

MC/15/0843

Date Received: 17 March, 2015

Location: 78 Livingstone Road, Gillingham, ME7 2EJ

Proposal: Demolition of existing working mens club and construction of nine 4-bedroomed terrace houses

Applicant: Finlon Building Contractors

Agent: Mr Lillis architecture24 Unit 11 Ashford House Beaufort Court Sir Thomas Longley Road Rochester, Kent ME2 4FA

Ward Gillingham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1 July 2015.

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:

PD_01 rev C, PD_02 rev B and PD_03 rev B received 3 June 2015.

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

- 3 No development above ground floor slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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 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 Class A and Class E of Part 1 of Schedule 2 of that Order 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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 5 No development above slab level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. The approved boundary treatment shall be undertaken prior to first occupation of the development and thereafter retained. Hard landscaping shall include details of the surfacing and drainage of the access and vehicle parking areas and shall be provided in accordance with the approved details prior to first occupation of any part of the development. All planting, seeding and turfing comprised in the approved scheme of soft landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out, as part of an approved scheme of remediation must not commence until conditions 7-10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 10 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 A desk top study, investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on nearby residential properties, and of how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site and it shall only be used within the hours approved pursuant to this condition.

Reason: In order to limit the impact of the lighting on the nearby residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 12 No development shall commence until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 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 application seeks planning permission for the demolition of the existing working men's club and construction of nine 4 bedroom terraced houses. Each property will be approx. 5m wide and 10.85m deep at ground floor, approx. 9.85m deep at first and approx. 5.85-7m deep with a dormer window at second storey. The properties will be approx. 5.5-9m high with a pitched roof. They will have a canopy to the front over the front door and rooflights in the front roof slope. The accommodation will provide for a kitchen, WC, living/dining room at ground floor, two bedrooms and bathroom at first floor and two bedrooms at second floor.

The rear gardens will be approx. 9.5m long. To the rear will be a parking area with spaces for up to 14 cars. There will be an access to the rear parking area to the east of the site.

Site Area/Density

Site Area: 0.14 hectares (0.35 acres)

Site Density: 64.3 dph (25.7 dpa)

Relevant Planning History

MC/06/2055	Retrospective application for siting of a storage/bar unit to rear Decision Approval with Conditions Decided 22/02/2007
MC/05/0020	Retrospective application for installation of galvanised steel palisade security fencing & gates Decision Approval with Conditions Decided 15/02/2005

Representations

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

Eight letters have been received raising the following concerns:

- Restricted on street parking
- Damage to parked vehicles
- Safety of people who have to park far away
- Noise and inconvenience during construction
- Speed of traffic

Since re-consultation following receipt of amendments **one letter** of objection has been received raising concerns that the parking to the front should not be used by the new residents.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle

The application site is located within a residential part of Gillingham in relative close proximity to the Town Centre and local amenities including the train station. Policy H4 allows development where it consists of the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use and the redevelopment within existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result). In this case the existing building is currently vacant and does not add to the character or appearance of the area and the development will allow infilling which has the potential to enhance the street scene.

Policy H5 deals with high density housing and states that housing proposals at low densities will not be permitted in, or close to:

- (i) town centres; or
- (ii) near existing or proposed public transport access points; or
- (iii) along routes capable of being well served by public transport and which are close to local facilities.

This Policy supports a density of between 30 and 50 dwellings per hectare and seeks greater densities in town centres close to good transport links. The density of the proposed development is approx. 64dph. While this maybe high it is important to consider the density and character of the area within which the development is proposed and in this respect the density proposed is reflective of that character the proposed development is therefore acceptable in principle and falls to be assessed by the criteria below.

Design

The application site is located within a residential area where the properties are typically two storey terraced Victorian dwellings with small front gardens. To the east of the site is a newer detached dwelling. There is no particular uniformity within the street scene and the vast majority of properties do not have off road parking.

The proposal is for nine terraced four bedroom properties. In terms of design the houses are modern and fairly simple. There will be small dormer windows to the

rear which will not be visible from the street scene. The design does not try to recreate that of the neighbouring properties but in terms of siting, scale and general proportions is considered to be in keeping with neighbouring properties and no objection is raised to this. The parking area to the rear will provide much needed parking for the development without resulting in a car dominated design which off road parking to the front will have resulted in.

The proposal therefore accords with Policy BNE1 of the Medway Local Plan 2003 and the advice given in the NPPF (section 7).

Amenity

Number 74 Livingstone Road is situated to the west of the application site. The proposed properties will project approx. 3m further to the rear at ground floor and approx. 1.3m at first floor. Due to the presence of the boundary to the site and to this neighbour either side of the alleyway there will be no loss of outlook for this neighbour. No windows are proposed in the western flank walls of the property closest to this neighbour and therefore there will be no loss of privacy.

Number 90 is located to the east of the application site. This is a newer dwelling, is detached and has off road parking. This projects slightly further to the rear than the proposed development. The closest proposed dwelling will project closer to the road than this property however due to the distances between them of approx. 3.5m, due to the access road, there will be no detrimental impact on this neighbour in terms of loss of outlook. No windows are proposed in the eastern flank wall of the development and therefore there will be no loss of privacy.

There will be approx. 15m between the front elevations of the proposed properties and those on the opposite side of the road. Whilst this is close, it is typical of the character of this road and no objection is raised to it on privacy grounds.

Properties to the rear are over 40m away and therefore there are no concerns with regard to loss of amenity. The dormer windows are not an alien feature in such an urban location and the proposal will not introduce any form of overlooking that does not already exist in the area.

The houses are southwest facing and therefore have north facing gardens. Any shade cast will be over the gardens of the proposed dwellings and therefore there will be no detrimental impact on neighbouring dwellings in terms of loss of sunlight or daylight.

In terms of the level of amenity proposed for the new dwellings, the gross internal floor space for each property is proposed to be 107.5sqm. The National Housing Standards offer guidance in terms of amenity levels relating to Policy BNE2. These recommend a minimum of 103sqm for a four bedroom, five person dwelling over three stories. The proposed development therefore accords with this. The proposed development accords with all the other criteria listed within the Housing Standards.

One objection relates to noise and inconvenience during construction. A condition is recommended that a Construction Environment Management Plan is submitted prior

to works starting on the site.

The proposal therefore accords with Policy BNE2 of the Medway Local Plan 2003 and the advice given in para. 17 of the NPPF.

Highways

The original plans showed nine 4 bed properties with no off road parking. While this may have been reflective of the character of the area, there is undoubted pressure for on street parking. The applicant was required to provide off street parking but not to the front of the properties and that would be alien to the character of the street/ Amended plans have been received showing 14 off road parking spaces to the rear of the properties.

Medway Council's Parking Standards indicate that the development should provide a minimum of 18 parking spaces for residents and 2 spaces for visitors. The Standards do allow a reduced parking provision to be considered where a site is, like the proposed site, in close proximity to the town centre and public transport.

The application proposes 14 parking spaces to the rear of the development. At the time of the last Census, average car ownership in the vicinity of the site was 1.19 per dwelling. The government guidance document 'Residential Car Parking Research' (CLG 2007) provides a formula for determining car parking demand, based on local car ownership data and the size and tenure of the dwellings. This formula indicates that the development would generate a demand for 16 car parking spaces, an average of 1.78 per dwelling. If each dwelling is allocated a single parking space, it is estimated that the demand would increase to 18 spaces, with an additional requirement for 2 visitor spaces. The development could, therefore, generate overspill parking on the surrounding streets.

The parking survey submitted with the planning application indicates that there were 14 kerbside spaces available on Livingstone Road at 5am on Tuesday 24 February and 15 spaces available on the Thursday 25 February. Assuming the surveys represent typical conditions, they indicate that there is sufficient on-street parking capacity to accommodate the 4-6 cars that may not be able to park within the site. On this basis it is considered that the development would not have a detrimental impact on the amenity of existing residents and no objection is raised in respect of Policies T13 and BNE2 of the Local Plan.

The access is around 3 metres wide. This will not allow two vehicles to pass, but is considered acceptable given the low number of vehicle movements likely to be generated by the development. The dimensions of the parking spaces accord with guidance and a small turning area is proposed. Whilst this area is relatively compact, and may not allow for larger cars to undertake a 3 point turn, a guaranteed space within the site it is likely to represent a better option for future residents than parking on Livingstone Road.

It is recommended that different surface materials are used within the access and parking areas, in order to define the parking bays and turning area. Some differentiation between surface materials is also recommended to guide vehicles

away from bay 14 as they are turning into the parking area. This detail could be secured as part of a hard landscaping condition.

Other Matters

The site was a British Legion Club with a large parking area, therefore there is potential for made ground to be present on the site. Standard contamination conditions are recommended to protect future occupiers of the proposed properties.

Local Finance Considerations

None relevant.

Conclusions and Reasons for Approval

The proposed development is considered acceptable in principle in this residential location relatively close to the town centre. The design will complement the street scene and no loss of amenity will be caused by the development. The off road parking is considered acceptable in this location and therefore the proposal accords with the abovementioned policies and is recommended for approval.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the number of letters of representation expressing a view contrary to the officers recommendation.

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://publicaccess.medway.gov.uk/online-applications/>