

MC/18/1556

Date
Received: 23 May 2018

Location: 121 Watling Street Gillingham Medway ME7 2YX

Proposal: Raising of roof height to facilitate conversion of first floor to two 1-bedroomed self-contained flats with associated internal alterations

Applicant Mr Murat Gok

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Ward: Watling Ward

Case Officer: Tom Stubbs

Contact
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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 1st August 2018.

Recommendation - Approval subject to:

- A The completion of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £239.61 per new dwelling towards Designated Habitats Mitigation; and
- B Subject to 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 DUNS/GOK/002 Rev B received on 23 May 2018.

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

- 3 No development shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the Noise Assessment reference 1031-AF-00001-02 dated 21st June 18, has been submitted and approved in writing by the Local Planning Authority. 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: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 All materials used externally shall match those of the existing building.

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 Prior to occupation of any part of the development hereby permitted, the following air quality mitigation measures shall be implemented, and thereafter be maintained:

All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh.

Reason: To safeguard conditions of amenity in accordance with Policies BNE2 and BNE24 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 application seeks planning permission to raise the roof height to facilitate the conversion of the first floor level into two, one bedroom flats with associated internal alterations.

The proposal would measure approx. 6m to the eaves and approx. 9m to the ridge. Additional windows would be added to the front and side elevation and existing roof features are proposed to be retained. Windows would be added to the rear elevation. The flats would be entranced from Derby Road by creating an opening in the existing wall. Separate bin stores are proposed for the shop and flats. Each flat would consist of a bedroom, bathroom and kitchen/diner/living room.

Site Area/Density

Site Area: 0.03 hectares (0.074 acres)

Site Density: 66.667 dph (27.027 dpa)

Relevant Planning History

MC/13/0342	Retrospective application for installation of an ATM machine Decision Approval with Conditions Decided 09/04/13
MC/12/1608	Change of use of existing washroom and staffroom to a 2 bedroomed self contained flat with off road parking. Application withdrawn Decided 16/01/14
MC/13/0342	Replacement door to front elevation installation of new door and access ramp to side elevation and installation of roller shutters to front and side doors Decision Approval with Conditions Decided 25/07/12

Representations

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

No letters of representation have been received.

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

Principle

The site is located within the urban area and on the edge of the Watling Street local centre as defined by the Local Plan. Policy H4 of the Local Plan permits the redevelopment of existing buildings no longer required for non residential uses and encourages redevelopment of upper floors above commercial premises for residential purposes. The proposal retains the ground floor retail element and there is no objection to the redevelopment to provide residential use at first floor level subject to the consideration of design, amenities, highways and other relevant material matters.

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 development would be visible from the street scene from Watling Street, Derby Road and neighbouring properties within Osprey Avenue. This section of Watling Street is predominantly characterised by two storey gable roof properties in commercial use at ground floor with residential uses on the first floor. The application site sits on the corner of the street with a lower hipped roof to the rest of the street. The proposed gable roof would be in keeping with the rest of the street scene and relate well to the unchanged existing two storey flat roof extension to the rear. No objection is made to the retention of the features on the Watling Street and Derby Road elevations or to the window design which are mixed in the area. The ground floor layout will be altered externally to provide the entrance to the flats at the rear of the property from Derby Road and two new bin stores. It is considered that this layout is suitable and no objections are raised.

Consequently, the proposal is considered to be in accordance with Policies BNE1 and H4 of the Local Plan and Paragraph 56 of the NPPF subject to a matching materials condition.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity of which would be experienced by future residents of the site itself.

Neighbouring amenity

In terms of noise and disturbance, there will be an increase in comings and goings as a result of the intensification of the use on the site however it is not considered that this would result in harmful levels to neighbouring occupiers in this fairly busy locality which is characterised by a mix of flats and commercial properties. With regard to the raised roof height there would be no detrimental impact on neighbours in terms of loss of outlook, privacy, sunlight and daylight by virtue of their size, scale and relationship to neighbouring properties and their habitable windows.

Occupier amenity

With regard to the amenities of future occupants of the development itself the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard). Both one bedroom two person flats would meet the requirements of the national standard with regard to gross internal area and furthermore the bedrooms meet the national standards requirement in relation to the widths and areas for double bedrooms. The habitable rooms within all the flats would be provided with satisfactory outlook. The application site is in proximity to an Air Quality Management Area (AQMA), the applicant has submitted an air quality assessment, by virtue of the number of flats and the distance to the AQMA it is considered there would be negligible impact subject to a condition for standard mitigation.

The application site fronts a busy road and above a shop the future occupiers would be subject to noise issues. The applicant has submitted an amended noise impact assessment in support of the application. Details provided regarding construction method and materials for the separation of the residential and commercial aspect of the scheme are considered acceptable. While the proposed use of mechanical ventilation is also considered to be suitable. If the application were considered for approval a condition for a scheme of acoustic protection would be required.

Consequently, subject to the suggested conditions, no objections are raised in terms of Housing Standards and the amenities of both the future occupiers and neighbour amenities under Policies BNE2, BNE24 and H4 of the Local Plan and paragraph 17 of the NPPF.

Highways

No off street parking is provided for either flat. However the parking standards note that reductions will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance. The site is in close proximity to local facilities within Watling Street and within a well linked bus route to allow access to its service facilities and further public transport links. The application has been supported by a photographic survey of streets which would support that any additional cars brought into the area by the development would not be significantly detrimental to neighbour amenity. No objection is raised in terms of parking and to Policies H4, 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 £239.61 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 proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies H4, BNE1, BNE2, BNE24, BNE35, S6, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 17, 56, 109 and 118 of the NPPF. Accordingly, the application is recommended for approval.

The application would normally be determined under delegated powers but is being reported to the Planning Committee for determination on the request by Cllr Mrs Chambers on reasons of its prominence and design, which are views contrary to officer's assessment.

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/>