

MC/14/1697

Date Received: 13 June, 2014

Location: 371-375 Maidstone Road, Rainham, Gillingham, ME8 0HX

Proposal: Outline application with some matters reserved (landscaping) for the construction of first floor extension with dormer windows to form three 1-bedroomed flats including rear land balcony, stairway and parking

Applicant: Mr D Kaur

Agent: Mr R A Clayton Robert A Clayton Building Plans 32 Watling Street Gillingham Kent ME7 2YH

Ward Rainham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September, 2014.

Recommendation - Approval with Conditions

- 1 Approval of the details of the landscaping (hereinafter called "the reserved matter") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matter referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with

the following approved plans: drawing number 12.05.02 received on 7 July 2014

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

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any part of the building is occupied and shall thereafter be retained. 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.

- 6 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.

- 7 The reserved matters application to be submitted in relation to landscaping shall include the retention of the conifer screen to the eastern boundary.

Reason: To protect residential amenity in relation to privacy in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 Prior to the first occupation of the building hereby permitted details of the refuse storage arrangements for the storage of waste and recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 The building shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced, marked out and drained. 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 the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13.

- 10 No development shall take place until details of a secure gate to the drive to restrict access to the proposed parking area to occupiers of the proposed flats and other authorised persons using the rear access have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation and shall be retained thereafter.

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

- 11 No development shall take place until details of measures to ensure the existing parking area at the front of the building is retained for the sole use of the retail units, have been submitted to and approved by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development and the parking area shall thereafter be retained for shop use only.

Reason: To retain the existing retail parking provision in the interests of highway safety and the free flow of traffic in accordance with Policy T1 of the Medway Local Plan 2003.

- 12 The measures contained in the Air Quality and Noise Protection Statement to improve air quality and reduce noise to the proposed flats shall be implemented in full prior to the first occupation of any part of the building and shall thereafter be retained for the duration of the development hereby permitted.

Reason: In the interests of the amenities of the occupiers of the proposed flats and in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 13 Prior to the first occupation of any part of the building, details of any external lighting proposed including the exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first occupation and shall be retained thereafter.

Reason: In the interests of the amenities of nearby properties 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 conclusion at the end of this report

Proposal

This application seeks outline planning permission with some matters reserved (landscaping) for the construction of first floor extension with dormer windows to form three 1-bedroomed flats including rear land balcony, stairway and parking

The proposal is to add another two storeys to the building to provide 3 x one bedroom flats. The application has been submitted in outline form and seeks approval of the access, appearance, layout and scale, with landscaping reserved for future consideration. The application is accompanied by a Design and Access Statement, Planning Statement and Air Quality and Noise Protection Statement.

The proposed flats would be accessed via an external stairway to the rear leading to a landing and open balcony over the rear of the shops. All three flats would be accessed off this landing/balcony. The accommodation in each flat would comprise a kitchen and bathroom at the rear and a sitting/dining room at the front. A bedroom for each flat would be provided in the roofspace with rooflights at the front and dormers at the rear.

The current application proposes three additional parking spaces at the rear, accessed via the existing drive. To achieve this level of parking a storage building would be demolished and the vegetation and small trees to the rear would be removed. Two garages and a store would remain. Three bin stores, one for each flat, are shown on the area currently occupied by the parcel locker. A shed and cycle store is shown at the rear.

Site Area/Density

Site Area: 0.05 hectares (0.123 acres)

Site Density: 60 dph (24 dpa)

Relevant Planning History

MC/14/0540	Siting of parcel locker (retrospective) Approved 22 April, 2014
MC/14/0014	Outline application with some matters reserved (landscaping) for the construction of first floor extension with dormers to form 3 one bedroom flats including rear land balcony and stairway, bin and cycle storage Withdrawn by Applicant 26 February, 2014
GL/59/166J	Outline application for erection of one bungalow. Refused 24 June 1988
GL/59/166	Erection of shops with flats over Approved 20 October 1959

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Wigmore Community and Residents Association have also been consulted.

A petition with 255 signatures and 76 letters have been received raising the following objections:

- Overbearing impact on properties to rear;
- Loss of light to properties at rear;
- Overlooking of properties at rear exacerbated because flats will be higher;
- Noise and disturbance;
- Access to and egress from the rear parking area is difficult and the rear parking area would not be used;
- The use of the rear parking area would be a danger to pedestrians using the shops;
- One car parking space per flat is inadequate;
- There is little space for vehicles to turn at the rear;
- Occupiers of the flats will park in front of the shops and this would result in a loss of trade;
- Proposal would exacerbate parking problems in area and in surrounding roads such as Woodpecker Glade;
- Refuse vehicle would not be able to access the area to the rear of the shops;
- Security gate must be retained and access to the rear must be restricted;
- Headlights of vehicles leaving will shine into houses opposite.

Three letters have been received making the following observations in support of the application:

- There is already planning permission for these flats;
- There is plenty of parking;
- The flats will improve the appearance of the parade
- Vans can enter the rear service area and turn so it should be adequate for cars to manoeuvre.

One letter has been received stating that the letters of support contain inaccuracies.

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

Background

This application is a re-submission of application MC/14/0014 which was submitted in January 2014 and subsequently withdrawn. The current proposal has been submitted in an attempt to address the objections raised to the previous scheme regarding parking. That scheme proposed no additional parking. The occupiers of the proposed flats would share the parking spaces at the front with customers using the shops. The current scheme provides three parking spaces for the proposed flats to the rear.

It is submitted that there is an extant planning permission for these flats. This refers to planning application NK3/59/166 which was approved on 20 October 1959. The shops were built but the flats over were not built.

Principle

The site is within the urban area, as identified on the Proposals Map to the Local Plan. Policy H4 contains a presumption in favour of residential development within the urban area, including the use of upper floors above commercial premises. In this instance, this is not a conversion, but the creation of flats above commercial premises, but nevertheless the proposal would comply with Policy H4. 371 - 377 Maidstone Road is identified as local shopping centre under Policy R11 of the Local Plan, but the proposal raises no issues in this regard. Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 51 states that Local Planning Authorities should normally approve applications for change to residential and any associated development from commercial. Although not an application for a change of use, the same principle would apply as the application relates to the area above shops.

Design

The application site measures approx 18m wide by 26m deep and is currently occupied by a single storey block of three shops. Immediately to the south is a two storey building with a gabled roof fronting the highway with another shop on the ground floor (377 Maidstone Road). There is a drive between the three shops and this property, which forms part of the application site, leading to a small yard and a block of three garages at the rear of the shops. This drive has gated access. The land slopes gently from front to rear.

The shops are set back 7m from the back of the footpath and there is a hard surfaced area in front of the shops, which is used for the parking. There is a layby in front of this parking area. A parcel locker has been installed at the northern end of the hardstanding.

There are conifers at the rear effectively screening the site.

To the rear (east) of the site, are the rear gardens of properties in Woodpecker

Glade. The rear garden of 9 Woodpecker Glade has been extended into land behind the application site and which formerly was part of the application site. This has been the subject of a recent planning application (MC/13/1502) which was approved on 27 September 2013. To the north is a large detached building (369 Maidstone Road), which is set back 16m from the highway and is used as a nursing home.

The existing single storey block of three shops has little design merit. The proposal to introduce a first floor over the existing building, should, therefore enhance the character and appearance of the building. The resultant development would have the appearance of a typical row of shops with flats over which are found in many local shopping centres and as such would be acceptable. However, in order to provide bedrooms in the roofspace, the ridge would be higher than the ridge of the gable ended property to the south (377 Maidstone Road). The property to the north (369 Maidstone Road) has a more bulky appearance, but being set back 16m from the footpath would not appear as prominent as the proposed development. The proposed building would appear more bulky at the rear, due to the fall in the level of the land to the rear, the dormers in the rear roofspace and the complex arrangement of stairways, landings and balconies at the rear.

However, having regard to the variety of development in this part of Maidstone Road, no objection is raised in terms of design and the character and appearance of the area under Policy BNE1 of the Local Plan.

Residential Amenity

In terms of the amenities of the occupiers of the proposed flats, the development falls to be assessed against Medway Council's Interim Housing Design Standards. The floorspace of the proposed flats is as follows:

	Number of Bedrooms	Min Gross Internal Floor Area	Kitchen Good Practice Minimum Floorspace	Dining Good Practice Minimum Floorspace	Living Good Practice Minimum Floorspace	Bedroom Good Practice Minimum Floorspace
	1	50	6.8	10.4	13	12
Each Flat	1	84	7.3	combined with living 26.68		23.2

The proposed development would, therefore comply with the Interim Housing Design Standards and with Policy BNE2 in this regard.

Neighbour Amenity

There are no windows in the flank walls of the proposed development and there would, therefore be no overlooking to the neighbouring properties. Concern has been expressed with regard to overlooking of properties to the rear of the site. The nearest property is 9 Woodpecker Glade, the rear wall of which is 48m from the rear of the proposed development. However, the garden of 9 Woodpecker Glade has

been extended to the west, so that the boundary of the garden is 11m from the rear of the proposed flats. There are three outbuildings in the rear garden of that property, including a summer house close to the boundary. Planning permission was granted on 26 November 2013 (MC/13/2533) to extend that property, but this proposal would not move the dwelling closer to the western boundary than at present. Furthermore, there are conifers along the rear boundary of the application site and in the event of planning permission being granted, a condition could be attached that these are retained to protect the privacy of the occupiers of the house to the rear.

In terms of light and outlook, the only property that would be affected is the nursing home to the north. Due to the setback that property, the proposed development is likely to cause some overshadowing to the front of the nursing home during the early afternoon. However, this would not be significant and would only affect the car park and not the private area to the rear.

Accordingly, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan.

Highways

Medway Council's Interim Residential Parking Standards require a minimum of one car parking space per flat for a one bedroom dwelling and a minimum of one cycle space per dwelling. Cycle storage is shown in a shed at the rear.

The previous scheme proposed no additional parking, the occupier of the proposed flats would use four existing parking spaces at the front.

The current proposal is to provide three spaces to the rear, identified on the submitted drawing as Bays A, B & C. Access and egress from Bay C is straightforward; access from Bays A and B will require at least a 3-point turn in order to leave the site in a forward gear. However, it is considered that this would not discourage occupiers of the proposed flats from using these parking spaces. It is recommended that a condition be attached to any planning permission to the effect that the area at the front be retained for customer and that measures are implemented to ensure that these spaces are retained as such. Subject to this condition, no objection is raised in terms of parking under Policy T1 and T13 of the Local Plan.

Other Matters

An Air Quality and Noise Protection Statement were submitted as part of the application. The information contained in these statements is considered to be acceptable. Conditions are recommended to ensure that the measures contained in these statement and subject to these conditions, no objection is raised under Policies BNE2 and BNE24 of the Local Plan in terms of noise or air quality.

Three bin stores are shown, at the front of the site, adjacent to the parcel locker. In addition, a bin store would be provided on the balcony, adjacent to the entrance to the proposed flats as there is nowhere else where refuse can safely be kept without causing an obstruction to the footpath or vehicular access.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Recommendation

The principle of the proposed development is acceptable and in accordance with Policy H4 of the Local Plan and the NPPF. The proposal is also considered to be acceptable in terms of design, MHDS, neighbour amenity, noise, air quality and parking and as such is in accordance with Policies BNE1, BNE2, BNE24, T1 and T13 of the Local Plan. The application is, therefore recommended for approval.

This application would normally fall to be determined under delegated powers but has been referred to committee due to the submission of a petition and the number of representations received contrary to officer's 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>