

MC/18/1335

Date Received: 2 May 2018

Location: Land Rear Of 692A Maidstone Road Rainham Gillingham ME8 0LJ

Proposal: Construction of a 2 bedroom bungalow with associated parking and landscaping

Applicant Mr & Mrs Jamie Parker

Agent Mr Paul Fowler 1 Discovery Road
Maidstone
Kent
Me15 8HF

Ward: Hempstead And Wigmore Ward

Case Officer: Alison Webster

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 1st August 2018.

Recommendation - Approval subject to:

A) £239.61 towards the impact on birds within the north Kent Special Protection areas.

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 number 18/310/01A received 2 July 2018.

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 implemented 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out 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 visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 5 The soft landscaping area to the front of the property shown on the approved plans shall be retained and if the planting dies, it shall be replaced in the next planting season.

Reason: To safeguard conditions of amenity.

- 6 The dwelling herein approved shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is 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.

- 7 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 8 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

This application seeks planning permission for the construction of a 2 bedroom bungalow with associated parking and landscaping. The property will be approx. 8.5m wide and approx. 10m deep at its deepest point. It will have a pitched roof at a maximum of 5m in height. It will provide for two bedrooms, a bathroom, kitchen and living room. There will be two off road parking spaces to the front and a rear garden measuring approx. 6.6 x 10.8m.

Site Area/Density

Site Area: 0.07 hectares (0.17 acres)

Site Density: 14.3 dph (5.9 dpa)

Relevant Planning History

None

Representations

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

6 letters have been received. One letter has been sent in twice from 30 Lime Court, two letters are from the owners of The Chestnuts and 694 Maidstone Road, one from The Chestnuts and one from 28 Lime Court.

The concerns raised include:

- Access and disruption during the build (not a material planning consideration)

- Risk of damage to property (not a material planning consideration)
- Parking resulting in a 2 car household
- Overdevelopment/cramped appearance of the site
- The property should be 1m away from the boundary
- Concerns regarding drains and foundation (not a material planning consideration)

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 located within the urban area of Rainham where Policy H4 of the Local Plan applies. This policy states that the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result) will be permitted. In this instance a similar development was approved to the rear of 694 Maidstone Road and therefore the proposal to build a property to the rear of 692A is not out of character with the area. Paragraph 14 of the NPPF states that development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits and this is backed up by paragraph 49 of the NPPF. Paragraph 53 states that policies should resist inappropriate development in residential gardens. In this instance, the proposed development is not considered inappropriate due to the mixed layout of properties and sufficient plot size.

Policy H9 of the Local Plan relates to backland and tandem development. This policy allows backland development when it does not result in loss of privacy, where vehicular access is suitable, where there is no significant increase in noise or disturbance to adjacent residents from traffic using the access, where existing natural features are retained, where adequate private amenity space is provided and the character and amenity of the area as a whole is maintained. The proposed development meets all the criteria of this policy where backland development has already taken place on the adjacent plot, vehicular access already exists and there is no impact on neighbouring amenity or loss of trees.

The principle of the development is therefore acceptable.

Design

The street scene is mixed in both type and design of property. The proposed dwelling is to be a bungalow of similar dimensions to that which is located to the rear of 694 Maidstone Road. The design comprises an 'L' shaped building with a pitched main roof

and a front facing gable, similar to the bungalow 'The Chestnuts' to the south. Soft landscaping is proposed to the driveway which will aid in softening the development.

The proposed bungalow therefore accords with the objectives of paragraphs 15 and 17 of the NPPF and Policy BNE1 of the Local Plan.

Amenity

No windows are proposed in the flank walls of the property other than a bathroom window in the north-eastern flank. Due to the height of this window and the position of the boundary treatment there will be no loss of privacy from this window. It is noted that the applicant is proposing to fit this with obscure glass however, it is not considered necessary to condition this. The proposed dwelling would be sited in line with 'The Chestnuts' and there are no existing windows in the northeastern flank of this property and therefore there will be no loss of outlook to this neighbour.

Due to the path of the sun there will be no detrimental impact on either neighbour in terms of loss of sunlight and daylight.

In order to protect the amenities of neighbouring properties and future occupiers it is recommended that permitted development rights are removed for extensions, roof extensions and outbuildings.

Number of bedrooms	Number of bed spaces	Minimum floor area	Proposed floor area	Minimum storage	Proposed storage
2b	3p	61sqm	65.25sqm.	2sqm	2.22sqm

The table above demonstrates that the proposal meets the National Housing Standards in terms of floor space and storage space.

The proposal therefore accords with the objectives of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Highways

The proposal provides two off road parking spaces which meets the Council's Interim Parking Standards. Two off road spaces remain for the original property at 692A Maidstone Road which also meets with the Council's Parking Standards. The access to the property exists and no objection is therefore raised on parking or highways safety grounds.

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 (SAMB) 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 SAMB measures is secured and the SAMB 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 unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Contamination

The environmental health issues raised are noise, dust and contamination. There is potential for dust and noise during the construction phase and therefore a condition is recommended that requires a Construction Environment Management Plan is submitted prior to work commencing on site. The existing building on the site was used as a garage and therefore a condition is recommended that, if contamination is found, a method statement shall be submitted detailing how this will be dealt with.

The proposed development therefore accords with Policy BNE23 of the Local Plan and paragraph 121 of the NPPF.

Conclusions and Reasons for Approval

The proposed development is in keeping with the surrounding area and will have no detrimental impact on any neighbouring dwellings, parking or highway safety and therefore accords with the above-mentioned Policies and is recommended for approval.

The application would normally be determined by officers however, due to the number of representations received contrary to the officers recommendation, the application is being referred to Planning Committee.

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/>