

**MC/21/1897**

Date Received: 25 June 2021  
Location: Alpha House Laser Quay  
Culpeper Close Medway City Estate  
Proposal: Construction of an additional two storeys to the existing building  
for use as offices  
Applicant: Abbey Iconic Ltd  
Mr Gerry Phoenix  
Agent: Roger Ward Associates Limited  
The Hoo Wrotham Road  
Meopham  
DA13 0HP  
Ward: Strood Rural Ward  
Case Officer: Nick Roberts  
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 4th May 2022.**

**Recommendation - Refusal**

- 1 The proposed building by virtue of its scale and height would result in an incongruous form of development that would be out-of-character with the height and proportions of the existing buildings on Medway City Estate contrary to Policy BNE1 of the Medway Local Plan 2003 and paragraphs 126 and 130 of the National Planning Policy Framework 2021.

**For the reasons for this recommendation for refusal please see Planning Appraisal Section and Conclusions at the end of this report.**

**Proposal**

This application seeks planning permission for the construction of two additional storeys to the building to create further office floorspace. Though the footprint of the building would remain the same as existing, the height of the building would be increased by approx. 6.9m. The building would consist of a hipped roof to mirror its existing design with cantilevered balconies and the materials would match that of the existing building. The proposed gross internal floor area would be approx. 1489.72 sqm of which approx. 542.82 sqm would be generated as a result of this proposal.

**Relevant Planning History**

MC/20/1927

Construction of new balconies to the first and second floor offices.

Decision: Approval with conditions

Decided: 9 October 2020

MC/20/1702

Construction of additional third and fourth floors to create additional office space

Decision: Withdrawn

Decided: 4 September 2020

## Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Frindsbury Extra Parish Council and the Environment Agency have also been consulted.

**One** letter of representation has been received raising the following concerns:

- Insufficient parking
- Pedestrian safety associated with the access
- Impact during construction

**One** letter of support has also been received.

The **Environment Agency** have advised that as the proposal is to add a third floor to an existing building, they have no comments to make.

**Frindsbury Extra Parish Council** objects to the application on the basis that there would be insufficient onsite parking provision.

## 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 (the NPPF) and are considered to conform.

## Planning Appraisal

### *Background*

A previous proposal under the same reference was presented to Planning Committee in December 2021 for, '*The construction of an additional storey to the building with accommodation within the roof to create further office floorspace*'. The planning committee agreed a resolution to approve the proposal subject to the completion of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 to secure £4,017.46 towards highway improvements for the Medway City Estate roundabout. Since this resolution was agreed, matters have moved on, and the applicant has since confirmed that the previous scheme does not provide the office

space they require. In recognition that the previous UU has not been completed and therefore a decision has not been issued, the LPA have agreed to allow the submission of amended plans and proceed with them under the current application, which has included a statutory period of consultation. The applicant has accepted that by proceeding in this manner the new plans would supersede the previous scheme that was presented to committee and therefore they could not rely on those plans as a fallback position.

### *Principle*

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

The application site is an existing office building within an established employment area (Frindsbury Peninsula) as identified under Policy ED1 of the Local Plan. Policy ED1 supports business (formerly Use Class B1 now Use Class (E(g)(i)), general industrial (Use Class B2) and storage and distribution (Use Class B8) uses on Medway City Estate. In addition, paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity by creating the conditions in which businesses can invest, expand and adapt. In view of the above the principle of the proposal is acceptable subject to further consideration of matters relating to the design and appearance, the impact on the amenities of the occupiers of neighbouring premises and highways.

### *Design*

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 and paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

Alpha House sits within an enclave of office buildings that are predominantly three storeys in height with warehouse buildings of an equivalent height (Scotline and Veetee) located to the north and south. Therefore, the construction of an additional two storeys to create a five-storey office block would extend the building to a height which would not be in keeping with the prevailing heights of the majority of buildings on Medway City Estate, and particularly those located within the immediate vicinity of the site. Although it is accepted that there are taller buildings on the opposite side of the river which can be clearly seen from the application site, the height and juxtaposition of these buildings have been designed and constructed as part of the comprehensive redevelopment of Rochester Riverside, rather than as a standalone development which this proposal would be. Therefore, how the two separate sides of the river are viewed in their context, Medway City Estate and Rochester Riverside, are identifiably different, and therefore this would not justify a building of an equivalent height on Medway City Estate.

As detailed within the background section of this report, a resolution was agreed to grant permission (subject to S106) for an additional storey to the building with accommodation within the roof to create further office floorspace (which has

subsequently been superseded by this proposal at the request of the applicant). Therefore, and although the applicant advises this previous proposal will not be constructed, it should be considered in due regard to this proposal so far as relevant.

Although the appearance of the proposed extension would match that of the existing building, in comparison to the previous scheme that was reported to committee, this proposal would seek to extend the height of the building by a further approx. 1.6m. Furthermore, the previous proposal included accommodation within the roof space which therefore helped to minimise the overall height of the building. In comparison, this revised scheme is now proposing an additional storey in its own right, therefore also increasing the overall scale and bulk of the building in general.

Subsequently, and in view of the above, it is therefore considered that the proposed building by virtue of its scale and height would result in an incongruous form of development that would be out-of-character with the height and proportions of the existing buildings on Medway City Estate contrary to Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

Policy BNE2 of the Local Plan states that all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties, and paragraph 130 of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. The design of the development should therefore have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

Although this application proposes to increase the height of the existing building, the adjacent building (Beta House) is also in office use, which would be far less sensitive in comparison to if this building was in residential occupation. Nevertheless, it is inevitable that the proposal, by virtue of its height, will have an impact on the windows located on the western elevation of Beta House. However, when taking into account the impact that Alpha House already has on these windows, given its proximity to this building, as well as the fact that Beta House would also benefit from windows spanning the full width of both the south and west facing elevation this would not be considered detrimental. The proposal would have no adverse impact on neighbouring residential amenity by virtue of its siting and distance in relation to the nearest residential properties.

In this instance, and had this application been recommended for approval a condition would have been imposed requiring the submission of a Construction Environment Management Plan due to the nature of the proposal and the impact that the construction period could have on the adjacent office blocks. In addition, and when taking into account the building's location within an established industrial estate, as well as the adjacent buildings uses, a condition would also have been recommended restricting any future use of the third and fourth floors to Class E(g)i, E(g)ii, consistent with the ground, first, and second floors of the building. This would have been required in order to enable the Local Planning Authority to control any future change of use (if proposed) in the interests of amenity and the impacts on the highway and/or retail

centres. Subject to these conditions, no objection is raised in terms of amenity under Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

### *Flood Risk*

According to the Environment Agency's flood maps for planning the application site is located within flood zone 3. However, the application is for an upward extension to the existing building and as such there will be no increased risk of flooding. The application is therefore in accordance with Policy CF13 of the Local Plan and paragraph 161 of the NPPF.

### *Highways*

Policy T13 of the Local Plan and paragraph 111 of the NPPF states development proposals will be expected to make vehicle parking provision in accordance with the adopted standards. Overall, a total of 43 car parking spaces would be provided to serve both the existing and proposed development. In recognising that the Parking Standards require a maximum parking provision of 45 parking spaces for this type of use, the number of spaces proposed would be considered acceptable. It should be noted that the NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore a condition would have been attached to fulfil this objective had this application been recommended for approval.

In terms of the highway impact, the development is creating an additional approx. 542.82 sqm of floor space. This would increase the capacity of the existing office building, which could then add additional pressure on the main site access onto the Medway City Estate, in terms of increased vehicle numbers. It is therefore considered that a contribution of £4017.46 towards highway improvements for the Medway City Estate roundabout would be required to mitigate against the impact of the development. The applicant has confirmed in writing their agreement to paying this contribution. Should this application be refused and the applicant intending to appeal, a completed s106 will be required as part of their appeal submission.

In view of the above the application is considered acceptable in respect of the transport and parking Policies T1, T2 and T13 of the Local Plan and paragraph 111 and 112e of the NPPF.

### *Other Matters*

As the proposed building would be less than 6 storey's and under 20m no specific assessment would be required under Medway Councils Building Height Policy (May 2006).

## **Conclusions and Reasons for Refusal**

The proposed building by virtue of its scale and height would result in an incongruous form of development that would be out-of-character with the height and proportions of

the existing buildings on Medway City Estate contrary to Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee as the previous scheme was also considered by Committee members.

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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/>