

MC/19/0575

Date Received: 1 March 2019

Location: 1 Pepys Way Strood Rochester Medway

Proposal: Construction of a two storey extension to side and rear with single storey to front and rear and excavation works to basement level to facilitate 2 three- bedroom duplex flats over ground and basement level and 2 two-bedroomed flats at first floor level; engineering works to facilitate parking to front and rear and associated works

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Ward: Strood North Ward

Case Officer: Amanda Grout

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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 November 2019.**

**Recommendation - Approval subject to:**

- A. S106 to secure £718.83 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, Proposed Front and LH Elevation, Proposed Rear and RH Elevation, Proposed Basement Plan, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Roof and Front/Rear Car Parking Plan, Proposed Car Parking Elevation and Section and Proposed Cross-Section AA and BB, received on 25 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 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 demolition and construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction and demolition works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before the commencement of the development to avoid irreversible detrimental impact on interests of public safety and good living conditions for nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The separating ceiling and floor between the Ground and First 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: In the interest of good living conditions for occupiers of the dwellings 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 spaces 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 spaces.

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 Policies T1 and T13 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 is for the construction of a two storey extension to side and rear with single storey to front and excavation works to basement level to facilitate 2 three-bedroom duplex flats over ground and basement level and 2 two-bedroomed flats at first floor level; engineering works to facilitate parking to front and rear and associated works.

The side extension would measure approx. 7.9m in width from the side of the existing building. The rear extension would also project approx. 3.1m to the rear and from the rear of the existing building and would have a hipped roof with an eaves height of 5.3m and ridge height of 7.5m. The front extension would project approx. 1.7m across the front of the existing and over the front of the two storey side extension and would have a mono-pitch roof with a ridge height of 3.6m. The proposal would involve excavation works to create a basement level with windows to the front to serve bedrooms in the basement forming a split level unit with accommodation on the ground floor.

Two parking spaces would be provided to the front and four parking spaces within the rear garden.

## **Site Area/Density**

Site Area: 0.068 hectares (0.17 acres)

Site Density: 58 dph (23 dpa)

## **Relevant Planning History**

MC/18/0412 Change of use from a ground floor shop to a 3x bedroom flat together with a 2 storey rear extension and excavation to basement to create a 3x bedroom unit

15 August 2018

Approval with Conditions

- MC/07/0969 Change of use from ground floor shop to residential together with construction of a single storey extension to front and two storey extension to rear  
11 October 2007  
Approval with Conditions
- 97/0640 Conversion of former shop together with, construction of single storey front and, two storey rear extensions to provide, new ground floor flat and improvements, to existing first floor flat  
3 December 1997  
Approval with Conditions
- 96/0177 Change of use of ground floor flat from shop to flat  
15 May 1996  
Approval with Conditions

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties, together with the applicant serving notice on all properties that have an interest on the access track to the rear.

**Nineteen letters** of representation have been received objecting to the proposal for the following summarised reasons:

- Overdevelopment
- Out of character
- Impact on public alley
- Environmental impact
- Parking
- Increase traffic
- Loss of light
- Impact during construction
- Loss of privacy

All other matters not listed above are considered to be non-material planning considerations and therefore have not been taken into account in the consideration of this application. These are as follows:

- Loss of View
- Devalue of properties
- Subsidence
- Legal ownership of rear access road

## **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*

Previous planning permission (MC/18/0412) was granted for the change of use from a ground floor shop to a 3 bedroom flat together with the construction of a 2 storey rear extension and excavation to form a basement to create a 3 bedroom flat, with associated parking.

### *Principle*

The site is within the urban area and the use of the site for residential purposes is acceptable within the context of Policy H4 of the Local Plan. In addition, the increase in the number of dwellings on the site is also acceptable. The site is in a sustainable location and well related to Strood town centre and its related services, including excellent public transport links.

### *Design*

The design of the extension reflects the character of the existing building. The proposal whilst visible from the alleyway to the side and access track to the rear is considered to be of an appropriate size and scale.

The front extension is proposed to mirror the front elevation of the neighbouring property and therefore no objection is raised with this aspect of the proposal.

Accordingly, no objection is raised with regard to design under Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF 2019.

### *Climate Change and Energy Efficiency*

All dwellings will need to be designed in accordance with the latest building regulations and in particular Part L (Energy Use).

All new windows are to be double-glazed which will significantly reduce noise and improve heat insulation.

Surface water runoff will make use of the existing surface water drainage. New external hard landscaping will be free draining.

The close-proximity of amenities including public transport, public park, and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Provision of bike storage for each flat in the development offers the opportunity for a sustainable transport solution.

### *Amenity of Neighbours*

The proposed front extension would be of the same projection as the neighbouring properties (No. 1 Pepys Way granted under MC/18/0412, and No.3 Pepys Way) and would therefore have no impact on the amenities of those properties. The extension to rear would have a similar extent of projection to the conservatory of No.3 Pepys Way and would be a continuation and replica of the extension approved at No. 1 Pepys Way (MC/18/0412) and would be set away from any neighbouring habitable room windows, thereby preventing any significant loss of outlook or daylight. There would be some additional overshadowing as a result of the extension. However, the existing property, No. 1 Pepys Way, already casts a shadow during the morning, and any additional loss of sunlight would only affect a small area of the neighbouring gardens. In the afternoon, when there is currently no overshadowing, the shadowing of the development would not be beyond what would be cast by the extension approved under MC/18/0412 to No. 1 and therefore would have minimal impact on the amenities of the occupiers of the property at No. 3.

The rear extension would be over 45m from the rear elevations of properties in Broom Hill Road (over 35m from their gardens) and it is considered that this distance is sufficient to prevent any direct overlooking or loss of outlook, light or privacy to these properties. All other properties are likewise considered to be at sufficient distance that there would be no significant impact as a result of the proposed extension.

### *Amenity of Future Occupiers*

In terms of future residents, consideration as to whether adequate habitable space would be provided in compliance with the Technical housing standards (Nationally Described Space Standards March 2015) is set out below.

Recommended minimum gross internal floor area expected against the proposed dwelling floor areas.

Accommodation	Number of bedrooms	Number of bed spaces(person)	Space standard required m2	Space proposed m2
1 (Basement/ground floor) Flat A	3b	5p	93	130
2 (Basement/ground floor)	3b	5p	93	132

d floor) Flat B				
3 (First floor – Flat C)	2b	3p	61	67
4 (First floor – Flat D)	2b	3p	61	72

The table shows compliance with the National Standards and therefore the living conditions for the future occupiers of the dwellings are considered acceptable. By reason of the proposed extension, the existing first floor flat of No. 1 Pepys Way would be provided with an increased floor area and as such would improve the living accommodation for the flat.

The plan submitted shows that the rear garden would be divided between the flats as shared communal garden. A 2.15m high boundary fence is also proposed along the southern boundary of the site.

Consequently, the proposed development is considered to be acceptable and no objection is raised with regard to amenity under Policy BNE2 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF 2019.

#### *Highways*

Due to the previous use of the ground floor shop unit as a hairdresser, it is not considered that the change to residential use would result in increased vehicle movements above what has been previously experienced.

With regard to the additional units, the application proposes two parking spaces to the front and four to the rear of the property. The rear parking would be accessed via Broom Hill Road and therefore the proposed development would meet the parking standards as set out within the Medway Interim Parking Standards 2010.

Concerns have been raised by neighbouring occupiers on highway issues and increase competition for parking, as such it is recommended that a condition is attached to ensure that the vehicle parking spaces are provided prior to the occupation of the flats.

Subject to the suggested conditions, no objection is raised with regard to the impact on highway and highway safety under Policy T1 and T13 of the Local Plan 2003.

#### *Other Matters*

A condition is also recommended requiring the submission and approval of a Construction Environmental Management Plan (CEMP) to address issues of noise arising from the construction phase of the development, together with a condition requiring the weighted standardised level difference to meet the standards for airborne sound transmission between the ground and first floors.

Comments regarding subsidence are noted. The structural aspects of the proposal are controlled by Building Regulations and this would be considered during that process.

### *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 175 and 176 of the NPPF 2019 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, (agreed by the applicant but would need to form part of a S106) 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.



## **Conclusions and Reasons for Approval**

The site is within the urban area and as such the principle of the proposed development is acceptable. The proposal would relate positively to the character of the area and appearance of the streetscene. In addition, it is considered that the proposal would not cause adverse harm to the occupiers of the adjoining properties. The proposed access and on-site car parking provision would be acceptable for the proposal and no objection is raised in this regard.

The proposal is considered to be acceptable in terms of design, neighbour amenity and highways, in line with Policies S6, H4, BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003 and with the objectives of paragraphs 124 and 127 of the NPPF and is therefore recommended for approval.

The application would normally be determined under delegated powers however has been referred to the Planning Committee for determination at the request of Councillor Chitty on grounds of highways and parking, together with the number of representations received expressing views contrary to officers recommendation.

## **Post Committee**

The application was deferred from a previous Committee to allow for the applicant to provide evidence of the right of access from Broom Hill Road and to serve notice on the surrounding properties. This evidence has been provided in the form of Land Registry deeds, Statement of Truth from the occupants of the flat above 1 Pepys Way and notice has been served on all properties with an interest in and/or that use the vehicular access from Broom Hill Road.

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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/>