

MC/16/4659

Date Received: 16 November, 2016

Location: Former Kings Road Clinic, Kings Road, Luton, Chatham,, ME5 7JY

Proposal: Construction of a two storey building with rear catslide roof to create a 2-bedroom ground floor flat and one bedroom first floor flat with associated parking spaces, garden/amenity areas and refuse storage provision

Applicant: Dr Jha

Agent: Mr Plumb Woodstock Associates 53 Woodstock Road  
Sittingbourne ME10 4HJ

Ward Luton & Wayfield

Case Officer Majid Harouni

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 applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure habitats mitigation contribution of £223.58 per dwelling.
- B. Impose 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 JH/14/170.01A, JH/14/170.02A and JH/14/170.03A received 13 December 2017.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above slab level shall take place 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 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 implemented in accordance with the approved details before the dwellings herein approved 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.

- 5 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 including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; 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 minimise the impact on the amenity of surrounding residents in accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 6 The dwellings herein approved shall not be occupied until the parking areas as shown in drawing JH/14/170.03A are provided and formed from permeable surfacing materials. The parking areas shall thereafter be retained only for the purpose of parking.

Reason: In the interests of sustainability and amenity and in compliance with Policies BNE2 and T13 of the Medway Local Plan 2003.

- 7 No development shall take place until full details of proposed raised finished floor levels and flood resilience measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure that flood risk is suitably mitigated within the site and the development is satisfactory and without prejudice to conditions of amenity for the future occupiers of the development hereby approved and in accordance with Policies BNE2 and CF13 of the Medway Local Plan 2003.

- 9 If during the 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 details how this unsuspected contamination shall be dealt with.

Reason: In the interests of amenities of the future occupier of the here by approved dwellings and in compliance with Policies BNE2 and 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 a two storey building with cat-slide rear roof, two storey front gable projection, rear roof lights windows, respective car parking and garden/amenity areas to the northwestern and southeastern parts of the site for each flat. Access to the ground floor flat would be via the front door on the front elevation and access to the first floor flat would be via a side door.

### **Site Area/Density**

Site Area: 0.03 hectares (0.07 acres)

Site Density: 66.6 dph (28.6 dpa)

### **Relevant Planning History**

- |            |   |
|------------|---|
| 83/408     | Outline permission for use of land for, residential development (1 pair semi-detached or, 1 detached property)<br>Decision Approval with Conditions<br>Decided 13 July 1983 |
| MC/05/1054 | Construction of disabled access ramps and covered pram store<br>Decision Approval with Conditions<br>Decided 8 September 2005   |
| MC/05/1053 | An application for a lawful development certificate (existing) for continued use as a health visitor centre (D1)<br>Decision Approval with Conditions                       |

Decided 16 August, 2005

HIS/98/4656

Use of adjacent land for staff car park  
Decision Approval with Conditions  
Decided 7 February 1969

## **Representations**

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

**Four letters** have been received two of which are from the same property. They have expressed concern about the followings:-

- Impact on limited parking situation in the area during the construction period and afterwards.
- With footpath and carriageway being at the same level the situation will become difficult for the pedestrians during the construction period.
- Drainage already constantly blocks up, with the extra demands this could get worse.
- Construction noise will impact on the local residents whilst building works is on going.

Following the submission of the revised drawings further consultation was carried out. No further representation has been received.

**The Environment Agency** have written to advise satisfaction with the submitted flood risk assessment and have no objection subject to a condition regarding finished floor levels and flood resilience measures..

## **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*

Historically the application site formed part of the doctors surgery site. The application was later separated from the surgery. The land is currently vacant.

### *Principle*

This site lies within the urban area of Chatham as defined on the proposals map of the Medway Local Plan 2003. The use of the site for medical provision ceased in 2011. The services were relocated to other doctors surgeries within the locality. As there is no loss in the provision of these facilities, there is no objection with regard to Policy

CF1 of the Local Plan. With regard to the proposed development for residential units, paragraph 49 of the NPPF and Policy H4 of the Local Plan supports the development of vacant or derelict land within urban areas provided a clear improvement in the local environment will result. Therefore subject to consideration of more detailed matters below, the proposal is acceptable and in accordance with Policies CF1 and H4 of the Local Plan.

### *Design and appearance*

Properties in Kings Road are varied in size and design. There are blocks of flats towards the southeastern end of the road and two storey terraced houses closer to the application site.

Kings Road is a narrow road with a shared pavement and carriage way. The residents park on both side of the road along the road in front of the application site.

The proposed development has a bespoke design to it can be accommodated within the site without harm to the appearance of the street scene. The building would appear two storey to the front in Kings Road and single storey to the rear due to the catslide roof design. The building would be sited approx. 1.1m to approx. 2.2m from the southwestern (rear) boundary and set back from the roadway in Kings Road by approx. 1m to approx. 1.5m to follow a similar building line to other properties on the same side of the road within Kings Road.

In design terms the proposal would relate well with the surrounding two storey properties and the street scene and by 'filling the gap' help to improve and enhance the appearance of Kings Road.

The proposal is considered to be in accordance with Paragraph 56 of the NPPF and Policy BNE1 of the Local Plan.

### *Amenity*

Point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan 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.

### Neighbouring Amenity

The proposed development would not involve any first floor windows to the side elevations and the proposed roof lights to the rear would serve a bathroom, landing area and lounge. These windows would have a cill height of 1.7m above the respective room floor area and as such the development would not result in any overlooking and loss of privacy.

Having regard to the orientation, siting and distance of the proposed building with the surrounding properties, it is considered that the development would not result in any detrimental impact on neighbours in terms of overshadowing, loss of outlook, daylight or sunlight to surrounding properties.

### Occupier Amenity

The proposed 2-bed unit would have an overall internal floor area of approx. 61m<sup>2</sup> and the 1-bed unit would have an overall internal floor area of approx. 51m<sup>2</sup>. Both proposed units would accord with the National Housing Space Standards

The proposal provides modest private garden/amenity space for each unit to the sides of the building. One off road parking space is also shown to each side of the building providing a parking space for each proposed unit.

Concern has been expressed by surrounding residents regarding the impact of the development during the construction period. To ensure that any adverse impact is minimised, a condition is proposed to be attached to any forthcoming planning permission to require a construction environmental management plan.

It is considered that the proposals would provide satisfactory habitable living accommodation for the future occupiers of the development and without harm to the amenities of the occupiers surrounding properties in accordance with point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

### *Contamination*

To deal with possible contamination on site a condition is recommended to deal with any previously unidentified contaminated materials if found during the construction period. With the inclusion of such a condition, the proposal would be in accordance with paragraph 121 of the NPPF and Policy BNE23 of the Local Plan.

### *Highways*

The proposed development would make provision for two on-site car parking spaces, one for each of the proposed units. This level of provision complies with Policy T13 of the Local Plan.

Objection has been received from the local residents with regard to parking in the area and potential disturbance during the construction period. It is considered that if the D1 lawful use of the site were to resume, the comings and goings and on street car parking demand would be greater than the proposed residential development. With the off-road parking provision proposed, the proposal is considered to accord with Policies T1, T2 and T13 of the 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 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 applicant has agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

#### *Flood Risk*

A submitted flood risk mitigation report has been submitted and subject to a condition requiring details of the finished floor levels to be submitted for approval by the Council the development is considered to accord with paragraph 100 of the NPPF and Policy CF13 of the Local Plan.

#### *Local Finance Considerations*

None relevant to this case.

### **Conclusions and Reasons for approval**

The site is within the urban area and as such the principle of the proposed development is acceptable. The proposed development would be in keeping and sympathetic with the street scene and the character of the area. In addition it is considered that the proposal would not cause harm to the amenities of the adjoining properties. The proposed access and on-site car parking provision is considered acceptable. The proposal would, therefore comply with Policies S6, H4, BNE1, BNE2, BNE23, BNE35, CF1, CF13, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 17, 49, 56, 118, 100 and 121 of the NPPF and is therefore recommended for approval.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received expressing views contrary to the Officer 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/>