

MC/17/2328

Date Received: 3 July, 2017

Location: Garage Block To The Rear Of 11 Glebe Road Gillingham Kent
ME7 2HU

Proposal: Construction of a single terrace of four town houses with
associated parking and refuse storage - resubmission of
MC/17/1708

Applicant: Dudrich Developments Ltd

Agent: Mr C Barnes Architecture Design 17 Glenhurst Rise Upper
Norwood Croydon London SE19 3XN

Ward Watling

Case Officer Karen Cronin

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 27 September 2017.

Recommendation - Approval subject to:

A. £1444.32 for bird mitigation measures for Natural England

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 Numbers (11) 01 REV B, (11) 03 REV B, (11) 04 REV B, (11) 05 REV B, (11) 06 REV B, (11) 07, (11) 08 REV B, (11) 09 REV C, (11) 10 REV B and Conditions 3 & 4; received 3 July 2017; and (11) 02 REV C and (11) 02 REV C received on 11 July 2017

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 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.

- 4 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 boundary treatment shall be completed before any dwelling herein approved are 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.

- 5 No dwelling herein approved shall be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation of any dwelling herein approved. The hard landscape details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Soft Landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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.

- 6 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 Class A to 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.

- 7 No dwelling herein approved shall be occupied until the parking area shown on the submitted layout has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and highway safety in accordance with Policy BNE2 and T13 of the Medway Local Plan 2003.

- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

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 condition 9 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 in accordance with condition 10.

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.

- 12 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 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 detrimental harm to the amenities of the occupiers of surrounding residential dwellings 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 a single terrace of four town houses with associated parking and refuse storage. This application is a resubmission of MC/17/1708.

Each dwelling would measure approx. 10 metres in depth and approx. 4.7 metres in width. The properties would be located approx. 13.5 – 14 metres from the rear boundaries of properties in Glebe Road. The properties would measure approx. 5 metres to the eaves and approx. 8.7 metres to the ridge.

The access to the site would be by means of the existing access track serving the garages. Internally each property would have a kitchen, hall, toilet and reception room at ground floor level and 2 bedrooms, a bathroom and ensuite bathroom at first floor level. Two of the properties would also have bedrooms in the roof space with en-suite bathrooms served by a pitched roof dormer window in the rear roof slope. 8 parking

spaces are shown to serve the properties with enclosed gardens at the rear approx. 9.5 metres in depth. An access gate is also shown to provide pedestrian access to the tennis club.

Site Area/Density

Site area: 0.077 hectares (0.19 acres)
Site density: 51.9 dph (21 dpa)

Relevant Planning History

MC/17/1708	Construction of a pair of 2-bedroomed and a pair of 3-bedroomed semi-detached houses with associated parking (demolition of existing garages) Decision Withdrawn by Applicant Decided 03/07/2017
MC/12/0650	Demolition of a existing garage block and construction of two pairs of semi-detached houses with associated car parking and refuse store Decision Refusal Decided 27/06/2012 Appeal Allowed with Conditions Decided 14/06/2013
MC/11/0866	Demolition of existing garage block and construction of five dwellings with associated garages and parking Decision Refusal Decided 10/06/2011

Representations

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

4 letters have been received raising the following objections:

- Poor access
- Insufficient access for emergency vehicles - Kent Fire Service states a minimum road width of 3.7 metres for access. The access road is 3.5 metres.
- Increase in vehicle movements.
- Increase in pollution, noise, nuisance and safety.
- Lack of privacy.
- Increase in population in an already congested area.
- Right of access over this land.

The owner of the Lawn Tennis Club to the rear of the site has also made the following comments:

- The tennis club has a right of way which must not be blocked by the owners of the

proposed houses.

- Concerns about vehicular access to their land and parking issues.
- There are discrepancies in the submitted plans.
- The access road is 3.1 metres at its narrowest point. Fire safety issues.

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 application was refused by Planning Committee and subsequently allowed at appeal under reference MC/12/0650 for the demolition of an existing garage block and construction of two pairs of semi-detached houses with associated car parking and refuse store. This approved proposal showed each pair of properties to measure approx. 9.7 metres in depth and approx. 9.1 metres in width. The semi-detached properties would be located approx. 13.5 – 14 metres from the rear boundaries of properties in Glebe Road. The properties measure approx. 5 metres to the eaves and approx. 8.7 metres to the ridge.

The planning permission granted under MC/12/0650 expired and the same scheme was resubmitted under reference MC/17/1708. Following objections stating that the site was not big enough to accommodate the proposed houses an amended scheme was submitted that is subject to this current application. The scheme is amended from two pairs of semi detached houses to a terrace of four houses.

Principle

The site is within the urban area of Gillingham as defined on the Local Plan Proposals Map where redevelopment of existing residential areas and infilling in such areas is acceptable in principle in accordance with Policy H4 of the Local Plan. Both national guidance and local policy support the creation of residential units on previously developed land within existing built up areas in favour over countryside sites. The site is currently occupied by garages and is within a predominantly residential area; within reasonable walking distance of public transport routes and therefore the principle of residential development would appear to be acceptable in accordance with Policy H4 of the Local Plan and paragraphs 17, 47 and 111 of the NPPF.

Design

The NPPF sets out the importance of design in the consideration of planning applications and in particular, paragraph 56 states, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. At the local level, Policies S4 and

BNE1 of the Medway Local Plan 2003 emphasise the importance of achieving high quality design that results in safe and attractive environments. In particular, Policy BNE1 of the Local Plan supports development that respects the character, appearance and functioning of the surrounding environment.

The surrounding area is mixed with properties of varying design and size, including terraces, detached, semi-detached and flats. The plots in the area are generally long and narrow but there are some exceptions to this. Concerns were raised in the 2011 application that the plot sizes proposed would be out of keeping with those seen in the area. The 2012 and this revised application reduces the number of properties from 5 to 4 and with this current application being for terraced houses has resulted in more generous plots being proposed.

The proposed houses would be set back from Glebe Road and so would not contribute directly to the street scene. The properties would be 2-storey and so would complement the scale of existing surrounding development. The properties would be terraced and similar housing can be seen in the area so this is not raised as a concern. The proportion and arrangement of fenestration together with the presence of porches and gable features results in an attractive front elevation. The chimneys and dormer windows also provide interest to the rear. A condition is recommended to ensure materials are agreed to ensure an appropriate mix. The layout drawings show a driveway and parking in front of the dwellings but some landscaping is also proposed that would soften the appearance of the development and aid its setting in the area. Whilst it would be possible to completely resurface the access road up to the boundary on each side, the existing surface has a soft visual appearance and arguably adds to the character of the area and so its retention should be considered. As such a landscaping condition is also recommended.

Accordingly the scheme would not cause harm to the character and appearance of the area and no objections are raised with regards the provisions of Policies BNE1 and BNE5 of the Local Plan and paragraphs 17, 28 and 56 of the NPPF.

Amenity

There are two main amenity considerations; the impact on the amenity of neighbours and the standard of amenity which would be experienced by occupants of the site itself.

Impact on neighbours

In relation to neighbouring properties, a distance of at least 21 metres would be retained between the front elevation of the new properties and the rear elevation of 11 Glebe Road and as such there would be no unacceptable detrimental impacts with regards loss of light, outlook and privacy to the occupiers of this dwelling. Views of an acute angle may be possible from the new properties towards 9 and 13 Glebe Road however these properties are not as close as 11 Glebe Road and so would again be in excess of 21 metres from the development. To the northeast of the site are tennis courts and as such there would be no impact on residential amenity in this direction. The drawings show one ground floor window in the side flanks of the properties with no windows at first floor level. A condition is recommended that restricts the insertion

of any additional windows in the side flanks of these properties facing either southeast or northwest to protect surrounding properties from overlooking. The scheme would result in the access road being used by the occupiers and visitors associated with 4 properties generating on average 2 vehicle movements during each peak hour and around 18 vehicle movements over the course of a day. The site is currently occupied by some garages (although most have now been demolished) and it is considered that the change in vehicle movements from the existing situation would not be considerable enough to cause significant detrimental impacts on the amenities enjoyed by the occupiers of 11 and 13 Glebe Road (either side of the access road).

Overall the proposal is not considered to have an unacceptable impact on neighbouring amenity in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

Impact for future residents

The development has been assessed with regard to the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Local Plan.

The 2 bedroom dwellinghouses would have a total floor area of approx. 80 sqm. The 3 bedroom dwellinghouses would have a total floor area of approx. 102 sqm. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. All dwellings have sufficient private amenity space and provide adequate refuse storage.

The properties and associated garden areas are considered to be of an appropriate size to provide good levels of amenity for residents. Furthermore the siting and size of windows would provide acceptable outlook, light and privacy. The properties would be set back around 9.5 metres from the tennis courts and the mixture of existing and proposed planting would provide suitable privacy for future residents. A condition is recommended to remove permitted development rights from the properties as extending the houses, particularly to the rear, could reduce the garden areas to an unacceptable size.

Overall the proposal is considered acceptable in terms of the impact on the amenity of the future occupier of the proposed dwelling in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

Highways

The application proposes 8 car parking spaces, consisting of 2 spaces per 3-bedroom dwelling and 1.5 spaces per 2-bedroom dwelling, plus one space for visitors. This provision accords with the council's interim residential parking standards. As such the concern raised in the previous scheme has been overcome and therefore no objection is raised in respect of Policy T13 of the Local Plan. The previous application raised concerns regarding vehicle manoeuvrability however the submitted drawings now show how this could be achieved.

The existing access is single track, but sufficient in width to accommodate a vehicle around 3 metres wide. The proposed development would generate a relatively low level of traffic of up to 2 vehicle movements during each peak hour and around 18 vehicle movements over the course of a day, and therefore the incidence of cars meeting on the access would not be high. Should this occur, vehicle occupants would be able to see each other along the access due its relatively straight alignment and it would not take long for a car to either reverse back on to the site or wait on Glebe Road. Visibility from the access along Glebe Road to south, whilst below the standard for conventional road junctions, is considered acceptable for a private driveway on to a lightly trafficked road where vehicle speeds are low. In light of this, and taking in to consideration the potential traffic generated by the existing garages on the site, no objection is raised in respect of Policies T1 and T2 of the Local Plan and paragraphs 29 and 39 of the NPPF.

Contaminated Land

The site was occupied by garages, which could have given rise to contamination. The applicant has submitted a Desk Study and Site Investigation Report as part of the application. The reports submitted found that asbestos was present on site, as such a detailed remediation scheme and verification report will need to be submitted for the approval of the Local Planning Authority. As such a series of conditions are recommended to deal with any contamination found on site. Accordingly no objections are raised with regards Policy BNE23 of the Local Plan and paragraph 109 and 121 of the NPPF.

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

There are no local finance considerations

Conclusions and Reasons for Approval

The application seeks planning permission for the redevelopment of an existing garage site to provide 4 properties. The site is within a residential area and is previously developed, as such the principle of the development is acceptable. The layout and design of the development would be appropriate in visual terms and not cause detrimental impacts to existing residents in terms of amenity. The properties would provide acceptable living conditions for future residents and no objections are raised with regards highways. The previous concerns raised with the scheme have been overcome and as such it accords with Policies BNE1, BNE2, BNE5, BNE23, H4, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 17, 28, 29, 39, 47, 56, 109, 118 and 121 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of letters of representation received expressing a view contrary to the 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/>