

MC/18/1803

Date Received: 14 June 2018

Location: 45 And 45B Park Avenue Gillingham Medway ME7 4AQ

Proposal: Change of use of 45B Park Avenue from Bungalow (C3) to Nursing Home (C2) with extension to rear to link to existing care home (45 Park Avenue) with additional parking

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Ward: Watling Ward

Case Officer: Tom Stubbs

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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 26th September 2018.**

**Recommendation - Approval with 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 2468/06, 2468/07 and 2468/08 received on 15 June 2018 and 2468/01 Rev B and 2468/05 Rev A received on 8 August 2018.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and the prevention of escaping pollutants 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 and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 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. This would be required as a sample board with 2/3 bricks to be erected on site no less than 0.5sqm each to show brick types colour pointing and tiles. 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 and conservation area, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 5 No development above slab level shall take place until details of windows and doors 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 and conservation area, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 6 No development above slab level shall take place until a section of the elevation of the link extension at a scale of 1:20 to show how this section would be constructed and attached to the building at No. 45 Park Avenue, 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 and conservation area, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 7 Prior to the first occupation of the care home herein approved, full details of both hard and soft landscape works (including two replacement tree for the trees

removed to the rear of 45B) and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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.

Reason: To ensure a satisfactory external appearance within the conservation area and provision for landscaping in accordance with Policies BNE1, BNE14 and BNE6 of the Medway Local Plan 2003.

- 8 Prior to the first occupation of the development hereby approved the parking spaces shall be surfaced, laid out and provided in accordance with the approved details of condition 7, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) they shall be retained as such and made available for use at all times thereafter.

Reason: To ensure that adequate access, turning and parking are provided on the site in the interests of highway safety and amenity in accordance with Policies T1, T13 and BNE2 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of care home herein approved, details of the refuse storage arrangements for the building use including provision for recycling, shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling and not detrimental to the conservation area in accordance with Policies BNE2 and BNE14 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 change of use of 45B Park Avenue from Bungalow (C3) to Nursing Home (C2) with extension to the side and rear to link to existing care home (45 Park Avenue) together with additional parking.

The proposed glazed single storey pitched roof link extension would measure approx. 10.5m in length, 2.8m in width and 4.2m in height to the ridge (.2.4m in height to the eaves).

The side/rear extension to 45B Park Avenue would project from the existing rear elevation by approx. 15.5m at a width of approx. 17.5m and varying ridge heights between 4.3m to 6.3m. It would also extend approx. 1.2m to the side to link the existing detached garage to the back of the property. The roof would be predominantly hipped, with table top style and flat around the courtyard including insert flat roof dormer to the side.

The proposed change of use and extensions would provide nine additional bedrooms, office, staff room, medication room and court yard to the support the existing care home (at nos. 43-45 Park Avenue) to provide a total of 39 bedrooms. Five additional parking spaces are proposed to the front of the properties with two new landscaped areas to the front and waste storage.

### **Relevant History**

#### *45B Park Avenue*

GL/97/0379/51/0229      Proposed erection of a detached double garage  
Decision Approval  
Decided 05/08/1997

#### *45 Park Avenue listed below.*

MC/15/1171              Replacement of existing silver anodised aluminium  
windows with white uPVC  
Decision Approval  
Decided 27/05/2015

MC/12/2814              Construction of a single storey rear extension to form one  
additional bedroom with en suite w.c.  
Decision Refusal  
Decided 04/02/2013

MC/09/1187              Construction of single storey rear extension  
Decision Refusal  
Decided 08/06/2010  
Appeal Dismissed  
Decided 15/11/2010

MC/08/1960              Construction of a first floor pitched roof extension to  
facilitate two bedrooms and internal alterations  
Decision Refusal  
Decided 29/01/2009

MC/07/0346	Application under Article 4 for the installation of replacement windows Decision Refusal Decided 11/04/2007 Appeal Dismissed Decided 05/12/2007
MC/06/1590	Construction of dormer window to the rear at second floor level Decision Approval with Conditions Decided 11/10/2006
MC/03/0935	Construction of a single storey rear extension for 6 additional bedrooms (amendment to approval MC2002/0423) Decision Approval with Conditions Decided 16 June, 2003
MC/02/0423	Construction of a single-storey rear extension to provide additional six (6) bedrooms Decision Approval with Conditions Decided 23/08/2002

## **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. The NHS has also been consulted.

Ten letters of objection were received from nine addresses raising the following concerns:-

- The extensions and expansion of the care home would be overdevelopment, dominant and detrimental to the conservation area.
- Too many care homes in the area;
- Parking issues along Park Avenue;
- Loss of privacy and overlooking to neighbours;
- Increased noise from use and comings and goings of staff;
- Bungalow should be family home and not large enough to be converted;  
and

- Extending dropped kerb is out of character with the Conservation Area.

These concerns will be considered within the report other issues raised such as covenants are not planning considerations.

It should be noted that the development has been amended and the extended dropped kerbs have now been omitted from the scheme.

## **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 2018 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The application site is within an urban area and within the Gillingham Park conservation area. Paragraph 8 of the NPPF supports strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 60 of the NPPF states that planning authorities should take account of the housing need for different groups in the community, should be addressed including affordable housing, families, older people, students and people with disabilities. A care home then falls within the housing need for the Council and from the emerging evidence of the Local Plan, suggests that there is a need in coming years for more specific care needs within the Medway Towns. Policy CF2 of the Local Plan also supports the introduction of new community facilities subject to amenity, access and size while Policy H8 of the Local Plan sets out the criteria for residential institutions.

The application site is located within the urban area in close proximity to services and public transport links on Watling Street. The proposal would result in the loss of a family dwelling (bungalow) however would provide nine additional bedrooms to an existing nursing home facility. Consequently, the loss of the dwelling in light of the proposed use would be acceptable in principle, as it would provide alternative housing to meet the Councils housing need.

### *Design*

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that new development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policy BNE14 is also relevant stating that new development in Conservation Areas

should achieve high quality design preserving or enhancing the area's historic or architectural character or appearance. Paragraph 190 of the NPPF is relevant in assessing development in context of heritage assets. Concerns have been raised by residents regarding the design of the proposed development and its impact on the Conservation Area.

The street scene is a mix of detached and semi detached Edwardian dwellings, mainly in residential use with some in use as care homes in the area. The application site (45B) is a bungalow built more recently and has no listing.

The proposed extension to the side of the bungalow is considered to be modest and in keeping with the existing bungalow with a similar sized insert dormer in the side elevation as such relatable to the existing dormer in the front. The rear extensions are considered to be acceptable in size and scale compared to the size of the plot leaving approx. 8m from the back of the extension to the rear end boundary. The extensions would vary in appearance and height to the existing bungalow, however would remain subservient, would not conflict in overall design or scale and would not dominate the appearance of the host property.

The extension link to the existing care home at no. 45, would be set back significantly (approx. 23m) from Park Avenue and has been designed to be sympathetic to the host properties. Currently this area consists of a hard concrete car parking area with close boarded fencing resulting in a harsh environment. The proposed link extension would be the back drop to an area of landscaped gardens to the front which helps to break up the harsh environment and would result in an enhanced appearance to this part of the Conservation Area. Consequently a condition would be required to ensure that the landscaped areas are introduced before the new home is occupied.

Consequently, the proposed side and rear extensions would be in keeping with the host property, while the link extension with improved landscaping to the front would result in a development that would enhance the appearance of the Conservation Area and surrounding area as a whole.

Subject to conditions regarding further details of the materials including samples to be used on the construction of the link extension, and details of the landscaping areas and car park; and waste storage area. The proposed development would be in accordance with Policies BNE1 and BNE14 of the Local Plan and Paragraphs 124, 127 and 190 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions for the future residents of the development itself. Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF relates to the protection of these amenities.

### *Neighbouring Residential Amenity*

By virtue of the scale and size of the proposed extension, single storey nature of the extensions; the distance from neighbouring properties and relationship to habitable windows, and the orientation of the site and the path of the sun; it is considered that there would be no detrimental loss of amenity to neighbouring occupiers with regards to loss of outlook, daylight or overshadowing. Concerns have been raised regarding loss of privacy to neighbouring occupiers. However due to the single storey nature of the proposed extensions and position of windows including insert side dormer, there would be no increased levels of overlooking or loss of privacy resulting from the proposed development.

Concerns have been raised on noise and disturbance by residents however it is considered that the end use would not result in an excessive change in noise disturbance that could occur from a residential house. However there is a potential for noise and disruption during the construction phase of the development and to control this it is recommended that a construction management plan be requested by condition. Subject to this condition no objection would be raised.

### *Amenity of Future Occupiers*

With regard to the standard of accommodation which would be provided for future residents of the care home, the submissions confirm that the bedrooms range from between 11 to 12sqm with each room provided with en suite bathroom. A 37sqm day room would be provided for the residents and an internal court yard. The extensions would also retain a suitable level of amenity space to the rear, in addition to the courtyard and two areas to the front. The development would therefore provide sufficient amenity areas for the intended occupants.

Subject to the recommended conditions, the proposal is considered to be acceptable and no objection is raised under the provisions of Policies BNE2 and CF2 of the Local Plan and paragraph 127(f) of the NPPF.

### *Highways*

Concerns have been raised by residents on highway safety and parking pressures along Park Avenue. Concerns that on street parking would be lost from the extended kerbs have been addressed as this now no longer form part of the proposed development. The development would not result in the loss of on street parking.

The Councils maximum parking standards for a care home is 1 space per 6 residents for visitors and 1 per member of staff. The proposed (13) car parking spaces would be slightly under the maximum which would require 13.5 spaces, and as such would be suitable for the care home. The layout of the parking area is adequate and can be flexibly used for deliveries and ambulances. The parking areas utilise the existing access and



would not impact on highway safety. Consequently the proposal is in accordance with Policies T1, T2 and T13 of the Local Plan and paragraphs 102 and 106 of the NPPF.

### *Trees*

Two trees will be required to be removed within the rear garden of 45B Park Avenue. Subject to a condition replacement trees within the landscaping areas to the front no objection is raised regarding Policy BNE43 of the Local Plan.

### *Bird Mitigation*

Natural England (NE) have indicated that contributions towards mitigation measures in regard to bird disturbance on the North Kent Marshes SPA/Ramsars should be sought in regard to all new residential developments falling within a Class C3 (dwellinghouse) use class, as defined by the UCO. This is as a result of an evidence base that demonstrates that new residential development causes recreational disturbance within those locations. However, this proposal relates to a use falling within use Class C2 (Residential Institution) and the NE guidance on this matter specifically states that it is for local planning authority to consider the need for such a contribution on a case by case basis.

The applicant has advised that the nature of the occupiers is such that they would be extremely unlikely to visit the North Kent Marshes SPA, let alone use it for recreational purposes and this being the case they have advised that they do not consider that such a contribution is necessary or reasonably required as a result of this development proposal. It is therefore considered that the contribution would not be pursued in this instance due to the nature of the proposed use.

### *Local Finance Considerations*

There are no local finance considerations.

## **Conclusions and Reasons for Approval**

In summary there is no objection in principle to the proposed change of use to a care home and the impact of the development with regard to the design, impact on the conservation area, amenity and highways/parking is acceptable subject to conditions. Approval is therefore recommended including with regard to Policies CF2, H8, BNE1, BNE2, BEN14, BNE43, T1, T2 and T13 of the Local Plan and Paragraphs 8, 60, 102, 106, 124, 127, 190 of the NPPF 2018.

*The application would normally be determined under delegated powers but is being reported to the Planning Committee for determination due to the number of representations received expressing views contrary to officer's 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://publicaccess1.medway.gov.uk/online-applications/>