

MC/16/3842

Date Received: 14 September, 2016

Location: Rear Of Allington, Station Road, Rainham, Gillingham, ME8 7UF

Proposal: Construction of a detached two bedroom bungalow incorporating an existing garage

Applicant: Discovery Investments & The Oddjobs Co

Agent: Mr Paul Fowler 1 Discovery Road Maidstone Kent ME15 8HF

Ward Rainham North

Case Officer Thomas Stubbs

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16 November 2016.

Recommendation - Approval subject to;

A. The applicant entering into a Section 106 Agreement to secure the following:

1. A contribution of £223.58 for Designated Habitats Mitigation;

B. 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 15/297/03A received on 25 October 2016.

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

3 All materials used externally shall match those of the existing building.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 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 and BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, site contact details in case of complaints, the location of the parking vehicles of site operatives and visitors and the location of storage of plant and materials used in the construction of the development. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before the commencement of the development to avoid irreversible detrimental impact on interests of public safety and good living conditions for nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 The property shall not be occupied, until the area shown on the submitted drawing number 15/297/03A as vehicle parking spaces have been provided, surfaced 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 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 these reserved parking spaces.

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 and 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; subject to

Proposal

This application seeks planning permission for the construction of a detached two bedroom bungalow incorporating an existing garage. The proposed single storey dwelling would be attached to a neighbour's double garage creating a hipped roof u-shaped building. It would measure a maximum width of 11.5m and depth of 12.5m. Windows would be present on all four elevations. It would be set back approx. 1m from the access road and approx. 2m from the boundary of 1 Copper House Farm, between 2.5-2m from the boundary to the Station Road properties and between 6-7m from the boundary of Allington and Dalwood.

The dwelling would consist of a two bedrooms, en-suite, bathroom, kitchen/living room, study and garage.

Site Area/Density

Site Area: 0.029 hectares (0.227 acres)

Site Density: 34.483 dph (4.405 dpa)

Relevant Planning History

Copper House Farm Development

MC/03/0014	Demolition of buildings and construction of one 4-bedroomed detached house and two pairs of 3-bedroomed link detached houses with associated garages and car port Decision Decided Appeal UPHELD Decided 25/09/2003
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Representations

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

Eight letters of objection have been received raising the following objections:

- Loss of privacy and overlooking.
- Construction concerns including - Hours, methods, noise, dust and vehicles restricting access to other properties
- Over development of site and access road.
- Detrimental to the character of the area.
- Parking concerns regarding cars overhanging the access road.

These issues will be considered within the report below, issues not listed above (such as the damages, legal dispute and boundary disputes) are not material planning considerations.

One letter has been received that did not raise objections but made comments regarding the noise during the construction of the Copper House Farm development and wanted clearer numbering of the properties.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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

Principle

The site is located within the rural settlement of Lower Rainham as defined by the proposals map of the Local Plan. Policy H11 of the Local Plan allows minor development within the confines of these rural settlements. Both national advice and local policies support the efficient and effective use of land. The National Planning Policy Framework (NPPF) paragraph 53 notes that 'local planning authorities should.... resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' However the NPPF notes that sustainable development should be approved where it accords with the development plan. The redevelopment of this plot would be considered to be back land development and needs to be considered under Policy H9 of the Local Plan, this indicates that backland development would only be approved subject to the compliance with six points, which can be summarised as; no overlooking, acceptable vehicle access, no significant noise increase, existing natural features retained, adequate privacy space, character of the area and amenity land maintained. Policy H4 of the Local Plan is also relevant which seeks that the development would result in the most effective and efficient re-use of urban land and whether a 'clear improvement to the local environment' would result.

The development is within the confines of the village and would also form part of a recent development undertaken on site. As such the principle of development is considered in accordance with Policy H11 of the Local Plan but compliance with Policies H4 and H9 of the Local Plan and paragraph 53 of the NPPF would be subject to the detailed assessment of design, amenity and highway safety listed below.

Design

By virtue of its siting, the proposed bungalow, boundary treatment and hardstanding area would all be visible from the access road and neighbouring properties. The properties within the access road and Station Road are of mixed design consisting of two storey detached and semi detached properties. The properties within the access road benefit from single storey garage blocks. The application site forms part of the rear gardens of Allington and Dalwood and would result in the extension the double garage units. Concerns have been raised under consultation that the proposed dwelling would be an overdevelopment of the site and detrimental to the character of the area.

The proposed development would be the only single storey development within the mixed character area, however it would not be considered on balance to be detrimental to the character of the area, or an overdevelopment of the site due to its suitable hipped roof design and the size and scale of the extension to the existing garage, with acceptable distances from boundaries and acceptable garden sizes created (see amenity section). The entrance of the property from the access road is reflective of the entrance to Allington itself. A condition for matching materials would be considered to be required.

Whilst it is considered the proposed development is not detrimental to the character of the area, it is necessary to consider the potential future development (consisting of roof alterations, extensions and outbuildings) that could be carried out under permitted development rights. By virtue of the size of the site, the potential development under permitted development could result in harm the character of the area. Consequently it is also recommended that permitted development rights should be removed by condition.

Subject to the suggested condition, the proposal would therefore be in accordance with Policies BNE1, H4 and H9 of the Local Plan and paragraph 53 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself.

With regard to neighbouring amenities, by virtue of the design being single storey and the siting of the property in relation to the surrounding neighbouring properties of Allington, Dalwood, 1 and 2 Copper House Farm and 662 - 668 Station Road Rainham, and their habitable room windows, the orientation of the site and path of the sun it is considered that there would be no detrimental impact on residential amenity in terms of loss of sunlight, daylight or outlook.

Concerns have been raised in consultation regarding the loss of privacy. Due to the proposed boundary treatment and distance to the neighbouring properties and their habitable room windows, the proposal would not result in a loss of privacy. This gap, which contains the access road, is considered acceptable.

Concerns have been raised regarding the construction phase of the development including hours, noise, parking of vehicles and blocking of the access lane and damage to the access lane. Due to the close proximity to the neighbouring properties, there is potential impact from noise and dust. A condition is therefore recommended requiring a Construction Environment Management Plan (CEMP).

With regard to the amenities of the future occupiers, the proposed dwellinghouse would be 2 bedroom 3 person property over a single floor. For guidance in terms the living conditions of potential occupants of the site itself the development has been assessed with regards to the Medway Housing Standards (interim) November 2011 (MHDS) and the Technical housing standards - nationally described space standard.

The national standard indicates that a property of this size should have a gross internal floor area including storage of 61sqm. The proposed drawings show a gross internal floor space of approx 78sqm with both bedrooms meeting the required dimensions and areas, consequently, it is considered that the proposed dwellinghouse would provide an adequate level of internal living space for future occupiers.

The MHDS requires a private garden of minimum of 7m in depth. The proposed dwelling would have a side garden with a depth varying between 6-7m, while the rear gardens of Allington and Dalwood would have 20m and 25m accordingly. The proposed properties garden is considered to be private due to the proposed boundary treatment and distances (20m plus) to neighbouring properties and their habitable windows. Although the garden depth is between 6-7m in depth it is not considered significant detrimental to warrant refusal in this instance as the garden is 7m deep to the side of the living room.

With regard to refuse storage, waste and recycling collection it is deemed that there is adequate storage space for refuse within curtilage of the proposed dwellinghouse and the existing dwellinghouses of Allington and Dalwood and there is sufficient access to present at the kerbside on collection day.

Subject to the recommended condition, the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of Policies BNE2, H4 and H9 of the Medway Local Plan 2003 and paragraphs 17 and 53 of the NPPF.

Highways

Concerns have been raised by representation regarding the impact of the extra dwelling onto the access road as well as parking concerns including the possibility of cars overhanging the access road.

The double garage the subject of the application, was originally used by the occupiers of Allington. However the land was severed within the last sale of the property. Allington benefits from a parking area to the front of the property which provides two parking spaces meeting its parking requirement. The remaining double garage is unchanged and would not effect the parking for 1 Copper House Farm. The proposed development is a two bedroomed dwelling and it is proposed to have two off road parking spaces which would meet the Medway Councils standards for a property of this size. The proposed off road parking spaces exceed the required dimensions as set out in the standards (2.4m wide by 4.8m in length), it is therefore considered the proposed parking spaces are of an appropriate size to prevent parked cars overhanging the access road. The access road was considered acceptable at the appeal for Copper House Farm development and it is considered that the movements associated with the proposed development of this size would not result in an intensification of the access road that is considered detrimental or have any further highways safety issues. The proposal is considered satisfactory from a parking and highway safety perspective and no objection is raised to the development under the provisions set out under Policies T1, T2, T13, H4 and H9 of the Local Plan.

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 (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. 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 applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, street scene, character of the area, amenity and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to the unilateral undertaking and imposition of appropriate conditions. The proposal accords with the provisions of Policies H4, H9, H11, BNE1, BNE2, BNE35, S6, T1, T2 and T13 of the Medway Local Plan 2003 and the advice in the NPPF. The application is accordingly recommended for approval.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to officers' 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://publicaccess.medway.gov.uk/online-applications/>