

MC/18/1666

Date Received: 3 June 2018

Location: 4A Luton Road Luton Chatham Kent

Proposal: Construction of extension to rear across 4 storeys with alterations to the roof space and replacement of shopfront with entrance door and windows to facilitate conversion into 6no. one bedroom flats and 1no. two bedroom flats with associated cycle and bin storage

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Ward: Luton And Wayfield Ward

Case Officer: Tom Stubbs

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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 29th May 2019.**

**Recommendation – Approved Subject to:**

A. Subject to the completion of a SAMMs Mitigation Contribution Agreement to secure payment of £1677.27 towards designated 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 A108 Rev C and A109 Rev B received on 27 March 2019.

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

- 3 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.

- 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: Required prior to commencement of development to ensure no long term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The separating ceiling and floor between the Ground, First and Second Floors 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 safeguard 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**

This application seeks planning permission for the construction of extension to rear over four storeys with alterations to the roof space and replacement of shopfront with entrance door and windows to facilitate conversion into six 1-bedroom flats and one 2-bedroom flats with associated cycle and bin storage.

The flat roof rear extension would be raised approx. 3m in height and project approx. 16m from the gable roof to the front at a width of approx. 5.7m with a parapet wall to the rear, as a result a rear section of the first floor would also be extended. Windows would be added to the rear elevation. Two roof lights would be installed within the front roof slope and four skylights within the flat roof. These roof alterations would allow habitable rooms

within the roof space. Shop front would be altered to an entrance and two windows at ground floor level.

The flats within the application site are proposed to be laid out as follows:

- Basement - Access to flats from ground floor level of Magpie Hall Road, cycle and bin stores and a 1-bedroom flat.
- Ground Floor – two 1-bedroom flats
- First Floor - one 1-bedroom and one 2-bedroom flat.
- Second Floor – two 1-bedroom flats

All the flats include a bathroom and open plan kitchen/living room.

### **Site Area/Density**

Site Area: 0.018 hectares (0.045 acres)

Site Density: 388.89 dph (155.56 dpa)

### **Relevant Planning History**

MC/16/3950	Conversion of existing ground floor A1 unit to two A1 units; conversion of basement, first floor and roof level into two one bed and two 2 bed self-contained flats, construction of extension to roof incorporating dormer windows to front to enable habitable living accommodation in the roof space together with associated cycle and bin storage - removal of chimney stack. Decision Approval with Conditions Decided 21 June, 2017
MC/08/1230	Construction of second floor extension and front dormer windows and conversion of first and second floors to three self-contained flats. Decision Approval with Conditions Decided 28 October, 2008
MC/07/2311	Installation of a new shop front; construction of an extension at second floor level to rear and conversion of first and second floors to form four self-contained flats. Decision Refusal Decided 20 February, 2008
MC/07/0068	Change of use from retail (Class A1) to worship hall with ancillary library and educational tutoring. Decision Refusal Decided 24 April, 2007

## **Representations**

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

**Five** letters of objection have been received raising the following concerns.

- Design to front not in keeping with the Victorian appearance.
- Loss of retail unit and employment opportunities.
- Insufficient parking, local infrastructure to support the proposed number of flats.
- Overdevelopment of the site and better suited to provide family units.
- Questioning the marketing of the site.

**Natural England** have confirmed that SAMMS contribution is suitable mitigation and there would subsequently not be an adverse effect on the integrity of the European protected sites in response to a Habitat Regulations Assessment.

## **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 2019 and are considered to conform.

## **Planning Appraisal**

### *Background*

A similar application was approved on 21 June 2017 for a dormer and rear extension and the conversion of the basement and first and extension of second floor into four flats under reference MC/16/3950. This application differs by providing a larger second floor extension and the conversion of the ground floor retail unit into flats instead of two retail units. Previously approved dormers have been replaced with roof lights in this current proposal.

### *Principle*

The site is located within the urban area and within a local centre as defined by the Local Plan. Policy R10 of the Local Plan seeks to retain retail uses in these areas unless there is an improvement to local amenity or provision of a community facility that outweighs their loss, while Policy H4 of the Local Plan permits the redevelopment of existing buildings no longer required for non-residential uses. Paragraphs 80, 85 and 92 of the NPPF seeks to support economic growth, promote a hierarchy of settlements and the protection of community facilities such as retail shops that enhance sustainability of communities.

The proposed use would result in the loss of the A1 use of the site which is contrary to the above policies. The site has been empty for some time and the applicant has provided evidence that the site has been marketed and actively promoted for a year with limited interest. Therefore, the change of use outside of retail use classes and to residential is considered acceptable as it would bring a property into use and therefore result in an improvement to the visual amenity of the area.

Consequently the proposal is acceptable and in accordance with Policies R10 and H4 of the Local Plan and paragraphs 80, 85 and 92 of the NPPF.

### *Design*

Paragraphs 124 and 127 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 of both Luton Road and Magpie Hall Road. Luton Road street scene is a mixture of residential and commercial uses, the proposed conversion of the shop and the removal of the shop front would therefore not appear out of character with the area. No objection is raised to the addition of the two rooflights to the front as they are considered to be of a suitable size and scale and would be sympathetic to the design of the building. No objection is also raised to the skylights within the flat roof. The Magpie Hall Road street scene is predominately residential however this stretch near Luton Arches has workshops and service entrances to the rear of the shops that have frontages onto Luton Road.

Flat roof extensions are generally not encouraged or supported particularly when the original property is of a more traditional design with pitched roof. However, by virtue of the siting, the height and depth of the application site and neighbouring properties, the proposed flat roof extension and parapet design in this location would not be immediately obvious when from the street scene. As such, it is considered that no objection can be raised due to the limited visibility and other similar structures in the area and therefore no objection can be raised with regard to Policies BNE1 and H4 of the Local Plan and Paragraphs 124 and 127 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. Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF relates to the protection of these amenities.

### 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 rear extension it would result in the blocking up of two windows within the side elevation of 4 Luton Road, however this would not be detrimental due to these windows serving non-habitable uses (toilets). This would be a civil matter between the applicant and the neighbour, however an informative would be included within the decision notice.

The size and scale of the rear extension would not have a detrimental impact on neighbour's amenities in terms of loss of outlook, privacy, sunlight and daylight given the relationship of the habitable room windows of these neighbouring properties.

### 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).

All flats would exceed the requirements of the national standard for gross internal floor areas (GIA) for 1 bedroom 2 person flats (50sqm) and 2 bedroom 4 person flats (70sqm) furthermore the bedrooms meet the national standards requirement in relation to the widths and areas for single and double bedrooms. The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats. None of the flats can provide private outdoor amenity space and the guidance in the MHDS is that this should be provided as additional provision to the minimum GIA of the flats. This has been included within all of the proposed flats. After amending the scheme, all habitable rooms benefit from adequate outlook. Flat 7 would be served by the two front rooflights in the front elevation, which would be able located at such a height so as to provide a suitable level of outlook. Additional skylights are proposed for this flat to provide extra daylight.

Due to the location of the property within an Air Quality Management Area (AQMA) and fronting a busy road the future occupiers would be subject to noise and air quality issues. The applicant has submitted a scheme of mechanical ventilation to overcome these issues.

A noise assessment has been provided with this application, there are concerns with the assessment including the lack of consideration of various frequencies of traffic noise. Due to the main source of noise being the road traffic, the sound reduction performances need to be quantified by taking into account RW+ctr. and not just RW. The report also recommends trickle vents which would not resolve the issues and could be conflicting to the proposed mechanical ventilation. Although there are some concerns with the report,

it is considered that noise issues can be resolved by the implementation of the proposed mechanical ventilation and the use of acoustic glazing. Subject to an appropriate condition for a scheme of acoustic protection and another condition for floor and ceiling protection levels where bedrooms are located above or below living areas there would be no objection with regard to noise.

Consequently, the application is considered to be in accordance with Policies BNE2, BNE24 and H4 of the Local Plan and paragraphs 127 and 170 of the NPPF.

### *Highways*

Objections have been made through consultation responses regarding the lack of parking. No off street parking is provided for either the existing use or for the proposed use. 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 located close fairly close to the core centre of Chatham within a well linked bus route to allow access to its service and further public transport links. It is also noted that the site has the benefit from local facilities along Luton Road within walking distance. The application would also provide cycle store for the occupiers of the flats. No objection is raised in terms of parking and to Policies H4, T1, T4 and T13 of the Local Plan and paragraph 109 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 £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550 if chosen to submit via unilateral undertaking) 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 the contribution via a SAMMs Mitigation Contribution Agreement however this is still in the process of being completed. Natural England have raised no objection to the Councils Appropriate Assessment. No objection is therefore raised under Paragraphs 175 and 176 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. Subject to conditions, the proposal accords with the provisions of Policies R10, H4, BNE1, BNE2, BNE35, S6, T1, T4 and T13 of the Medway Local Plan 2003 and Paragraphs 11, 80, 85, 92, 109, 124, 127, 170, 175 and 176 NPPF. Accordingly, the application is recommended for approval.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representation received expressing a view 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/>