

MC/13/3172

Date Received: 3 December, 2013

Location: 249 London Road, Rainham, Gillingham, ME8 6YR

Proposal: Construction of single storey infill extension to rear; single storey rear extension, two first floor rear extensions and conversion of existing roof space to living accommodation together with the insertion of two dormers to rear, with associated amenity, parking & landscaping works

Applicant: N & R Projects Limited

Agent: Mr B Khwaja Yoop Architects 37-41 Church Road Stanmore London HA7 4AA

Ward Rainham Central

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 19 February 2014.

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: drawings 076/EX/005, 006, 050 and 076/PL/200, 250 received 4 December 2013 and drawing 001 Rev 1 received 12 December 2013 and amended drawings 076/EX/001 Rev A, 002 Rev A, received 31 January 2014 and 076/PL/201 Rev C and 202 Rev B received 5 February 2014

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

- 3 No development 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 Prior to the commencement of the development details of the Sedum roof system to be used on the single storey rear extension shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, method for laying, timescale for laying and ongoing maintenance programme. The approved details shall then be implemented in accordance with the approved implementation programme and maintained thereafter.

Reason: To enhance biodiversity in accordance with policy BNE22 of the Medway Local Plan 2003.

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking, loading and off-loading and turning space has been provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and to accord with Policy T1 and T13 of the Medway Local Plan 2003.

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. The approved boundary treatment and any hard landscaping shall be implemented prior to first occupation of the rear extension. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the rear extension 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.

- 7 No development shall take place until, details of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the exact position, colour, intensity and spillage. External lighting shall be installed in accordance with the approved details prior to the first occupation of the building and shall thereafter be retained.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light to overspill to the residential properties and in the interest of security in accordance with Policies BNE2, BNE5 and BNE8 of the Medway Local Plan 2003.

8 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of the report

Proposal

This application is for the construction of a single storey infill extension to the rear; single storey rear extension, two first floor rear extensions and the conversion of the existing roof space to living accommodation together with the insertion of two dormers to the rear, with associated amenity, parking and landscaping works.

One of the proposed rear extensions fills in the "L" shaped area of the existing extension; the internal layout is proposed to alter to form 9 en-suite bedrooms on the ground floor together with an office, reception, clinic, kitchen, pantry and bathroom. Two new windows are proposed on the western elevation.

A curved single storey rear extension is proposed which will contain 6 en-suite bedrooms and a large communal space. The extension is approx. 21.8m in depth and 3.4m in height. The inner curve will be glazed and will form part of a circular route for residents to walk. It is proposed to use sedum on the roof.

On the first floor an extension is proposed at either end of the building to create two new bedrooms. The extensions will be approx. 5.4m in width, 3.3m in depth and 8.4m in height to the ridge.

Two dormers are proposed in the roof space to facilitate the conversion of the loft into two en-suite bedrooms, bathroom and two staff bedrooms.

In total the care home would provide 25 bedrooms for residents and two bedrooms for staff.

A refuse store is proposed to the west of the building. Parking is available for 6 cars to the front of the building (two disabled spaces) and an ambulance. To the side of the building behind gates there is space for 18 cycle stands.

Relevant Planning History

- MC/12/0883 Change of use from residential care home to children's day nursery with associated parking
Refused 7 June 2012

- MC/09/1032 Application for an existing Lawful Development Certificate for use as residential care home for the elderly within Use Class C2, only and for no other use/purpose in Class C2 of the Town and Country Planning use Classes Order 1987 and its subsequent amendments
Approved 9 September 2009

- MC/06/1901 Change of use from residential care home to guesthouse
Approved 11 December 2006

- 97/0012 Proposed change of use of residential care home to two doctors surgeries
Refused 12 January 1998

- 96/0491 Proposed change of use from residential care home to a medical centre
Refused 18 October 1996

Representations

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

Four letters have been received raising the following concerns:

- Rear extension completely fills the rear garden, this is a residential area and the garden is connected to four other gardens. Living on a busy main road makes our secluded, peaceful back garden especially important to us.
- The proposed number of residence on the application is in effect more than doubling the size of the operation
- Detract from the area by reason of the intensification of the use of the site
- The development breaks away from the inherent “residential” nature of the existing use to something that is not acceptable.
- The new proposal should be refused on the same grounds as previous applications – MC2006/1901, 96/0491/84/0183
- Proposal breaches policies BNE1, BNE2, CF2, T1, T2, T22
- Loss of privacy and light from the first floor extensions
- Increased development could significantly add to the risk of road traffic accidents due to the intensification of vehicle visits from what is a busy, fast trunk road.
- Omits to address the Disabled person requirement with regards to building access and amenities
- No provision has been made to enable delivery vehicles to park and manoeuvre clear of the highway
- First floor extensions are not in keeping with the existing building
- Loss of residential amenity to the surrounding properties and to the residents of the proposed Residential home
- Noise
- Light pollution
- Parking by staff and visitors will be a major issue
- Rear extension grossly intrusive
- The fig tree on the boundary is in the ownership of No.1 Marshall Road
- Pollution levels from increased traffic movements
- Greatly increased car movements to and from the site and additional parking, with nearest unrestricted parking in Marshall Road and Caldew Avenue will increase noise levels on Marshall Road
- No plan for visitor parking or for service/delivery vehicles
- Bus frequency not as good on Saturday and Sundays and this mode of transport therefore will not reduce visitor car movements to and from the development
- West facing bow window will reduce privacy to 253 London Road

Development Plan

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents 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 existing building is a vacant care home. Its use was established in the Lawful Development Certificate issued in 2009 and therefore the only issues to consider are

related to the proposed extensions and the intensification of the site.

Street Scene and Design

Consideration has to be given to development plan policy BNE1 of the Medway Local Plan 2003. This policy seeks to ensure that the design of the development is appropriate in relation to the character, appearance and functioning of the built and natural environment by reason of its use, scale, mass, proportion, details, materials, layout and siting. Furthermore, Medway Council has to be satisfied that the development respects the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area.

The proposed rear dormers have been designed to fit well into the roof slope and are in line with the first floor windows. The dormers are relatively small with pitch roofs and are considered to be acceptable.

The existing property has a large single storey flat roof extension that extends approx. 9.5m. The proposed single storey extension fills in the "L" shape in the centre of the extension. The proposal seeks to reconfigure the rear extension and insert two new windows along the western flank. The proposed infill will largely not be visible and is considered to be acceptable.

At first floor an extension is proposed at either end of the building to create two new bedrooms. Pitch roofs are proposed over the top. The first floor extensions create a balanced rear elevation and are in keeping with the appearance of the building.

A large curved single storey rear extension is proposed to the end of the existing single storey extension to create six new bedrooms. The building has been formed around a central corridor with glazed panels. The extension has a slightly curved roof and is approx. 3.4m in height at the highest point reducing to approx. 2.2m at the eaves along the western boundary. The extension is very unusual and would develop most of the rear garden. The properties at 251 and 253 London Road have at some point lost part of their rear gardens to build new dwellings, likewise this has also appeared to have occurred at the rear of 245 London Road. As such while the development of the whole garden is not commonplace, the surrounding area has a mix of large and small plots and as such the development of the rear garden is not in itself a reason for refusal.

Trees

The proposal as presented will result in the loss of a number of trees and hedges either due to their poor condition, lack of suitability (taking account of site constraints), or because they sit inside the footprint of the proposed rear extension.

The tree report concludes that there are no significant trees on this site, which hold a category rating above C.

A condition is recommended to ensure that there is a landscape scheme to enhance the contribution that this site makes to the local environment and to compensate for the loss of existing trees.

The tree report mentions that construction activity could adversely affect retained trees if appropriate protective measures are not taken. As such it is recommended that a suitably worded condition is added to any approval to protect the retained trees.

Subject to the recommended conditions the application is considered to be acceptable and in accordance with policy BNE43 of the Medway Local Plan 2003.

Neighbour Amenities

The “infill” rear extension will not in itself be significantly noticeable to the adjoining neighbour due to the location of it with regard to the rest of the existing extension. The proposed new windows will look onto the boundary wall, which is approx. 2m in height, with the flank wall of the neighbours garage behind it approx. 2.5m in height. As such the windows will not create a new issue with regard to loss of privacy to the neighbour at 251 London Road.

The proposed rear single storey crescent shape extension takes up the entire rear garden of the plot and will be sited the whole length of the boundary with the neighbours at 1a Marshall Road and 251 London Road. The extension has been designed with an eaves height of approx. 2.2m along the western boundary, set at the closest point approx. 1.5m from the boundary. As such it is considered that the additional height that will be visible above the fence line will not create any significant new impacts with regard to loss of outlook, daylight, sunlight, privacy or dominance.

Due to the orientation of the curved building with the open garden area set to the eastern side of the plot there will be minimal noise and disturbance to the neighbours at 1, 1a Marshall Road and 251 London Road due to the fact that the building will help to shield noise from the garden. There will be noise and disturbance to the neighbour to the east from use of the garden, however the rear garden of the site has been available for use by the residents of the care home before it closed and as such it is the intensification of the use of the garden that needs to be considered. The LDC that was granted in 2009 showed floor plans with 12 bedrooms, the proposed scheme seeks to create 25 bedrooms for residents and 2 bedrooms for staff. This increase in the number of bedrooms will make the scheme viable and will allow this vacant building to come back into use. The doubling of the number of residents and the necessary increase in staff numbers has the possibility to create noise and disturbance to the neighbours due to the intensification of the use. While this is a concern it is considered on balance that due to the use of the property as a care home it will not create a significant rise in the number of comings and goings at the property. There will be a need for more staff as a result of the number of residents, however as there is limited on site car parking the noise from car movement is not considered to be so significant to refuse the application. The proposal is therefore considered to be in accordance with policy CF5 of the Medway Local Plan 2003 which sets out that accommodation providing nursing and special care to meet needs arising in local neighbourhoods will be permitted, subject to there being no undue loss of amenity to neighbouring residents.

Policy CF5 also seeks that proposals should be of a size, design and location that will provide a satisfactory environment for future residents. The proposed extensions

ensure that each of the residents rooms are a minimum of 12sqm and that there is adequate communal area for the residents to socialise.

The proposed first floor extension to the east will be set approx. 3.8m from the boundary with 251 London Road. Due to the siting from the boundary, the minimal projection of the extension and the siting of the neighbour's house it is considered that there will be no significant new impacts with regard to loss of outlook, daylight, sunlight or privacy.

The proposed first floor extension to the west will be set approx. 2.2m from the boundary with 247 London Road and 7.5m from the flank wall of the neighbour. Due to the siting from the boundary, the minimal projection of the extension and the siting of the neighbour's house it is considered that there will be no significant new impacts with regard to loss of outlook, daylight, sunlight or privacy.

The proposed dormers in the roof have windows that will look down the garden in the same way that the windows at first floor look and as such while it is acknowledged that they are at a higher level they are not considered to create a new issue with regard to loss of privacy to the neighbours.

On balance the application is considered to be acceptable and in accordance with policies BNE2 and CF5 of the Medway Local Plan 2003.

Highways

Trip survey data within the TRICS database indicates that the proposed development will generate an average of 44 trips per day, of which around 3 trips will occur during each peak hour on the surrounding network. This number of trips will not have a material impact on conditions of highway safety or the free flow of traffic, and can be satisfactorily accommodated by the existing site access. On this basis, no objection is raised in respect of Policies T1 and T2.

Medway Council's Parking Standards indicate that a maximum of 12 parking spaces should be provided, based on 25 resident bedrooms and the indication given at the pre-application stage that a maximum of 8 employees would be on site at any one time. The 6 spaces proposed (plus one space for a doctor/ambulance) therefore comply with this maximum standard and no objection is raised in respect of Policy T13 of the Local Plan. The TRICS database provides an arrival and departure profile for the proposed development, which can be used to estimate the parking demand generated throughout the day. This profile indicates that a maximum of 5 vehicles will be on the site at any one time between the hours 7am and 10pm. It is therefore considered that overspill parking in the surrounding roads is unlikely to occur on a regular basis. Furthermore, the site is located on a primary public transport corridor and close to established residential areas, and the travel plan statement submitted with the application outlines how future employees will be made aware of the sustainable travel options available to them.

Overall, it is considered that the development will have a low impact on safety and traffic flow on the local network, and provides sufficient parking to cater for employees and visitors.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, character of the area, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies BNE1, BNE2, BNE43, T1, T2, T13 and CF5 of the Medway Local Plan and the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing a view contrary to the 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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>