

MC/17/4318

Date Received: 14 December, 2017

Location: Land Adjacent 2 & 4 Laburnum Road, Strood, Kent ME2 2LA

Proposal: Construction of 3 x one-bedroom and 3 x two-bedroomed self contained flats with provision for 10 car parking spaces and 6 cycle spaces - resubmission of MC/15/4129

Applicant: Dudrich Developments Ltd

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

Ward Strood South

Case Officer Hannah Gunner

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 14 February 2018.

Recommendation - Approval subject to:

A) The applicant entering into Section 106 of the Town and Country Planning Act 1990 to secure £1.341.48 towards Bird 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:

(11)01A, (11)02A, (11)03A, (11)04A, (11)05A, (11)06A, (11)07A, (11)08A received 14 Dec 2017

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

3 No flats 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 in accordance with the approved details before the buildings are occupied 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.

- 4 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.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. No part of the development shall be occupied until the approved hard landscaping has been provided and all planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first 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, unless the Local Planning Authority gives written consent to any variation.

Reason: Required prior to commencement of development to prevent any irreversible harm to the street scene 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 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that have been 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) (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 to accord with Policy T13 of the Medway Local Plan 2003.

- 7 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including

details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage surface water during and post construction and for the lifetime of the development.

- 8 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be 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 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 commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Flats four, five and six shall not be occupied until the privacy screens for that particular flat, of a height of 2m above the floor level as shown on drawing numbers: P(11)05 A, (11)08 A and (11)08 A, have been erected along the sides of the balcony/terrace areas, in accordance with approved plans. The screens shall be retained and maintained at that height thereafter.

Reason: In the interest of residential amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

Construction of 3 x one-bedroom and 3 x two-bedroomed self contained flats with provision for 10 car parking spaces and 6 cycle spaces - resubmission of MC/15/4129.

The development is 'T' shaped with each floor plan having two flats at the north of the site with a central unit to the south. The Ground floor has 3 x one bedroom units with the first and second floors containing the 3 x two bedroom units which are maisonette style units. The bedrooms and bathrooms are located on the 1st floor with the kitchen/living spaces located on the second floor.

The property is shown to be 9m in height at the north of the site but 10m high at the southern end of the building. This takes account of ground level changes within the site.

The second storey is shown to be recessed to accommodate terraces/balconies to the living rooms of the top floor flats.

Parking, refuse and cycle storage is all to the south of the building.

Site Area/Density

Site Area: 0.089 hectares (ha) (0.22 acres)

Site Density: 27.3 dph (11.05 dpa)

Relevant Planning History

MC/15/4129	Construction of 3 x one bedroom and 3 x two bedroom self contained flats with provision for 9 parking spaces Decision Refusal Decided 13/04/2017
MC/01/0268	Construction of a two detached 3-bedroomed houses and a pair of 3-bedroomed semi detached houses. Decision Refusal Decided 26/06/2001

Representations

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

Fourteen letters from local residents have been received. These representations raise the following summarised concerns / objections:

- Highways safety - There is a significant level of on-street parking in the vicinity of the site, as well as a large number of off street private driveways. Vehicles already

have difficulty turning at the ends of the road and delivery lorries have a long way to back up if they are unable to turn within the road. Further restrictions in parking and an increased numbers of residential units will result in increased traffic and chaos. This development will only add to existing congestion and parking problems and result in a increased danger to pedestrians, especially school children;

- Concern with regard access for emergency and service vehicles. This already exists due to inadequate and poor parking and this development will only make it worse;
- Laburnum Road is not wide enough to allow access to construction / delivery vehicles.
- Loss of outlook due to height and scale of the development, as well as loss of privacy to adjoining gardens;
- The proposal will, if permitted, result in a loss of amenity to the occupiers of adjoining properties, due to loss of privacy, light and overlooking.
- The positioning of the bin store in such close proximity on numbers 2 and 4 Laburnum Road, will be to the detriment of the amenities of adjoining occupiers;
- Noise and air pollution caused by construction and construction vehicles;

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 planning application at this site for a similar proposal under planning ref: MC/15/4129 was reported to Members of the Planning Committee on 3 May 2016 where Members agreed to a resolution to grant planning permission subject to a S106 legal agreement to secure payment towards bird mitigation. Despite the Council's attempt to secure the legal agreement, the applicant failed to complete the agreement. Without this agreement in place and in the absence of information for an appropriate assessment to be undertaken, the Local Planning Authority was not be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the North Kent Marshes SPA which would be contrary to Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan. In the absence of this agreement, the application was refused planning permission on 13 April 2017 for the following reason:

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 11 (specifically paragraphs 109 and 118) of the National Planning Policy Framework and Policy BNE35 of the Medway Local Plan 2003.

This application is a resubmission of the refused scheme and a legal agreement to

secure the payment toward the Bird mitigation has been completed and payment made to cover the cost.

Principle

This site is located within the urban area, as defined by the Development Plan, which is made up from predominantly two storey semi-detached and terraced style housing. Policy H4 of the Medway Local Plan 2003 allows for residential development within such areas, including the use of vacant or derelict land. Furthermore, Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and Paragraphs 17 and 111 of the NPPF support the development of previously developed land provided it is not of high environmental value.

This site was formally on-block garages; these have since been demolished and the fenced-off site has a poor appearance in the wider area and is detrimental to the wider character of the area as a whole.

In terms of sustainability, the site is located reasonably close to public transport connections and there are various retail and other infrastructure facilities, doctors' surgeries, schools and local shopping facilities within a reasonable distance to the proposed development site. Bearing these points in mind, the proposed development is considered to be in a sustainable location and subject to the assessment of the detailed matters of the application, including design, appearance, impact on the street-scene, impact on the amenities of adjoining occupiers and the perspective occupiers of this proposed development and highway and pedestrian safety matters, the principle of proposal is considered to be in accordance with Policy H4 of the Medway Local Plan 2003 and Paragraphs 17 and 111 of the NPPF.

In addition, at present, the Council cannot demonstrate a five-year supply (as was concluded by the Planning Inspector under MC/14/0285 - land at Station Road, Rainham). In such circumstances, paragraph 49 of the Framework dictates that relevant policies for the supply of housing should not be considered up-to-date and all housing applications, where a five-year supply of deliverable housing sites cannot be demonstrated, are to be considered in the context of the presumption in favour of sustainable development. In this instance, it is not considered that any adverse impacts of allowing this scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole; or would be contrary to any specific policies in this NPPF. This being the case, this development is considered compliant with paragraph 14 of the NPPF.

Design

The site is considered to be of a size that is capable of accommodating a development of this nature, within the terms of the NPPF, NPPG and existing adopted Local Planning Policy. The proposal's design and the relationship to the adjoining properties and street-scene is such that it is not considered that there will be any resultant loss of amenity to the character and appearance of the surrounding street-scene or the character of the adjoining area in general. The siting of the development is considered to be acceptable in relation to its proximity to the highway, the adjoining dwellings and

the street-scene in general. The design and size of this single block of six properties is considered to be acceptable in terms of the layout and amenity space provision. The height of the structure is acceptable in relation to the adjoining dwellings and appropriate in this setting.

Amenity

Impact on surrounding residents: The proposal is located in such a position to the adjoining dwellings so as to provide adequate privacy distances between primary facing elevations containing habitable room windows.

Due to the orientation of the site, the proposed layout and design, together with the positioning of adjoining properties and existing ground levels, it is not considered that a loss of general amenity, overlooking or overshadowing of the adjoining properties would occur to such a degree as to make the proposed development unacceptable. Any overshadowing or loss of general amenity that does occur is not considered to be sufficient to warrant a recommendation for refusal.

The development is not considered to result in any unacceptable, adverse impact on the amenities of any of the occupiers of the proposed development or adjoining dwellings in general.

Due to the close proximity to other residential properties, it is considered to be prudent to impose a planning condition requiring the submission and written approval of a Construction / Environmental Management Plan (CEMP) to ensure that during the building operation the development is undertaken in an acceptable manner.

Bearing all of this in mind this development is considered to be acceptable in terms of policies BNE1 and BNE2 of the adopted Local Plan.

Impact on future residents: Whilst housing in urban areas is generally encouraged, particularly the re-use of vacant or derelict land in existing residential areas, the dwelling units need to be of an adequate standard to attract and retain population in urban centres. Adequate amenity standards need to be applied and a housing mix that offers alternatives is required to achieve this. Policy BNE2 of the Local Plan seeks this and in its implementation, the Government's Technical Housing Standards 2015 (THS15) and the Medway Housing Design Standards 2011 (MHDS) are used to demonstrate that proposed new dwellings meet adequate acceptable standards. The table below shows the proposed development, as revised, when assessed for compliance against the Government's THS15:

Flat / Maisonette Number	Type of dwelling unit	Total house size (Area in square metres (m ²)).	THS15 specified house size (m ²).	Bedroom Size (m ²).	THS15 Bedroom Size (m ²).	Bedroom Width in metres (m).	THS15 Bedroom Width in m
1	1B2P	50m ²	50m ²	12.33m ²	11.5m ²	2.764m	2.75m
2 & 3	1B2P	51.3m ²	50m ²	12.18m ²	11.5m ²	2.864m	2.75m
4	2B4P	79.2m ²	79m ²	B1 - 15.65m ² B2 - 12.00m ²	B1 - 11.5m ² B2 - 11.5m ²	B1- 3.850m B2- 2.719m	B1- 2.75m B2 - 2.55m
5 & 6	2B4P	81.6m ²	79m ²	B1 - 19.00m ² B2 - 12.18m ²	B1 - 11.5m ² B2 - 11.5m ²	B1- 4.253m B2- 2.864m	B1- 2.75m B2 - 2.55m

A minimum of 50 m² is expected for a 1 Bedroom 2 Person flat (1B2P), whilst 79m² is expected for a 2 Bedroom 4 Person Maisonette (2B4P). As can be seen from the table above, the proposed floor-space meets the Government's THS15 for dwelling units of the type proposed and the design is considered to comply with the requirements of the THS15. In fact, the size of each dwelling unit would be above these recommended standards and is therefore considered to be acceptable. Correspondingly, adequate room sizes are met and the storage space shown within the dwellings meets the THS15 storage requirements.

In addition to the above, the level of private amenity space to the rear of the proposed dwellings units is considered to comply with the Council's external amenity space standards contained in the MHDS, which are adopted for Development Management purposes. It is considered the amenity offered to future occupiers is acceptable.

Highways

In terms of the level of off-street parking related to the development proposed and vehicular and pedestrian access / egress, the proposal is considered to provide an acceptable level of parking, which would be in accordance with the Council's adopted Interim Parking Standards 2010. The utilization of the existing access to this former site of garages is logical and in its former use for garages could have produced significant traffic movement. The vehicular access is considered to be acceptable. Adequate pedestrian access is considered to be provided in a manner which would be acceptable in terms of highway and pedestrian safety.

Additionally, the Council's adopted parking standards indicate that a total of nine off-street parking spaces should be provided for a development of this nature. The proposal indicates the provision of ten off-street spaces, which more than adequately meets the Council's adopted residential parking standards. The site is located within the urban area and in relatively close proximity to a bus route and accessibility to both the town and local shopping areas.

The off-street parking arrangements are considered to be acceptable, as is the access and egress arrangements for both vehicular and pedestrian access. It is considered that a condition should be imposed requiring the parking areas detailed on the submitted plans to be reserved for the parking of vehicles. It is also considered appropriate to impose a condition requiring details of secure bicycle storage. Subject to the imposition of these conditions and for these reasons set out above, this development is considered to be acceptable in terms of policy T1, T2, T4 and T13 of the adopted Local Plan.

Refuse

The refuse storage area is shown as a Pergola which is to be located to the north west of the main entrance. This is set lower than the neighbouring property (no.3) – shown clearly in elevation B-B. The bins will be visually sheltered by the Pergola itself and also the neighbour's boundary wall and as a result the bins will not have a detrimental visual impact on this neighbouring property or on the wider street scene. The points that have been raised by neighbours in relation to smells for the neighbouring occupants are not considered to be significant given that waste will be contained within 1100 litre bulk bins. It is not anticipated that the bin store will have problems with smells/odours.

In terms of collection, the location is considered acceptable and normal refuse collection will be possible.

Land Contamination

Desk Study Report (0790/1/DS) dated 3 December 2015 by Peter Baxter Associates.

The desk top study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. Although the site had been cleared and, according to the report, there was no visual evidence of contamination, due to the site having been used for garages for many years, a watching brief condition will be imposed.

As the site is also partly within a water source protection zone 2, it is considered appropriate to take the precautionary approach and impose standard contaminated land conditions.

Subject to the imposition of such contaminated land conditions, the development is considered to conform with Paragraph 121 of the NPPF, the NPPG entitled 'Land affected by contamination' and Policy BNE23 of the adopted 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 completed the legal agreement and made the payment in full. 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

Conclusions and Reasons for Approval

The proposed development would be acceptable in terms of its impact on the character and appearance of the street-scene and the surrounding area in general. Taking all of the above into consideration, the proposed development is considered to be acceptable in terms of the NPPF, the NPPG and the Council's adopted Development Plan policies. The proposed development is considered to be sympathetically related to the context provided by the setting and the proposal is appropriate with regard to the scale, height, proportion and detailing proposed; consistent with the existing street and would have no adverse impact on the surrounding area, street-scene or the environment generally. The development is acceptable in terms of the Council's adopted Development Plan policies and it is recommended that planning permission be granted accordingly.

The application would normally be determined under delegated powers but is being reported to Planning Committee due to the number of objections 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/>