

MC/23/2683

Date Received: 30 November 2023

Location: Pear Tree House, 68 West Street, Gillingham, Medway

Proposal: Change of use from office to six x 1 bed flats, including three small single storey infill extensions and a first-floor extension and roof extension incorporating a loft conversion, plus the installation of two first floor windows and one flat entrance door to facilitate - Re-submission of MC/23/0376.

Applicant: Konuralp investments
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Agent: Insight Architects
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Ward: Gillingham South

Case Officer: Mary Smith

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 14th February 2024.

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 5 December 2023:

002 Rev P5 Proposed Floor Plans

003 Rev P4 Location Plan and Site Block Plan

005 Rev P5 Existing and Proposed Elevations

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

- 3 Prior to the first occupation of any of the flats hereby approved details of secure covered cycle parking provision for each unit (including the provision of individual lockers) together with provision for larger/non-standard cycles (such as at least one Sheffield stand) and details of site access routes for cycles shall be:
- (a) submitted to and approved in writing by the Local Planning Authority; and
 - (b) provided in accordance with the approved details.

The cycle parking provision shall be retained as approved, available for use at all times thereafter.

Reason: To ensure the provision and retention of suitable secure cycle parking provision with regard to Policies T4 and T13 of the Medway Local Plan 2003.

- 4 Prior to the first occupation of any of the flats hereby approved details of refuse storage provision for the flats shall be:
- (a) submitted to and approved in writing by the Local Planning Authority; and
 - (b) provided in accordance with the approved details.

The refuse storage provision shall be retained as approved, available for use at all times thereafter.

Reason: To ensure the provision and retention of suitable refuse storage with regard to Policies BNE1, BNE2 and T1 of the Medway Local Plan 2003.

- 5 Prior to the first occupation of any of the flats hereby approved a Travel/Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall encompass a range of measures to encourage the use of sustainable and non-car related transport modes and details of how residents and their visitors will be discouraged from parking on local streets. The Travel/Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the flats and shall thereafter be retained in operation.

Reason: To encourage sustainable travel and discourage car parking on local streets with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of the flats hereby approved the noise mitigation measures given in the submitted Noise Impact Assessment (dated 25th January 2023 by DAA Group) shall be implemented in full and they shall be maintained as such thereafter.

Reason: In the interests of the amenities of occupants of the development with regard to Policy BNE2 of the Medway Local Plan 2003.

- 7 The development shall be implemented in accordance with the ecological mitigation detailed in the Bat Survey Report dated October 2023 by Greenspace Ecological Solutions for bats (including the external lighting, which shall be downward facing), breeding birds (including retaining or replacing swift box) and biodiversity enhancements (to be put in place prior to the first occupation of any of the flats hereby approved) and it shall be maintained as such thereafter.

Reason: In order to avoid harm to protected species and to enhance biodiversity with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 Prior to the first occupation of any of the flats hereby approved a letter by a suitably qualified specialist shall be submitted to and approved in writing by the Local Planning Authority confirming that the ecological mitigation required pursuant to condition 7 above has been fully implemented as approved.

Reason: In order to ensure that the agreed measures are fully implemented to avoid harm to protected species and to enhance biodiversity with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 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 with regard to Policy BNE1 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 is a full application for the change of use from office to six flats with associated extensions and alterations. It is a revised application following the grant of planning permission for a change of use with associated alterations from office to four flats, the main change being that it is now proposed to add an additional two flats in the roof area. Both full applications are also linked to a prior approval application, MC/23/0387, which was for the conversion of the remainder of the building into twelve flats (without external alteration to the building). The additional four/now six flats rely on external alterations to the building and so could not be considered under this prior approval process.

The changes to the building which were previously approved as part of the conversion to four flats are three single storey infill extensions, a first-floor extension and the installation of two first floor windows and one entrance door. The single storey flat roof extensions are to the west elevation to fill in a recess, to the west of the southern spur of the building to fill in a staff entrance area and to the east of the northwest spur of the building, between a single storey store and the main part of the building. The pitched roof first floor extension is an alteration to the existing roof to provide

accommodation in an area which is currently loft storage on the northern side of the central part of the building, including the addition of two first floor windows facing to the north. An additional entrance door would also be added to the north elevation, on the northwest part of the building.

The additional external alteration now proposed to provide two more flats is the formation of a mansard roof rather than a pitched roof first floor extension to the central part of the building, with four windows to both the north and south of this roof to serve one flat on each side.

The previously approved four additional flats would be interspersed with the flats subject of the approved prior approval application, three on the ground floor and one on the first floor, shown as flats 13-16 on the submitted plans. The two additional flats would be at second floor level, shown as flats 17 and 18. The application is accompanied by a Noise Impact Assessment, a Transport Assessment and a Bat Survey Report.

Relevant Planning History

MC/23/0387	Prior notification of a proposed change of use of a building from office (Class E) to a use falling within Class C3 (dwellinghouses) to create 12 flats. Prior Approval Required – Approved 25 April 2023
MC/23/0376	Change of use from office to four flats, including three small single storey, infill extensions and a first-floor extension plus the installation of two first floor windows and one flat entrance door to facilitate. Approved 7 November 2023
MC/22/2720	Prior notification of a proposed change of use of a building from office (Class E) to a use falling within Class C3 (dwellinghouses) to form 16 x one bed residential flats. Withdrawn 6 January 2023
MC/22/2715	Three small, single storey, infill extensions and a first-floor extension plus the installation of two first floor windows and one flat entrance door to ground floor. Withdrawn 6 January 2023

Prior to this, over ten years ago, there were various applications for relatively minor alterations including for railings and to windows.

Representations

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

Councillor Louwella Prenter has called the application to the Planning Committee for a decision, objecting on the basis that the area is overdeveloped, the car parking study is flawed as it is not clear where the 102 spaces indicated are available as the majority of roads are permits or double yellow lines. If the property is supposed to be car free, then permits should not be granted to these residents as has happened at other developments in Medway. There is also a lack of visible rubbish storage area. These are all factors that are raised on a regular basis at the local PACT meetings.

KCC Ecology confirm that they previously commented on this site for application MC/23/0376 and their comments are largely unchanged. They have reviewed information submitted with this application and on the understanding that no roof lights are to be installed are satisfied their comments remain valid for this application.

The ecological reports have detailed a peak count of 2 common pipistrel roosts, at least 3 species of bats emerging within the site and suitable features for breeding birds (swifts were recorded entering a hole in the building). They are satisfied that the proposed bat mitigation is appropriate, and that the favourable conservation status of the bat population can be maintained. No works can be carried out until a European Protected Species licence for bats has been issued by Natural England and attention is drawn to the need for Medway Council to consider whether it is likely that a licence from Natural England will be granted.

They are satisfied that the proposed mitigation to avoid impacts on breeding birds is appropriate. If works are carried out during the breeding bird season (approx. March to August) a pre commencement bird survey must be carried out. If possible, they encourage that hole currently used by swifts is maintained but if it has to be closed up, they recommend a replacement swift box is erected. A condition is suggested to address bats and breeding bird mitigation measures.

Lighting can have a negative impact on bats, and they advise that any lighting condition must require the lighting to be downward facing and avoid impacting the replacement roosts.

In respect of ecological enhancements, the report has recommended the retention of the bat box to be erected on a tree during works and one swift box (over and above any required for mitigation). They are satisfied that these measures are appropriate and recommend that they are implemented as a condition of planning permission.

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 December 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

As stated above, the application is linked to a previous application MC/23/0387 under Schedule 2 Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for prior approval for the change of use of the building from Class E (office) to Class C3 (12 flats). In order to convert the whole of the building into flats various relatively minor external additions and alterations were/are also proposed but these cannot be considered under this prior approval process. Previous full planning application MC/23/0376 was therefore submitted for these elements and the associated additional flats and the current application would in effect supersede this, extending the roof to add a further two flats.

Principle

The site is located within an urban area close to Gillingham town centre as designated by the Local Plan. Policy H4 says that within the urban area the change of use of buildings no longer required for non-residential use will be permitted, with Policy H5 confirming that housing at low densities will not be permitted close to town centres and public transport access points. Paragraph 11 of the NPPF applies a presumption in favour of sustainable development and paragraph 70 recognises the contribution of windfall sites, with great weight to be given to the benefits of using suitable sites within existing settlements for homes. In principle the provision of additional flats in this vacant former office building is therefore welcomed.

Design

The proposed alterations and extensions are fairly small scale in relation to the building as a whole. Although a mansard roof is not a feature of the existing building, being between existing roof forms and no higher than the current main ridgeline it is not considered that it would appear out of place in this context. Whilst parts of the single storey additions would have flat roofs, they would either adjoin existing flat roof parts of the building or be in a relatively hidden position, such that there would be very limited visibility of them. The design and external appearance of the proposals are therefore considered acceptable including with regard to Policy BNE1 of the Local Plan and paragraph 135 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers and the standard of amenity that would be experienced by future residents of the site itself.

Impact on neighbours

The position of the proposed extensions in relation to the existing building means that they would not result in harm to the living conditions of site neighbours due to loss of light, overbearing impact or loss of privacy. Two additional first floor windows are proposed in the north elevation in connection with the first-floor extension, together with four windows in the mansard roof above. However, these would be within a

recessed section of the building, set further away from the boundary (approximately 10m away), with existing first floor windows already facing the same direction such that there would be minimal additional impact.

The proposal would result in additional activity on the site, increasing the total number of flats from twelve to eighteen. However, in this fairly central urban area and bearing in mind that it would primarily be the re-use of an existing building, it is not considered that this would be likely to result in a harmful increase in noise or disturbance.

Impact on future occupier's amenity

The previously approved full planning application showed four one-person units with shower rooms, ranging from 37sqm to 45sqm in size, and the current application includes a further two flats, both two-person one-bedroom units, 53sqm and 59sqm, complying with the minimum sizes given in the Technical housing standards – nationally described space standard (DCLG March 2015). Although the layout is not ideal, each flat would have natural light and ventilation and there would be some shared external space around the building. There are no contamination concerns regarding the development.

The application is accompanied by a Noise Impact Assessment. Transport noise is the dominant noise site at the source, such that commercial noise (including from the adjacent builder's yard to the north) is not of concern. The noise survey results show relatively low levels and even with windows open satisfactory noise levels are likely to be achieved during the day and night. However, the assessment shows that there are undesirable internal layout issues, such as bedrooms next to living rooms. Mitigation measures to provide additional protection against internal noise transfer between rooms with different uses in separately occupied units are therefore proposed. Subject to a condition to require implementation of these, the noise environment for potential occupants is considered acceptable.

In summary subject to a condition regarding internal noise mitigation measures there are no objections to the amenity impacts of the development including with regard to Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Ecology

Following the evidence of bats using the site previously raised by a site neighbour a Preliminary Bat Roost Assessment was undertaken at the time of the last application. This found that the building was identified to have low potential to support roosting bats but that in accordance with good practice a survey was required to determine if there was any presence of bats on site. Survey work was undertaken, and a Bat Survey Report submitted. This found a peak count of two bats emerging from the building, indicative of a day (non-breeding) roost, with others foraging and commuting within the site. It is therefore proposed that no works that could affect the roost would commence until a European Protected Species mitigation licence has been obtained from Natural England. The report specifies mitigation measures in order to maintain the Favourable Conservation Status of the bats and avoid harm to them. It also notes a swift occupying a hole in the brickwork and consequently recommends that any works which could affect birds nesting in the building are not commenced within the

bird breeding season unless a suitably experienced ecologist has checked the situation. Biodiversity enhancements are proposed, a bat box and a swift nest box.

KCC Ecology have advised that the proposed works and associated mitigation are acceptable, including to maintain the favourable conservation status of the bat population. It is noted that no works can be carried out until a European Protected Species licence for bats has been issued by Natural England and consideration has been given to whether it is likely that a licence will be granted. The bats were seen emerging from a gap under a raised section of lead flashing/bitumen felt on the north elevation within the courtyard area. The proposed alterations and extensions do not directly affect this specific area, although general repairs and maintenance would take place as part of the conversion of the building. As the works are related to the general up-keep of the building which is reasonably necessary to enable continuing occupation of the building it is considered likely that a licence will be issued.

In summary, subject to conditions to require the implementation of the mitigation measures and biodiversity enhancements in the Bat Survey Report the impact of the development on bats and other protected wildlife is considered acceptable including with regard to Policies BNE37 and BNE39 of the Local Plan and paragraph 186 of the NPPF.

Highways

No on-site parking to be provided with the proposed development. The building did have a car park in the past, but this is not included in the current application site.

A Transport Statement has been submitted in support of the application. This includes an on-street parking survey taken at night for an area of approximately 200m walk of the site, much of which is controlled by a parking permit system. This found that of the 190 parking permit area spaces available, 33 were vacant, with a further 63 available within the single yellow line restricted area (Mon-Sat 8am-10pm). The Transport Statement also refers to the average car ownership for a flat in Gillingham North, this being 0.58 per dwelling (compared with a housing unit at 1.06 cars per dwelling). For the total of 16 units already approved in the two previous applications, this would equate to a likely parking demand of 9 cars for residents and 4 spaces for visitors, a total of 13 spaces, increasing the occupancy of on-street spaces from 83% to 89%. The additional two units now proposed would result in the local overnight parking occupancy increasing to over 90%. While the actual parking impact of the proposals are therefore low, the cumulative impact is not insignificant and has the potential to generate parking displacement throughout the local area.

The adopted Interim Parking Standards require a minimum of one parking space per one-bedroom dwelling but 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. In the current case the site is within easy walking distance of Gillingham town centre, including the train station, bus links and shops and services. In these circumstances, and with regard to the findings of the Transport Statement, the provision of no on-site car parking is considered acceptable. However, this is on the basis that residents would not be able to obtain parking permits for local on-street parking and a condition to this effect is

recommended. No concern is raised with regard to trip generation and the capacity of the local highway network.

Provision of suitable cycle parking provision for future residents is required. This is indicated on the plans, one secure store per unit, but full details would be required by planning condition. Given the number of units, the accommodation of non-standard cycles (such as recumbent cycles, cargo bikes, or tricycles) should also be considered, such as by the inclusion of at least one Sheffield stand with additional clearance around it for large cycles. The route for cycle access also needs to be confirmed. A condition would address these matters. Similarly, a condition is recommended to require approval of refuse storage provision.

In summary the transport impacts of the development are considered acceptable, including with regard to Policies BNE2, T1, T4 and T13 of the Local Plan and paragraphs 114-116 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, currently £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 payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 185 and 186 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Approval

In summary the proposed change of use to flats is welcomed in principle. The external alterations and small additions are in keeping with the existing building and the amenity impacts, both for neighbours and future occupants, are satisfactory. A suitable scheme of mitigation for the potential impact on protected species including bats has been submitted and a SAMS mitigation contribution agreement and payment has been completed to address recreational disturbance to over-wintering birds. With regard to the findings of the submitted Transport Statement and as the site is within easy walking distance of the public transport links and services in Gillingham town centre, there is no objection to the provision of no on-site car parking, with cycle parking to be secured by condition. Subject to conditions approval is therefore recommended, including with regard to Policies S6, BNE1, BNE2, BNE35, BNE37, BNE39, H4, H5, T1, T4 and T13 of the Local Plan and paragraphs 11, 70, 114-116, 135, 185 and 186 of the NPPF.

The application would normally be determined under delegated powers but is being referred to Committee at the request of Councillor Louwella Prenter – see representations section above.

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/>