

**MC/17/4128**

**Date Received:** 29 November 2017

**Location:** 78 & 80-86 John Street Rochester ME1 1YW

**Proposal:** Conversion from public house to residential with construction of a part first floor extension and second & third floor extension to form 12 flats to No.78 and increase in roof height to form additional level to create four studio flats to No.80-86

**Applicant** Singh & Asonic UK Ltd

**Agent** Mr Harein Patel 73 Old Church Lane  
Stanmore  
HA7 2RG

**Ward:** Rochester East Ward

**Case Officer:** Madeline Mead

**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 9th May 2018.**

**Recommendation - Approved Subject to:**

- A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
  - i) Contribution of £1788.64 towards Designated Habitats Mitigation.
  - ii) Contribution of £9133.60 towards the improvement of street furniture in the grounds of Rochester Castle.
  - iii) Contribution of £7487.20 towards improvements to Castle Medical Practice, Halling.
  - iv) Contribution of £1999.20 towards the repair of wooden step risers at Great Lines Heritage Park.
  - v) Contribution of £18496.00 towards The Vines, Jackson's Fields and/or Churchfields.

B) The imposition of 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 PA/78-86/P.04, 06, 07, 08, 09 and 10 received on 3 January 2018; PA/78-86/P.05 received 9 January 2018; and PA/78-86/P.01 REV A, P.02 REV A and P.03 REV A received on 9 March 2018.

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

- 3 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 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.

- 4 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required before commencement to manage surface water during and post construction and for the lifetime of the development.

- 5 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. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No development shall take place until details relating to the storage of refuse have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage arrangements shall be installed prior to the first occupation of the building herein approved and shall thereafter be retained.

Reason: Required before commencement in the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling can be accommodated in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 The separating ceiling between units 1, 2, 3, 5, 6, 7, 8, 9, and the separating walls between units 2 & 3 and 5 & 6 shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To ensure that the development does not prejudice the amenities of future occupants of the flats in accordance with 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**

The application proposes the conversion from public house to residential with the construction of a part first floor extension and second and third floor extension to form 12 flats to 78 John Street and the increase in roof height to form an additional level to create four studio flats to 80-86 John Street.

The overall development would provide sixteen flats, twelve 1-bedroom, three 2-bedroom and one 3-bedroom. The internal layout of the flats would comprise living/kitchen/dining, bathroom and bedroom(s), with the exception of the 3-bedroom having an additional ensuite.

The former beer cellar of 78 John Street would be converted into a secure cycle store and an ancillary storage area for each of the proposed flats within the building.

The extensions have been designed with a flat roof that has a decorative overhang detail. The overall height of the building would be up to approx. 11.9m. External materials are proposed to match the external appearance of the existing buildings.

### **Site Area/Density**

Site Area: 0.08 hectares (0.19 acres)

Site Density: 200 dph (84.2 dpa)

### **Relevant Planning History**

#### **Morden Arms, 78 John Street**

- |            |   |
|------------|---|
| MC/17/2343 | Construction of part first floor and part second floor extension to facilitate conversion of existing pub into eight flats<br>Decision Approval with Conditions<br>19 September 2017  |
| MC/17/1931 | Application for non-material amendment to planning permission MC/14/3374 to relocate the entrance to flat 3.<br>Decision Approval With Conditions<br>Decided 26 June 2017   |
| MC/14/3374 | The conversion from public house to residential with construction of a part first floor extension and a part first floor and second floor extension to form six flats<br>Decision Approval With Conditions<br>Decided 15 January 2015 |
| MC/13/3343 | Outline application with all matters reserved for the conversion of Public House (A4) into residential (C3)<br>Decision Withdrawn - Invalid<br>Decided 7 August 2014  |

#### **80-86 John Street**

- |            |   |
|------------|---|
| MC/08/0798 | Increase in roof height to form additional level to accommodate four 1-bedroomed flats with external escape stair case to rear<br>Refused 14 August 2008<br>Appeal Dismissed 09 June 2009 |
| MC/07/0165 | Increase in roof height to form additional level to accommodate four 1-bedroomed flats with external escape stair case to rear  |

Refused 15 May 2007  
Appeal Dismissed 11 December 2008

## **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. Rochester Airport Limited, Rochester Airport Consultative Committee, Kent Police, Southern Water Services Limited, EDF Energy, Southern Gas Networks, NHS Medway Clinical Commissioning Group have also been consulted.

**Three** letters of representation have been received with the following comments:

- Increased pressure on already overstretched public facilities.
- Increase in demand for on street parking.
- Overlooking.
- Safety and disruption whilst building works are carried out.

**Kent Police** have advised that the applicant should include Kent Police involvement to address crime prevention.

**Southern Gas Networks** have advised that the gas pipe locations are available to view online.

**Southern Water** have advised their main records show a public water distribution main within the site and that no excavation, mounding or tree planting should be carried out within 4 metres of the public water main without Southern Waters consent.

## **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*

78 John Street

Planning permission was approved for 78 John Street on the 19 September 2017 under planning reference MC/17/2343, for the construction of part first floor and part second floor extension to facilitate conversion of existing pub into eight flats. This is an extant permission and can still be implemented. The proposed application seeks to reconfigure the internal layout of the approved scheme along with an increase in the size of the first

and second floor extension and the construction of a third floor to provide for twelve flats instead of eight.

#### 80-86 John Street

Planning permission was refused for 80-86 John Street on the 14 August 2008 under planning reference MC/08/0798 for the increase in roof height to form additional level to accommodate four 1-bedroomed flats with external escape stair case to rear. The reasons for refusal were as follows:

1. The proposal, due to (i) lack of any on site amenity space; (ii) difficulties during construction; and (iii) lack of car parking provision, would constitute an undesirable form of development detrimental to the established character of the area and amenities of the occupiers of the prospective and surrounding properties particularly the occupiers of the residential units at first and second floor of the application site. The proposal is therefore contrary to the provisions of policies QL1 of the Kent and Medway Structure Plan 2006 and BNE1 and BNE2 of the Medway Local Plan 2003.
2. The proposal by reason of an increase in the overall height and mass of the building would unacceptably detract from the character of the area and the street scene and is therefore contrary to the provisions of Policies QL1 of the Kent and Medway Structure Plan 2006 and BNE1 of the Medway Local Plan 2003.

Due to the extant permission this report will mainly assess the impact of the additional extensions and formation of a third floor level to number 78 John Street and the formation of a third floor level at number 80-86 John Street.

#### *Principle*

The loss of a public house as a community facility under Policy CF1 of the Local Plan and the loss of a retail use within the neighbourhood centre, Policy R10 of the Local Plan has already been assessed and found to comply under planning permission MC/17/2343.

The building is located within the urban boundary in a predominantly residential area and therefore the introduction of residential is considered acceptable. The area has a mix of flats and houses and therefore the flats would not detract from the existing mix of units. Accordingly the principle of the development is considered acceptable and in accordance with Policies H4, H5, R10 and CF1 of the Local Plan and the provisions of paragraphs 49, 50 and 56 of the NPPF.

#### *Design*

Paragraph 56 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The extensions to the building would be visible from John Street and neighbouring properties and gardens. The existing properties within the immediate vicinity comprise flat roofed blocks of flats to each side of the application site and two storey dwellings to the front and back.

The proposed extensions to the building would join up the currently single/two storey property at number 78 John Street with the three storey block of number 80-86. The extensions as a whole would infill the gap between the properties at first and second floor level and create a whole new third floor level across both of the properties. The roof would be of flat construction with a decorative overhang detail.

The third storey above number 80-86, as proposed, would retain the horizontal emphasis of the existing building, which the inspector in the appeal decision for MC/08/0798, advised is an important feature of the design of the building. It is proposed for horizontal timber boarding to be installed between floor levels on the front elevation of the building. To the rear of the building are two existing metal flues, these flues are unsightly features and it is proposed for these to be enclosed and appear more like a chimney. This would improve the visual appearance of the rear elevation of the building. Also, to the rear of the building would be an enclosed fire escape to serve the proposed flats.

Overall, in terms of the design of the development this is considered to be appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of its scale and mass, taking account of and addressing the Inspectors comments in the decision to dismiss the previous appeal. It is also considered that the development would respect the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area in general conformity with the criteria set out in Policy BNE1 of the Local Plan and paragraph 56 of the NPPF. A condition is recommended for the materials to be submitted.

### *Amenity*

Having regard to the height, mass and siting of the proposed development, it is not considered the additional extensions and third floor level would have additional impact on neighbouring properties in terms of loss of outlook, daylight, sunlight or privacy.

Regarding the amenity of future occupiers, the Government's nationally described standards provide guidance for determining whether the amenity levels are appropriate in order for proposals to be in accordance with Policy BNE2 of the Local Plan.

The twelve 1-bedroom flats (1b2p) would have an internal floor area that meets the 50m<sup>2</sup> as set out in the national described standards, the three 2-bedroom (2b3p) flats would have an internal floor area that meets the 61m<sup>2</sup> as set out in the standards and the 3-bedroom (3b4p) would have an internal floor area that meets the 74m<sup>2</sup> set out in the standards. The proposal is therefore considered to provide adequately sized living accommodation for future occupants.

The development does not provide any external amenity space for future occupants of the development. This situation is not ideal, however, the site, in its location lies in close proximity to the Jacksons Recreational Ground and Rochester Riverside open space along the Esplanade.

The construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore it is recommended that a condition is imposed requiring the submission of a Construction Environmental Management Plan.

Overall, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policies BNE2 and H9 of the Local Plan and paragraph 17 of the NPPF.

### **Bin Storage**

No details have been provided with the application for refuse storage for the proposed residential use. Within the basement of number 78 John Street, it is proposed to provide each resident with a store area. Residents have the option to store refuse in that area and to present their refuse for collection on the appropriate bin day. However, this is not ideal and does not address the lack of refuse storage for the proposed flats at 80-86. A condition is therefore recommended requiring details of the bin storage area.

### **Highways**

The application proposes three parking spaces to serve the development, which is below the 16.5 spaces required by the Council's Parking Standards. However, the Standards allow a reduced level of car parking to be considered in urban areas where local amenities and public transport are within reasonable walking distance. The site is close to Delce Road shops and Rochester High Street and railway station and the application proposes on site cycle storage for the future residents of number 78 John Street. The extant planning permission for number 78 allows for two 1-bedroom and six 2-bedroom flats that would require parking provision for 11 car parking spaces, the proposed development would require an additional 5.5 car parking spaces. It is considered that, whilst some overspill parking will occur, this would be at an acceptable level and unlikely to have a severe impact on the conditions of highway safety and the free flow of traffic on the local road network. On this basis, there are no objections to the proposal under the provisions set out under Policies T1 and T13 of the Local Plan.

### **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 (SAMB) 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 SAMB measures is secured and the SAMB 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.

#### Flood Risk

The development site lies within flood zone 1. There are very few restrictions in terms of flood risk to development on flood zone 1 areas, the exception is for development over 1ha in size which must have a flood risk assessment undertaken as part of a planning application. The site area for this application is below the 1ha trigger and therefore the development would accord with Policy CF13 of the Local Plan.

#### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

- i) Contribution of £1788.64 towards Designated Habitats Mitigation.
- ii) Contribution of £9133.60 towards the improvement of street furniture in the grounds of Rochester Castle.

- iii) Contribution of £7487.20 towards improvements to Castle Medical Practice, Halling.
- iv) Contribution of £1999.20 towards the repair of wooden step risers at Great Lines Heritage Park.
- v) Contribution of £18496.00 towards The Vines, Jackson's Fields and/or Churchfields.

## **Conclusions and Reasons for Approval**

In summary, the proposed development is considered an acceptable use for a vacant premises at 78 John Street. The proposed development, overall, is acceptable in terms of its impact on the street scene and in terms of its design, relative to other existing developments in the area. There are also no issues relating to amenity both for neighbours of the site and for future occupants of the flats. The application is also considered acceptable in terms of parking. The application therefore accords with the provisions of Policies BNE1, BNE2, BNE35, CF1, CF13, H4, H5, R10, S6, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 17, 49, 50, 56, 109 and 118 of the National Planning Policy Framework 2012.

The application would normally fall to be determined under officers' delegated powers, but is being referred for Members' consideration due to the number of representations received expressing views contrary to the officers' recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>