

MC/16/2405

Date Received: 2 June, 2016

Location: 208 Canterbury Street, Gillingham ME7 5XG

Proposal: Construction of 6x one bedroom flats - Demolition of existing dwelling and garages

Applicant: Mr Uppal

Agent: Mr Hawkins Coteq Ltd 187 Edwin Road Gillingham ME8 0AH

Ward Gillingham South

Case Officer Doug Coleman

Contact Number 01634 331700

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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 24 August 2016.**

**Recommendation - Approval, subject to:**

A The applicant completing a Unilateral Undertaking to secure a contribution of £1,341.48 (£223.58 per dwelling) towards Designated Habitats Mitigation;

B. The imposition of 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: 00001A-WIP, 00003A, 00004A and 00005A received on 7 June 2016.

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

3 No development, including demolition of the existing buildings, shall commence until a Construction Environmental Management Plan that describes measures to control the noise affecting nearby residents, dust, hours of working, deliveries, operatives parking, wheel/chassis cleaning,

pollution incident control and contact details in case of complaints, during the demolition and construction phases 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 this approved plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development above slab level shall take place until an Acoustic Assessment has been undertaken to determine the impact of noise from transport-related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings and the results of the Assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm<sub>ax</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development above slab level shall take place until details and samples of all materials to be used externally, including the boundary wall and railings and surfacing of the parking area, 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.

- 6 If contamination is found at any time when carrying out the approved development that was not previously identified, including asbestos during demolition of existing buildings, it must be reported in writing immediately to the Local Planning Authority and no further work shall be carried out until an Investigation, Risk Assessment and Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with and upon approval measures contained therein shall be carried out in accordance with the approved details.

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 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.

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 No unit within the building shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced, drained and marked out on site. 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.

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 of the Medway Local Plan 2003.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the north-west elevation of the building.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy 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 proposal is for the construction of six one-bedroom flats and the demolition of existing dwelling and garages.

This application seeks permission to demolish the existing dwelling and construct a block of six flats. The building would be three storeys high with two flats located on each floor. Each flat would accommodate one bedroom, a bathroom, kitchen and lounge. A communal amenity area would be provided to the rear of the building, which would include areas for bin and cycle storage and a grassed area. A parking area to serve the proposed development would be provided beyond the amenity area. This would provide parking for six vehicles with access onto Wellington Road. The proposed building would be constructed of brick with concrete roof tiles and would have elevations facing Canterbury Street and Wellington Road.

A Supporting Planning Statement has been submitted with the application.

### **Site Area/Density**

Site Area: 0.044 hectare (0.1 acre)

Site Density: 136 dph (55 dpa)

### **Relevant Planning History**

MC/15/1311	Demolition of existing and build 6 new flats Refused 16 June, 2015
MC/09/0102	Conversion and extension to existing dwelling to create three 1-bedroom flats, construction of a side extension to create two 2-bedroom flats and construction of a rear extension to create self contained 1 bedroom flat (Resubmission of MC2007/0803) Approved with Conditions 17 March, 2009
MC/08/1820	Construction of an extension to rear and conversion of existing dwelling into 3 one-bedroom flats; construction of a two storey attached building to side of No. 208 to create 2 two-bedroomed and 1 one-bedroomed flats together with construction of a detached building to rear to accommodate a one-bedroom flat with parking under (demolition of existing two/single storey element to rear, detached garage & lean to) Refused 7 January, 2009
MC/07/0803	Erection of a two storey building to side of No. 208 to create two 2-bedroomed and one 1-bedroomed flats together with subdivision of and extension to remaining garage to create four garages (demolition of bathroom, utility room, garden room, detached garage & lean to) Approved with Conditions 19 July, 2007

### **Representations**

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

**Three letters** have been received raising the following objections:

- Proposal would increase pressure on existing inadequate parking on Wellington Road and on surrounding roads;
- No parking spaces for visitors are proposed;
- Parking permits should not be issued for visitors;
- Loss of family home and replacement with six flats;
- Loss of disabled parking space.

## **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 has been submitted following the refusal of a previous planning application for six flats on 16 June 2016 (under reference MC/15/1311) on the grounds that:

*"The proposal, as submitted, fails to respect the character and appearance of neighbouring development by reason of its scale, mass, proportion and detailing. As such, the proposed development would be contrary to the provisions of Policy BNE1 of the Medway Local Plan 2003 and Paragraph 56 of the National Planning Policy Framework."*

The current application has been submitted, following pre-application advice, in an attempt to address the ground of refusal, which relates to the design and appearance of the proposed building.

### *Principle*

The site is within the urban area, as defined in the Proposals Map to the Medway Local Plan 2003. The principle of the proposed development is therefore acceptable and in accordance with Policy S1, which states that the development strategy for the plan area is to prioritise re-investment in the urban fabric. Policy H4 of the Local Plan states that within the urban area residential development will be permitted consisting of, *inter alia*, "the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result)". The site is close to the town centre and public transport facilities and therefore the principle of the proposed flat development would accord with Policy H5 of the Local Plan which contains a presumption in favour of high density development within such locations.

The principle of the re-development of the site with flats was accepted with the previous grants of planning permission in 2007 and 2009.

### *Design and Appearance*

The application site is located on the eastern side of Canterbury Street at its junction with Wellington Road. It comprises a two storey, end-of-terrace dwelling, which fronts onto Canterbury Street, with a return frontage to Wellington Road. The building contains a two storey projection to the rear, which would appear to form part of the

original property. The building has a large side and rear garden, which accommodates two garages with access onto Wellington Road. The garden is enclosed by a brick wall approximately 1.6 metres high with a timber fence above.

208 Canterbury Street is at the end of a long terrace (178-208 even Canterbury Street) comprising predominantly two storey houses at the south-eastern end, shops with flats over at the north-western end. In the middle of this terrace is a large double fronted property. The terrace comprises late nineteenth/early twentieth century buildings and, due to both the curvature of the road and gradual rise in the land, is staggered both horizontally and vertically with a gradual rise in roof levels. At the far, north-western end of the terrace is a new development rising to three storeys in height, on the corner of Canterbury Street and Gillingham Road. That development is detached from the terrace.

Policy BNE1 of the Local Plan states that:

*"The design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by:*

*(i) being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and*

*(ii) respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and*

*(iii) where appropriate, providing well structured, practical and attractive areas of open space."*

Paragraph 56 of the National Planning Policy Framework (NPPF) states that:

*"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*

It was considered that the previous proposal did not respect the character and appearance of neighbouring development, particularly in terms of scale, mass, proportion and detailing. The proposed building would have risen to an eaves height of approx. 7.5m and to a ridge height of approx. 12m.

Under the current proposal the eaves height has been reduced to approx 6.9m and the ridge height to 10.8m. The lowering of the eaves has resulted in the creation of dormers in the front and rear elevations, effectively given the appearance of a two and a half storey building. This has reduced its prominence from that of the previous scheme.

The proposed building would still be higher than the adjoining building (206 Canterbury Street). However, having regard to the gradual change in level through this terrace and the staggered ridge heights, this would be acceptable and would compliment the appearance of the street scene. Furthermore, as this is a corner plot, the proposed building would form a focal point in this location. A prominent building on a corner can be a feature of good design. The previous scheme was refused on account of the significant increase in the ridge of the proposed building, compared to that of the neighbouring building. The current proposal shows a more modest

increase in the ridge height, which is considered to be acceptable and which would not detract from the established character and appearance of the locality.

The detailing of the proposed development - windows, doors and materials - would need to respect the character and appearance of the surrounding development. Due to various alterations to neighbouring and nearby properties, there is much variety in terms of detailing. An appropriate condition is recommended to address this.

Subject to this condition, no objection is raised to the latest proposal in terms of design and appearance under Policy BNE1 of the Local Plan and Paragraph 56 of the NPPF.

### *Housing standards*

The gross internal floorspace (GIA) of the proposed flats is as follows:

- Flat 1      52.6 sq.m
- Flat 2      51.2 sq.m
- Flat 3      52.6 sq.m
- Flat 4      51.2 sq.m
- Flat 5      52.6 sq.m
- Flat 6      51.2 sq.m

All of the proposed flats would comply with the 50 sq m minimum requirement specified in the Department for Communities and Local Government's (DCLG's) nationally described space standard dated March 2015 for a one bedroom/two person dwelling. In addition, all bedrooms would exceed the 11.5 sq m minimum floorspace for a double or twin bedroom.

A shared private amenity area, measuring approx. 8.5m by 10.5m would be provided at the rear of the proposed building. This private amenity area would comprise a grassed area with paving around two sides, accommodating a bin storage area and cycle storage. No objection is therefore raised in terms of Housing Standards and the amenities of the occupiers of the proposed development under Policy BNE2 of the Local Plan.

### *Neighbour Amenity*

There is a two storey rear projection with a pitched roof attached to the existing building, approx. 8m, with a single storey projection projecting a further 5.8m (approx.), which would be demolished as part of the proposed development. In this regard, therefore, there would be an improvement to the amenities of the adjoining property in Canterbury Street in terms of light and outlook. There would be no windows in the flank wall of the proposed building facing towards those properties.

Windows are proposed in the rear (north-east facing) elevation of the proposed building, which would face towards the flank wall of 2 Wellington Road. There are no windows in the flank wall of that property and there would be a gap of approx 25m between the proposed building and that property. There would, therefore, not be any unacceptable loss of light or overlooking to that property.

There is potential for noise and disturbance from the living accommodation on the upper floors of the proposed flats to the bedrooms on the first floor of the adjoining property, 206 Canterbury Street. However, as this is an application for a new building, as opposed to a change of use of an existing building, the building can be designed so that it is soundproofed. In the event of planning permission being granted, a condition to this effect would be attached.

Subject to such a condition, 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 the provision of one space per dwelling for a one bedroom dwelling, plus 0.25 space per dwelling for visitor parking, making a requirement of 7.5 spaces for the proposed development. Six spaces are to be provided to serve the proposed development, which would equate to one space per dwelling, with no visitor parking. However, having regard to the proximity of the site to Gillingham Town Centre and public transport with frequent bus services using Canterbury Street, no objection is raised in terms of parking under Policy T13 of the Local Plan.

There is a lamp post and a disabled parking space to the side of the site in Wellington Road. In the event of planning permission being granted, these would need to be relocated to enable the vehicular access to be widened in accordance with the submitted drawings.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per dwelling/unit of accommodation (excluding legal costs of £250 and the monitoring officer costs of £300 per trigger event) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This would result in a contribution of £1,341.48 for the proposed development. The strategic measures are in the process of being developed, 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.

The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), 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 applicant has indicated that he is agreeable to pay this tariff and subject to the prior completion of a unilateral undertaking, under S.106 of the Act, securing the Natural England bird mitigation contribution, no objections are raised in regard to this material consideration, as the development would comply with Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

#### *Other Matters*

The bin store cannot be accessed in the location shown on the submitted plans, as it is behind a fence in a communal area. However, as only six flats are proposed, residents can store their refuse in the bin store (within privately purchased bins, not communal wheeled Eurobins), then take their sacks to the kerbside on their collection day. On this basis, the bin store need not be moved.

#### *Local Finance Considerations*

There are no Local Finance Considerations raised by this application.

### **Conclusions and Reasons for Approval**

The principle of the proposed development is acceptable and as with the previous scheme, no objection is raised in terms of housing standards, neighbour amenity and highways. The previous concerns regarding the design and appearance of the proposal have been addressed and the applicant is agreeable to paying the required contribution towards bird mitigation measures. Accordingly, no objection is raised under Policies S6, BNE1, BNE2, BNE35, H4, H5 and T13 of the Local Plan and the application is recommended for approval.

The application is going to Planning Committee for Members' determination, due to the number of objections received contrary to the officer recommendation.

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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/>