

MC/17/2705

Date Received: 2 August, 2017

Location: 5 Shirley Avenue, Horsted, Chatham ME5 9UP

Proposal: Construction of dormer windows to rear and installation of roof lights to front to provide an additional 1-bedroom self-contained flat within roof space of existing building and construction of a detached two storey building to provide a 1-bedroom and 2-bedroom self-contained flat with associated parking

Applicant: Mr Slegg

Agent: Mr Tidwell Gary Tidwell Associates Limited 126 Queens Road Tankerton Whitstable CT5 2JL

Ward Rochester South & Horsted

Case Officer Karen Cronin

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 25 October 2017.**

**Recommendation – Approval subject to;**

A. Contribution of £1220.74 towards bird disturbance 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:

Drawing numbers 01.379.05 REV P1, 01.379.10 REV P1, 01.379.11 REV P1, 01.379.12 REV P1 and 01.379.14 REV P1 received 2 August 2017.

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

- 3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. 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 Construction Environmental Management Plan shall include amongst other matters details of: 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 minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 The separating ceiling, floor and walls between the first and second floors of the new block 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 regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No dwelling herein approved shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 7 No dwelling herein approved shall be occupied until details of cycle and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage facilities shall be

implemented in accordance with the approved details prior to any dwelling herein approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and 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**

This proposal is for the refurbishment and internal re-planning of the existing first floor flat and the construction of dormer windows to provide a second storey 1 bedroom flat in the roof space at 5 Shirley Avenue and the construction of a detached two storey building to provide a 1 bedroom and 2 bedroom flats with associated parking next door.

The ground floor of the existing building would remain as offices. The first floor would remain as a two bedroom flat with no external changes. The second floor would have dormer windows to allow for the creation of a new 1 bedroom flat.

The ground floor of the new detached two storey building would be allocated for car parking for up to 5 vehicles. The sides of the ground floor would be open with supporting posts to allow for the car parking. The first floor shows a two bedroom flat with kitchen, living room and bathroom. The second floor would have a box dormer to allow for a 1 bedroom flat in the roof space. The new building would measure approx. 8.5m long x approx. 9.7m wide x approx. 8.7m high. The new building would be approx. 0.3m forward of the existing building line, approx. 0.3m higher than the existing building but would not extend beyond the existing garages into the access road.

The existing fire escape to 5 Shirley Avenue would be removed and replaced with a shared fire escape with the new building. The existing access track is proposed to be maintained.

The flats would have no private amenity space.

### **Site Area/Density**

Site Area: 0.02 hectares (0.049 acres)

Site Density: 100 dph (40 dpa)

## Relevant Planning History

MC/07/2270                      Change of use from shop (Class A1) to solicitors (Class A2)  
Decision Approval with Conditions  
Decided 06/02/2008

## Representations

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

**3 letters** of representation have been received raising the following objections:

- Parking and highways safety concerns
- Obstruction to the service road to the rear of the shops and houses
- The site is unsuitable for development
- Loss of light and privacy to existing flats
- Overlooking into neighbouring properties
- The proposal is not in keeping with the surrounding properties

## 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*

Written pre-application advice was given on 19 July 2017 under reference PRE/17/1704. The plans submitted as part of this pre-application submission were the same as the plans submitted as part of this formal application following suggested amendments to the scheme. The advice given was that amendments to the existing building at No. 5 and proposed new building next door were acceptable in principle.

### *Principle*

The site is within the urban area of Chatham as defined on the Local Plan Proposals Map where redevelopment of existing residential areas and infilling in such areas is acceptable in principle in accordance with Policy H4 of the Local Plan. The existing building is located within a Local Shopping Centre where retail uses are protected. Above the shops there is existing residential accommodation. Policy H4 of the Local Plan supports residential development consisting the use of vacant land, infilling of residential areas and the use of upper floors above commercial premises. The site for the new building is vacant and currently used for parking. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Both national guidance and local policy support the creation of residential units on previously developed land within

existing built up areas in favour over countryside sites. The site is within a mixed commercial and residential area; within reasonable walking distance of public transport routes and therefore the principle of residential development is considered acceptable in accordance with Policy H4 of the Local Plan and paragraphs 17, 47, 49 and 111 of the NPPF.

### *Design*

The NPPF sets out the importance of design in the consideration of planning applications and in particular, paragraph 56 states, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. At the local level, Policies S4 and BNE1 of the Local Plan emphasise the importance of achieving high quality design that results in safe and attractive environments. In particular, Policy BNE1 of the Local Plan supports development that respects the character, appearance and functioning of the surrounding environment.

The surrounding area is mixed but is of a similar era with properties of varying design and size, including flats over shops, terraced, detached and semi-detached houses. The amendments to the existing building have been designed to reflect the character and appearance of the surrounding area. There are other dormer windows to the rear of the buildings in Shirley Avenue and one front dormer at no. 4. Rooflights to the front are considered more acceptable and in keeping with the area than further front dormers. The proposed building has been designed to reflect the building line, scale and massing of the adjoining terrace block with windows to match. The proposed external materials are reflective of neighbouring properties.

Accordingly the scheme would not cause harm to the character and appearance of the area and no objections are raised with regards the provisions of Policies BNE1 of the Local Plan and paragraphs 17, 28 and 56 of the NPPF.

### *Amenity*

There are two main amenity considerations; the impact on the amenity of neighbours and the standard of amenity which would be experienced by occupants of the site itself.

#### Impact on neighbours

There are no additional windows proposed for the first floor flat of the existing building. There are two front rooflights and two rear dormer windows proposed for the roof of the existing building to create a dwelling. The windows would not be directly looking into windows of neighbouring properties and there is no private amenity space to the rear of the existing flats that would be overlooked. The building directly opposite has no windows in the rear elevation except roof lights that would only have acute views of the site. There would be no unacceptable detrimental impacts on neighbouring properties with regards to loss of outlook or privacy. The existing building would not be increasing in size and as such there would be no unacceptable impact on daylight and sunlight.

There are 3 windows in the side elevation of the neighbouring property at No. 1 Greenway but there would be approx. 5m between this and the new building, which would be separated by the access road. The neighbouring property at No. 1 Greenway is located to the north of the site and as such there would be no unacceptable impact on daylight and sunlight due to the path of travel of the sun. There are no windows proposed for the side elevation of the new building and no overlooking of private spaces. There are garages to the rear of the new building. There would be no unacceptable detrimental impacts on neighbouring properties with regards to loss of outlook or privacy.

The scheme would result in the access road being used by the occupiers and visitors associated with 3 additional dwellings generating on average 2 vehicle movements during each peak hour and around 12 vehicle movements over the course of a day. The site for the new building is currently vacant but it is considered that the change in vehicle movements from the existing situation would not be considerable enough to cause significant detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties.

Overall the proposal is not considered to have a detrimental impact on neighbouring amenity in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

#### Impact for future residents

The development has been assessed with regard to the Government's Technical Housing Standards 2015 and meets these standards.

In the existing building the reconfigured first floor 2 bedroom flat would be approx. 62.5 sqm and the second floor 1 bedroom flat would be approx. 37.9 sqm. In the proposed building the first floor 2 bedroom flat would be approx. 61.4 sqm and the second floor 1 bedroom flat would be approx. 54.6 sqm.

The flats would have no private amenity space, however the Government's Technical Housing Standards do not require any private amenity space to be provided to meet the standards. There is no defined refuse storage area for the new flats, however a condition could be included that requires details of refuse storage. The refuse storage would need to be in accordance with Medway Council's Waste Management Requirements.

Overall the proposal is considered acceptable in terms of the impact on the amenity of the future occupier of the proposed dwelling in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

#### *Highways*

The existing access track will be retained to access the garages and rear of the existing buildings and will not be obstructed by the development. A new vehicular access will be created to the new parking bays via an extended vehicular crossing. The existing access track is a sufficient width to accommodate a vehicle around 3 metres wide. The proposed development would generate a relatively low level of traffic

of up to 2 vehicle movements during each peak hour and around 12 vehicle movements over the course of a day, and therefore the incidence of cars meeting on the access would not be high and most vehicles would be accessing the parking spaces across the new vehicle access. Should this occur, vehicle occupants would be able to see each other along the access due its relatively straight alignment and it would not take long for a car to either reverse back down the track or wait on Greenway. Visibility from the access track and the parking area is considered acceptable. No objection is raised in respect of Policies T1 and T2 of the Local Plan and paragraphs 29 and 39 of the NPPF.

The application proposes 5 car parking spaces in the undercroft of the new building, consisting of 1 space per 1 bedroom dwelling and 1.5 spaces per 2 bedroom dwelling. This provision accords with the council's interim residential parking standards in accordance with Policy T13 of the Local Plan and paragraph 39 of the NPPF.

### *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 agreed to pay this tariff and are in the process of submitting 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.

### *Local Finance Considerations*

There are no local finance considerations

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

The application seeks planning permission for the redevelopment of an existing

garage site to provide an additional 3 dwellings. The site is within a Local Shopping Centre that serves a residential area and is previously developed, as such the principle of the development is acceptable. The layout and design of the development would be appropriate in visual terms and not cause detrimental impacts to existing residents in terms of amenity. The properties would provide acceptable living conditions for future residents and no objections are raised with regards highways. The previous concerns raised with the scheme have been overcome and as such it accords with Policies S6, BNE1, BNE2, BNE35, H4, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 17, 28, 29, 39, 47, 49, 56, 109, 111 and 118 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of letters of representation received expressing a view contrary to the officers' recommendation.

---

## **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/>