

MC/19/0215

Date Received: 25 January 2019

Location: Land Adjacent To 18 Hampshire Close Princes Park Chatham
ME5 7SG

Proposal: Construction of a block of six x 2 bed and three x 1 bed flats with
associated external works and parking

Applicant Mr Michael Bull

Agent Mr Craig Dobson
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Evegate
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Ward: Princes Park 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 29th May 2019.

Recommendation - Approved Subject to:

A The applicant entering into a Section 106 agreement to secure:

- A contribution of £2,156.49 towards Strategic Mitigation measures in the Special Protection Areas;

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 17.114.04/A, 17.114.05/A, 17.114.06/A, 17.114.08/A, 17.114.09/A, 17.114.10/A and ,17.114.11/A received on 23 April 2019; and 17.114.03/B received on 26 April 2019.

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, 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: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 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, 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:

- 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.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 5 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.

- 6 No part of the development herein approved 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 part of the 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 Policy BNE1 of the Medway Local Plan 2003.

- 7 The separating walls between each unit (Plots 1 - 9) shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 8 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of any part 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. 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 Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 The windows serving the north-east elevations of Plots 4 and 7 and the south-east elevations of Plots 6 and 9 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 No part of the development herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced, marked on site out 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 and garaging.

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.

- 12 Prior to first occupation of any unit within the proposed development hereby approved two electric vehicle charging points shall be provided within the car park and shall thereafter be retained.

Reason: To promote sustainable transport and reduce greenhouse gas emissions in accordance with Paragraph 105f of the National Planning Policy Framework 2019.

- 13 The dwellings shall not be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 200

- 14 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light

intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, nearby residents and with regard to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 15 No part of the building shall be occupied until the approved refuse storage arrangements shown on drawing number 17.114.04/A 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 in accordance with 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

The proposal is to construct a three storey building containing 9 flats (one x 1-bedroom and two x 2-bedroom on each floor). Vehicular access would be achieved via the existing access of Hampshire Close. 11 car parking spaces are shown serving the proposed development, together with replacement parking for the existing dwellings which would be lost as a result of the proposed development. Due to the variation in levels across the site, there would be some excavation and land raising across the site.

The application has been amended to address previously raised concerns with regard to the appearance of the proposed building and concerns expressed regarding the impact on existing disabled persons access/parking.

Site Area/Density

Site Area: 0.19 hectare (0.47 acre)

Site Density: 46.8 dph (18.8 dpa)

Relevant Planning History

No relevant planning history found

Representations

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

35 letters have been received raising the following objections:

- There is already inadequate parking in the area and the proposal would exacerbate the problem making it difficult for emergency services, refuse vehicles etc.;
- Parking spaces are used by people with mobility issues including disabled badge holders;
- Loss of dropped kerbs for mobility scooters;
- Loss of light to neighbouring properties which will be exacerbated by proposed tree planting;
- Overlooking/loss of privacy;
- Loss of open space which gives a semi-rural feel to the area;
- Impact of development on character of area and skyline:
- Noise and disturbance;
- Bats have been observed at night;
- Additional burden on schools;
- Inadequate sewerage and drainage.

All other matters raised are non-material.

All consultees and objectors have been notified of the receipt of revised plans.

One letter has been received re-iterating previously raised concerns regarding overlooking, inadequate parking and loss of open space.

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

Principle

The site is within the urban area and as such falls to be assessed under Policy H4 of the Local Plan which contains a presumption in favour of residential development in the urban area including infilling, (providing a clear improvement to the local environment will result). This presumption in favour of residential development in the urban area is supported by Paragraph 59 of the NPPF which seeks to boost the supply of homes.

However, although surrounded by residential development, this site is designated as protected open space on the Proposal Map to the Local Plan. Policy L3 of the Local Plan and paragraph 97 of the NPPF contain a presumption against the development of such areas of open space. However, both policies provide circumstances as to when development of such areas can be justified.

The Local Plan identifies several such areas of open space throughout Princes Park. These are predominantly grassed areas between or surrounding existing development. There are other such grassed areas not designated for protection. The open space designation covering this site relates to the grassed areas to the west and south of the existing development and extends across to the junction of Princes Avenue and North Dane Way. However, as drawn on the Map, this designation also covers the car park and some of the existing development.

The areas of open space on the site and the surrounding land comprises grassed embankments with shrub planting in places. It is not used for any formal recreation and its primary purpose is visual, breaking up the built form. Although it is possible to walk across parts of the open space, in places it slopes quite steeply.

In planning terms it is considered that the main function of this area of open space is visual, not functional or recreational. The visual impact of the proposed development will be considered below under *'Design, appearance and street scene'*.

As stated above, there are several such areas of open space throughout Princes Park. There are two main areas of open space – to the west of Princes Avenue, south of Maundene School, and the grassed embankment sloping south-eastwards from the far side of Heron Way. All other areas of open space appear to be small pieces of 'left over' land. Part of the area of open space to the south of Maundene School was developed some years ago, although most of the open space remains.

Having regard to the limited useable value of this area of open space, the relatively small area that would be lost and the contribution of the proposed development towards housing provision in the area, it is considered that on balance the scheme would be acceptable and no objection is raised to the principle under Policies H4 and L3 of the Local Plan and Paragraphs 59 and 97 of the NPPF.

Design, appearance and street scene

The site relates to land at the end of Hampshire Close part of which is used as a car park, with the remainder grassed. The site is bounded by Heron Way to the west, the rear gardens of houses in Devon Close to the north, the flank wall and garden of 18 Hampshire Close to the east and an embankment to the south. It has an undulating topography sloping from north to south and also from west to east, then rising again.

The site is located within the northern end of Princes Park which comprises 1970s former local authority housing, built to a relatively low density and surrounded by opened grassed

areas. Immediately to the east and north of the site are terraces of two storey houses (2-8 (even) Devon Close and 12-18 Hampshire Close). To the north-east of the site, is a three storey flat block (19-30 Hampshire Close). A key feature is the underlying nature of the site with the ground sloping downwards from east, west and south. In terms of design and appearance, the key issues are the design of the building itself, how it would relate to its surroundings and the visual impact in terms of the loss of open space.

Policy BNE1 of the Local Plan states that new development should be appropriate in relation to the character, appearance and functioning of the built environment and be satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting. Paragraph 127 of the NPPF (in part) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

In terms of scale, the proposed building would be sited within the dip with land rising on three sides. Therefore, although three storeys in height, with a pitched roof the prevailing ridge height would be lower than some of the surrounding buildings. It would be higher than the neighbouring end of terraced house (18 Hampshire Close), but the terrace is stepped and it would be lower than the far end of the terrace.

In terms of detailing the choice of materials would be very important. The site has three frontages to the public highway. Due to its setback from Heron Way and being below the prevailing road level, it would not be dominant when viewed from the south and west. It would, however be prominent. An appropriate choice of materials, would ensure that whilst it made its own design statement, it would nevertheless blend with its surroundings. The most prominent view would be from the north, which would effectively be the front of the building, as it would be accessed from Hampshire Close which would be extended into the site. Again, an appropriate choice of materials on this elevation would be important and a feature should be made of the entrance. The choice of materials can be addressed by condition.

Subtle changes to external finishes, particularly to the north-east entrance elevation, in terms of brick colour, the removal of textured brick panels, detailing to the entrance area and inclusion of two storey oriel window projections have been made to provide relief to facade.

Looking at the site in its wider context, the character is somewhat mundane with 1970s housing interspersed by grassed areas. The proposal would make its own design statement, without detracting from the area's character. In terms of the visual impact of the loss of the grassed, area, the bulk of this would be retained, particularly when viewed from the south, and there would still be some space between the site and Heron Way. Indicative landscaping is shown, which can be secured by condition. This has the potential to enhance the appearance of the remaining open spaces and as such mitigate any loss of such space.

Having regard to the above considerations, no objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Residential Amenity

There are two main amenity considerations, firstly the impact of the proposed development on the living conditions which would be created for potential occupants of the development itself and secondly the neighbours.

Occupier amenity

The DCLG's Nationally Described Space Standard specifies a minimum gross internal floor area (GIA) of 50 sq. m. for a single storey/one bedroom/two person unit and 70 sq. m. for a single storey/two bedroom/four person unit, with minimum bedroom sizes of 11.5 sq. m. (double or twin) and 7.5 sq. m. (single). The proposal has been assessed in terms of GIA and bedroom sizes and would comply with the standard. No objection is raised in terms of occupier amenity under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Neighbour amenity

The closest property to the proposed development is the end terrace house at 18 Hampshire Close. The flank wall of that property is tight to the site boundary and the east elevation of the proposed building would be approx. 5.8m from the boundary. The bulk of the proposed building would be set back further than the front of the existing terrace and at the eastern end would project approx. 5.8m further than the rear elevation of 18 Hampshire Close. There is, therefore some potential for overshadowing of the rear garden of that property from mid to late afternoon, particularly in the summer. However, as this overshadowing would only be for part of the day, it is not considered to be sufficient as to justify refusal. The windows on the flank wall facing the property would be obscure glazed.

The only other residential properties close to the site are the terraced houses to the north (2-8 (even) Devon Close). However, the proposed building would be over 30m from these houses and would, therefore have no harmful impact in term of loss of light, privacy or outlook.

No objection is, therefore raised in terms of neighbouring amenity and the proposal is considered to be in accordance with Policy BNE2 of the Local Plan or Paragraph 127f of the NPPF.

Highways

The Council's adopted Vehicle Parking Standards require the provision of 1 space for a one bedroom unit and 1.5 spaces for a two bedroom unit, plus 0.25 space per unit for

visitor parking, resulting in a requirement of 14 spaces, including visitors, for the proposed development.

At present, there are 19 car parking spaces on the site, one of which is a disabled person's space, serving existing properties in the locality. The proposal is to re-locate this parking within the site and to provide additional parking to serve the proposed development. The parking layout has been amended to ensure that the existing disabled person's parking space is retained, and that access to the rear of existing properties in Hampshire Close is retained.

The application, as amended shows a total of 38 spaces. Of the existing spaces, 10 are to be retained and the other 8 will be re-located within the site. The disabled person's space will be retained in its current position, but turned through 90 degrees so that it faces towards the access road. 14 new spaces are to be provided to serve the proposed development, and 5 extra community spaces are proposed, 4 of which would be in front of 12-18 Hampshire Close, and 1 adjacent to 19 Hampshire Close. Two electric charging points are proposed. A secure cycle store is shown, between the side of the proposed building and 18 Hampshire Close.

The site will be accessed from Hampshire Close using the existing access which currently serves the car park. The submitted drawing including a swept path, which has been amended to show that refuse and service vehicles would be able to enter the site, turn and leave in a forward direction.

No objection is, therefore raised in highway terms under Policies T2, T4 and T13 of the Local Plan and Paragraphs 105 and 109 of the NPPF.

Other matters

No issues are raised in terms of contamination, noise from external sources, air quality and flood risk. Nevertheless, appropriate conditions are recommended in to address any unexpected contamination, to ensure that there is adequate internal acoustic protection, and to secure details of surface water drainage. A condition is also recommended requiring the submission and approval of a Construction Environment Management Plan. Subject to these conditions, no objection is raised under Policies BNE23 and BNE24 of the Local Plan and Paragraphs 165, 178, 181 and 182 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 total contribution for 9 units would amount to £2,156.49

The applicants have agreed to pay this tariff, and has asked that this be dealt with by way of a Section 106 agreement/Unilateral Undertaking. Subject to this agreement, no objection is raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and would be in accordance with Policy H4 of the Local Plan and Paragraphs 59 of the NPPF. Subject to appropriate conditions, the proposal is acceptable in terms of design and appearance, amenity, access and parking. No concerns are raised with regard to contamination, air quality and noise. The proposal would, therefore, accord with Policies BNE1, BNE2, BNE23, BNE24, T2 and T13 of the Local Plan and Paragraphs 105, 109, 124, 127, 178, 181 and 182 of the NPPF. The applicant is prepared to enter into a Section 106 agreement with regard to secure bird mitigation, and no objection is raised under Policy S6 and BNE35 of the Local Plan and Paragraphs 175 and 176 of the NPPF. The application is, therefore, recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of the 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/>