

MC/17/3735

Date Received: 30 October, 2017

Location: 21 Berengrave Lane, Rainham, Gillingham ME8 7LS

Proposal: Construction of two storey side extension together with single storey rear extension and installation of dormers to front and rear to facilitate the change of use of existing care home (use class C2) to provide 7x 2 - bedroom and 1x 3 - bedroom residential flats together with private amenity space, vehicle park and landscaping

Applicant: Cherry Acre Developments Ltd

Agent: Mr Ross Avalon Planning & Heritage 11-15 Dix's Field Exeter EX1 1QA

Ward Rainham North

Case Officer Robert Neave

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 14 February 2018.**

**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:

Drawing numbers CA21-PP-10 Rev C, CA21-PP-13 Rev C, CA21-PP-15 Rev C and CA21-PP-16 Rev C received on 16 January 2018; CA21-PP-09 Rev D received on 17 January 2018; and CA21-PP-11 Rev E, CA21-PP-12 Rev D

and CA21-PP-14 Rev D received on 24 January 2018.

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 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.

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.

- 5 The separating ceilings and floors between each flat shall resist the transmission of airborne sound such that the weighted standardised level difference ( $D_{nT,W} + C_{tr}$ ) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To safeguard the amenities of the occupants of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 The dwelling shall not be occupied until that part of the driveway which provides access and car parking provision have been constructed in accordance with the approved drawing CA21-PP-09 Rev D received 17 January 2018. The access and parking shall thereafter be retained.

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

- 7 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Tree Survey Schedule; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any

pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained 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 without the written consent of the Local Planning Authority.

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.

- 8 Prior to the occupation of any flat herein approved, the refuse and recycling storage facility shall be provided in accordance with drawing number CA21-PP-09 Rev D and shall be retained thereafter.

Reason: In the interests of occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Prior to the occupation of any flat herein approved, the cycle storage facilities shall be provided in accordance with the location and individual locker details shown on drawing number CA21-PP-09 rev D and shall be retained thereafter.

Reason: In the interests of occupier amenity and encouraging alternative means of travel in accordance with Policy T4 of the Medway Local Plan 2003.

- 10 Prior to the occupation of flat 7, the privacy screen to the balcony of flat 7 shall be provided to the southern side in accordance with approved drawing number CS21-PP-15 rev C and shall thereafter be retained.

Reason: To protect the amenities of the occupiers of the neighbouring 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**

Construction of two storey side/rear extension together with single storey rear extension and installation of dormers to front and rear to facilitate the change of use of existing care home (use class C2) to provide eight x 2-bed residential flats together with private amenity space, vehicle park and landscaping.

## **Site Area/Density**

Site Area: 0.020 hectares (0.048 acres)

Site Density: 400 dph (166 dpa)

## **Relevant Planning History**

MC/07/1657	Construction of single storey and two storey extension to rear, balustrading over existing single storey projection to rear to form balcony, enlargement of dormer to front and extension of roof height over side projection to facilitate lobby, lift and increased office area  Decision Approval with Conditions Decided 5 November, 2007
GL/54/209/90/601	Proposed erection of conservatory at rear of the residential care home  Decision Approval with Conditions Decided 28 September, 1990
GL/54/209D	Rear extension to residential care home  Decision Approval with Conditions Decided 29 June, 1989
GL/54/209C	Change of use from private dwelling to residential care home for 10 elderly persons.  Decision Approval with Conditions Decided 16 October, 1987
NK3/54/209/11400	The erection of a house and two garages.  Decision Approval with Conditions Decided 21 October, 1954

## **Representations**

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

**10 Letters** of objection have been received regarding the:

- Impact on highways
- Overdevelopment
- Loss of privacy
- Poor occupier living conditions
- Overlooking
- Impact on gp services
- Impact on school places

## **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*

The application was amended after concerns raised after planning officers site visit, the amendments are summarised as:

### Front Elevation

- Front facing dormer amended to remove the bulky individual dormer and replaced with two smaller pitched roof dormers.
- Double-height bay introduced to the right side of the front elevation, providing some symmetry to this element of the scheme.

### Rear Elevation

- Section provided between the rear of the main front building and the mass at the rear.
- Rear facing dormers broken up to reduce the bulk and mass in this area.
- The two storey rear extension most has reduced in height from 2 storeys / 8.5 metres to a maximum of 6 metres / 1.5 storeys.
- This results in a loss of 1 unit across the whole scheme.
- The scheme will now provide 8 x 2 bed flats.
- Minor drafting error window for flat 7 changed to patio doors

### Parking

- The previous 9 unit scheme sought to provide 10 parking spaces plus 1 disabled space. This 8 flat scheme will seek to provide the same parking capacity and layout.

### Cycle Parking

- Individual lockers instead of Sheffield stands.

Furthermore it was noted that there was a drafting error on drawing CA21-PP-11 Rev C regarding to labelling of flat numbers, the applicant has revised this drawing.

### *Principle*

The current use of the premises is a residential care home for the elderly, use class C2 (Residential Institutions) use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Whilst there is a policy regarding proposals for care homes, there is no Local Plan policy that seeks to protect existing residential care homes or prevent their conversion to alternative uses. This being the case, the Council would consider any application for the conversion/extension of the building to facilitate the conversion of the property into multiple residential units on the basis of its housing policies, specifically Policy H4. Policy H4 of the Local Plan supports residential development within urban areas in accordance with paragraph 49 of the NPPF.

As the site is within the boundaries of the urban area as defined by the proposals map accompanying the Local Plan, the proposal is considered to be acceptable in principle, in accordance with paragraph 49 of the NPPF and Policy H4 of the Local Plan subject to consideration of more detailed matters set out below.

### *Design*

The application site comprises of a two storey residential care home which is accessed off Berengrave Lane. A wide driveway leads to a turning area at the front of the main entrance to the building which is set at some distance back from the roadside. Residential properties surround the site, predominantly large properties, many for domestic use but others for uses such as childcare and doctors surgeries. The host property has had a number historical alterations and extensions since it was constructed, however the most recent application (MC/17/1657) was never implemented.

Overall, the extent of projection and increase in bulk would not be considered detrimental to the appearance of the streetscene or the existing property because of the mixed property designs and the distance from the highway. A condition would be required to ensure the bricks and roof tiles used within development are matching the existing property to retain its appearance.

In respect of the design, scale and size of the proposed extensions, it is considered that the proposal would be in accordance with paragraph 56 of the NPPF and Policy BNE1 of the Local Plan.

### *Amenity considerations*

Paragraph 17 of the NPPF and Local Plan Policy BNE2 seeks to ensure that an adequate level of amenity is provided for the future residents of the proposed dwellings and at the same time respect the amenities of the surrounding properties.

### Amenity of Neighbours

The proposed extensions in the main are located above an existing footprint. Whilst there are bedroom windows in the rear and side elevations of host property, the proposed extensions are not considered to have a significant additional impact on the existing situation in terms of loss of outlook, privacy or daylight. Due to the path of the sun there would be no detrimental impact in terms of loss of sunlight. The proposal introduces a balcony at first floor level to the rear of flat 7 which has the potential to cause overlooking of the property to the south. However, the submitted drawings show a privacy screen to be erected to overcome this issue and therefore a condition is recommended to ensure this screen is provided. The proposal also includes new windows to the side elevation to serve bedrooms in flat 5 and flat 6. Given the distance of the neighbouring property to the north of this elevation it is considered that there would be no detrimental impact on this neighbour in terms of loss of privacy.

### Amenity of Future Occupiers

In terms of future residents, consideration as to whether adequate habitable space would be provided in compliance with the Technical housing standards (Nationally Described Space Standards March 2015) is set out below

Recommended minimum gross internal floor area expected against the proposed dwelling floor areas.

Flat	Number of bedrooms	Number of bed spaces(person)	Space required m2 standard	Space proposed
1	2b	3p	61	64
2	2b	3p	61	61
3	2b	3p	61	63
4	2b	3p	61	61
5	2b	4p	79 (over 2 storeys)	83
6	2b	3p	61	70
7	2b	3p	61	78
8	2b	4p	79 (over 2 storeys)	79

The table shows compliance with the National Standards and therefore the living conditions for the future occupiers of the site are considered acceptable. It is noted that flat 6 does not have any private amenity space, however it does have access to a large communal garden and in itself not considered sufficient reason of refusal for the entire application.

The applicant has tried to, where possible, ensure that living rooms/kitchens are not located above or below bedrooms to prevent disturbance. However as this cannot be achieved throughout the proposal, a condition is recommended to ensure that the separating ceilings and floors between each flat shall resist the transmission of airborne sound.

A condition is also recommended requiring the submission and approval of a

Construction Environmental Management Plan (CEMP) to address issues of noise arising from the construction phase of the development.

Subject to the suggested conditions, no objection is raised with regard to the impact on residential amenity under paragraphs 17 and 123 of the NPPF and Policy BNE2 of the Local Plan.

### *Highways*

The application proposes 10 parking spaces plus disabled space for the 8 flats. This meets the Council's interim residential parking standards. The site is on the edge of the town centre within walking distance of shops and services, the railway station and bus station. The proposal also includes secure cycle storage within the site in the form of individual lockers. A condition is recommended to secure this.

Subject to this condition, no objection is raised with regard to highway safety or parking under the Policies T1 and T13 of the Local Plan.

### *Trees*

There are a number of trees within the vicinity. The Tree Survey outlines the tree identified as T3 to be removed. This tree is not the subject to any protection order, and it is not considered that the loss would be significant. No objection is raised with regard the impact on trees under Policy BNE43 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 paragraphs 17, 49, 56, 109, 118 and 123 of the NPPF and Policies S6, H4, BNE1, BNE2, BNE35, BNE43, T1 and T13 of the Medway Local Plan 2003 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.

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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/>