

MC/18/3114

Date Received: 26 October 2018

Location: Avenue Tennis Club Glebe Road Gillingham Kent

Proposal: Construction of eight 4-bedroomed dwellings with associated parking and access road (demolition of existing extension to 26 Second Avenue)

Applicant Mr Colin Jarvis

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Ward: Watling Ward

Case Officer: Paul Ives

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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 13th February 2019.

Recommendation: Approve subject to

- A. A Section 06 agreement secure £1916.88 towards Wildlife Mitigation
- 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 numbers: 3111 - 006 Rev E, 012 Rev C and 013 Rev A received 6 November 2018, 3111 - 007 Rev A, 008 Rev A, 009, 010, 011 and 015 received 26 October 2018; 3111 - 018 Rev A received 17 January 2019.

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, E and F 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 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) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, 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: To enable the Local Planning Authority to manage such development in the interests of neighbouring amenity in accordance with paragraph 127f of the National Planning Policy Framework 2018 and Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 No works shall take place on site until a reptile proof fence has been erected on site as shown within the Ecology report dated 28 November 2018 (reference 2017/07/04) and reptile fence detail received on 2 January 2019. The precautionary measures to avoid adverse impacts to reptiles shall be undertaken in accordance with the details in the Precautionary Reptile Mitigation Strategy overall. If reptiles, or evidence of reptiles, is found during the works, the applicant/developer shall stop work and follow advice from an independent ecologist in accordance with full details of mitigation to be agreed in writing by the local Planning authority. The development shall thereafter be completed in line with the agreed measures.

Reason: To enable the careful management of any reptile habitat during the course of any development works on site in accordance with the objectives of paragraph 175 of the National Planning Policy Framework 2018 and Policies BNE 37 and BNE39 of the Medway Local Plan 2003.

- 8 Prior to the completion of the development, details of the biodiversity enhancements to be implemented shall be submitted to, and approved in writing by the local planning authority and shall include measures recommended in paragraph 4.10 of the Preliminary Ecological Appraisal (KB Ecology Ltd August 2017). The approved details shall be implemented prior to occupation of any dwelling and thereafter maintained.

Reason: To provide improvements through biodiversity enhancements to wildlife habitat in accordance with the objectives of paragraph 175 of the National Planning Policy Framework 2018 and Policies BNE 37 and BNE39 of the Medway Local Plan 2003.

- 9 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, phasing (where appropriate) implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage surface water during and post construction and for the lifetime of the development in accordance with the objectives of paragraph 163 and 165 of the National Planning Policy Framework 2018.

- 10 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with any subsequent details approved and thereafter maintained. 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 (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.

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

- 11 The dwellings shall not be occupied until details of secure cycle storage for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved detail and retained thereafter.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 12 No dwelling shall 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 any dwelling and/or building 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 paragraph 125 of the National Planning Policy Framework 2018 and Policy BNE1 of the Medway Local Plan 2003

- 13 Prior to the first occupation of the development herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Details for hard landscape works shall include specification of means of enclosure; all paving and external hard surfacing. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities.

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 and provision for landscaping in accordance with paragraph 125 of the National Planning Policy Framework 2018 and Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 Prior to the first occupation of any dwelling herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas that are not privately owned for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with paragraph 124 of the National Planning Policy Framework 2018 and Policies BNE1 and BNE6 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 eight 4 bedroom dwellings with associated parking and access road together with demolition of existing extension to 26 Second Avenue, Gillingham.

To facilitate access the proposal requires the demolition of an existing side extension reducing the above property from a three bedroom dwelling to a two bedroom unit.

The access from Second Avenue would link with an existing lawn tennis club to the rear. The tennis club has a gated access currently from Glebe road which also serves a relatively new housing development on the south western boundary of the site (MC/17/2328).

The development would require the provision of an access road with turning and parking to serve each dwelling.

Three house types are proposed throughout.

House Type A comprises hall, w/c, living room, utility room and kitchen diner at ground floor level with four bedroom above served by en suites and a bathroom. The dwellings

would have a gable roof of contemporary form with raised window features at first floor level. Each dwelling would have a height of 5.0m to eaves and 8.5m to ridge.

House Type B would be of a relatively narrow design with vertical emphasis on three levels. The ground floor would comprise Kitchen, hall, lounge and w/c. First floor would comprise two bedrooms and a bathroom. At second floor level within the roof, two further bedrooms and an en-suite are proposed. Each dwelling would have a height of approx.. 6.5m to eaves and approx.9.8m to ridge.

House Type C would comprise hall, w/c, Living room, Kitchen/dining room with garden and utility room behind a garage at ground floor level and above four bedrooms are proposed with bathroom and en suites. This layout would have a projecting rear single storey element to the rear. The dwelling would have a gable roof of contemporary form. All house types would be finished in brick, render, dark grey fenestration, zinc roofing with 1.8m close boarded fencing to the private gardens. The dwelling would have a height of approx.. 5.0m to eaves and approx.8.5m to ridge.

Plot 1 (House Type A) is proposed to comprise a detached dwelling with garage to the north eastern side flank of the dwelling and two parking spaces to the front garden. The plot width would measure approx. 18m wide including the rear garden by approx. 9m to the rear boundary. The property would be of a gable design.

Plot 2 and 3 (House Type A) are proposed as two linked detached houses served by attached side garages and parking on hardstanding for an additional car. Plot 3 would also have access to a third parking space to the south east of the site in front of the dwelling. Both plots would be a minimum of approx. 12m width with a depth of approx. 9m to the rear boundary from each dwelling. The two properties would have a handed gable design.

Plots 4 and 5 (House Type A) are proposed as two detached houses linked by the garage of Plot 4. Both would be served by two parking spaces in the form of a garage and hardstanding to the side of each dwelling to a tandem layout. Plot 4 would also have the use of a third parking space to the front and Plot 5 a hard standing space to the south-western side of the dwelling. Both plots would be a minimum of approx. 14m width with a depth of approx. 9 m minimum to the rear boundary from each dwelling. The two properties would have a handed gable design.

Plot 6 (House Type C) is proposed to comprise a detached house with garage to the side and hardstanding space to the front. A third parking space is proposed to the north-eastern side of the dwelling on a hardstanding. The plot width would be approx. 14m wide with a varied depth of garden to a gable design. The nearest point of the property would be approx. 5m from the rear south-eastern boundary.

Plots 7 and 8 (House Type B) is proposed to comprise detached houses with two tandem parking spaces to the side of each dwelling. Both would be served by relatively wide

gardens (approx. 11m minimum) but vary in depth due to the footprint of each building. At its nearest point each dwelling would be approx. 6m from the rear boundary. The properties would have a vertical emphasis to a gable design utilising the roof space for accommodation.

One visitor parking space is proposed behind the reduced garden size of the existing dwelling to be retained on site.

The proposal includes an indicative planting scheme comprising a mix of retained trees and proposed planting. A scheme of ecological mitigation and enhancement has been submitted.

Site Area/Density

Site Area: 0.3 hectares (0.07 acres)

Site Density: 27dph (11.5dpa)

Relevant Planning History

MC/17/2328

Construction of a single terrace of four town houses with associated parking and refuse storage - resubmission of MC/17/1708

Approved 18 October, 2017

MC/15/1751

Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area

Approved 29 July, 2015

MC/16/3217

Application for non-material amendment to planning permission MC/15/1751 - for enclosure and canopy over external dining area adjacent to restaurant

Decision Approval with Conditions

Decided 7 September, 2016

MC/15/3205

Application for a variation of condition 2 for minor material amendment to planning application MC/15/1751 - Revised vehicle entrance position off Featherby Road, hard courts repositioned adjacent to the clubhouse with the parking positioned along Featherby Road, entrance position into club house building revised, balcony to club house at first floor removed, minor elevational change to materials on North East elevation, minor revisions to end elevation to North East and minor revisions to South West elevation (club house only)

Decision Approval with Conditions

Decided 4 November, 2015

Representations

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

37 letters have been received (including two from six households) raising the following objections:

- Overdevelopment
- Backland development
- Flood risk and lack of details regarding drainage
- The overstretched capacity of the area will lead to a once domestic environment being spoilt
- Inadequate parking provision and Increased parking competition on the highway
- Adverse impact on highway safety
- Poor access for emergency vehicles
- Adverse impact on wildlife
- Adverse impact from construction works
- Noise and light pollution
- Loss of green space and local sports facility
- Congestion and impact on air quality
- Loss of privacy
- Loss of Light
- Potential breach of security
- Impact on Medway Hospital capacity
- Alternative brownfield sites in Medway are available for development
- Existing buildings on site have historic interest

Natural England accepts that suitable wildlife mitigation has been provided and as such the proposed developments will not have an adverse effect on the integrity of the European protected site(s).

Sport England made no comment.

KCC biodiversity raise no objection.

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

Background

Following planning permission being granted for a new tennis academy in nearby Featherby Road, this tennis courts has become redundant. The tennis centre provides enhanced facilities for tennis players and members of this site have now moved to this new facility. The application site has therefore become surplus to the applicants requirements where the new sports facility [provision would meet the objectives of sports facility provision and healthier lifestyle objectives of Section 8 and paragraph 97 of the NPPF.

Principle

The application site lies within an urban, residential area. Policy H4 of the Local Plan states that residential development in the form of infilling in such area areas is acceptable providing that a clear improvement in the local environment will result. Policy H9 relates to backland/tandem development where consideration is given to amenity, access, loss of natural features an character. Paragraph 70 NPPF states that development in residential gardens should be resisted where it would cause harm to the local area. Subject to compliance with detailed matters which are subject to assessment below, the principle of the redevelopment of the site for residential purpose is considered acceptable given the residential nature and character of the area. The site is also not a protected landscape feature. The development would be in accordance with paragraph 70 of the NPPF and Policies H4 and H9 of the local Plan. No objection is raised to the loss of the existing building and sheds on site as the building has been altered substantially in the past with a variety of materials; is not listed and the sheds are recent additions to the site.

Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. The proposed development would deliver a scheme of housing that would make good use of land where the existing facility is no longer needed and alternative facilities have been provided nearby. The proposal would also have its own access leading to comprehensive development of land available. Whilst it is understandable that the presence of housing will be different to that currently experienced by nearby residents, the proposal represents a good opportunity to provide additional housing in an urban area to modern standards whilst preserving and enhancing elements of perimeter landscaping where appropriate. The design approach would touch on the use of contemporary materials and features nearby and whilst isolated back from the main highway would create a sense of place for future residents. In addition to the proposed houses, the existing dwelling would be renovated and brought back into use as a two bedroom dwelling which is encouraged with appropriate garden space and parking. The proposed layout overall would be relatively spacious and whilst gardens would lack depth in comparison to nearby

development, the gardens would be generous in terms of size and character. Overall, it is considered that the proposal is in accordance with paragraphs 124 and 127 of the NPPF and Policies BNE1, BNE6, H4(i)(ii) and H9(vi) of the Local Plan.

The applicant has indicated an intention to protect existing natural features and enhance where appropriate-full details however would need to be managed by planning condition to ensure landscaping is managed appropriately and a suitable scheme of enhancement is provided. A 'Tree Plan' (drawing 3111-018) has been submitted showing removed, retained and proposed tree planting. The drawing provided proposes a high number of trees across the development, which is unrealistic. The development proposals need to take into account any tree planting that is removed and subsequent landscape proposals that could mitigate this impact. Consideration should be given to the species type, supply height and eventual canopy spread of any proposed tree planting within the development; its proximity to any proposed & / or existing property and the effect it could have on light. A strategic placement of tree planting, along with shrub planting areas, hedge planting and lawns to property frontages may be considered appropriate. The narrow strip indicated in blue closest to Second Avenue highlighted as reptile mitigation may be better suited to feature a hedge planting.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF relates to the protection of these amenities.

Impact on neighbours

The levels of activity will increase at the point of access and within the site. The movement of vehicles will not however have a significant impact on nearest neighbours property in consideration of relative low level movements, boundary treatment height; presence of existing and proposed planting and the distance from neighbouring gardens. The lack of any fenestration on the side flank of the affected property to the north east of the point of access together with the size and depth of neighbouring gardens also helps. In terms of privacy, in consideration of the distance to neighbouring properties and depth of gardens, the proposal would not be considered harmful to amenity. This distance also would ensure there would be no adverse impact in terms of outlook or sunlight/daylight loss.

Impact on future occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). A 4 bed 2 storey 7 person dwelling would require a min. of approx. 115m² and a four bed 3 storey 8 person dwelling approx. min. of 130m². The proposed approx. gross internal floor areas (GIA) of each house would exceed the minimum standard for each specific house type as follows:.

- House Type A measures approx.140m²;
- House type B 139m²; and
- House Type C 162m².

All double bedrooms would meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed gardens vary and whilst in places may not meet the min. standards in terms of distance from the rear most elevation of the relevant housing, in consideration of the width of plot and footprints proposed, no objection is raised. No objection would be raised to residents presenting refuse sacks to the kerb on collection day.

The proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

There is the potential that the housing could be let as a small house in multiple occupancy. This may affect residential amenity in terms of disturbance and parking competition. This can be managed by condition. The proposed gardens lack depth, permitted development rights are recommended to be removed in the interests of future occupier's amenity.

Highways

The plans include the provision of at least two off-road parking spaces to serve each dwelling with two visitor's spaces also. Whilst the development is lacking one visitor space relative to the number of dwellings proposed, in consideration of the extent of parking to be provided and its location being close to amenities and local bus routes, the layout would be considered an acceptable form of development in this urban location.

The proposal would comply with the car parking standard.

Other matters

Construction and Environmental Management Plan

It is considered that a Construction Environmental Management Plan (CEMP) is required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents.

Sustainable Drainage

The proposed development is located in a drainage catchment with some areas 'downstream' that are prone to flooding. The government's Flood Risk and Coastal Change guidance states any development should not increase flood risk off-site and elsewhere, so a drainage scheme needs to be appropriately secured including surface

water drainage mitigation through soakaways for example. As the site will have increased impermeability, surface water runoff is likely to increase. Soakaways are likely a suitable option to manage surface water, but need to be ensured they have capacity to cope. In addition, the applicant would also need to demonstrate how water quality will be managed across the site. The site is located above an area of groundwater, which is of moderate susceptibility to contamination. It is therefore required that any infiltrating water (such as that from soakaways) should be free of contaminants. Permeable paving however is likely to be appropriate. The use of rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. Using these systems may allow smaller soakaway units to be used, as there will be alternative storage for rainwater under storm conditions.

A maintenance scheme would need to be submitted and approved for any Sustainable Urban Drainage Systems (SuDS such as soakaways and permeable paving) on site. This includes details of when and what maintenance will be carried out (some guidance can be found in the CIRIA SuDS Manual), as well as who will be carrying it out. If the proposed SuDS systems are not properly maintained, there is potential for flooding. Accordingly, an appropriate planning condition is recommended to be imposed to address this.

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 £239.61 per dwelling 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 a SAMMs agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

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

No local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered to be acceptable and would meet with the set objectives of paragraphs 70, 124 and 127 of the National Planning Policy Framework 2018 and the provisions of Policies BNE1, BNE2, BNE6, H4 and H9 of the Medway Local Plan 2003.

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