

MC/18/0805

Date Received: 9 March 2018

Location: Rose Cottage 326 Hempstead Road Hempstead Gillingham

Proposal: Demolition of existing bungalow to facilitate the construction of a replacement detached 6 bedroomed bungalow incorporating home office room with associated parking (to rear) and erection of detached 6 bedroomed house to front with garage/store. Both properties incorporate roof lights. Resubmission of MC/17/3192

Applicant Sheregill Real Estate Ltd

Agent Robert A Clayton 32 Watling Street
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Ward: Hempstead And Wigmore Ward

Case Officer: Paul Ives

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 9th May 2018.

Recommendation - Approved Subject to:

- A. i) Secure £223.58 towards bird disturbance mitigation, and
- B. Subject to 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:

Proposed Block Plan and drawing numbers 16.12.03 /2 REV A and 16.12.03 /3 REV A received 9 March 2018.

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

- 3 The development shall be carried out in accordance with the approved details.

Alpha Antique flow Brindle paviers (permeable)
Hanson Chelsea Smoked Red Brick finish
Redland Acme Clay Plain Tiles (smooth Red)
Golden Gravel 20 stone chippings

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 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 at all times in accordance with the approved Construction Environmental Management Plan.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The proposed first floor windows shown shaded on the side elevations of the proposed two storey house (Plot 1) and the bathroom and home/office windows to the western flank of the proposed bungalow (plot2) as shown on drawing 16.12.03/3A shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is 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 paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 6 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars incorporated in to the applicants development Tree Survey and Arboricultural report(Lushland Ltd)

dated 21 August 2017; 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 undertaken in accordance with the approved plans and particulars 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.

- 7 No dwelling herein approved shall be occupied, until the area shown on the submitted layout plan 16.12.03 /2 as vehicle parking space and garaging has been provided and surfaced using the permeable surfacing materials Hanson Golden Gravel chippings and a permeable Brett Alpha Antique Flow (brindle block) finish. 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 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 paragraph 17 of the National Planning Policy Framework 2012 and Policies T13 and BNE2 of the Medway Local Plan 2003.

- 8 The proposed refuse storage area as shown on plan 16.12.03/2A to serve both dwellings shall be completed prior to occupation of any of the dwellings herein approved and thereafter maintained.

Reason: In the interests of amenity protection in accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out to the dwellings within 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.

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

Proposal

Demolition of existing bungalow to facilitate the construction of a replacement detached 6 bedrooed bungalow incorporating home office room with associated parking (to rear) and erection of detached 6 bedrooed house to front with garage/store. Both properties incorporate roof lights. This application is a resubmission of MC/17/3192.

This application is a resubmission of a similar scheme approved 23 November 2017. The difference being that the submission proposes to utilise the roof space as accommodation for both properties using rooflight windows.

Two storey house

The dwelling would comprise an entrance canopy porch; hall; cloakroom; utility room; sitting room; and open plan kitchen/dining room/living room at ground floor level with six bedrooms in total served by ensuite facilities and bathrooms at first and second floor levels. The proposed bedroom at first floor level would be served by an oriel window with obscure glazing used (to one side). Two additional windows on this flank would also be obscure glazed windows with top hung ventilation only. To the northern side, two obscure glazed windows with top hung ventilation are proposed. To an L shaped, part gable, part hipped roof design, the dwelling is proposed to be served by a single detached gable ended garage to the rear within the rear garden and two hardstanding parking spaces to the front of the property. Access to the rear garage would be alongside the property to the rear. An indicative hedgerow/close boarded

fence is proposed to the side/rear of the garden that would be finished in part lawn, part hard surface. The garage would be served by a part shingle, part block paved drive.

Detached bungalow

The proposed dwelling would comprise six bedrooms (and one home study which could be used as a seventh bedroom) at ground and roof level, a large porch; hall; 2 bathrooms; utility room and open plan sitting room/dining/kitchen area. The roof accommodation is proposed to be served by roof lights. A relatively large garden would be provided to the northern side of the property with pedestrian access from the drive (in front) via a pedestrian gate. The garden would be enclosed by hedgerow planting and close boarded fencing. To the southern side, four tandem parking spaces would be provided with an area dedicated to garden storage to the south western side of the plot. The property would also be served by the same shingle/block paved drive.

The drive is proposed to be finished on the southern side by soft landscaping (details not specified); shingle in part to the side of the proposed house and in front of the proposed bungalow and block paving elsewhere to a permeable form of construction. Both properties are proposed to be served by a bin storage area set to the front of the site adjacent to the vehicular access to the plots.

The development is in effect a resubmission of a previous scheme recently approved but with both plots having rooflights introduced to the roof to provide additional accommodation.

Site Area/Density

Site Area: 0.12hectares (0.29acres)

Site Density:17dph (7 dpa)

Relevant Planning History

MC/17/3192 Demolition of existing bungalow to facilitate the construction of a replacement detached 4 bedroomed bungalow with associated parking to rear and a detached 4 bedroomed house with garage/store and waste collection area to front
Decision: Approval
Decision: Date 23 November 2017

Representations

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

Two letters of representation have been received objecting to the proposal on the following grounds:

- The development is far too large for the plot and too close to neighbouring boundaries.
- Loss of light
- Loss of privacy
- Overbearing form of development out of scale with the character of the area
- Light of sunlight and shadow cause by the development
- Out of character with the area.
- Should the development be approved building work should be restricted to being between the hours of 08:30-18:00, Monday to Friday, and on a Saturday 09:00-13:00 as the developer chose to work late into the evenings and every weekend whilst developing the existing Rose Cottage and surrounding land.

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

Principle

The site is relatively unique in that the existing bungalow is set deep into the plot with an extremely large front garden. This is very much out of character with the existing spatial pattern of development with the siting of dwellings in the road being set closer to the highway with large rear gardens. Having considered the age of the property (approx. 1920s), this plot is one of the last original with large front gardens in the road. The overriding character of the street now is of properties fronting the highway with large rear gardens. Planning permission was granted on the site in November 2017 for development of a similar kind and, as material consideration, a similar plot to the north at 233 Hempstead Road within the vicinity of the site has been granted planning permission Ref: MC/17/0679 for a similar development.

Both National and Local Policies support the efficient and effective use of land by making the best use of development opportunities within the urban areas whilst seeking to ensure that the amenity of local neighbourhoods is respected. Paragraphs 49 and 53 of the NPPF and Policy H4 of the Local Plan encourage development for housing in urban areas (where appropriate) with a presumption in favour of good quality housing and choice where development would not cause harm to the local area.

Policy H9 of the Local Plan is relevant as the proposal would result in tandem development where there is one dwelling in front of the other. Policy H4 allows infill development in urban areas provided a clear improvement in the local environment would occur. Usually such tandem development would not be permitted under Policy

H9 of the Local Plan as it 'generally causes disturbance and loss of privacy to the house at the front'. However in this case it is the reverse situation, in that it is the house to the front which would be added, as an infill, such that potential occupants would be aware of the situation (including any impact from the existing dwelling) from the start and if necessary suitable mitigation measures can be built in. At present the siting of the existing property is at odds with its surroundings and the addition of a dwelling on the frontage would be a positive step in this regard. In principle, taking into consideration the above and provision of an additional dwelling in this urban location, the proposal is considered acceptable in principle with regard to Policies H4 and H9, and Paragraphs 49 and 53 of the NPPF.

Design

The addition of a dwelling on the site could have a positive impact on the character and appearance of the street scene, filling the current gap in frontage development. In respect of the front plot, the two storey dwelling would respect the scale and siting of the adjacent developments and the mixed streetscape as a whole. The design approach taken by the applicant has been to enhance the two storey approach with features and materials that would contribute positively to the appearance of the street. The proposed scheme would be considered acceptable in terms of design for this plot.

To the rear, the demolition of the existing dwelling and the replacement building would be significantly larger taking account of the footprint when combined with the increase in height and floor space proposed. However, the design is sensitive to the location and retains a bungalow form/appearance with hipped roof. The development is considered acceptable in the form proposed where the presence of a detached bungalow already exists.

As already stated, the principle of the development has already been agreed and the only changes proposed to the design in the introduction of rooflights to the roof to utilise the loft space for additional living accommodation. As such, no objection would be raised to this alteration to the design especially where the rooflights would sit flush within the roof plane of both dwellings.

Overall both properties would have a greater presence within the plot and when seen from the road and neighbouring gardens but overall, the development would respect the streetscape in terms of design and quality housing that is considered to be in accordance with the objectives of Policy BNE1 of the Local Plan and paragraph 56 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbours and the level of amenity which would be experienced by potential future occupants of the site itself.

Impact upon existing residents

The proposed development would be seen from neighbouring gardens and would result in shadow /loss of light and sunlight at various times throughout the day. However, in consideration of the siting and distance of both properties from habitable rooms and amenity space, no objection is raised in terms of loss light and shadow cast. In terms of privacy, there is already mutual overlooking from habitable room windows to private amenity space from first floor level rear windows of existing properties. Due to the distance between the proposed dwellings; angle of views and presence of outbuildings and trees, no objection is raised in terms of privacy where a planning condition may be used to mitigate where there is potential harm and the rooms proposed have alternative means of outlook. The applicants have considered the use of obscure glazing to non habitable rooms where the potential for overlooking may result and have shown this on the plans. The side oriel window proposed would focus outlook from the room towards the highway and no objection is raised subject to this being managed by planning condition. Ground floor affected windows would be mitigated by existing in place or proposed boundary treatment. The proposed roof lights to the front dwelling would have no significant greater impact than the previously approved works where first floor windows have been approved to the front and rear and are also present in the vicinity. The proposed roof light windows to the rear bungalow would overlook neighbouring gardens to a degree but would not cause significant harm due to the siting and angle of view that would be had which would avoid direct overlooking of privacy amenity space to the immediate rear of neighbouring properties. Again, glazing can be controlled by condition. Permitted development rights are recommended to be removed for the dwellings.

Impact on future residents

The proposed development would provide a good standard of accommodation within both plots with generous room sizes, circulation and storage space. The home office room could be used as either an office or bedroom and would have sufficient space for both. Whilst garden sizes would be smaller than those within the vicinity, owing to the combined depth and width of both gardens, they would provide sufficient amenity space for each dwelling as family homes in consideration of the number of bedrooms proposed.

The works are within a wholly residential area and the impact of construction works will have a potential impact on neighbouring amenity. To manage this, a Construction Management plan is recommended to be secured by condition.

In summary the impact of the development on amenity, both of neighbours and of future residents of the site itself, is considered acceptable including with regard to the advice given in Policy BNE2 of the Local Plan and point 4 of paragraph 17 of the NPPF.

Environmental Protection

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. The desk top study concludes that based on the information available, no significant plausible pollutant linkages or significant uncertainties are considered to exist therefore no further investigation is considered to be needed. The report submitted is acceptable and in accordance with the objectives of Policy BNE23 of the Local Plan and paragraphs 120 and 121 of the NPPF.

Highways

The proposal would result in the net increase of one additional dwelling which would use a newly created vehicular crossover onto the highway. Whilst this is the case, both properties would have sufficient space for the parking of vehicles to meet Medway Councils Interim Parking standards, therefore the works would have no significant impact on highway safety or neighbouring amenity. Subject to the provision of a permeable surface to contain surface water run off within the site (by condition), the proposed development is considered acceptable in respect of Policies T1, T2 and Policy 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'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 submitted a unilateral undertaking (which had to be amended from the previous one secured) and paid for the contribution. No objection is therefore raised

under Policies S6 and BNE35 of the Local Plan and paragraphs 109 and 118 of the NPPF.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests for the reasons explained above.

Local Finance Considerations

There are no local finance considerations.

Other matters

A separate third letter from a resident has been received raising objection to procedural matters in terms of the application description; consultation; and historic removal of trees on site. Appropriate consultation has been undertaken with residents given further time to comment in view of an error in the original description. Both letters and a new site notice were displayed on site. The removal of trees is a matter separate to this application.

Conclusions and Reasons for Approval

In summary, in the unusual site circumstances it is considered that the proposed dwellings will have a positive impact on the character and appearance of the area without resulting in significant harm to amenity. There are no highway concerns and subject to a contribution towards mitigation measures in respect of the impact of the additional residential unit on the coastal North Kent Special Protection Areas/Ramsar sites, to be secured by a unilateral undertaking, approval is therefore recommended including with regard to Policies S6, BNE1, BNE2, BNE23, BNE35, H4, H9, T1, T2 and T13 of the Local Plan and paragraphs 17, 49, 53, 56, 109, 118, 120 and 121 of the NPPF.

This application would normally be determined by delegated authority but is being referred to the Planning Committee for decision on the request of the Ward Councillor, Cllr Mrs Chambers.

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://publicaccess1.medway.gov.uk/online-applications/>