

MC/18/3061

Date Received: 19 October 2018

Location: 126 Hempstead Road Hempstead Gillingham Kent

Proposal: Demolition of existing bungalow and construction of 2 semi-detached houses

Applicant Mr And Mrs C P Feist Brown

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Kent  
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Ward: Hempstead And Wigmore Ward

Case Officer: Paul Ives

Contact Number: 01634 331700

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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 - Approval subject to:**

A. A contribution of £239.61 towards wildlife mitigation. This has been paid

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:

Drawing number 18 09 01B and accompanying letter dated 11 December 2018 received on 13 December 2018 and materials schedule received on 19 October 2018.

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

- 3 Notwithstanding the submitted information, no development shall take place until a revised 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.

- 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 unless hereby approved by condition shall be carried out within Schedule 2, Part 1 Class A, B, C, D 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 Prior to installation of obscure glazed windows as shown on plan 18 09 01B, full details of the glazing type including the level of obscurity shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed prior to occupation of the dwellings in accordance with any details subsequently approved and following installation thereafter maintained.

Reason: In order to protect the amenity of adjacent neighbours in accordance with the objectives of paragraph 127f of the National Planning Policy Framework 2018 and Policy BNE2 of the Medway Local Plan 2003.

- 6 The development shall be implemented in accordance with the materials schedule hereby approved.

Reason: In the interests of visual amenity in accordance with paragraphs 124 and 127 of the National Planning Policy Framework 2018 and Policy BNE1 of the Medway Local Plan 2003.

- 7 The front parking area shall not be brought into use until it has been formed from permeable surfacing materials or has provided with drainage arrangements within the site which shall thereafter be retained.

Reason: To manage surface water in accordance with Paragraph 103 of the NPPF.

- 8 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.

## **Proposal**

This application seeks planning permission for the demolition of an existing bungalow and the construction of 2 semi-detached houses with parking for two vehicles within the front garden of each property. Each dwelling is proposed on three levels by utilising the roof space for habitable accommodation.

The layout on a handed design would provide the following layout:

### Ground floor

Porch, hall, w/c, utility room, sitting room and kitchen/dining area. A cycle store is proposed within the garden to the rear and a base for a shed is indicated for a shed on each plot.

### First Floor Level

Three bedrooms with two en-suites and bathroom.

### Second Floor Level (Roofspace)

Bedroom, en-suite and study.

The dwellings are proposed to have a height of approx. 5.1m to eaves and approx. 8.8m to ridge height from ground level. The existing bungalow is approx. 5.5m to the ridge. Both dwellings combined would measure approx. 15.5m across the width of the plot allowing for an inset of approx. 1m from each of the neighbouring boundaries to the sides.

A gable design is proposed with the use of roof lights and dormers to front and rear. The front dormer to each dwelling would be of a hipped roof design. There would be a sloping roof single storey porch projection below. Larger dormers are proposed to the rear of a sloping roof design adjacent to a catslide detail serving the rear first floor level.

At ground floor, a mono pitched roof is proposed above a single storey projection. This would be linked to a mono pitched cycle store design behind. Oriel windows are proposed to the side flanks to serve as the only means of outlook to the side bedrooms proposed at first floor level. Obscure glazed windows are proposed to the rear elevations above ground floor level with the exception of an angular window to one bedroom at the rear of each dwelling. Each plot is proposed to be served with an approx. 12m depth garden to the rear with side pedestrian access from the front. The

gardens would be enclosed with close boarded fencing to a minimum of approx.1.8m. A bin store is proposed to the front in combination with some soft landscaping.

### **Site Area/Density**

Site Area: 0.05hectares ( 0.12acres)

Site Density: 40dph ( 16dpa)

### **Representations**

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

**Twelve** letters have been received following both initial and re consultation on amended plans raising the following objections:

- Loss of Privacy
- Loss of sunlight and Day light
- Out of character with the area
- Incongruous form of development
- Increase in parking on the highway
- Adverse impact on amenity

### **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 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. Paragraphs 117 and 122 of the NPPF supports the effective and efficient use of land. In this case, the plot is large and currently occupied by a bungalow providing a single household dwelling. The proposal would allow for more effective and efficient use of the land by accommodating two dwellings for single household occupation. Therefore, on this basis the proposal is acceptable with regard to the principle but is subject to compliance with detailed matters which are set out in the assessment below.

#### *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 design would clearly alter the appearance of the site in terms of scale when compared to the existing property on site. Whilst this is the case, the proposal would reflect established two storey development with accommodation in the roof further south on the same side of the road and opposite. Where the character of design is mixed, no significant harm would be caused where the frontage would appear principally two storeys. It is noted that the proposal would result in the loss of bungalow housing in this location where there is a run of bungalows present but no harm would be caused in this very mixed streetscene of housing. Amendments have been submitted to pick up on features of established housing and the proposal would provide additional family housing to meet need. To the front the modest dormers proposed would on balance be acceptable. To the rear, the elevations would not be prominent from the highway but would have greater variation in appearance. Whilst seen from neighbouring gardens, the design approach is coherent and considered acceptable in the form proposed where the proposal would appear as two storey development with accommodation in the roof. Whilst the roof accommodation would be clearly seen from neighbouring gardens, the design approach is also a reflection of development in the vicinity. The materials proposed are considered acceptable. Accordingly no objection is raised on design grounds.

It is considered that the proposal is in accordance with Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

### *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.

### *Residential Amenity*

#### Amenity of Neighbours

In terms of privacy, the proposed scheme has been designed to limit direct overlooking of private amenity space by the type of glazing proposed and the angle of view across neighbouring gardens. With this in mind and proposing that it should be managed by condition, no objection is raised. In terms of potential sunlight and daylight loss, there will be an element of impact to neighbours on both sides during the day. Whilst this would be the case, it would not be considered significant enough to justify refusal on this ground in consideration of the siting, orientation of the proposal and path of the sun. The proposal will increase the presence of built form closer to the boundary and higher than the existing dwelling. In consideration of the height of the development, size of neighbouring plots and extent of amenity space available, no objection is raised.

#### Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 189 gross internal floor area (GIA) for each dwelling would exceed

the minimum standard for a 4 bedroom, 5 person over three storey minimum GIA of 103m<sup>2</sup>. The double and single 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 exceed these depths being approx. 12m deep from the rear of the dwelling. Outlook from bedrooms would be acceptable and whilst the use of oriel windows as a main form of outlook is not ideal, in consideration of this and alternative light means from other windows being provided, no objection is raised. As the gardens are at a premium and further roof works could be undertaken under permitted development, it is considered appropriate to remove permitted development rights to enable the authority to manage development in the interests of amenity protection. No objection would be raised to garden sheds in the location shown but again this could be managed by condition in terms of amenity management. 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 also be managed by condition.

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

#### *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. The applicant has submitted a CEMP with the plans, however, the CEMP is too vague in its measures for the reduction of noise and dust suppression. Working hours are not defined to just Saturdays and no workings on Sundays or bank holidays. Accordingly notwithstanding this submission, a condition should be applied to ensure that the Management Plan fully considers the measures needed to reduce the impact and potential nuisances caused by the demolition and construction of the development.

#### *Highways*

The plans include the provision of two off-road parking spaces to serve each of the proposed dwellings in accordance with the adopted Interim Residential Parking Standards. Surface water drainage mitigation could be achieved by condition.

It is not considered that this would result in any adverse highways impacts and the development is considered acceptable with regard to Policies T1, T2 and T13 of the Local Plan and Paragraphs 105 and 108 of the NPPF.

#### *Bird Mitigation*

The proposed site falls within the 6km buffer zone of the North Kent Marshes SPA/Ramsar Sites and therefore there is a requirement for mitigation for bird disturbance within such areas.

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 (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 paid this tariff and 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**

It is considered that the details of the proposal are acceptable. There would be no detrimental impact on the character and appearance of the existing streetscene, amenities of future occupiers, neighbouring residential amenities or highways. The application is in accordance with Policies S6, H4, BNE1, BNE2, BNE35, T1, T2 and T13 of the Local Plan and Paragraphs 117, 105, 108, 121, 124, and 127 of the NPPF.

This 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 for approval.

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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/>