

MC/19/0470

Date Received: 20 February 2019

Location: 371-375 Maidstone Road Rainham Gillingham ME8 0HX

Proposal: Application for approval of reserved matters being access, appearance, landscaping, layout and scale pursuant to appeal decision APP/A2280/W/16/3148738 - Outline application with all matters reserved for the construction of a first floor extension with dormer windows to form three 1-bedroomed flats including rear land balcony, stairway and parking

Applicant Mrs D Kaur

Agent Mr Robert A Clayton
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Ward: Rainham South Ward

Case Officer: Doug Coleman

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 24th April 2019.

Recommendation - Approval with Conditions

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 12.05.02/2 received on 20 February 2019.

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

- 9 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 and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 10 The measures contained in the noise protection statement received on 20 February 2019 shall be implemented in full before any part of the development is occupied and shall thereafter be retained.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Recommendation – Approval with Conditions

Proposal

This application seeks approval of reserved matters (access, appearance, landscaping, layout and scale) following the grant of outline planning permission for the construction of a first floor extension with dormer windows to form three 1-bedroomed flats including rear land balcony, stairway and parking. Illustrative drawings were submitted with outline the application, which was accompanied by a Design and Access Statement, Planning Statement and Air Quality and Noise Protection Statement.

The proposed flats would be accessed via an external stairway to the rear, leading to a landing and all three flats would be accessed from this landing. The accommodation in each flat would comprise a kitchen and bathroom at the rear and a sitting/dining room at the front. A bedroom for each flat would be provided in the roofspace with rooflights at the front and dormers at the rear. The proposed building would be constructed in red brick with Rustic red, Redland Plain roof tiles. The rear parking area would be block paved and an approx. 1.8m high close boarded fence would be installed along the rear boundary.

The application proposes three additional car parking spaces, plus cycle parking at the rear, accessed via the existing drive. To achieve this level of parking, a storage building would be demolished and the vegetation and small trees to the rear would be removed. Two garages and a store would remain. Three bin stores, one for each flat, are shown on the area currently occupied by the parcel locker.

Site Area/Density

Site Area: 0.05 hectare (0.125 acre)
Site Density: 60 dph (24 dpa)

Relevant Planning History

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|------------|---|
| MC/15/2939 | Outline application with some matters reserved (landscaping) for the construction of first floor extension with dormer windows to form three 1-bedroomed flats including rear land balcony, stairway and parking Refused 17 December, 2015 Appeal allowed 14 September 2016 |
| MC/14/1697 | Outline application with some matters reserved (landscaping) for the construction of first floor extension with dormer windows to form three 1-bedroomed flats including rear land balcony, stairway and parking Refused 11 September, 2014 Appeal dismissed 16 March 2015 |
| MC/14/0540 | Siting of parcel locker (retrospective) Approved 22 April, 2014 |
| MC/14/0014 | Outline application with some matters reserved (landscaping) for the construction of first floor extension with dormers to form 3 one bedroom flats including rear land balcony and stairway, bin and cycle storage Withdrawn by Applicant 26 February, 2014 |
| GL/59/166J | Outline application for erection of one bungalow. Refused 24 June 1988 |
| GL/59/166 | Erection of shops with flats over Approved 20 October 1959 |

Representations

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

Nine letters have been received raising the following objections:

- Proposal would add to parking problems and traffic congestion in area, including Maidstone Road and Woodpecker Glade;
- Occupiers of the proposed flats would not park at the rear, due to width of drive, but would use parking spaces in front of shops;
- Refurbishment of Queen's Head could add to parking problems;
- The removal of the locked gate and opening of access will raise security issues and a recent breaking nearby is referred to;
- Tenants of proposed flats will not spend all night looking out for burglars;

- Impact of additional vehicles on air quality.

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 2019 and are considered to conform.

Planning Appraisal

Background

The first application, MC/14/1697, was refused by the Committee on 11 September 2014 on the grounds that:

"The development, by virtue of the contrived nature of the car parking proposed to the rear that is unlikely to be readily and easily used, would result in competition for the off street parking spaces to the front of the shops which would have the knock on impact of either being detrimental to the viability and vitality of the shops within this Local Centre or causing potential customers to the shops or prospective residents or visitors to the proposed flats to park in an inappropriate location to the detriment of highway safety in this location close to a busy roundabout junction. The proposal is therefore contrary to the provisions of Policies H4, R10, T1 and T13 of the Medway Local Plan 2003 and the NPPF 2012."

A subsequent appeal against the refusal of planning permission was dismissed on 16 March 2015.

The second application, MC/15/2939, made changes to the layout at the rear of the site, including re-positioning the external stairway to leave more space at the rear for parking, turning and for bin storage.

During consideration of that application specific concerns were raised relating to the operation of the florist's shop. The applicant's agent advised that parking by shop tenants at the rear was not permitted under the terms of the lease, but they can use the rear service yard for loading/unloading. The agent sought to address this by reaching an agreement with the florist to the effect that he would allocate the parking space in front of the florist's for their deliveries/parking during shop opening hours. However, the agent was unable to reach an agreement and consequently the application was refused for this reason only. Notwithstanding, the Inspector did not see this as an issue and the appeal was allowed.

Principle

The principle of the proposed development was accepted with the grant of outline planning permission on appeal, in accordance with Policy H4 of the Local Plan and Paragraphs 49 and 51 of the NPPF 2012. The publication of a new NPPF in 2019 raises no new issues of principle so far as this application is concerned. The only issues for consideration are design issues – layout, scale, appearance and landscaping, and access. Parking was addressed at the outline stage and is not an issue for consideration under this application.

Design

The application seeks the approval of reserved matters (appearance, layout, scale and landscaping) but the submitted details are the same as the illustrative drawing submitted with the outline application. These show a block of three flats over the existing single storey building measuring approx. 18m wide by approx. 26m deep and is currently occupied by a single storey block of three shops. Immediately to the south is a two storey building with a gabled roof fronting the highway, with another shop on the ground floor (377 Maidstone Road). There is a drive between the three shops and this property, which forms part of the application site, leading to a small yard and a block of three garages at the rear of the shops. This drive has gated access. The land slopes gently from front to rear.

The shops are set back approx. 7m from the back of the footpath and there is a hard surfaced area in front of the shops, which is used for the parking. There is a layby in front of this parking area.

To the rear (east) of the site, are the rear gardens of properties in Woodpecker Glade, whilst to the north is a large detached building (369 Maidstone Road), which is set back approx. 16m from the highway and is used as a nursing home.

The existing single storey block of three shops has little design merit, and in this regard the proposal should enhance the character and appearance of the building. The resultant development would have the appearance of a typical row of shops with flats over, which is found in many local shopping centres and as such would be acceptable. The ridge would be higher than that of the gable-ended property to the south (377 Maidstone Road), but would correspond with the property to the north (369 Maidstone Road) which has a larger in appearance. The proposed building would appear larger at the rear, due to the fall in the level of the land. However, the rear elevation would not be visible from the public highway and would be approx. 48m from the rear of the neighbouring building.

However, having regard to the variety of development in this part of Maidstone Road, no objection is raised to the proposal in terms of design and the character and appearance of the area under Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF 2019.

Amenity

Occupier amenity

The proposal has previously been assessed against the DCLG's Nationally Described Space Standards which specify a minimum GIA of 58 sq m for two storey/one bedroom/two person dwellings. Each unit would have a GIA of 84 sq m, which would exceed this standard. No objection is, therefore raised in terms of residential amenity for future occupants under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Neighbour amenity

There would be no windows in the flank walls of the proposed development and there would therefore be no unacceptable overlooking to the neighbouring properties. To the rear of the site, the nearest property is 9 Woodpecker Glade, the rear wall of which is approx. 48m from the rear of the proposed development. In the first appeal decision, the Inspector concluded that *"due to the physical separation of no 9 from the appeal site I consider that this would not be overbearing or unacceptably harm the living conditions of the occupiers of no 9"*.

In terms of light and outlook, the only property that could be affected is the nursing home to the north. Due to the setback of that property, the proposed development is likely to cause some overshadowing to the front of the nursing home during the early afternoon. However, this would not be significant and would only affect the car park and not the private area to the rear.

No objection is, therefore, raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The only highway issue to be considered under this application is access which is a reserved matter. However, the access is fixed. There is only one vehicular access to the site and that is via the approx. 2.6m wide drive between 375 and 377 Maidstone Road. In his decision letter, the Inspector concluded that *the access drive between the appeal building and neighbouring property is too narrow for larger delivery vehicles, but is adequate for cars and smaller commercial vehicles*.

Having regard to the Inspector's conclusion, no objection is raised in terms of access under Policy T2 of the Local Plan.

So far as parking is concerned, three car parking spaces are proposed, which would comply with Medway Council's adopted parking standards, together with cycle storage in a shed to the rear. When the first application was considered, concerns were raised with regard to the layout of the parking and the application was refused. These concerns were shared by the Inspector who dismissed the appeal, stating that the car parking layout was

such that it would be difficult to manoeuvre vehicles in the confined space.

The second outline application revised the layout to address these concerns and was considered to be satisfactory. The parking layout submitted under the reserved matters application is the same as was shown on the outline drawings that were approved at appeal.

No objection is, therefore raised in terms of parking under Policy T13 of the Local Plan and Paragraphs 105 and 109 of the NPPF.

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 (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 applicant agreed to pay this tariff and submitted a unilateral undertaking during consideration of the appeal. No objection is therefore raised under Paragraphs 175, 176 and 177 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other Matters

The other reserved matter is landscaping, for which approval is sought. The Design and Access Statement states that the rear service yard is overgrown and the vegetation is to be cleared. Due to its size, planting in the rear parking/servicing area would be impractical. It is proposed that this area be block paved and a 1.8m high fence would be installed along the rear boundary. This parking area, being located to the rear, would not

be visible from the highway or any public place and the lack of planting would not, therefore, have a detrimental impact on the street scene.

An Air Quality and Noise Protection Statement was submitted as part of the outline application and found to be acceptable. However, no conditions were imposed by the Inspector requiring the work to be carried out. Similarly, no condition was imposed requiring the submission and approval of a Construction Environment Management Plan. Conditions are, therefore recommended to address these points in this application.

Concerns have been raised regarding the removal of the gate across the drive. Whilst these concerns are noted the removal of this gate is not subject to planning control and could take place irrespective of whether or not an application has been submitted.

Local Finance Considerations

There are no local finance considerations raised by this application

Conclusions and Reasons for Approval

The principle of the proposed development has been accepted with the grant of outline planning permission. The reserved matters application is considered to be acceptable in terms of design and appearance, amenity, and highways. The applicant submitted a Unilateral Undertaking in respect of mitigation measures during consideration of the appeal. No objection, is therefore raised under Policies BNE1, BNE2, BNE35, T2 and T13 of the Local Plan and Paragraphs 105, 124, 127 175 and 176 of the NPPF, and the application is recommended for approval.

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/>