

MC/17/4320

Date Received: 14 December, 2017

Location: Garages Adjacent To 186 Laburnum Road, Strood, Kent, ME2 2LD

Proposal: Demolition of existing garages and construction of two terraces of 3-bedroomed dwellings with associated parking, refuse and cycle storage

Applicant: Dudrich Developments Ltd

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

Ward Strood South

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 14 March 2018.

Recommendation - Approval subject to;

- A. The completion of a Unilateral Undertaking to secure £1,341.48 (£223.58 per dwelling) towards Designated Habitats Mitigation; and
- B. 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:

P (11) 01 Rev B, P (11) 02 Rev A, P (11) 03 Rev A and P (11) 04 Rev A received 14 December 2017.

P (11) 05 Rev B received 22 January 2018.

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 development shall take place until a Demolition/Construction Environmental Management Plan covering hours of demolition and construction; 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 for the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Demolition / Construction Environmental Management Plan.

Reason: Required prior to commencement of development to ensure no irreversible detrimental impact on the amenities of the occupiers of nearby properties in accordance with Policy BNE2 of the Medway Local Plan, 2003.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within of Schedule 2, Part 1, Classes A, B, C and E 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.

- 6 The building shall not be occupied, until the area shown on the submitted layout as vehicle parking space and garaging 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) Order 2015 (as amended) (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 and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T1 and T13 of the Medway Local Plan, 2003.

- 7 Prior to the first occupation of any of the dwellings within the development hereby permitted details of the refuse and cycle storage, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse / cycle storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan, 2003.

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

Proposal

This application is for the redevelopment of a garage site currently comprised of 42 lock up garages in three blocks. The proposal would involve the demolition of the garages and the construction of two terraces comprising six, three bedroomed dwellings (three in each terrace) with associated parking, refuse, and cycle storage and associated works.

The site is an infill, broadly triangular shaped plot of land approx. 0.15 hectares (0.371 acres) situated on the north side of Laburnum Road where it enters onto Merralls Wood Road. The access to the site is situated between No. 186 Laburnum Road, on the east, and No. 2 Merralls Wood Road, on the west.

The frontage of the site onto Laburnum Road measures some 10.7 metres and contains the existing site access and a small amenity area. The site boundaries projects back: along the south-eastern boundary some 34.5 metres, adjoining a footpath, beyond which is the side elevation of No. 186 Laburnum Road; whilst along the south-western boundary, adjoining No. 2 Merralls Wood Road and rear of Nos. 2 to 6 Glamford Road, the site projects back some 58.2 metres. The north-eastern boundary of the site abuts a recreation ground and the Lilac Road Neighbourhood Equipped Area of Play (NEAP). This area measures some 56 metres.

The proposal is to demolish the garage block and create two terraces arranged at a right angle to each other. The first terrace of three dwellings is to be located adjacent to No. 186 Laburnum Road, separated by the footpath access to the recreation ground and the 1.18 metre gap between the side elevation and boundary fencing of No. 186 Laburnum Road. This means that the position of No. 186 Laburnum Road to the closest point of the nearest proposed end terrace dwelling on the application site will be some 4.2 metres at its closest and up to 4.9 metres at its widest, at the front. The second terrace of three dwellings would be positioned at an angle to the north-west of the first terrace. An access road, parking and turning area would be located along the southern side of the terraces. Each terrace would have private front and rear amenity areas for each dwelling, and to the north west of the first terrace, adjacent to the car park and frontages of the dwellings in the second terrace, there is a broadly rectangular green space that would be provided.

The terraces would consist of two storey houses with a slight projection on the rear at ground floor level. Each house will also be designed with a rear dormer window.

The layout for the houses within the terrace are identical and would be arranged as kitchen, cloak room and living room with direct access to a private rear garden on the ground floor, two bedrooms (one with en suite shower) and a family bathroom on the first floor, and a bedroom in the roof level.

The houses in the terrace are two storeys in height at a maximum of 8.1 metres to the ridge. Each house in the group is set at a slightly lower level to give a staggered appearance to the height of the terrace.

Materials would consist mainly of brick and slate tiles. The hard surfacing would be block pavements, with boundary treatments being masonry brickwork / close boarded fencing. The masonry boundary walls to the north-eastern (adjoining the recreation ground) and south-western (adjoining No. 2 Merralls Wood Road and rear of Nos. 2 & 4 Glamford Road) boundaries are to be retained.

Thirteen parking spaces, including one disabled bay, would be provided for the dwellings.

Site Area/Density

Site Area: 0.15 hectares (ha) (0.371 acres)

Site Density: 40 dph (16.2 dpa)

Relevant Planning History

MC/15/4050	Demolition of existing garages and construction of two terraces of 3-bedroomed dwellings with associated parking, refuse and cycle storage
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Decision Refusal
Decided 3 March 2017

Representations

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

Three letters have been received objecting to the proposal on the following grounds;

- Loss of light
- Impact to highway safety
- Increased traffic

All other matters not listed above are not material planning consideration and therefore have not been taken into account when determining the application.

In respect of the concerns raised on the impact during construction, it is inevitable that construction has to take place to enable development, however there are conditions that can be appended to help minimise disruption to neighbouring occupiers during the construction process. This would be considered and appended as condition if planning permission is granted for the proposed development.

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

Planning permission was refused for the redevelopment of the garage block under planning ref: MC/15/4050, in March 2017. Whilst the principle of the development, including design, amenity and highways, were considered to be acceptable, the application was refused on the grounds of the harm to wintering birds and where the applicant had failed to provide mitigating evidence to support the application. As such, following Members of the Planning Committee's resolution to grant permission subject to securing payment for bird mitigation, the applicant failed to enter into a s106 legal agreement or make the payment, and the application was refused under delegated powers as directed by Members. The reason for refusal is as follow:

“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”.

The current application is an identical submission to the refused scheme and the applicant has now submitted a Unilateral Agreement to secure the payment (£1341.48) towards bird mitigation.

Principle of development

This site is located within the urban area, as defined by the development plan, which is made up of 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 or the redevelopment of existing residential areas and infilling of such areas providing a clear improvement in the local environment will result. Furthermore, Paragraph 49 of the NPPF states that housing application 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.

In terms of the land use principle for residential development on the garage site, this has been accepted in the consideration of the scheme refused under ref: MC/15/4050, including with regards to the loss of the garage spaces.

Consequently, the proposed redevelopment of the site for residential purpose is considered to be acceptable in principle and would be compliant with Policy H4 of Medway Local Plan and Paragraph 14 of the NPPF.

Streetscene, Design and Amenity

As already discussed above, this application is a resubmission of the refused scheme under ref: MC/15/4050. The design of the dwellings, including the orientation of the terraces, appearance and siting as proposed under this application are not too dissimilar to the refused scheme and these aspects of the proposal were considered to be acceptable. Therefore, as the design, scale, siting and appearance are largely similar, there are no additional issues raised to the proposed development on design grounds. The proposal would therefore comply with Policy BNE1 of the Medway Local Plan and Paragraph 56 of the NPPF.

In terms of impact on amenities, the layout of the proposed development, including the outdoor amenity provision, its design relationship to the neighbouring and adjacent properties and streetscene is such that it is not considered that there would be any unacceptable loss of amenity to the occupiers of these properties or that of the future occupiers of the development. Given that these terraces are individual developments on the land, the design and appearance of the houses would reflect the general the character and appearance of the surrounding area. In addition, due to the location and position of the site the development would not have significant street presence and would therefore not have a harmful impact on the streetscene.

Notwithstanding, the detail and samples of the material to be used on the construction of the development would be requested by condition if planning permission is granted.

It is noted that some concerns have been raised by neighbouring residents to the impact to their amenity during the construction process. The construction process is an inevitable part of development and as such, there are measures that can be put in place to minimise disruption to local residents during the construction phase of the development, and this can be secured by appropriately worded planning conditions. It is therefore 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 a manner which is considerate, within reason to the amenities of adjoining occupiers. 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.

Whilst housing in urban areas is generally encouraged, particularly the re-use of existing land in residential areas and the infilling of such areas, provided a clear improvement to the local environment will result, the housing provided needs to be of adequate standard to attract and retain population in urban centres and appropriate rural settlements. 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 Technical Housing Standards 2015 are used to demonstrate that proposed new dwellings meet adequate acceptable standards.

The proposed dwellings, each with a floor area of 112.12sqm, would exceed the

minimum standard for a 3 bedroom 6 persons accommodation. The room sizes are also generous and would meet the minimum room size standard.

In addition to the above, each dwelling would have access to a private rear garden exceeding the minimum requirement and front amenity space. A green area would also be provided to the north west of the first terrace, adjacent to the car park and turning area which would help to minimise the amount of hard surfacing provided within the development.

The proposed development would provide a good standard of amenity for the future occupiers and there would be no adverse impact on the amenity of the neighbouring occupiers. The proposal would therefore comply with Policies BNE1 and BNE2 of the Medway Local Plan.

Land Contamination

Turning to matters of Land Contamination, the previous planning submission (MC/15/4050) was supported by a Desk Study Report (0790/2/DS), dated 3 December 2015 by Peter Baxter Associates. The desk top study summarises that due to garage uses over the years there could be the potential for contamination to be an issue. Therefore, as the site is also partly within a water source protection zone 2, it is considered appropriate to advise the applicant to take a precautionary approach if any contaminant is found on the site. The development would conform to Paragraph 121 of the NPPF and Policy BNE23 of the Medway Local Plan.

Highway Considerations

Turning to highway matters, the proposed development would result in the loss of 42 garages on site of which 40% are occupied. It is not considered that the overall loss of the garages would result in significant increase in competition for on-street parking to the surrounding area.

The Council's adopted parking standards indicate that a three bed dwelling should provide 2 off-street parking spaces, the standard states that reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day to day facilities are within easy walking distance. The site is located within the urban area where sustainable transport links are within easy walking distance and the site is located in relatively close proximity of local shopping areas and community facilities as well as Strood Town Centre.

The proposed development would have 13 car parking spaces, including one disabled bay, this level of provision is considered to be acceptable in an urban area location.

In terms of vehicular / pedestrian access / egress to and out of the site, the proposal is considered to provide an acceptable level of parking in accordance with the Council's adopted interim parking standards 2010. A safe and secure pedestrian access is to be provided in a manner which would not be harmful to highways or pedestrian safety.

Bearing in mind all of the above factors, the off-street parking arrangements are

considered to be acceptable, as are the access / egress arrangement for both vehicular and pedestrian access. It is considered that a condition should be imposed requiring the parking areas to be reserved for the parking of vehicles. It is also considered appropriate to impose a condition requiring details of 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 Medway 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 agreed to pay this tariff and have/are in the process of submitted/submitted 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.

Conclusions and Reasons for Approval

The principle of the redevelopment of the garage site for residential purpose, including design, amenity and highways issues have been considered to be acceptable under application ref: MC/15/4050. In addition, the applicant has agreed to pay, or are in the process of submitting a unilateral undertaking to secure payment toward bird mitigation. As such, the proposed development is acceptable and would not cause harm to the character or appearance of the area and streetscene. There would be no adverse impact resulting to the amenity of both the existing and future occupants.

Bearing all of the above in mind, the development is acceptable and would comply with Policies H4, BNE1, BNE2, BNE23, BNE35, S6, T1, T2, T4 and T13 of the Medway Local Plan, 2003, and Paragraphs 17, 49, 109, 111, 118 and 121 and it is

recommended that planning permission be granted accordingly.

This proposal would normally fall to be determined under delegated powers but is being reported to Members of the Planning Committee for determination due to the number of representation 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/>