

MC/20/1318

Date Received: 9 June 2020

Location: 25A Frindsbury Road Strood Rochester Medway

Proposal: Construction of a four storey block comprising of five 1-bedroom and one 2-bedroom apartments - Demolition of existing single storey disused retail unit and residential building

Applicant Mr Amrik Singh

Agent Mark Carter Design
Mr Mark Carter Design Studio
Priestfield Stadium
Redfern Avenue
Gillingham
ME7 4DD

Ward: Strood North Ward

Case Officer: Amanda Barnes

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 19th August 2020.

Recommendation - Approval with 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: 3218-001 Rev C, 3218-002 Rev A, 3218-003 Rev B and 3218-005 received on 9 June 2020.

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

- 3 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.

- 4 The proposed cycle storage shall be provided on site prior to occupation of the flats and thereafter maintained.

Reason: In accordance with Policies BNE2 and T4 of the Medway Local Plan 2003 and the objectives of paragraphs 105 and 108 of the NPPF 2019.

- 5 No works above slab level shall commence until the details of the gas boilers to be fitted have been submitted to and approved in writing by the Local Planning Authority and shall be maintained for the duration of the development. The gas boilers shall meet a minimum standard of less than 40mgNO_x/kWh.

Reason: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No works above slab level shall commence until the details of a clean air ventilation system (which provides both passive and rapid ventilation) necessary to ensure an appropriate level of air quality within the development shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved system, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 No works above slab level shall commence until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LA_{eq,T}) no greater than 30dB in

bedrooms and 35dB in living rooms with windows closed and a maximum noise level (L_{Amax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (L_{Aeq,T}). 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: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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; measures to control noise affecting nearby residents; 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, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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.

- 9 The separating ceiling and floor between the second and third floor flats shall resist the transmission of airborne sound such that the weighted standardised level difference (D_{nT,W} +C_{tr}) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved details shall thereafter be carried out prior to occupation.

Reason: Required prior to commencement to ensure the water source is not compromised.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be

constructed in the north western elevation of the building on the ground, first or second floor without the prior written approval of the Local Planning Authority.

Reason: To regulate and control any such further development in the interests of amenity and protection of privacy for neighbouring properties, 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

Construction of a four storey block comprising of five 1-bedroom and one 2-bedroom apartments - Demolition of existing single storey disused retail unit and residential building.

The ground floor is proposed to comprise a one bedroom flat, together with bin storage and a cycle store. The entrance to flats, cycle and refuse storage and servicing is from Goddington Road. There will also be an access for storage and building maintenance from Goddington Road.

The first and second floors will have two 1-bedroom flats on each floor and the third floor will have a 2-bed flat.

On the ground floor the building has been designed with a "cut out" adjacent to the neighbouring building that has been left with no development to enable light into the kitchen windows. The third floor has been designed to be recessed in from the sides of the building.

The appearance of the building is of a contemporary design with part glazing part brick with a vertical emphasis given to the fenestration. The building would measure approx. 10.5m high to top of the flat roof. Materials proposed include a red brick finish with red end brick recessed feature and grey aluminium windows and doors.

This application differs from that previously approved under MC/19/0578 through the removal of the ground floor retail and the increase in the number of flats from 3 to 6 through.

Relevant Planning History

MC/19/0578 Construction of a four storey building comprising of a Class A1 retail unit to ground floor and 3x residential units above - Demolition of existing single storey disused retail unit and 2x disused residential units
Approval with Conditions 14 May 2019

MC/18/1449 Demolition of single storey retail unit and three storey residential building and construction of four storey block with A5 hot food takeaway unit to ground floor with loading bay to side, B1(a) office unit to first floor and 2 x 1 bedroom and 1 x 2 bedroom residential units to third and fourth floors
Withdrawn

Representations

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

Nine letters have been received 2 from the same household relating to:

- The scheme has no parking and parking in this area is at a premium especially with people parking there while using the train station.
- Query over the fact they were not consulted
- Concern that more social housing will create more crime
- Object to the increase in skyline of the proposed development as it will further restrict sunlight to garden.
- The addition of windows on the Goddington Road elevation will cause a loss of privacy

The property owner of Chaucer Court has written with the following objections:

- A 'flying' freehold affects both Chaucer Court and existing neighbouring building at the proposed site. The drawings do not provide sufficient detail to determine what is proposed for this part of the building and we have the following concerns
- Concerned that a change in roof type will exacerbate issues with rainwater ingress the problem.
- Query over whether Bedroom 1 will be demolished and re-built, or left as-is.
- Unable to review the Courtyard buffer space in front of the windowed elevation to Chaucer Court.
- Access for maintenance would be difficult and will need due consideration with regards to rainwater drainage, and mitigation of debris and bird control
- Concern about ground stability.
- In the case officer's report for the previously approved Application No. MC/19/0578, it states "the site also has potential unreported pollution contamination which may be managed by a condition". Seek clarity on this statement.
- Some of the residents in Chaucer Court have mental health challenges and may be highly sensitive to changes in their home environment. This is a concern during the planning, construction and in-use stages of the new building. A Construction Management Plan would be required to mitigate the impact from construction works on the neighbour's amenity and we would require full consultation with the residents in this process.

- With six additional dwelling units in the new development, there will be an increased demand for parking space which will make the issue worse. There has been no allowance made for dealing with this.

Southern Water has written to advise of where the sewers are.

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

Principle

The application site lies within an urban, residential area. Policy H4 of the Local Plan states that residential development in the form of infilling in such areas is acceptable providing that a clear improvement in the local environment will result. The principle of the application for a residential block has already been agreed under application MC/19/0578.

The proposal seeks to remove the retail element and replace it with a flat on the ground floor. The property is set outside of the main retail centre, and is not set within a Local, or neighbourhood centre as such the loss of the retail unit is considered acceptable.

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 building has been designed to be accessed from the middle of the site in Goddington Road due to the floor level across the site as Goddington Road rises up from Frindsbury Hill. This means the floor level adjacent to Frindsbury Road will be 850-950mm above the existing pavement level providing security and privacy to the new residents. The new entrance off of Goddington Road will also have access to a secure cycle and bin Store area serving all the residents.

On the ground floor the building is set approx. 2.4m away from the adjacent building to create a rear courtyard and provide access to the rear of the building. The first to third floors sit over the ground floor to maximize the available space available.

These apartments have a modern design with a contemporary style of architecture. The building is located on a corner plot so the design incorporates a design that wraps around

the corner using an aluminium cladding detail, this is designed to enhance the corner of the building. The glazing to each apartment is full height allowing maximum light into the building with dark grey aluminium frames with contrasting red facing brickwork.

The surrounding area and buildings are mostly in brickwork so the matching material will make it fit into the existing street scene.

The new building is four stories in height with the top floor set back from the perimeter coping line to lessen its impact as viewed from the pavement. The top floor is proposed to be in a contrasting cladding panel to allow the structure to feel lighter and reduce the visual scale of the building relating to the street scene. The scale and apparent massing of the proposed building has been designed to sit comfortably with the existing surrounding existing buildings.

In visual terms the new building would maintain the existing context and not affect its surroundings as a reflection of the existing adjacent development in height and scale terms.

The approach to the design with a larger scale building of more simplistic detail would be considered acceptable in this location where building heights and designs vary. The proposal would sit comfortably within the scale and massing of nearby flatted development on this prominent corner plot.

It is considered that the proposal is in accordance with Policy BNE1 of the local plan and the objectives of paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed building on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 127f of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

The site is limited in terms of space as it is a corner site within a dense residential area. The existing building will be removed and the site infilled with a new building using the full area of the site. There is an existing building to the North of the site, which has a three storey brick elevation facing the site with Kitchen windows on its boundary line, which currently look into the rear of the original building. The proposed building has been designed to create an open courtyard area around the existing adjacent kitchen windows to allow natural light and space to this area, and reduced the impact on these non-habitable rooms.

In order to maintain privacy, there are no windows proposed to the north west flank with the exception of the third floor where the window by virtue of the height of the third floor would not raise an issue with regard to loss of privacy.

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The flats would meet or exceed the minimum standards:

Flat 1 Floor area – One bedroom - 56m²
Flat 2 Floor area – One bedroom - 55m²
Flat 3 Floor area – One bedroom - 50m²
Flat 4 Floor area – One bedroom - 55m²
Flat 5 Floor area – One bedroom - 50m²
Flat 6 Floor area – One bedroom – 77m²

All double bedrooms meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. Whilst the proposed flats do not have private external amenity space, the previous application that has been approved also did not have any outside amenity space or balconies, on balance it is accepted that the proposed block is not materially different from the existing situation on site or the approved scheme.

The proposal is in accordance with Policy BNE2 of the local plan and paragraph 127(f) of the NPPF.

Air Quality

Although the site is directly adjacent to the Medway Central AQMA it is not considered that an Air Quality Mitigation Assessment will be required at this time, this is because the Council are already aware of the air quality of the area and a development of this size is unlikely to have a significant impact. In this instance it is considered that this aspect can be dealt with as a condition, subject to this the development would be in accordance with Policy BNE2 of the local plan and the objectives of paragraphs 180 and 181 of the NPPF.

Noise

The proximity of the development to major road transport links in Strood could mean that disruption to the new residents is caused by transport noise. An acoustic assessment will be required to assess the level of disruption to residents and identify any mitigation measures required, these will also form part of the clean air system required by condition (see above).

Due to the layout of the living areas within the second floor flats being adjacent to the sleeping areas of the third floor flats a condition is recommended to ensure that the transmission of noise between the flats is kept to a recommended level to prevent sleep disturbances.

Due to the proximity of neighbouring properties and the potential for nuisances to be caused during the construction phase of the development a condition requiring a Construction Environmental Management Plan is recommended. Subject to the proposed

conditions the development would be in accordance with Policy BNE2 of the local plan and the objectives of paragraphs 180 and 181 of the NPPF.

Highways

The plans provide no off-road parking spaces to serve the proposed development, however the site is within close proximity to the Town Centre, Local amenities and the Railway Station. It is noted the parking demand is slightly higher than the previously approved application in terms of residential parking, however as the commercial aspect has been removed, the overall demand is likely to be similar. Therefore it is not considered the additional residential parking demand would be sufficient to warrant refusal of the application, given the existing situation including strong links to bus routes and provision of secure cycle storage for use by residents. It is not considered that this would result in any adverse highways impacts and the development is considered acceptable with regard to Policies T1 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 £250.39 per dwelling (excluding legal and monitoring officer's costs) 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 paid this tariff for the additional unit which would be created. The application therefore complies with Policies S6 and BNE35 of the local plan and paragraphs 175 and 176 of the NPPF.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

It is considered that the details of the proposal are acceptable. There would be no detrimental impact on the character and appearance of the existing street scene, amenities of future occupiers, neighbouring residential amenities or highways. The application is in accordance with Policies S6, H4, BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003 and paragraphs 109, 124, 127, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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/>