

MC/23/1107

Date Received: 12 May 2023
Location: 80-82 Watling Street Gillingham Medway ME7 2YW
Proposal: Demolition of garages to facilitate the construction of a two-storey building to form residential flat incorporating alterations to the existing flat accommodation to the rear; together with cycle/bin storage.

Applicant: Mr Yogarajah Susilan
Agent: ABP Chartered Architects
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Ward: Watling
Case Officer: Tom Stubbs
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 27th September 2023.

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 22 May 2023:

22/558/PL031 Rev A - Sections A-A, B-B & C-C - As Proposed
22/558/PL032 Rev A - Sections D-D, E-E & F-F - As Proposed
22/558/PL033 Rev A - Elevations - As Proposed
22/558/PL02/02 - Site/Block Plan - As Proposed
22/558/PL030 Rev A - Plans - As Proposed

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operative's vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place above slab level until a scheme for protecting the proposed development from transport noise sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 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 and adjacent conservation area, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 6 No part of the development shall be occupied until details of cycle storage facilities (including the provision of individual lockers) for both the existing and proposed flats have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 7 No part of the development shall 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 future residents and their visitors will be deterred from using on-street parking. 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.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement. 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 The proposed rooflight and new window to the second-floor bedroom of flat within 82 Watling Street as set out in approved drawing 22/558/PL015 Rev B shall be provided prior to the blocking up of the existing window serving this bedroom.

Reason: In the interests of amenity and to ensure a satisfactory provision for sunlight, daylight and outlook for this effected bedroom 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) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only 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.

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 demolition of garages to facilitate the construction of a two-storey building to form a 3- bedroom residential flat along with alterations to the existing flat accommodation to the rear; together with cycle/bin storage.

The proposal would read as a part two, part single storey extension to 80-82 Watling Street facing Holmside. However, it has various recesses when viewed from the rear alley way and adjoining neighbouring properties rear garden within Watling Street. The extension would abut the rear alley way and be off set approx. 1m from the boundary of 78 Watling Street. The hipped roof two storey extension would measure approx. 11.2m in maximum width, approx. 8m in maximum depth at first floor level and approx. 10m in maximum depth at ground floor level. It would measure approx. 7m to the eaves at two storey level with a ridge height of approx. 9.7m. A single storey flat roof element projects towards the boundary of 78 Watling Street and would measure approx. 2m deep, approx. 7m in width and approx. 4.2m in height.

The proposal would provide a three-bedroom flat over two storeys with two insert balconies. The ground floor would consist of circulation area to both the proposed and existing flat entrances. Within this circulation area a cycle store is to be provided. A bin store is to be provided accessed from Holmside. The ground floor of the proposed flat would consist of an open plan kitchen/diner/living area, balcony, w/c and store and the first floor would consist of 3 bedrooms, a bathroom and a balcony.

Site Area/Density

Site Area: 0.036 hectares (0.089 acres)

Site Density: 111.11 dph (44.94 dpa)

Relevant Planning History

MC/05/0460

Extension to roof to facilitate one self contained flat (amendment to planning application MC2004/2205).
Decision: Approval with conditions
Decided: 19 April 2005

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Archaeology and Southern Water have also been consulted.

Three letters of representation have been received raising the following concerns:

- Impact on adjacent conservation area.
- Not all the street is covered by parking permits and further flats will add further parking pressure in the area.
- Disturbance during construction.

Southern Water (SW) have provided a map of their infrastructure in the area. The property is over an existing public foul sewer and if works are to be carried out altering existing foundation line or depth of the sewer it will be necessary for the applicant to contact SW. They have also indicated a sewer now deemed to be public could be crossing the site and should any sewer be found during construction an investigation into the sewer will be required before further works are carried out onsite. The applicants require a formal application to themselves for connection to the public foul sewer. *An informative would be added with any decision to bring this to the attention of the applicant.*

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 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Principle

The site itself is within the urban boundary of Gillingham in a mixed residential and commercial area. The property is on the boundary of the Gillingham Park Conservation 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. Paragraphs 11, 60, 69, 119 and 120 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated.

The broad principle of residential development in a mixed-use area is considered acceptable subject to the compliance with the detailed matters set out below.

Design

Paragraphs 126 and 130 of the NPPF emphasise the importance of good design. Paragraph 134 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and

quality of an area and the way it functions, 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. Policy BNE14 indicates that development should be sympathetic to the setting of a conservation area.

In terms of impact on the Conservation Area, the existing garage building detracts from the setting of the conservation area and therefore the redevelopment is welcomed subject to a suitable design and materials.

The proposed extension is considered to be of a suitable size and scale for the site and reflective of the two-storey projection of the adjacent 84 Watling Street. The proposal is considered to be in keeping with the existing dwelling with its proposed hipped roof design and window locations while the proposed balconies add some interest to the front elevation. Appropriate conditions are recommended to secure sensitive external materials such as wooden windows and doors.

The proposal seeks to retain the existing access arrangements to the existing properties of 80 and 82 Watling Street while providing bin stores for the proposed and existing dwellings. No objection is made to the removal of the existing flank window and replacement of an additional rooflight which are common to the existing roof form.

Subject to the recommended conditions the application is considered to be in accordance with Policies BNE1 and BNE14 of the Local Plan and paragraphs 126, 130, 195, 197 and 202 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 130(f) of the NPPF relates to the protection of these amenities.

Neighbouring amenity

Taking into account the design of the proposed development including its massing and siting (including the proposed balconies) compared to the neighbouring properties and their habitable windows, such as the ground floor flank windows of 92 Holmside which are secondary windows to living rooms and kitchen/lounge, and the first floor bedroom windows to the flat to the rear of the first floor level of 80 Watling Street, it is considered that there would be no detrimental impact on neighbour amenities in terms of an unacceptable level of overshadowing or a loss of outlook, daylight, sunlight or privacy including from the balconies.

The proposed extension would block off the rear elevation first and second floor windows of 82 Watling Street which serve a bedroom at second floor and a kitchen/diner at first floor level. The first-floor room also benefits from a window along the Holmside elevation

and small window to the rear is proposed to assist with natural light provision. With regards to the second-floor bedroom a smaller window to the rear elevation is proposed as well as a new rooflight to overcome the loss of daylight and outlook to this bedroom. An appropriate condition is recommended to ensure the roof light is provided prior to the blocking up of the existing bedroom window.

If the flats were to be used in the future as C4 HMO there would be considered to be potential impact on neighbours from additional activity and disturbance. Consequently, a condition is recommended for PD rights to be removed for the conversion to C4 to protect neighbouring amenities.

The development could cause a nuisance during construction and as such a condition requiring a Construction Environmental Management Plan is recommended.

Occupier amenity

The proposed flat has been considered against the Technical Housing Standards - nationally described space standard dated March 2015 (the national standard) and it would exceed the required gross internal floor areas for 3-bedroom 4 person bedrooms over two storeys of 134m². All double and single bedrooms meet the national standards for area and width requirements. Finally, all the habitable rooms would benefit from suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that flats should have 5sqm area of private external amenity space if this cannot be provided then it should be provided in addition to the national space standards internally. The property has two 7.4sqm balconies and therefore considered to be acceptable.

The application site is located in close proximity to the busy A2 and also the existing shop and its plant is proposed to be relocated. Both of these aspects could result in noise issues for the future occupiers. The application is supported by a noise assessment. The assessment is considered to be acceptable and consequently an appropriate condition is recommended to secure the scheme of acoustic protection to mitigate against this impact.

Subject to the recommended conditions, the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of Policies H4 and BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

The application does not meet Medway Council interim parking standards as it is not proposing any parking to serve the proposed flat. However, the application site is in a sustainable location which access to shops and bus stops in close proximity and the parking standards allow for a reduction in sustainable areas. Consequently, due to the proposal being for a single flat a car free development would be considered acceptable.

subject to a condition for a parking management plan to secure a car free development and a condition to provide cycle parking for both the proposed and existing flats.

Subject to the abovementioned conditions, the application is considered to be acceptable in respect of the transport and parking policies H4, BNE2, T1 and T13 of the Local Plan and paragraphs 111 and 112 of 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 £314.05 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and paid the mitigation payment and no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Climate change and energy efficiency

The application is supported by a Climate Change and Energy Efficiency Statement which sets out the measures to tackle climate change and energy efficiency. An appropriate condition is recommended to ensure that these measures have been provided prior to occupation would be required in accordance with paragraph 154 of the NPPF.

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. The proposals are considered to comply with Policies S6, H4, BNE1, BNE2, BNE14, BNE35, T1, and T13 of the Local Plan and paragraphs 11, 60, 69, 71, 111, 112, 119, 120, 126, 130, 154, 180, 181, 195, 197 and 202 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.

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 on Medway Council's Website
<https://publicaccess1.medway.gov.uk/online-applications/>