

MC/21/1551

Date Received: 25 May 2021
Location: 107 Station Road Rainham
Gillingham Medway
Proposal: Change of use of existing building and the formation of a hip to gable to facilitate construction of dormer to rear, and first floor infill extension to rear to provide three 1-bedroom dwellings, one 2-bedroom dwelling and two 1-bedroom flats, and the installation of solar panels to the south facing roof slope - Re-submission of MC/20/2886
Applicant: Mr Gary Harrison
Agent: C. B. Wright & Associates Ltd
Ms Clare Wright
123 Marlborough Road
Gillingham
ME7 5HD
Ward: Rainham North Ward
Case Officer: Dylan Campbell
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 13th October 2021.

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:

Received 26 August 2021:

2101_PL01 Rev C - Proposed Sections
2101_PL03 Rev A - Proposed Floor Plans
2101_PL04 Rev B - Proposed Loft Plan and Roof Plan and;
2101_PL05 Rev B - Proposed Elevations

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

- 3 No development above slab level shall take place until details 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 south west facing ground floor kitchen and store room windows of dwellings labelled 107C, 107D and 107E on drawing number 2101_PL03 Rev A shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The ground floor kitchen and store room windows on the south west facing elevation of dwellings labelled 107C, 107D and 107E on drawing number 2101_PL03 Rev A shall not be outward opening so as to not overhang the alley way serving 105 Station Road.

Reason: To ensure the development does not prejudice conditions of amenity by reason of overhanging the adjoining footpath, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 The development shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how residents and their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 7 The private cycle parking provision shown on drawing number 2101_PL03 Rev A shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement & Climate Change and Energy Efficiency Statement (dated 4 June 2021). The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing

by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Class B of that Order in relation to dwellings labelled 107B, 107C, 107D and 107E on drawing number 2101_PL03 Rev A unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

Recommendation

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 formation of a hip to gable, construction of dormer to rear, first floor infill extension to the rear and the installation of solar panels to the south facing roof slope to facilitate the change of use of the existing building from a retail unit (Class E(a)) to three 1-bedroom dwellings, one 2-bedroom dwelling and two 1-bedroom flats (Class C3) - Re-submission of MC/20/2886.

The three 1-bedroom dwellings (107C-D) would comprise a kitchen, dining and living room, with a terrace to front on the ground floor, and a bedroom, en-suite and balcony at first floor.

The 2-bedroom dwelling (107B) would comprise a kitchen, dining and living room with a courtyard to rear on the ground floor; and two double bedrooms at first floor.

The two 1-bedroom flats would comprise a kitchen, dining and living room with double bedrooms and shower rooms.

Site Area/Density

Site Area: 0.025 hectares (0.061 acres)

Site Density: 240 dph (97dpa)

Representations

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

Four (two from one objector) letters of objection have been received raising the following concerns:

- Loss of light
- Loss of privacy
- Overdevelopment
- Parking
- Lack of amenity space
- Impact on neighbouring amenity
- Quality and accuracy of submitted plans and documents

Highways England raise no objections.

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 2021 and are considered to conform.

Planning Appraisal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is a vacant retail unit that lies within an urban, mixed use area close to the edge of Rainham Town Centre. Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or

any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Paragraphs 119 and 120 of the NPPF encourage making efficient use and encourage development on brownfield sites but seek to safeguard and improve the environment and ensuring safe and healthy living conditions.

The Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

Subject to the assessment of the detailed matters as outlined in this report, residential development in this location is considered acceptable in principle.

Design

Paragraphs 126 and 130 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 street scene is mixed with two storey terraced dwellings, detached properties, and blocks of flats, which comprise a mix of materials. The application site is an end of terrace property on the junction of Station Road and Tufton Road, comprising a mix of materials, being rendered to the front, and brickwork and render to the side and rear. The proposal includes a modest first floor extension to the southwest side elevation of the property to “square off” part of the elevation to provide an en-suite. It would be constructed to match the existing property and would not appear at odds with the existing character and appearance. The proposal also includes formation of a gable to the part of the building on the junction of Station Road and Tufton Road to allow for the creation of a rear dormer to facilitate a bedroom in the roof space. The dormer would appear relatively large in relation to the immediate roof slope but would fit in with the redeveloped building as a whole.

The development would also require alterations, additional windows and doors to serve the new flats and dwellings. To the front, this would include the creation of ground floor balconies and garden areas and doors to front and oriel windows on the first-floor elevation fronting Tufton Road. To the rear, there would be a courtyard area to dwelling 107B at ground floor level and balconies to the first floor of dwellings 107C, 107D and 107E. The reconfiguration of windows and doors would appear well spaced in relation to the architecture of the existing building. Overall, it is considered that the proposed extensions and alterations have been designed in a sensitive manner and would enhance the character and appearance of the existing property, helping to bring the property back into use. The proposal is in accordance with Policy BNE1 of the Local Plan and paragraph 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

The proposal would result in first floor balconies and ground floor windows to the rear of the property, which would face the private gardens of the dwellings along Station Road. Concerns have been raised in this regard through the public consultation process. Concerns were also raised regarding the rear ground floor windows and guttering encroaching into No. 105 Station Road and obstructing the alley way. To address these concerns the applicants have confirmed that the ground floor rear elevation windows would have sub cills and would be obscure glazed and open inwards. Additionally, the windows would be sited approx. 1.7m above internal floor level. Therefore, these windows would not result in a loss of privacy by way of overlooking into neighbouring gardens and would not encroach into the alley of No. 105 Station Road. The first-floor balconies would have brick and obscure glazing screens at a height of approx. 2m. Therefore, the balconies would not result in overlooking or a loss of privacy to the rear windows of properties on Station Road, or their rear gardens. The agent has also confirmed that the proposal would be fitted with box guttering to the rear to prevent encroachment into 105 Station Road.

Given that the proposal relates to a change of use and only modest extensions and a dormer, it is considered that the proposal would not result in a detrimental impact to neighbouring residential amenities in terms of a loss of sunlight, daylight or outlook.

It is recommended that permitted development rights be removed with regard to the insertion of dormers to dwellinghouses for units 107B, 107C, 107D and 107E to ensure no loss of privacy at a later date.

Amenity of Future Occupiers

The proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard).

Flat 107 would measure approx. 83.5m², which would exceed the minimum standard of 50m² for a one-bedroom, two-person flat over 1 floor as set out in the standard.

Flat 107A would measure approx. 82.8m², which would exceed the minimum standard of 58m² for a one-bedroom, two-person flat over 2 floors as set out in the standard.

Dwelling 107B would measure approx. 87.2m², which would exceed the minimum standard of 79m² for a two-bedroom, four-person unit over 2 floors as set out in the standard.

Dwellings 107C and 107D would measure approx. 54.8m² and dwelling 107E would measure approx. 52.1m². These dwellings would fall below the minimum standard of 58m² for a one-bedroom, two-person flat over 2 floors as set out in the standard. Although this falls short of the requirement of the space standards, the proposal is a conversion rather than a new build and the drawings have been submitted showing a furnished layout. It is considered that these unit would offer an open plan, functional and acceptable level of floor space. Additionally, it is considered that the lack of a five-year land supply; and the results 2020-21 Housing Delivery Test can be weighed in favour of this proposal.

All bedrooms meet the national standards area and width requirements, and all habitable rooms would be provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) outlines flats should be provided with an element of private outdoor amenity space measuring a minimum of 5m². Where this outdoor space cannot be provided, it should be incorporated into the internal floor space.

As previously outlined the proposal relates to the conversion of an existing building rather than a new build. In these circumstances the applicants have had to work within the constraints of the existing building and provided some private amenity space where possible. Flat 107 would benefit from an element of outdoor space fronting Station Road, this area would not be private, but it should be noted that this flat would have a floor area of approx. 30.5m² above the minimum national standard. Flat 107A would not benefit from outdoor space but this has been incorporated internally whereby the flat would have a floor area of approx. 24.8m² above the minimum national standard. Dwelling 107B would benefit from an approx. 11.5m² private courtyard. Dwellings 107C – 107E would be provided with two elements of outdoor amenity space. One being a small ground floor balcony fronting Tufton Road measuring approx. 2.8m² to provide a separation buffer from the living room and the highway, and a first-floor balcony to the rear adjacent to the rear gardens of Station Road, measuring between 3.1m² and 4m². Although some of these outdoor spaces falls short of the recommendations in the MHDS, it is appreciated that proposal is a conversion rather than a new build, which needs to work within the constraints of the building. Again, it is considered that the lack of a five-year land supply; and the results 2020-21 Housing Delivery Test can also be weighed in favour of this proposal.

Highways

The application is proposed as a car free development for residential use, 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 to Rainham retail centre, close to bus routes and key facilities/amenities. The residents would purchase the flats knowing that they have no allocated parking space and will not be able to park on site.

A study commissioned by the Department of Transport shows declining car ownership in young people and car ownership in this ward is lower than the national average. Paragraph 105 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car. Each unit shows cycle storage either within the courtyard for dwelling 107B, under the stairs for dwellings 107C to 107E or within the sizeable lobby for flats 107 and 107A.

Any forthcoming planning permission would require conditions relating to securing cycle storage in accordance with the plans; and the submission of a parking management scheme, which contains details of how residents and their visitors will be deterred from parking on street. The proposal would not result in any detrimental increase in risk to

highways or pedestrian safety and is considered to be acceptable in terms of Policies H4, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 104, 105, 111 and 112 of the NPPF.

Climate Change and Energy Efficiency

The Climate Change and Energy Efficiency Statement on page 3 of the Design and Access Statement and & Climate Change and Energy Efficiency Statement (dated 4 June 2021) confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- Conversion to be undertaken to a standard of at least 40% above Building Regulations standards.
- All windows and doors to be double glazed throughout.
- External walls of warehouse to be cavity insulated.
- Roofs and ceilings to have built-in thermal performance.
- South facing roof mounted solar panels to run a minimum of 50% of electricity needs of development.
- Windows on both sides of all units to manage solar heat gains.
- Bike storage provided.

Any forthcoming permission would include a condition requiring the implementation of the sustainable technologies and signed verification report. No objections would therefore be raised regarding paragraph 154 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 £253.83 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 paid this tariff and have submitted a completed SAMMS Mitigation Contribution form. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reasons for Approval

The proposal would respect the character and appearance of the street scene and provide adequate occupier amenity, it would not result in any detrimental impact to neighbouring amenity, or highways safety. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE23, BNE35, H4, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 104, 105 111, 112, 119, 120, 126, 130, 130f, 154, 180 and 181 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 for approval and at the request of Councillor Potter.

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/>