

MC/16/3523

Date Received: 19 August, 2016

Location: 765 Maidstone Road Rainham Gillingham Kent ME8 0LR

Proposal: Demolition of bungalow and construction of 4x four bed roomed houses with associated parking

Applicant: SDP Limited

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

Ward Rainham South

Case Officer Paul Ives

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

i) £670.74 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 765MRPLAN865 revision B received on 24 October 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) is 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; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

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 and tree protection, in accordance with Policies BNE1, BNE2 and BNE43 of the Medway Local Plan 2003.

- 6 Both access points onto Maidstone Road, Rainham 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 Policies 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 for vehicle parking 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 No development shall take place until full details of fencing to be erected for the protection of street trees located in Regency Close has been 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 BNE43 of the Medway Local Plan 2003.

- 9 No dwelling herein approved shall be occupied 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 development shall be implemented in accordance with the approved details prior to the occupation of any dwelling herein approved and shall thereafter be retained.

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.

- 10 Prior to the occupation of any dwelling herein approved, soft landscaping details for the front parking area including a proposed tree shall be submitted to and approved in writing by the Local Planning Authority. 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.

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 Policies 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 construction of two pairs of semi detached 4-bedroomed houses with associated parking fronting Maidstone Road, Rainham. The semi detached houses are designed as two storey properties with a barn hipped roof. There would be a single storey projection to the rear and a canopy over the front door. The parking to serve all dwellings would be within the area to the front which would be accessed directly from Maidstone Road. The parking area would be divided into two sections by soft landscaping with each section providing four spaces, two for each dwelling. The two spaces for each dwelling would be divided by a footpath to the dwellings. Planting is also proposed to the northern side of the site along to the edge with Regency Close.

Each property would measure approx. 9m high to the ridge and have a width of approx. 5.3m. The dwellings would measure approx. 15m from front to rear with the two storey element measuring approx. 10.5m from front to rear. The development would be set back a minimum of approx. 12m from the highway (Maidstone Road). The layout shows the siting of each pair of semi detached properties to be staggered. To the rear, the gardens would have a minimum depth of approx. 16m per house enclosed by close boarded fencing approx. 1.85m high.

Each property would have hall, lounge, kitchen/diner at ground floor level; three bedrooms and a bathroom at first floor level; and one bedroom and en-suite bathroom within the roof space. The rooms within the roof space would be served by roof lights located within the front and rear roofslopes.

The applicants propose a general materials palette of facing brickwork, concrete roof tiles and white upvc windows.

Site Area/Density

Site Area: 0.5 hectares (1.23acres)

Site Density: 8dph (3dpa)

Relevant Planning History

MC/16/1458	Demolition of bungalow and construction of 4 three-bedroomed houses and 1 detached four bedroomed house with associated parking - resubmission of MC/15/4504 Decision Refusal Decided 30 June, 2016
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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
NK3/59/157B	Extension for bedroom and study. Decision Approval with Conditions Decided 4 February, 1972
NK3/59/157A	Extension of existing lounge and kitchen and new garage. Decision Approval with Conditions Decided 18 April, 1969
NK3/59/157	Erection of a bungalow and garage. Decision Approval with Conditions Decided 28 August, 1959

Representations

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

Seven letters of objection have been received on the following grounds:

- loss of privacy;
- overdevelopment
- noise
- inadequate parking
- adverse impact on highway safety
- existing trees should be safeguarded
- noise

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

Background

A previous scheme, MC/16/1458 was refused by Planning Committee on 30 June 2016. The application was for the construction of a terrace of four 3-bedroom houses and a detached four bedroomed house to the rear of the site. The reason for refusal was:

The proposal, by virtue of the number and siting of the dwellings, the backland nature of plot 5 to the rear of the site and the extent and location of the hard-standing to the front of the dwellings, would result in a cramped, overdevelopment of the site, which would result in an unneighbourly form of development and would detract from the character and appearance of the street scene. The proposal would thereby be contrary to Policies BNE1 and BNE2 of the Medway Local Plan and the design objectives set out in chapter seven of the National Planning Policy Framework.

This application is resubmission of the previous application and differs in that the detached house to the rear has been removed from the proposal and the design of the four semi detached properties have altered being enlarged at ground floor level. The parking area to the front shows allocated parking and additional planting.

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, 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 supported by Policy H5 of the Local Plan 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 Local Plan.

Street Scene and Design

The application site is located at a prominent corner junction 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 a degree to reflect the established house frontage alignment of Maidstone Road. As the building design in the locality is varied, the property design approach has been to keep the buildings simple with modest canopies over the front entrance door to each dwelling. The development proposes to retain the existing frontage parking. The detailing includes the provision of front boundary treatment, refuse storage and soft landscape enhancements that would respect the character of the area and function of the layout. Front boundary treatment and hedging would be introduced to enhance the established character in the road to address Members' previous concerns. Two shared access points from the highway have been encouraged and incorporated into

the design to reduce the movement of vehicles around the site and impact on adjacent highway trees.

The development shows an acceptable layout with increased soft landscaping provision to the previous scheme and the architectural design of the development is considered acceptable within the mixed streetscene. The development is in accordance with paragraph 56 of the NPPF and Policies BNE1 and BNE6 of the Local Plan.

Amenity

There are two main amenity considerations: the impact on the amenities of neighbours and the impact on the future occupiers of the development.

Neighbouring Amenity

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 where the impact of the development in particular on the southern side has been mitigated by setting the southern most pair slightly forward than the northern most pair. In summary, the siting of the development in relation to the path of the sun would mean that there would be no detrimental impact on the amenities of surrounding residents with regard to light, dominance, outlook and privacy. Given the proximity of the application site to existing residents, the impact in terms of the construction activity could be controlled by condition through the submission of Construction Environmental Management Plan (CEMP).

Future Occupiers

The development has been assessed with regard to the Government's Technical Housing: National described space standards 2015 and the objectives of Policy BNE2 of the Medway Local Plan 2003. The proposal meets with the National standards in terms of room sizes and the 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 previously proposed by one which has enabled garden sizes 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. In view of the potential for extensions or outbuildings whereby any such development may have an impact on nearby amenity of neighbours or trees to the north or eastern side of the plots, it is recommended that permitted development rights be removed to enable the tree and amenity impact to be assessed, should future occupants wish to erect such structures.

In summary the amenity impact of the development is considered acceptable with regard to the fourth point of paragraph 17 of the NPPF and Policy BNE2 of the Local

Plan.

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 Policies BNE6 and BNE43 of the Local Plan.

Highways

The site is currently accessed from Maidstone Road. The layout shows two access points from Maidstone Road which allows for satisfactory visibility for pedestrians and other road users. 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 in this regard and the proposal is in accordance with Policies T1, T2 and T13 of the Local Plan.

Bird Mitigation

S106 matters

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 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 impacts 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 17, 49, 50, 51, 56, 109 and 118 in particular of the NPPF.

The planning application is reported to planning committee for member's consideration due to more than three letters of representation being received contrary to officer 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/>