

MC/16/1458

Date Received: 4 April, 2016

Location: 765 Maidstone Road, Rainham, Gillingham, ME8 0LR

Proposal: Demolition of bungalow and construction of 4 three-bedroomed houses and 1 detached four bedroomed house with associated parking - resubmission of MC/15/4504

Applicant: SDP Limited

Agent: Mr N Warren, Enaid Limited, 2 Devon Court, Sutton at Hone Dartford, Kent DA4 9EP

Ward Rainham South

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 June 2016.**

**Recommendation – Approval, subject to:**

A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:

i) £894.32 towards Wildlife Habitat Mitigation

B. And the following 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:

Drawing number 765MRPLAN850 received by the authority on 7 June 2016.

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

3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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 a Construction Environmental Management Plan (CEMP) that describes measures to control the noise, dust, lighting impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with the approved CEMP.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact on residential amenity during the construction period and with regard to Policies BNE2 of the Medway Local Plan 2003.

- 5 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 Schedule 2, Part 1, Classes A, B, C, E and F 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, BNE2, BNE41 of the Medway Local Plan 2003.

- 6 The access shall not be used until vision splays of 2.0m x 2.0m by 45 degrees between the driveway and the back edge of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1, T2 and T3 of the Medway Local Plan 2003.

- 7 The properties shall not be occupied, until the area shown on the submitted layout as vehicle parking space and garaging has been provided using permeable surfacing materials 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 2015 (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 adverse impact on amenity and in accordance with Policies T1, T13 and BNE2 of the Medway Local Plan 2003.

- 8 Full details of fencing to be erected for the protection of street trees located in Regency Close shall be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be retained 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.

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.

- 9 No dwellinghouse herein approved shall be occupied until details of the surfacing of the pedestrian footpath and the boundary treatment fronting Maidstone Road have been submitted to and approved in writing by the Local Planning Authority. The pedestrian footpath surfacing and the Maidstone Road boundary treatment shall be implemented in accordance with the approved details; and the soft landscaping and boundary treatment to the rear and side of the dwellinghouses shall be implemented in accordance with the details shown on drawing 765MRPLAN850 prior to the first occupation of any of the dwellinghouses herein approved and retained thereafter.

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 this report.**

### **Proposal**

The application seeks planning permission for the demolition of the existing bungalow and annex accommodation and erection of a terrace of four two storey houses fronting Maidstone Road and a single detached dwelling fronting Regency Close at the rear. The terraced houses would have three bedrooms each and the detached house would have four bedrooms. Of gable design, the properties would be served by a communal parking area to the front of the site linked by a pathway to all properties with direct access of Maidstone Road. Gardens would have a minimum depth of approx. 11m per terraced house (east facing) and approx. 10m for the detached house at the rear with a south western facing rear garden. The rear gardens would be enclosed by close boarded fencing. Ten parking spaces would be provided based on 2 per dwelling. The existing planting to the front of the site would be removed as a consequence but the applicants propose mitigation planting to the front and around the side of the site.

## **Site Area/Density**

Site Area: 0.5 hectares (1.23acres)

Site Density: 10dph (4dpa)

## **Relevant Planning History**

MC/15/4504 Demolition of bungalow; construction of 7x three bedroom terraced dwellings with associated parking and landscaping

Decision: Withdrawn by Applicant

Decided: 11 February 2016

## **Representations**

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

**Seven** letters of representation have been received objecting to the proposal on the following grounds:

- Loss of privacy;
- Noise disruption from future occupants and construction traffic;
- Insufficient parking to serve the development;
- Overdevelopment of the site;
- Adverse impact on highway safety;
- Out of character with the surrounding development;
- The developer could pay for the relocation of an existing lamppost and provision of crossover to improve off road parking within the vicinity as part of highway safety measures.

Following the receipt of revised plans, re-consultation was undertaken and no further representations were received.

## **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 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Principle of Development*

The property within the application site is currently vacant and comprises a large

detached house with annex to the side and parking for three plus cars within the front garden on a large area of hardstanding fronting onto Maidstone Road. The hardstanding is screened to a degree by planting to the front of the site. The site is bounded by approx. 2m high boundary treatment to the sides and rear. A landscaped highway verge exists to the north east of the site and extends around the rear of the site on the south eastern side. This is covered in mature trees. The site is located within the urban area of Rainham to the southern end of Maidstone Road on a main through route into the Medway towns.

Paragraph 49 of the NPPF states a presumption in favour of residential development and paragraph 50 of the NPPF supports the provision of a choice of high quality homes. In addition to the NPPF, the proposal would need to comply with Policy H4 of the Medway Local Plan 2003, which states that within the urban area, residential infill / redevelopment development will only be permitted provided that there is a clear improvement in the local area. The high density residential development of the site is generally supported by Policy H5 of the Medway Local Plan 2003 but would need to be in keeping with the character of the surrounding neighbourhood to comply. The development would in principle comply with the provisions of paragraphs 49 and 50 of the NPPF and Policies H4 and H5 of the Medway Local Plan 2003.

### *Street Scene and Design*

The application site is located at a prominent corner junction with where Maidstone Road meets Regency Close. The surrounding area primarily consists of 1930s/40s two storey housing of different types and later terraced and flatted housing from the 1970s/80s. The proposed development has been designed to reflect the established house frontage alignment of both Maidstone Road and Regency Close. As the building design in the locality is varied, the property design approach has been to keep the buildings simple with gable ended roofs with modest canopies over the front entrance door to each dwelling. A front projection is also proposed to the detached house. The detailing includes boundary treatment to the frontages, refuse storage and landscape enhancements that would respect the character of the area and function of the layout. Front landscape treatment and hedging would be introduced to enhance the established character in the road. Shared access from the highway has been encouraged and incorporated into the design to reduce the movement of vehicles around the site and impact on adjacent highway trees.

The development proposes to retain the existing frontage parking but for each unit proposed. The layout would secure appropriate circulation for pedestrians to the housing and planting is proposed to the front of the site where existing conifers/hedging would be removed to facilitate a new crossover onto the public highway. Whilst the existing landscaping offers some amenity value in the streetscape currently, no objection would be raised to the loss of soft landscaping provided replacement planting is provided to soften the exposure of the parking area to the road. Whilst the development is relatively dense in terms of layout, no objection is raised to the scheme in terms of density. The development is therefore considered acceptable with regard to Policy BNE1 and BNE6 of the Medway Local Plan 2003 and the design objectives set out in paragraph 56 of the NPPF.

### *Amenity Considerations*

There are two main amenity considerations: the impact on the amenities of

neighbours; and the standard of amenity which would be experienced by occupants of the site itself.

#### Impact on neighbouring amenity:

The proposed dwellings would be road-fronting, following the existing building line of existing dwellings in Maidstone Road and Regency Close. There is already overlooking between gardens and it is considered the proposal would not create any further overlooking that would be detrimental to neighbouring residential amenity. In terms of outlook, dominance and light implications, no objection is raised due to the siting of the development. In summary, the impact of the development on the amenities of neighbours is considered acceptable including with regard to light, dominance, outlook and privacy.

#### Impact for future residents

The development has been assessed with regard to the Government's Technical Housing Standards 2015 and the objectives of Policy BNE2 and BNE7 of the Medway Local Plan 2003. The proposal meets with the standards in terms of room sizes with regard to the National described space standards and garden depth objectives of the Medway Housing Design Standards. There had been a concern regarding both circulation of pedestrians through the site and the impact on future residents from existing trees in relation to habitable rooms and private amenity space. As a response to this issue, the applicants have reduced the number of houses initially proposed by one which has enabled the garden size of the most affected dwelling to be increased. Whilst the existing trees to the south eastern side of the site would cast shade into the rear garden of the nearest plot, the garden size and distance from the trees would reduce the impact to an acceptable level. In terms of refuse storage and collection, the details show provision to meet the requirements to suit both the occupants and the needs of the collection team. In view of the extent of garden space proposed, it is recommended that permitted development rights be removed to enable amenity impact to be assessed, should future occupants wish to erect such structures.

In summary the amenity impact of the development is therefore considered acceptable including with regard to Policy BNE2 and BNE7 of the Medway Local Plan 2003.

#### *Trees*

There are no trees of significant amenity value within the site. However, the site is bounded by mature trees to the north eastern and south eastern boundaries that contribute positively to the streetscape on highway amenity land. As the existing trees are on the highway verge they are currently not protected by a Tree Preservation Order but would be affected by the development proposal and offer significant amenity value to the area as streetscape trees. In consideration of the revised scheme that would retain existing highway trees and avoid damage to any root system, no objection is raised. The removal of permitted development rights for the houses would further safeguard these trees. The development would accord with the objectives of Policy BNE6 and BNE43 of the Medway Local Plan 2003.

#### *S106 matters*

Natural England (NE) has advised councils that a significant effect, either alone or in-

combination, is likely to occur on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest from new development proposals. This relates to development within 6km of the North Kent Marshes SPA/Ramsar Sites. NE has worked closely with the local authorities to advise on establishing and securing the necessary strategic mitigation measures to protect the coastal SPAs and to enable development to proceed. Further advice was provided on 17 August 2015 concerning this matter. The strategic measures are in the process of being developed by the authorities, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Natural England has also advised that an appropriate tariff is collected on the basis that it can be used to fund strategic measures across the Thames, Medway and Swale Estuaries. This interim tariff should be collected, for new builds, in anticipation of:

An administrative body being identified to manage the strategic tariff collected by the local authorities;

A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;

Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The tariff which has been agreed currently stands at £223.58 per additional dwelling (excl. legal and monitoring officers' costs which separately total £550). The applicants have agreed to pay this tariff in the form of a Unilateral Undertaking in accordance with Policies S6 and BNE35 of the Medway Local Plan 2003.

### *Highways*

The site is currently accessed from Maidstone Road. A new central dropped kerb access onto Maidstone road is proposed and satisfactory visibility for pedestrians and other road users would be provided. It is proposed to provide two off-road car parking spaces per house. On-street parking is also available as overspill to serve the development without compromise to neighbouring amenity. The boundary treatment and planting has been indicatively shown to secure appropriate vision for pedestrian safety and circulation routes for the occupants has been adequately provided to enable residents to access homes.

The site is within walking distance of local shops and amenities and is on a public transport route. On this basis it is considered that the proposal for two parking spaces per dwelling would cater for the demand generated by the development.

There is no objection with regard to Policies T1, T2 and T13 of the Medway Local Plan 2003.

### *Other Matters*

The site is not considered to have any significant ecological value. It was unkempt and mainly covered with rubbish and no ecological value was identified before the land was cleared.

### *Local Finance Considerations*

None considered relevant.

### **Conclusions and Reasons for Recommendation**

The residential development of this vacant site is welcomed and would significantly improve the appearance of the site. The impact on the amenities of neighbours and the living conditions for future residents are considered acceptable, as are the parking and highway effects of the development. The development is acceptable with regard to Policies S6, H4, H5, BNE1, BNE2, BNE6, BNE35, BNE43, T1, T2, T4 and T13 of the Local Plan and paragraphs 49, 50, 51 and 56 in particular of the NPPF.

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### **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/>