

MC/17/3103

Date Received: 7 September, 2017

Location: Land Adjacent To 1 Rowland Avenue, Gillingham, Kent, ME7 3DL

Proposal: Construction of a 3-bedroomed detached dwelling with associated parking; bin store and amenity space

Applicant: Wright Construction Limited

Agent: Mr Les Simmons LRD Simmons RIBA 46 Downsview Chatham Kent ME5 0AL

Ward Watling

Case Officer Robert Neave

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 22 November 2017.

Recommendation – Approval subject to;

A. The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling towards Designated Habitats 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:

1607/RAG/02 and 1607/RAG/03 as received on 21st September 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 The windows serving the bathroom and the hallway landing at first floor on the east and west elevations, shall be fitted with obscure glass and apart from any top-hung light shall be non-opening. This work shall be carried out and completed before the dwelling hereby approved is first occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space for the proposed dwelling has 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) (England) 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 of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 6 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 demolition and 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 and demolition works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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.

- 7 The new dwelling herein approved shall not be occupied until details of the landscaping of the front garden area have been submitted to and agreed in writing with the Local Planning Authority. Details shall include the surfacing and drainage of parking and path areas and the provision of soft planting beds,

together with an initial planting scheme for the bed(s). The works shall be completed as agreed prior to the occupation of the dwelling other than planting in the planting beds which shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier.

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

This application is for the Construction of a 3-bedroomed detached dwelling with associated parking; bin store and amenity space. Planning permission was originally granted in 2014 (MC/13/2543) and again in March 2017 (MC/17/0015) for a detached 3 bedroom dwelling on the land. The extant permission has not been implemented. The current application seeks permission for a for a 2 ½ storey dwelling. The current proposal differs from the approved scheme by the following changes:

- Alteration to the design, the current scheme proposes side gable end roof profile incorporating two dormer windows on the rear roof slope and roof lights to the front to gain additional living accommodation in the loft space
- A pitched roof canopy over the front door and window on the ground floor

The new plot would range from about 8.8m in width at its frontage to Rowland Avenue to about 9.8m at its rear boundary. The house itself would be in line with the frontage of 1 Rowland Avenue but to the rear would project past the back building line by approx. 3.2m. The proposed dwelling would be approximately 6.6m wide by 10m deep and would have a gabled end roof with eaves height of approx. 5.2m and a ridge height of 8.8m. The gap between the proposed dwelling and the existing dwelling at No. 1 Rowland Avenue (flank to flank) would be approx. 2.4m. In addition, a gap of approx. 1m would be maintained along the east and west boundaries of the dwelling. The submitted plans show the provision of two parking spaces in the front garden of the proposed dwelling.

Site Area/Density

Site Area: 0.08 hectares (01.98 acres)

Site Density: 25.0 dph (10.0 dpa)

Relevant Planning History

MC/17/0015	Construction of a detached three bedroomed dwelling with associated parking (removal of existing shed) Decision Approval With Conditions Decided 30 March, 2017
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MC/13/2543

Construction of a detached three bedroomed dwelling with associated parking
Decision Approval With Conditions
Decided 9 January, 2014

Representations

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

Four letters of representation has been received (two from the same address) objecting to the proposal on the following grounds

- *Out of character*
- *Loss of light*
- *Overlooking with a lost of privacy*

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.

Background

Planning permission was granted in March 2017 for the construction of a detached three bedroom dwelling. This extant permission has not been implemented. The current proposal seeks the construction of a detached dwelling with material changes to the design and scale. The approved scheme is approximately 5.7m wide by 9.5m deep and had a gabled (front/back) roof with an eaves height of 5m and a ridge height of 7.5m.

The proposed dwelling under this application would measure approx. 6.6m wide by 10m deep and would have a raised ridge with gabled (side) end and incorporate two dormer windows to the rear. This revision, according to the applicant, has come about due to the changes required to the drainage details to the front of the property.

Planning Appraisal

Principle

Given the historic approvals for the subdivision of the plot to create a new residential unit, there is no objection in principle with regard to Policy H4 of the Local Plan and the advice in the NPPF (paragraph 49) to the addition of a dwelling in this primarily residential urban area.

Design

The design of the new dwelling would comprise a two storey detached house with gable feature at roof level, bay window at ground floor level with canopy over the front door and the bay window. Whilst the overall height of the dwelling would be slightly taller than the neighbouring semis to the west, it is considered that the proposed design and detailing would relate positively in appearance, scale and massing to other houses in this locality. The properties along the west side of Rowland Avenue are generally two storey semi detached with some including front bay windows with pitched roof over at ground floor level. It is considered that the proposed house would relate positively and blend satisfactorily with the neighbouring properties to the west and would help to enhance the streetscene by filling this poorly kept gap.

The majority of the houses in this part of the Rowland Avenue are set back from the back edge of the pavement by around 5 to 6 metres and with some using this front amenity space for off road parking. The proposed development would also be set back in line with the adjoining properties and make the same use of the front garden area and as such the new dwelling would be in keeping with the character of the area.

Having regard to the above, no objection is raised in terms of design and appearance of the proposed dwelling under Policies BNE1 and H4 of the Medway Local Plan 2003 and Paragraph 56 (good design) of the NPPF.

Amenity considerations

Medway Local Plan Policy BNE2 seeks to ensure that an adequate level of amenity is provided for the future residents of the proposed dwelling and at the same time respect the amenities of the surrounding properties.

The previous approval assessed the amenity impacts and raised no objections both with regard to the impact on neighbours and the living conditions of potential occupants of the site itself. As the proposal is slightly larger than the approved scheme, a BRE Sunlight test has been conducted. The assessment has demonstrated that whilst there would be some minor shadowing between 8am and 10am above the approved scheme, it is not expected to be to a level that would be harmful to the living conditions of the occupiers of the No. 1 Rowland Avenue. Therefore the proposed development would not have an adverse impact on the amenity of the neighbouring property.

Given that the proposed dwelling is similar in scale and layout to that previously approved, it is considered that there is no additional impact to be considered in terms of overlooking, loss of privacy, or outlook.

It is also necessary to consider whether adequate habitable space would be provided for the future occupier of the proposed dwelling house in compliance with the Technical housing standards - nationally described space standards March 2015.

In terms of the proposed development, whilst the layout indicate living accommodation on the ground floor, three bedrooms (one with en suite) and bathroom on the first floor and a play room in the loft area, the proposed development would meet the set

standards for a three/four bedroom dwelling.

The table below shows minimum gross internal floor area expected against the proposed dwelling floor areas.

	Number of bedrooms	Number of bed spaces (person)	2 storey dwellings m2
Standard	4b	5p	97
Proposed	4b	5p	120

As such, the living conditions for potential occupants of the site are considered acceptable. There are no objections with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

Highways

The proposal would provide two off-street parking spaces to the front of the proposed dwelling, as such complying with the adopted parking standards. There are no objections with regard to Policies T1, T2 and T13 of the Local Plan.

Bird Mitigation

One matter which has arisen since the determination of the previous application is that of bird disturbance 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 officers 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 completed 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 none that are relevant to this application.

Conclusions and Reasons for this Recommendation

The site is within the urban area and as such the principle of the proposed development is acceptable. The proposed dwelling would relate positively to the character of the area and appearance of the streetscene. In addition it is considered that the proposal would not cause adverse harm to the occupiers of the adjoining properties. The proposed access and on-site car parking provision would be acceptable for the proposed dwelling and no objection is raised in this regard. The proposal is considered to be acceptable in terms of design, neighbour amenity and highways, in line with Policies S6, H4, BNE1, BNE2, BNE35, T1, T2 and T13 of the Medway Local Plan 2003 and with the NPPF and is therefore recommended for approval.

This application would normally be determined under delegated powers however has been referred to the Planning Committee for determination due to the number of representations received expressing views 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/>