

Planning Committee Report

REPORT SUMMARY

**Planning Committee Report
5 July 2018**

REFERENCE NO - 18/501427/FULL			
APPLICATION PROPOSAL - Erection of a two storey extension at roof level to create 6 new one bedroom dwellings. (Resubmission of 18/500233/FULL)			
ADDRESS - Medway House 26-28 Medway Street Maidstone Kent ME14 1JS			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The development, subject to planning conditions complies with all relevant policies of the Development Plan (Maidstone Borough Local Plan 2017) and government guidance in the NPPF. There are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE – Cllr Clive English have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.			
WARD High Street	PARISH/TOWN COUNCIL N/A	APPLICANT Moor Park Estates Limited AGENT Proun Architects	
DECISION DUE DATE 10/05/18	PUBLICITY EXPIRY DATE 26/04/18	OFFICER SITE VISIT DATE 06/04/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/500233/FULL	Construction of a two storey extension at roof level to create 6no. new one bedroom dwellings.	WITHDRAWN	09.03.2018
17/502680/FULL	Change of use of ground floor from Class B1 (a) office to Class C3 residential comprising 2 x 1 bedroom and 1 x 2 bedroom dwellings.	PERMITTED	01.08.2017
17/500202/PNO CLA	Prior notification for the change of use of ground floor offices to 3 residential units. For its prior approval to: Transport and Highways impacts of the development. Contamination risks on the site. Flooding risks on the site. Impacts of noise from commercial premises on the intended occupiers of the development.	Prior Approval Required	01.03.2017
15/500307/PNJ LA	Prior Notification for the change of use of Office to Residential for it's prior approval to:- Transport and highways impacts of the development.- Contamination risks on the site.- Flooding risks on the site.	Prior Approval Not Required	15.04.2015
MA/03/2109	Change of use from offices to a mixed use comprising offices and 9No. residential apartments as shown on site location plan, drawing nos. 3005/P01, P02, P03, P04, P05, P06, Marketability Report and Planning statement received on 14/10/2003, drawing nos.	PERMITTED	29.03.2005

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a 4 storey former office building which has been converted to residential accommodation (Class C3). The building is located on a prominent corner plot north of the junction of Medway Street and Fairmeadow. The application building has a rendered painted finish with flat roof that has the lift shaft projecting above it. The site is located within the Maidstone Town Centre boundary just outside the Town Centre Conservation Area.
- 1.02 Across Medway Street to the south of the application building is the Medway Street car park which is allocated for a high density residential scheme under policy H1 (13) of the adopted local plan (2017). Idenden House a three story office building with shops at ground floor is located to the east of the application building. Immediately north of the building is Allin Place, a 6 storey block of flats with a distinctive curved roof. There is a Grade II listed building (The Courtyard) further to the north of Allin Place.
- 1.03 The site is located within Flood Zone 2 as designated by the Environment Agency and ground levels on Medway Street rise gently in a general west to east direction towards Pudding Lane.

2.0 PROPOSAL

- 2.01 The application involves erection of a two-storey extension at roof level (4 stories to 6 stories) to create 6 new one bedroom dwellings that would each have floor space over the two floors. The first, second and third floors have been converted into 9 residential apartments and the ground floor was re-modelled to provide three self contained flats under planning application reference 17/502680/FULL.
- 2.02 The current application is a re-submission of application with reference number 18/500233/FULL which was withdrawn to enable the applicant address the Council's concerns regarding overlooking and loss of privacy of the occupants of the neighbouring building. The current scheme addresses the Council's concerns by incorporating a 1.8 metre obscure glass privacy screen across the entire length of the north facing elevation above the fourth floor.
- 2.03 The proposed development would be just under 6 metres in height from the roof top of the existing building. It would be approximately 2.3 metres higher than the existing lift shaft projecting above the existing building. The development would be recessed from the edge of the existing front elevation by just over 2 metres providing a balcony area for the new accommodation. It would have a curved roof design similar to the roof design of the neighbouring development at Allin Place (14/0096 - Residential development for 21(no) apartments including undercroft parking granted 04.09.2014)
- 2.04 Each of the proposed units would have an inside floor area of 63 square metres over the two additional floors. The new top floor (fifth floor) would have bedrooms, study, hall and bath rooms with living area and kitchen on the new lower floor (new fourth floor). The development would have individual private terraces facing onto Medway Street and communal access on the new lower of the two floors (fourth floor). A 1.8 metre obscured glass privacy screen is provided to prevent overlooking of the flats at Allin Place from the external communal access to the flats on the new fourth floor (closest windows are to bathrooms and kitchens). The new rear facing aluminium framed roof light openings would be above 1.8 metres from the inside floor level.
- 2.05 The existing internal stair would to be extended to provide access to the two new floors with render external finish to match the existing building. A canopy would be provided over the entrance area at fourth floor level to provide shelter outside the access staircase.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2017: SS1, SP4, Policy H1 (13), DM1, DM9, DM12, DM16, DM23 of the adopted local plan (2017)
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Document on Air Quality

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 10 representations received from local residents raising the following (summarised) issues:

- Overlooking and loss of privacy
- Adverse impacts resulting from high density and overcrowding
- Overshadowing of development at Allin Place
- Lack of parking provision
- Harm to visual appearance of building and streetscene
- Lack of refuse storage facilities within the scheme

5.0 CONSULTATIONS

5.01 **KCC Floor and Water Management:** Comments that the application falls outside the definition of major development and also falls outside KCC's remit as a statutory consultee.

5.02 **Environment Agency:** No objection

5.03 **KCC Highways and Transport:** No objection

6.0 APPRAISAL

Main Issues

6.01 The application seeks planning permission for the erection of a two-storey extension at roof level to create 6 new one bedroom dwellings. The main issues for consideration are:

- Principle of development
- Visual impact
- Impact on residential amenity
- Parking and Highway safety
- Flooding

Principle of development

6.02 The application site is within Maidstone Town Centre. Policy SS1 of the adopted local plan sets out the sustainability strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is directed, followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).

6.03 Policy SP4 sets out the Council's vision to regenerate the town centre to help maintain its place as one of the premier town centres in Kent. The outlined vision for the town centre within policy SP4 supports additional residential development to help promote town centre vitality, especially during the evening. The policy requires development in the town centre to demonstrate a quality of design that respond positively to the townscape.

- 6.04 The Council seeks to achieve high quality design throughout the borough is set out in Policy DM1 of the adopted local plan (2017). The policy requires proposals to positively respond to and where appropriate enhance the character of their surroundings. A key objective of policy DM1 is to ensure that proposals respect the amenities of occupiers of neighbouring properties and provides adequate residential amenities for future occupiers. Policy DM12 requires new housing development to be at a density that is consistent with achieving good design without compromising the distinctive character of the area in which it is situated.
- 6.05 In considering the above, the principle of this proposal which involves erection of a two-storey extension at roof level to create 6 new one bedroom dwellings has strong policy support in the adopted local plan and the NPPF and considered acceptable as a consequence. The application site is in a highly sustainable location with good access to public transport and where goods, services, facilities can be easily accessed without the use of a private motor vehicle. In this context the principle of increasing residential density in this location is fully supported subject to the other considerations set out below.

Visual impact:

- 6.06 The vicinity of the application site is mainly commercial in character, with residential accommodation at the rear (east) and to the north of the site (Allin Place) with an open car park to the south on the opposite side of Medway Street. The application building although located in a prominent position on the junction of Medway Street and Fairmeadow is not of any great architectural merit. The proposal to erect a two storey addition at roof level would maintain the balance and proportions of the building and would add interest to the existing building appearance. Whilst the proposal would be slightly higher in relation to the existing lift shaft projecting above the application building, it would be of the same height as the neighbouring development at Allin Place and therefore it would not appear visually harmful in the vicinity of the site.
- 6.07 The footprint of the proposed extension would be recessed from the existing front elevation by just over 2 metres to reduce the impact on the streetscene. There would be a separating distance of approximately 7metres between the new elevation and the rear elevation of the residential development at Allin Place which would ensure that there is no overbearing impact when viewed in the context of this development. This relationship between the buildings is common in similar urban locations.
- 6.08 The development would result in the transformation of the existing flat roof to a distinctive curved roof matching the appearance of the roof of the neighbouring development at Allin Place. This would improve the visual appearance of the building and the general vicinity of the site. Surfacing material is indicated to include Zinc cladding which would match the materials used for the existing lift shaft. The visual appearance that would result from this development would complement the character and appearance of the application building and the general street scene. It is therefore considered that the proposal complies with objectives of policy DM1 of the adopted local plan and is acceptable as a consequence.

Residential Amenity:

- 6.09 Maidstone Council has no specific standard relating to minimum flat sizes and layouts. However, policy DM1 of the adopted local plan requires development proposals to be assessed in terms of the amenity for future occupants and the occupiers of neighbouring residential properties. The internal space provided within the new one bedroom flats is consistent with national space standards and would provide acceptable living accommodation for future occupants. The six units are all provided with private external space with direct access.
- 6.10 As with some of the existing flats, future occupants of the development will have access to private balcony which overlooks Medway Street Car Park and the River Medway to the west of the site.

- 6.11 The proposal as previously submitted would have had adverse impacts on the amenities of the occupants of the residential development at the rear of the application building. The submitted design amendments incorporate a 1.8 metre high obscure glass privacy screen across the entire length of the north facing elevation above the fourth floor. This would ensure that there is no unacceptable impact in terms of overlooking and loss of privacy from this part of the development. Whilst there are window openings on the facing elevation of the adjacent building at Allin Place, the rear facing aluminium framed roof light openings would be above 1.8 metres from the inside floor level and as such does not raise any concerns in respect of overlooking or loss of privacy. No neighbouring property in the vicinity of the site would be harmed by this development.
- 6.12 With regards to the impact of the proposal on outlook, it is not considered that there would be a significant adverse impact on existing residents of the building or occupiers of the neighbouring flats at Allin Place considering the scale, location, separating distances and height of the development.
- 6.13 The application is accompanied by Daylight and Sunlight Assessment which concludes that all neighbouring windows comply with the relevant BRE criteria. Therefore in planning terms there would be no unacceptable impact in terms of loss of light or overshadowing resulting from this development.
- 6.14 The application site fronts a busy town centre street with likely existing noise and disturbance from nearby commercial uses. In this context it is recommended that a planning condition is used to seek sound attenuation measures that would safeguard the amenities of future occupants of the development.

Parking and Highway Safety Considerations:

- 6.15 The development would not benefit from any off-street parking provision. However, the application site occupies a highly sustainable town centre location with good public transport links and good access to goods and services on foot and without the need to use a private vehicle. It is noted that the Highway Authority does not object to this application on parking or highway safety grounds and consequently it would be unreasonable to object to this application on this basis.

Flooding:

- 6.16 The guidance in the NPPF and Environmental Agency standing advice requires development in Flood Zone 2 and 3 to provide Flood Risk Assessment in support of planning applications. The proposed development is for the upward extension of an existing four storey building. Whilst the site falls within a flood zone, the Environment Agency is only concerned about the possible isolation of residents in a flood event. As such subject to residents signing up to flood warning service there is no objection to the proposal on flooding grounds. It is highlighted that planning permission was previously granted for the change of use of the ground floor of the building to provide three residential dwellings.

Other Matters:

- 6.17 Comments have been received raising objection to the application on grounds of lack of refuse storage provision within this scheme. There is scope for additional refuse storage provision at the site and it is recommended that a condition requesting submission of details of additional refuse facilities for the site is appended to the grant of permission.
- 6.18 The issues raised by local residents have been addressed in the main body of this report.

7.0 CONCLUSION

- 7.01 The proposed development is acceptable on design and there is no material harm to the character and appearance of the building, the street scene or setting of the nearby grade II listed building. There are no significant impacts on the amenities of the existing occupants of the building or the occupants of the neighboring residential building at Allin Place. The development would provide a reasonable standard of amenity for future occupants while contributing to the borough's identified housing shortfall. There are no objections on parking, highway safety or flooding grounds. The development complies with the relevant provisions in the NPPF and the development plan and therefore the balance falls in favour of granting planning permission.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

Plan/Drawing number 3094-P-35 Rev B Proposed Fourth Floor Plan
Plan/Drawing number 3094-P-36 Rev B Proposed Fifth Floor Plan
Plan/Drawing 3094-P-37 Rev B Proposed Roof Plan
Plan/Drawing 3094-P-38 Rev A Proposed South Elevation
Plan/Drawing 3094-P-39 Rev B Proposed North Elevation
Plan/Drawing 3094-P-40 Rev A Proposed East Elevation
Plan/Drawing 3094-P-41 Rev B Proposed Section A-A
Plan / Drawing 3094-P-42 Rev B Proposed Section B-B

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the streetscene and residential amenity of neighbouring occupiers.

3. Prior to the development hereby approved commencing written details and samples of the materials to be used in the construction of the external surfaces of the development and hard surfaces shall have been submitted to and approved in writing by the Local Planning Authority. It shall include the incorporation of biodiversity enhancement in the form of swallow boxes and the development shall be constructed using the approved materials and maintained thereafter

Reason: To ensure a satisfactory appearance to the development and in the interests of biodiversity.

4. Prior to the development hereby approved commencing a scheme to ensure satisfactory internal noise levels in the residential units in accordance with the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details prior to first occupation of any of the units and shall be retained as such at all times thereafter.

Reason: In the interests of aural amenity.

5. Prior to the development hereby approved commencing details of facilities for the storage of refuse and cycles on the site for the occupiers of the approved accommodation shall be submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of any of the units ;

Reason: No such details have been submitted and in the interest of residential amenity.

6. As the site is lies in an Air Quality Management Area, future residents shall be provided with a welcome pack promoting the use of sustainable transport. This should include information on local buses, cycle routes and links to relevant local websites with travel information and details of the local sharing Car Clubs.

Reason: In the interest of Air Quality Management.

7. As future residents may be at risk of being isolated due to flooding, future residents shall be provided with a welcome pack with details of how to sign up to local flood warning services.

Reason: To safeguard future residents

INFORMATIVES

1. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
2. As the development involves demolition and / or construction it should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

Case Officer: Francis Amekor

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Case Officer Francis Amekor

Case Officer Sign	Date
Francis Amekor	