in place and the overall character of the building within the street scene is therefore considered to be protected.

There are a number of alterations that are being made to the rear of this building as a result of this application. The existing large two storey flat roofed extension is to be removed and replaced with a three storey extension to the rear of the original building that is to be an approximate 13m reduction from the existing two storey block. The height of the proposal extension is to be approx. 10.2m with a mansard style roof addition at the rear. The general style and design of the proposed rear extension is simple and modern and the mansard roof design with rooflight/doors within it is a modern twist on a traditional design feature. The roof at the rear is shown to be a

raised crease grey metal sheet roof. This is in complete contrast to the front of the property however the front and rear are not viewable in the same context and would therefore never be seen as one. Given the size and scale of the proposals in relation to the existing adjacent properties it is considered to be in keeping, in terms of bulk, scale and design.

At the rear of the site there is a three storey residential block proposed that would have the main frontage facing toward the centre of the site. This block is essentially a cube that would have the main windows/entrances and features within one elevation. The block would be rendered in a light grey colour and there would be PV panels within the flat roof aspect. The balcony features are shown to have slatted screen frontages. The details of all materials in terms of samples (where necessary) would be conditioned so they can be agreed. This rear block would accommodate 3 x one bedroomed units and all would have the bedroom and main living area facing the garden area with kitchens and bathrooms along the rear wall that faces the Pentagon Centre. The main windows and outlook for all 3 flats would be out onto the garden and each unit would have balcony access from both the bedroom and living area. The only windows at the rear and sides are would be high level windows and there would be a maintenance entrance also.

The central aspect of the site would be a communal garden for the residents within the two blocks and is shown to be approximately 120m², with an additional area for bin storage, bike storage and a 'drying area'. A detailed landscape plan would be required and conditioned so that the garden is landscaped to an acceptable level prior to the occupation of any of these units.

In general design terms it is acknowledged that this particular scheme is quite unique as it is a residential development in the middle of a major retail centre. The scheme is not visible from any public realm and it is considered that the proposed garden area would be an enclosed 'oasis' for residents to enjoy. The modern yet simple design of the units would complement the general style, layout and ethos of this scheme and should be viewed as an effective way of accommodating residential development within a town centre in a sensitive manor that has minimal impact to the retail functioning itself. In terms of design, it is considered that this proposal is in compliance with BNE1 of the Local Plan and also Section 7 of the NPPF titled 'Requiring good deisgn'. Within this section it sets out 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." (para 57).

Amenity

In terms of amenity there are two considerations, the amenity of the future occupants and the amenity of neighbouring properties.

Amenity of future occupants

This consideration covers a number of issues, including the proposed unit sizes and the amenity/garden provision that is made for these units.

In terms of unit and bedroom sizes, the development has been set out in the table below to demonstrate that it meets with all of the required standards.

Unit	Over size	(std)	Bedroom size	(std)	compliance
Unit 1 (1b/2p) - (1st fl, front)	54m ²	50m ²	15.2m ²	11.5m ²	✓
Unit 2 (1b/2p) - (1st fl, rear)	50.3m ²	50m ²	12.2m ²	11.5m ²	✓
Unit 3 (1b/2p) - (2nd fl, front)	54m ²	50m ²	15.2m ²	11.5m ²	✓
Unit 4 (1b/2p) - (2nd fl, rear)	50.3m ²	50m ²	12.5m ²	11.5m ²	✓
Unit 5 (2b/4p) - (3rd fl)	91m ²	70m ²	13.7m ² 11.1m ²	11.5m ² 11.5m ²	✓ □ ✗
Unit 6 (1b/2p) - (Gr fl, rear block)	56m ²	50m ²	15.9m ²	11.5m ²	✓
Unit 7 (1b/2p) - (1st fl, rear block)	55m ²	50m ²	13.2m ²	11.5m ²	✓
Unit 8 (1b/2p) - (2nd fl, rear block)	54m ²	50m ²	14.1m ²	11.5m ²	✓

As can be seen in the above table, only the second bedroom of the 2 bed/4 person unit is below the national standard in terms of the room size, however this is not considered to be a significant amount and given that the plans show a double bed accommodated within it with relative ease and that the overall unit size would be significantly above the minimum standards for a 2 bed/4 person flat, it is considered that this shortfall is acceptable.

In terms of amenity provision and communal garden/open space that is available to the future occupiers, each of the properties within the proposed rear block would be provided with a balcony that would measure approx. 9.3m². The first floor rear unit of the main building would also have a balcony (of approx. 10.1m²). Whilst half have 'private balcony' areas, ALL units would have access to the communal garden area in the centre of the proposal. Given that 7 of the 8 units are proposed to be 1 bed units, they are therefore not considered to be 'family' units and the garden provision is less essential. The communal garden area would be approx. 120m² with the drying/cycle store area adjacent and is considered to be a reasonable sized garden for 8 small units.

The window to window distance between the main block and the new rear block would be approx. 22m which is considered to be suitable and would not cause overlooking issues.

In terms of the amenity of the future occupants it is considered that the sizable units, outdoor space and balcony provision for this 1 bed (and 1 x 2 beds) units would result in a satisfactory standard of living and would allow for each occupant to have an acceptable level of amenity provision. This is considered to comply with BNE2 of the Local Plan and Paragraph 17 of the NPPF in relation to the future occupants.

Neighbouring amenity.

It is noted that this proposal is within a commercial centre and as such, there are not a significant amount of residential units within the locality. It was apparent from site visits that the immediately adjacent units are not in residential occupation but are generally used at upper levels for storage/office purposes. The removal of the existing large and bulky two storey rear extension and the replacement with a smaller three and one storey extensions results in the general reduction of bulk to this site. In stating this however, the neighbouring properties in themselves are considered to be dominant and are of considerable bulk also. There are no significant windows that overlook this site and at the rear is the service entrance to The Pentagon Centre.

It is noted that the only objection that has been raised is from The Pentagon Centre itself with concerns that the proximity of the proposal to the rear of the Pentagon Centre may cause conflicts in due course, however it is only that conflicts may arise due to noise issues associated with plant and machinery at the centre along with vehicles using the adjacent servicing/parking deck. The design and layout of the rear block ensures that the non-habitable space is at the rear with minimal windows and openings in this elevation. The bedrooms would all be to the front, facing toward the communal garden. Any traffic noise generated from vehicles along the service lane is not considered to be significant or of significant enough disturbance to warrant this proposal unacceptable. In terms of plant noise, it is not considered that any plant associated with The Pentagon Centre would be in close enough proximity to impact this proposal. Again, the rear block would not have habitable room openings/windows within the relevant elevations for plant noise to significantly impact the proposal.

Given the above, it is still however noted that neighbouring occupants from within the development itself generate noise disturbance themselves. Conditions are recommended that ensure that the necessary measures are incorporated to reduce this impact.

A further condition is in place in relation to a Construction Environmental Management Plan (CEMP), which not only includes detail regarding hours, noise and dust control but also specifically requires details in relation to delivery of materials and how the site is to be accessed to be incorporated within it.

In general, the lack of neighbouring residential occupants within the locality results in this proposal having minimal impact to adjacent occupiers and is therefore compliant with Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF in relation to this aspect.

Highways

The application site is within a pedestrianised part of Chatham Town Centre and therefore there are no parking spaces or provision within this scheme. The site is located approximately 200m from Chatham Bus Station and is approximately 400m from Chatham Railway Station. It is considered that this development is in a good area for transport links and is in the midst of the retail centre, ensuring that facilities are very close by also. Car dependency for this scheme is not considered to be essential,

especially given the size and nature of these units (not as family homes). The provision of secure cycle parking is acceptable in this location.

Despite being 'car free' this is supported within the NPPF within Section 4 (Promoting sustainable transport) in paragraphs 30, 35 and 37 where the emphasis is on reducing congestions and emissions, encouraging pedestrian and cycle priority and minimising journey lengths for work, shopping and leisure.

Bird 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 officer's 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 paid this tariff and have submitted a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Refuse storage and collection

The proposed plans show that there is to be a bin store area within the bin/cycle and drying area of the communal garden. The Councils waste services have commented that collection from communal bins is not feasible given the length of the walk and the need to access a steep slope. However, it is noted that a scheme would have to be in place where individual properties would be required to present their waste and recycling sacks on collection day. The details of this should be supplied within a Waste Management Plan that will need to be submitted to and approved in writing prior to the occupation of the units.

Conclusions and Reasons for Approval

The proposed residential scheme for 8 units within a town centre location is considered to be a good quality scheme that balances the location with the need to provide a good standard of smaller residential units within town centres. The design and appearance of the extended property and the new residential block are considered to be fitting within this location and the provision of a usable and secluded communal garden for these residents is a good design that would encourage use of the outdoor space. Overall the proposals are considered to be compliant with Policies S6, BNE1, BNE2, R1, R2, H4 and H5 of the Local Plan and paragraphs 7, 17, 23, 30, 35, 37, 49 and 57 of the NPPF.

This application would normally be determined under delegated powers however in this instance the proposal is considered to be a good example of the sort of residential development that can be achieved on a constrained site within a town centre and also because Councillor Andrew Mackness is part of the applicants team.

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/>