

MC/19/0069

Date Received: 9 January 2019

Location: 29 Tufton Road Rainham Gillingham Kent

Proposal: Demolition of existing bungalow and construction of a pair of three bedroom semi-detached dwellings with associated parking (resubmission of MC/18/1887)

Applicant Mr Dennis Bookes

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Ward: Rainham North Ward

Case Officer: Katherine Parkin

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

- 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 DB/18/04 Rev. A received on 10 January 2019 and DB/18/03 Rev. B received on 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, 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 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 dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. 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 or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 7 The areas shown within the front gardens for soft landscaping shall be kept available as such 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.

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.

- 8 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; lighting and dust control measures; pollution incident control; parking of operatives vehicles; deliveries to the site; and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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.

- 9 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from the adjacent commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development in order to minimise the impact on the amenities of local residents and with regard to Policy BNE2 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 demolition of the existing bungalow and the construction of a pair of semi-detached three bedroom dwellings with associated parking (resubmission of MC/18/1887).

The proposed dwellings would be approximately in line with the front building line of neighbouring properties, and would not extend as far back into the site as the existing bungalow. Each property will be 6.6m wide, 8.2m in length, 5.3m to eaves, and 8.2m to ridge height. There will be a roof canopy across the front at ground floor level, two small dormers within each rear roof slope, and one rooflight to each front roof slope.

The internal layout would comprise an entrance lobby, WC, lounge, and kitchen/dining room on the ground floor, bedrooms 1 (with an ensuite) and 2, and the main bathroom

on the first floor, and bedroom 3 within the roofspace. The proposed rear gardens would have a depth of 6.5m and a width of 8.3m. The flank walls of the proposed houses would be 1.59m away from each flank boundary.

To the front, the gardens would be 4.8m in depth, and would include a parking area for 2 cars side by side for each property. There would be a planting area adjacent the outermost flank boundary of each property, with a pathway leading to each front door and gates into both rear gardens. Bin storage areas would be located behind the fences to the rear gardens.

Site Area/Density

Site Area: 0.032 hectares (0.08 acres)

Site Density: 62.5 dph (25 dpa)

Relevant Planning History

MC/18/1887 Construction of three 4-bedroom dwellings with associated landscaping and parking - demolition of existing bungalow
Decision Refused
Decided 22 August 2018

Representations

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

Four representations from neighbouring properties have been received, objecting on the following grounds:

- There is not enough space for the amount of parking proposed; where will the overspill parking go? Large SUV/4x4 cars will not fit on the proposed driveways.
- Existing residents will have less space to park on the street, where there is already a huge parking problem and pressure on spaces.
- Invasion of privacy.
- Effect on outlook.
- Loss of light.
- Disruption/noise/parking during construction and from new residents.
- Devaluation of property prices.

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 (NPPF) and are considered to conform.

Planning Appraisal

Background

The previous application MC/18/1887 for the construction of a terrace of three 4 bedroom dwellings was refused on the following grounds:

- 1. As a result of the lack of internal floorspace and the depth of the external private amenity space the proposal would result in a poor level of amenity for the future occupiers of the development and therefore indicates that the proposal is overdevelopment of the site contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003 and paragraph 127 of the National Planning Policy Framework 2018.*
- 2. The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to paragraphs 175 and 176 of the National Planning Policy Framework and Policies S6 and BNE35 of the Local Plan.*

The current application has revised the proposal to incorporate a pair of semi-detached 3 bedroom houses, and has been submitted with a draft Unilateral Undertaking to pay the SPA mitigation contribution on the commencement of development in order to overcome these refusal grounds.

Principle

In considering the acceptability of the principle of housing development on the site, and assessing the proposal against the relevant planning policies, firstly it must be considered that the NPPF encourages an effective use of land in meeting the need for homes, in a way that makes as much use as possible of previously-developed or 'brownfield' land (paragraph 117). Paragraph 122 also supports development that makes efficient use of land, taking into account an area's prevailing character and setting. Policy H4 of the Local Plan relates to housing in urban areas, and allows for the redevelopment of existing residential areas, providing that a clear improvement in the local environment will result.

The application site is located within the urban area, and currently contains a bungalow. The proposal for its replacement with a pair of semi-detached houses would comply with the requirements of the NPPF and Policy H4, where the principle of new housing in urban areas is generally acceptable. The proposed development of replacement housing would respect and enhance the established residential character of the area. The proposal is therefore considered acceptable in principle, in accordance with Paragraphs 117 and 122 of the NPPF and Policy H4 of the Local Plan, subject to the consideration of detailed matters set out below.

Design

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 127 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area. Policy H4 has the proviso that a clear improvement in the local environment must result from redevelopment.

The proposed semi-detached houses will be of a simple design with dormer windows in the rear roof and a canopy across the front. They will be finished in brick and tile with upvc windows and will have rear gardens enclosed by close boarded fencing. The street scene is mixed both in terms of type of property and design. There are two storey houses to either side of the application site; No. 27 is an older 1930s semi with a hipped roof, and No. 31 is a more modern detached house with a gable roof. The height and width of the proposed semis would be comparable with these properties. Whilst the proposed plot sizes are on the smaller side, they are not out of keeping in this built-up area; indeed, the modern detached houses to the west of the application site have rear gardens of a similar depth to the proposed houses. It is therefore considered that the proposed semi-detached dwellings would be in keeping with the surrounding development in terms of their size, appearance and layout.

On the opposite side of the road there are terraced and semi-detached properties with small front gardens, some of which have been entirely turned over to parking. The proposal shows two parking spaces to the front each proposed dwelling, and includes soft landscaping along the outer flank property boundaries. This is better than the previous proposal, which showed the entire frontage comprised of hardstanding. In order to ensure this soft landscaping is carried out, should planning permission be forthcoming, it is recommended that a condition requiring the retention of this soft landscaped area is imposed.

With the inclusion of the suggested condition, the proposed development is considered to be in accordance with the requirements of Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the National Planning Policy Framework 2018.

Amenity

Paragraph 127(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

Neighbours Amenity

There are no residential properties to the rear of the site that would be affected by the proposal. Evans Automotive, a car repairs shop, is located here.

The main property that would be affected by the development would be No. 27 Tufon Road, which has a first floor window in the flank that appears to serve a stairway. The proposed dwellings would be positioned in line with this property, and this window would be affected by the proposal; however, as the window does not serve a habitable room, there is not considered to be a significant impact on privacy. Habitable room windows are proposed to the front and rear of the properties at a distance away from the properties opposite, which is no different to the existing situation within the street, and therefore these will have no significant detrimental impact on any neighbouring property in terms of loss of privacy. Similarly, due to the position of the proposed properties and the distance away from neighbouring dwellings there will be no detrimental impact in terms of loss of outlook. Due to the position of the proposed properties and the orientation of the plot, there will be no detrimental impact on any neighbouring property in terms of loss of sunlight or daylight.

Furthermore, in terms of noise and general disturbance to neighbouring properties, this would be no different to the existing situation; a replacement residential development would be in keeping with the character of the area.

Future Occupiers' Amenity

It is also necessary to consider whether adequate habitable space would be provided for the future occupiers of the proposed houses in compliance with the Technical Housing Standards - Nationally Described Space Standards (March 2015).

The table below shows the minimum gross internal floor area expected against the proposed dwelling floor area:

	Number of bedrooms	Number of bed spaces (person)	2 storey dwellings (m2)
Standard	3b	6p	102
Proposed	3b	6p	126

Overall, this proposal is considered to be acceptable in terms of the proposed floor areas and room sizes of the proposed dwelling.

The rear garden is also satisfactory for this type and size of development. With regards to refuse storage, there would be space for bins within the proposed outside space. It is also considered that the relationship between the new house and neighbouring properties is such that the future occupiers will experience acceptable levels of privacy, outlook and light.

It is recommended that conditions removing permitted development rights for further extensions/outbuildings and for C3 to C4 use are imposed, given the plot sizes and neighbour concerns about parking pressures.

In summary, as the reduction in the number of units on the site has increased the plot size and floor area for each property, it is considered that the proposed semi-detached houses will now offer an acceptable level of accommodation and amenity for future occupiers, and also will not harm the amenities of neighbouring properties to any significant degree. Therefore, the previous ground of refusal relating to amenity has been overcome and the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

Highways

Two parking spaces per dwelling are shown on the plans, which meet Medway's parking standards, and even with soft landscaping and boundary treatment, there should be enough space for these off-road spaces. There is currently a dropped kerb access, which would be extended, and this is also considered to be acceptable.

In this urban location, close to public transport links and local amenities, the additional parking demand generated by one additional dwelling on the site is unlikely to have a significant impact on the amenity of existing residents.

Should permission be forthcoming, conditions regarding the submission of a Construction Environment Management Plan (CEMP), the retention of the parking area, and details of cycle parking are recommended.

The proposal is unlikely to have a significant impact on parking or highway safety in the immediate area, and the development is therefore considered to be in accordance with Policies T1 and T13 of the Local Plan and paragraph 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.

A unilateral undertaking has been submitted to secure this contribution and Natural England concurs with the conclusion that this is suitable mitigation. The previous refusal ground has therefore been overcome, and no objection is therefore raised under Paragraphs 170 and 175 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Environmental Protection

Due to the development site being located in a residential area, there is potential for noise and dust to have a negative impact on the surrounding area. Should permission be forthcoming, a condition regarding the submission of a CEMP is recommended.

There is also a car garage located behind the application site that undertakes the servicing of vehicles, which has the potential to cause noise that could affect the new properties. Should permission be forthcoming, a condition regarding the submission of an acoustic assessment is recommended.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

It is considered that the proposed pair of semi-detached houses is therefore acceptable in principle on the basis that it is appropriate in terms of the design and impact on the street scene, and that there are likely to be no adverse effects on amenities, or on parking or highway safety. As such the proposal is considered to be in accordance with Policies BNE1, BNE2, H4, T1 and T13 of the Medway Local Plan 2003 and the provisions set out in paragraphs 109, 117, 122, 124, 127, 170 and 175 of the National Planning Policy Framework, 2019. Therefore 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 the 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/>

