

MC/14/0110

Date Received: 13 January, 2014

Location: Rainham Mark Social Club 56 London Road, Rainham, Gillingham, ME8 6YX

Proposal: Construction of a terrace of five 3-bedroomed dwellings with associated parking

Applicant: Finlon Building Contractors

Agent: Mr Lillis architecture 24 71 Berengrave Lane Rainham Gillingham Kent ME8 7NL

Ward Twydall

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20 May 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:
Site Location Plan received on 13 January 2014, PD 001 Rev C; PD 002 Rev E and PD 003 Rev B received on 06/03/2014.

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 (including the surfacing and drainage for the car parking areas and access) have been submitted to and approved in writing by the Local Planning Authority. 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 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 boundary treatment and hard landscaping shall be undertaken in accordance with the approved details prior to the first occupation of the development. All planting, seeding and turfing comprised in the approved scheme of 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 Section 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.

- 5 None of the residential units hereby approved shall be occupied until the access, turning area and parking bays shown on the drawing PD 002 rev E have been hard surfaced and marked out in accordance with the approved drawings. Thereafter these shall be retained available for such uses in connection with the development hereby approved.

Reason: To ensure that the development does not prejudice conditions of amenities and highway safety and in compliance with policy T13 and T1.

- 6 No development shall take place until details of existing and proposed levels including slab levels and the position of Damp Proof Course have been submitted to and approved in writing by the Local Planning Authority. 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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 Prior to the commencement of the development hereby permitted, a construction code of practice covering construction hours, construction vehicle routing, days that building works are undertaken, noise, dust, air quality and lighting for the construction phase of the development, including measures to ensure that the surrounding roads are kept clean from mud and debris from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved construction code of practice.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person and where remediation is necessary a remediation scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms.

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 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 remediation works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared and submitted to and approved in writing by the Local Planning Authority.

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 Prior to the commencement of the development hereby approved a lighting scheme to light the parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full before occupation of any dwelling on site.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE2.

- 11 The first floor window on the western flank elevation of the terrace shall be fitted with obscure glass and, apart from any top-hung light that has a cill height of not less than 1.7 metres above the internal finished floor height of the room it serves shall be non-opening. This work shall be carried out and completed prior to first occupation of the development and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with 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

The application site previously formed part of the car park area of the Rainham Mark Social Club. The site fronts Patricxbourne Avenue.

The proposal is for the erection of a staggered terrace of 5 no three bedroom houses with rooms in the roof space (served by dormer windows and roof lights) together with the provision of 13 on site car parking spaces, vehicular access and pedestrian access along the western boundary of the site.

Site Area/Density

Site Area: 0.9 hectares (0.21 acres)
Site Density: 55 dph (27 dpa)

Relevant Planning History

MC/13/1548 Construction of a terrace of five 3-bedroomed dwellings with associated parking
Withdrawn 22 July, 2013

Representations

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

5 letters of representations from the occupiers of three surrounding properties have been received expressing the following concerns:

- The staggered layout would have greater visual impact on the occupier of the property to the west.
- Who will maintain the resulting walk way along the western boundary and would it be lit?
- This would reduce the car parking provision for the club and could result cars park in the surrounding roads when club has events.
- Ask for condition to control construction days and hours.
- Impact of this development on the parking, operation and access to Aut Even premises.

The agent has written in response to comments made by residents upon the application as follows:

- The applicant only owns the area outlined in red and has no interest in the Rainham Mark Social Club (RMSC) land.
- There is no official right of way across RMSC.
- There is an official right of way 100m away from Selstead Close.
- Notwithstanding the above the RMSC have retained a 2.5m wide access and

maintain this for both their own purposes and for residents wanting to cut through but it will not be lit.

- The club will not allow motor cycles access across their site but that is a matter for them to control.
- Amendments submitted were a response to requests from planning officers.
- Proposal exceeds Medway Council parking standards by providing 2 per house plus 3 further visitor spaces.
- Proposal creates larger T junction and therefore aids turning for emergency vehicles.
- Agreement has been reached with club that construction vehicles will only access through the club and not Patricbourne and this could be conditioned.
- Hours of construction can be controlled by condition.

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. The adopted interim Medway Housing Design Standards 2011 are also a material consideration.

Planning Appraisal

Background

It appears that over the years local residents of Patricbourne Avenue have walked across the club land/parking area to access London Road. Although according to the Club no such right of way exists, they have agreed to retain a strip of land 1.9m wide along the western boundary with the application site as a footpath for use by locals as a walk way between London Road and Patricbourne Avenue. It is also understood that the club is fulfilling its obligations with regard to two parking spaces for Aut Even within their car parking spaces to the south of the application site. These are matters for the club as civil matters and are not material planning considerations in the determination of this application.

Main Issues

- Principle of the development
- Street Scene and Design
- Amenity Considerations
- Trees
- Highways and parking
- Contamination

Principle of the development.

The site is located to the south of Patricbourne Avenue and is surrounded by two storey houses to the east and west and chalet bungalows to the north. It is well screened by 1.8 m high fencing along the eastern and western boundaries. The land

is within a primarily residential area within the urban confines and as such there is no overriding objection in principle to the residential development of the land under the terms of Policy H4 of the Medway Local Plan (the Local Plan). The proposed development would in effect form an extension to the existing row of dwellings to the east. However the acceptability of the scheme will rest on matters of details, to be examined below.

Street Scene and Design

The properties to the east and west of the application site are two storey terraced and as such the proposed development would be in keeping. However to have regard to the amenities of the properties to the east, west and north, the number of car parking spaces required and to keep some level of landscaping along the road frontage the layout has been designed in a staggered arrangement. It is considered that the proposed design would help to retain the sense of space along this corner of Patricbourne Avenue and would be complimentary to the character of the area and street scene. There are therefore no objections to the visual impact of the development and the development accords with Policy BNE1 of the Local Plan.

Amenity

There are two main amenity considerations; the impact on neighbours and the standard of amenity which would be provided for future residents of the new dwellings.

The original proposal involved a straight line terrace of 5 dwelling houses set well back in to the site, about 2-3m behind the rear wall of no 45 Patricbourne Avenue. It was felt that such siting would adversely impact on the amenities of the occupiers of this property. To overcome this and other issues mentioned above the proposed site layout and siting were amended to a staggered terrace.

With regard to the impact on the neighbours the proposed staggered arrangement would help to position the east and west houses more along the flank of the adjoining properties and thus minimise undue impact on the outlook, sun light and intrusion into adjoining rear amenity areas. The staggered arrangement would also allow for refuse bins to be placed within the set back area and thus be less visible.

The proposed dormer windows would be to the front of the houses. There is a window serving an en-suite at first floor to the side of the house to the west. To prevent overlooking a condition is recommended requiring this window to be obscure glazed.

To protect the amenities of the future occupiers of these houses from disturbance from visitors to the club and adjoining properties, a condition is recommended with regard to boundary treatment.

Given the close the proximity of the site to residential properties a condition is recommended to control the construction hours and associated activities.

The proposed houses of similar size and design and exceeds the minimum standards set out in the Medway Housing Design Standards as set out in the table below:

| Number of Bedrooms | MHDS Gross internal floor area | Proposed Gross internal floor area | MHDS Living/ Dining/ Kitchen Min Floor space | Proposed Living/ Dining/ Kitchen floor space | MHDS Bedroom Min floor space | Proposed Bed floor space |
|---------------------------|---------------------------------------|---|---|---|-------------------------------------|--|
| 3b5p | 96 sqm | 116.5sqm | 23sqm | 29.1sqm | Single 8sqm Double 12sqm | Single 10sqm Double 15sqm Loft bed 16.65 sqm |

On the basis of the above, it is considered that the proposed dwellings are acceptable in amenity terms and accord with policy BNE2 of the Local Plan.

Highways

The development would provide 13 on site car parking to serve the 5 x 3 bed dwellings. This exceeds Medway Council's minimum parking standards and is in accordance with policy T13 of the Local Plan.

With regard to the retained parking provision for the club. The Gross Floor Area of the social club is around 850sqm. On this basis, Medway Council's Parking Standards indicate that a maximum of 42 spaces should be provided. The retained car parking area for the club contains 36 spaces, and therefore complies with this standard and Policy T13 of the Local Plan. The site is within walking distance of substantial residential areas and is well served by public transport. The social club indicates that the car park is only used for occasional events, when it is occupied by up to around 30 cars. Taking these factors into account, it is considered that the number of parking spaces retained by the club is sufficient and unlikely to cause any overspill parking on the highway network that would impact upon highway capacity or safety. The site access is well established and has good sightlines along the A2 due to the wide footway at the point of access. Whilst there is a pinch point within the site, where the access width narrows to around 3 metres, this is for a short distance and unlikely to cause any congestion issues, given its limited use.

Trees

The area to the front of the site has been neglected and over the years self seeding trees have grown in between the access points to the site. These trees are in a poor condition and are not of significant amenity value. Although it is proposed to remove these trees, the submitted drawing shows replacement trees and hedging along the frontage and within the car park area. To ensure satisfactory landscaping is carried

out a landscaping condition is recommended. It is considered that the proposal would result in an improvement to local amenity and the street scene and as such the proposal comply with policy BNE43 of the Local Plan.

Contamination

To ensure that any unidentified contamination is properly dealt with an appropriate condition is recommended.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of design, amenity, highway and tree aspects and with regard to all other material planning considerations. The proposal therefore accords with the provisions of policies BNE1, BNE2, BNE43, T13 and H4 of the Local Plan and the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the extent of the representations received expressing a view contrary to the recommendation.

This application was considered by Members at the Planning Committee on the 23 April 2014 and was deferred due to concerns regarding the strip of land to the side of the development site, which is retained within the ownership of the Rainham Mark Social Club (RMSC), and the unofficial footpath across this land that adjoining residents use as access between Patrixbourne Avenue and the London Road. Since the deferral the RMSC has provided a copy of a letter to the applicant instructing him to construct the path between the club car park and Patrixbourne Avenue. The RMSC have also confirmed that they will maintain the pathway and hedge once it has been completed and that the RMSC will retain the access. These path works were to be completed by the 06 May 2014 and an update will be provided to the Members of the Planning Committee on the day of the Planning Committee meeting.

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>