

MC/18/3523

Date Received: 7 December 2018

Location: 89 Cooling Road Strood Rochester Kent

Proposal: Conversion of existing house into two residential flats  
(resubmission of MC/17/3784)

Applicant Mr Saul Serwadda

Agent Mr W Pierson  
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Purley  
CR8 1ET

Ward: Strood Rural Ward

Case Officer: Wendy Simpson

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 13th February 2019.**

**Recommendation - Approval subject to:**

A. Securing a contribution of £239.61 towards Bird 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: site location plan (unnumbered); 17322/05 - 13 (inclusive).

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

- 3 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 4 The separating floor and ceiling between the ground and first floor flat 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 appearance of the development is satisfactory and without prejudice to conditions of amenity, 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 is for the conversion of existing house into two residential flats with no external changes.

The ground floor flat will consist of a living room, kitchen, bedroom and bathroom, approx. 52sqm in size. The first floor flat will consist of a living/kitchen area, bedroom with en-suite and bathroom on the first floor and two bedrooms and a shower room in the roof space approx. 105sqm. The flats will be accessed from the existing front door. The rear garden will be split into two with a garden area apportioned to each flat. Bike storage is shown to the front of the property located behind the existing garage door. Two parking spaces are shown to the front of the site.

## **Relevant Planning History**

MC/17/3784 Conversion of existing house into two residential flats  
(Refused – dismissed on appeal on lack of bird mitigation)

## **Representations**

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

One letter of representation has been received raising the following objections:

- The two parking spaces are not practical given the parking behaviour in the area close to the school;
- There is insufficient space on the drive to park two cars;
- The loss of a family sized house would lead to a deficit of this form of housing in the area.

Frindsbury Extra Parish Council objects to this application for the following reasons:

- The proposal constitutes an overdevelopment;
- In an area of mainly single family housing subdivision of the property is inappropriate;
- Insufficient parking is to be provided;
- The proposal will increase on-street parking pressures and would be dangerous for pedestrians and traffic.

### **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.

### **Background**

A planning application for the same development has already been considered under planning application reference MC/17/3784, which was refused planning permission (overturn at planning committee) and on appeal the planning inspector allowed the application on all aspects other than that the bird mitigation payment obligation had not been paid nor a unilateral undertaken for this obligation in place. Therefore the appeal was dismissed on that ground alone.

### **Planning Appraisal**

Principle of Development Street Scene, Design and Character of the Area

Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 attaches great importance to the design of the built environment and Policy BNE1 of the Medway Local Plan 2003 states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment.

Policy H6 of the Medway Local Plan states that the change of use or redevelopment of larger dwelling houses for self-contained flats will be permitted except where:

- (i) The surrounding area is predominantly in single household occupation; or

- (ii) the house is of a size suitable for use for single household occupation; or
- (iii) the proposals are likely to unacceptably increase on-street car parking; or
- (iv) the proposals could adversely affect the amenity of the area or adjoining occupiers.

The preamble to Policy H6 advises that the Council consider that dwellings of less than 120m<sup>2</sup> gross floor area in predominantly residential areas should be retained for families and single households as conversion to smaller units is unlikely to be satisfactory. The existing house is 157m<sup>2</sup> in size (measured internally) and while it is situated in a road of single household occupation there are flats at the end of the road, the road is formed from a very mixed housing stock with detached, semi-detached and terrace housing giving it a very mixed character. In addition to this the appearance of the building from the road would remain unaltered therefore it would still give the impression of a single dwelling house.

For these reasons it is concluded that the proposal would not harm the character and appearance of the area and thereby complies with paragraph 127 of the NPPF and Policies BNE1 and H6 of the Local Plan.

#### Amenity

Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for future occupiers and neighbours, which is reflected in the requirements of policy BNE2 to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

#### **Future Occupiers**

The ground floor flat would be a 1b2p dwelling with an overall floor area set out on the drawings of 52.63m<sup>2</sup> which is in line with the national described standards. The first floor 3b5p flat has a floor area of approx. 105m<sup>2</sup> as shown on the drawings, which is in accordance with the national described standards.

Each habitable room would have adequate outlook and daylight and the flats would benefit from a rear amenity space each.

#### Neighbours

There are no external changes to the property and as such there will be no new issues with regard to loss of outlook, daylight, sunlight or privacy to the neighbours.

There are likely to be more comings and goings from the property as a result of its conversion, however the property is detached and this is not considered to be so significant to refuse the application.

No objection is raised with regard to paragraph 127 of the NPPF 2018 or saved policies BNE2 and H6 of the Local Plan.

## Contamination

Paragraphs 178 and 179 of the NPPF and policy BNE23 of the MLP2003 require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment. Policy BNE23 requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. This is in accordance with the NPPF requirements to take the likely effects into account in decision making.

In this case the site's history shows that the site was once a transport yard and falls within an area of Potential Part IIa, although the site is now a residential property and no reports of contamination have been received. The application also includes the garage of the existing property to become a habitable area. Due to the possibility of unreported contamination events a condition is recommended to ensure that any contamination found is suitably dealt with.

No objection is raised with regard to paragraphs 178 and 179 of the NPPF 2018 or saved policies BNE23 of the Local Plan.

## Highways

Paragraph 127 of the National Planning Policy Framework requires that new development functions well within the area in which it is situated and policy T13 relates to the council's adopted vehicle parking standards.

Two off road parking spaces are provided to the front of the property for use by the flats and there is unrestricted parking on the road. In addition to this there is a bus route along the road with a bus stop not far from the property. Cycle parking is provided on the site behind the remaining garage door.

No objection is raised under paragraph 127 of the NPPF or saved policy 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 officers 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 paid this tariff and as such no objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *Appropriate Assessment*

Due to the location of the site within 6km of the Medway Estuary & Marshes SPA and Ramsar Site/ Thames Estuary & Marshes SPA and Ramsar Site the proposal needs to be considered by the competent authority under Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017.

In this case, subject to the payment of the Bird Mitigation strategic tariff, the council concluded that with mitigation, the development would have no adverse effect on the integrity of the European protected site(s).

Consultation has been undertaken with Natural England following Appropriate Assessment who advise agreement of the Council's assessment.

A copy of the Appropriate Assessment, which has been agreed with Natural England, is on the application file.

#### Local Finance Considerations

None relevant to this application.

#### Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of design, amenity and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions and the submission of a unilateral undertaking. The proposal therefore accords with the provisions of the NPPF 2018 and the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred to the Planning Committee for determination due to the representation received from the Frindsbury Extra Parish Council expressing views contrary to officer's 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/>