

MC/19/0324

Date Received: 5 February 2019

Location: Land Adjacent 506 Lower Rainham Road Rainham Gillingham

Proposal: Construction of a terrace of 3 No. 5 Bed Houses with Associated Parking and External Works (resubmission of MC/17/4334)

Applicant Mr Atkar

Agent Mr Tony Rogers
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Hempstead
Gillingham
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Ward: Rainham North Ward

Case Officer: Tom Stubbs

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 - Approval with Conditions

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

Drawing numbers WD/02A/506/19, WD/03A/506/19, WD/04A/506/19, WD/05A/506/19 and WD/06A/506/19 received on 8 April 2019.

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

- 2 Within one month of this decision notice, the developer will secure the completion of a programme of archaeological work in accordance with the approved archaeological specification "Specification for an Archaeological Watching Brief of Land Adjacent to 506 Lower Rainham Road, Rainham, Gillingham Kent" prepared by SWAT Archaeology, dated 7 January 2019. The archaeological works shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that the archaeological investigation is completed in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 3 No dwelling hereby approved shall be occupied until a scheme of landscaping which incorporates ecological enhancements (including the use of boundary hedging, appropriate native species planting, ready-made bird boxes and location, bat roosting spaces within new buildings or ready-made bat boxes, provision of log piles for invertebrates, establish nectar flower mixtures and wild flower plug/bulb planting in amenity grass area), detailing the species, size at time of planting, position, numbers/density and a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timescale. 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: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance, character and ecology of the site and locality, in accordance with Policies BNE1 and BNE37 of the Medway Local Plan 2003.

- 4 Notwithstanding the details on the approved drawings and prior to the first occupation of the dwellings hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. Provision of 12cm square gaps under any new close boarded fencing shall be provided to allow hedgehogs access onto all garden areas. The approved boundary treatment shall be completed in accordance with the approved details before any of the dwellings are occupied and shall thereafter be retained.

Reason: In the interest of the character and appearance of the locality and the amenities of local residents, in accordance with Policies BNE1, BNE2 and BNE34 of the Medway Local Plan 2003.

- 5 The construction works shall be carried out in accordance with the approved Construction Environmental Management Plan dated 17 December 2018 received on 1 April 2019.

Reason: In the interests of public safety and to ensure no detrimental impact on living conditions for nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 The lighting shall be installed in accordance with the Lighting Design Strategy received on 1 April 2019 and these shall be maintained thereafter in accordance with the strategy.

Reason: To ensure no detrimental harm to the ecology of nesting, foraging and commuting and in accordance with Policy BNE37 of Medway Local Plan 2003.

- 7 The dwellings shall not be occupied, until the area of parking shown on approved drawing number WD/05A/506/19, 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 (as amended) (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 in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 8 If, during the course of development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The method statement must detail how this unsuspected contamination shall be dealt with.

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 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, E and F and Schedule Part 2 Class A 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 impact on the countryside, conservation area and ALLI, in accordance with Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

- 10 The development shall be constructed using the following external material: Terca Cassandra red/black multi stock bricks, Eternit Ashdowne Aylesham Mix handmade roof tiles, Warwick Stone type SLC83 Portland Stone window cills, handmade wooden traditional doors and windows and Brett 80cm charcoal paving with buff demarkations for the parking area to the front.

Reason: To ensure the development is without prejudice to the visual amenity of the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the construction of a terrace of three 5-bedroom houses with associated off road car parking and new entrance onto Lower Rainham Road. (Resubmission of MC/17/4334).

The barn-hipped roof, terrace would be set back approx. 12-13m from Lower Rainham Road and offset approx. 1m from the boundary with 506 Lower Rainham Road. The terrace would measure in total approx. 22.3m in width, approx. 10.8m in depth, approx. 5m in height to the eaves and approx. 8.7m in height to the ridge and each have a bay window feature to the front. Three dormer windows would be inserted into the roof to the front and three rooflights to the rear. All three properties would consist of lounge, kitchen/diner, study and w/c at ground floor and four bedrooms and a bathroom at the first floor and fifth bedroom within the roof. The properties would have approx. 7-8m deep rear gardens.

To the front would be a parking area for 6 vehicles with grassed and landscaped areas and small individual front gardens. The boundary treatment proposed for the front of the site is Sussex fencing approx. 900mm high (max) with hedges behind, whilst the rear boundary treatment would be approx. 1.8m close boarded fences. The plans indicate the materials to consist of: Terca Cassandra red/black multi stock bricks, Eternit Ashdowne Aylesham Mix handmade roof tiles, Warwick Stone type SLC83 Portland Stone window cills, handmade wooden traditional doors and windows and finally Brett 80cm charcoal paving with buff demarkations for the parking area to the front. The application also seeks to reinstate the public footpath to the front.

Site Area/Density

Site Area: 0.073 hectares (0.181 acres)

Site Density: 40.888 dph (16.547 dpa)

Relevant Planning History

MC/17/4334 Construction of a terrace of 3 No. 4 Bed houses with associated off road car parking and new entrance on to Lower Rainham Road

Decision: Approval with Conditions

Decided: 20 February, 2018

MC/16/2577 Outline application for the construction of 3 terraced dwellings with associated parking with all matters reserved for future consideration

Decision: Approval With Conditions

Decided: 21 July, 2017

GL/77/28A Outline application - residential development
Decision: Refusal
Decided: 04/05/1978

GL/77/28 Outline Application - Detached bungalow and garage.
Decision: Refusal
Decided: 01/06/1977

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Natural England, KCC Ecology and KCC Archaeology have also been consulted.

Four letters of representation has been received raising the following concerns:-

- Traffic levels on Lower Rainham Road.
- Overlooking from windows in roof.

Natural England have responded indicating that the development could result in recreational disturbance on the over-wintering bird interest in nearby SPAs, and provided further standing advice.

KCC Ecology have responded that they are satisfied with the reptile report but indicated an informative would be required for impact on breeding birds and bird disturbance. They have indicated there is a potential for roosting bats and a lighting condition is recommended. There is a possibility for mammals on site and a precautionary approach to clearance is required. Finally, hedgerow to the road frontage is supported and additional ecological enhancements are requested to be provided by condition.

KCC Archaeology have responded that the application site lies in an area of archaeological potential in the area and a condition for a programme of archaeological works would be required.

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 generally considered to conform. Where there is a discrepancy in conformity, it is addressed in the appraisal section below.

Planning Appraisal

Background

Planning permission was granted for the construction of three four bedroom terraced dwellings with associated parking on the 20 February 2018 under planning reference MC/17/4334. This application differs to that by amending the roof from hipped to barn hipped and the provision of three dormer windows to the front and roof lights to the rear to provide an additional room in the roof. It should be noted that the previous decision was assessed against the 2012 NPPF. This has now been superseded by the 2019 NPPF, therefore the assessment below relates to the NPPF 2019.

Principle

The application site is located outside of any defined urban area as designated by the Local Plan and therefore is in a countryside location within the Gillingham Riverside Area of Local Landscape Importance (ALLI) and Lower Rainham Conservation Area. Although outside the urban boundary the application site is immediately to the southeast of the rural settlement of Lower Rainham as defined by Policy H11 of the Local Plan.

The principle of three terraced houses was considered carefully under the recent previous application (MC/17/4334), it was concluded that due Council's current shortfall in the housing land supply, the development would read as a small extension to the existing settlement, sited within a parcel of land that provides a natural break to the wider countryside and therefore whilst the Medway Landscape Character Assessment seeks to resist further development, the proposal would be at a location and of a scale that would not appear isolated and would meet the requirements of the NPPF in terms of sustainability and providing housing numbers without detriment to the character and appearance of the countryside in accordance with paragraphs 8, 11 and 77-79 of the NPPF. No objection is therefore raised with regard to the principle of development.

Design

Paragraph 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. Also relevant is the potential impact on the character and appearance of the Lower Rainham Conservation Area, Countryside and the ALLI and Policies BNE14, BNE25 and BNE34 of the Local Plan seek to ensure development is sensitive to these areas.

The approved houses under MC/17/4334 are under construction. The layout, width and depths of the buildings are the same as previously approved however the roof has altered to a barn hipped roof and three dormers would be inserted within the roof to the front. There is no objection the change of roof from hipped to a barn hipped roof, due to the mixed appearance of the area and the ridge height being no higher than previously approved. The three proposed dormers are of a suitable size and scale so as to sit

comfortably within the roofspace and not appear as dominant features. The dormers have been located to appear evenly spread within the roof space. As a result, there is consistency in terms of the arrangement of fenestration. No objection is raised to the current design having regard to the siting of the development within the conservation area, countryside and ALLI.

The proposed fencing and native hedging is appropriate to limit the impact and take account of the surrounding countryside and ALLI, however details of the hedging have not been submitted as yet. The proposed materials are considered acceptable. Conditions regarding the materials, boundary treatment and landscaping (including ecological enhancements as per ecology section below) would be required. Furthermore, due to the sensitive site location a further condition requiring the removal of Permitted Development rights would also be required as alterations to the properties and development within the curtilage of the properties, such as additional hardstanding and outbuildings could be detrimental to the countryside and ALLI location.

Consequently, no objection is raised under Policies BNE1, BNE14, BNE25 and BNE34 of the Local Plan and paragraphs 79, 124, 127 and 190 of the NPPF subject to above mentioned conditions.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling 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 127 (f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Taking account of the size of the proposed dwellings, distance from neighbouring properties and the relationship of their habitable windows to the proposed dwellings, the orientation of the site and the path of the sun, it is considered that there would not be any detrimental loss of neighbouring amenity with regards to privacy, outlook, daylight or overshadowing of the adjoining property. The dormers to the front and rooflights to the rear would not result in any unacceptable overlooking issues. However, there is potential impact from noise and dust during the construction stage. A Construction Environment Management Plan (CEMP) has been submitted with the application and is considered to be acceptable. A condition would be required for works during construction to take place in accordance with the submitted CEMP.

Amenity of Future Occupiers

The three terraced dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard) and the gross internal floor area would exceed the minimum of 134sqm set out for a five bedroom, 8 person property over three storeys. All double and single bedrooms

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 10m in depth and 7m when constraints exist. The proposed garden depths vary between 7m and 8m depth and therefore considered acceptable.

Consequently, subject to the suggested condition, no objection under Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF, subject to the abovementioned conditions.

Highways

Responses from the neighbour consultation process has raised concerns regarding highway safety and existing traffic levels on Lower Rainham Road.

However, due to the low number of movements associated with the three dwellinghouses, it is not considered to result in any highway safety issues with the access providing suitable vision splays. Medway Council's Interim Residential Parking Standards require the provision of a minimum of two spaces for a three plus bedroom property and the additional bedroom has not provided additional requirement for parking spaces. The proposals would provide six parking spaces in accordance with the standard. It is recommended to impose a condition to ensure the parking areas are retained. Subsequently, no objections are raised under Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. A Desk Top Study undertaken by The Brownfield Consultancy ref BC254 RE001 dated 10 July 2016 was submitted in support of the Outline application ref MC/16/2577. The report recommended that there have not been any historical sources of contamination related to the site. The report was considered to be satisfactory. Subsequently subject to a watching brief condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 178 of the NPPF.

Ecology

An Ecological Scoping Report undertaken by Kent Wildlife Trust and a Reptile Survey Report undertaken by K B Ecology was submitted in support of the Outline application ref MC/16/2577. The reports were sufficient to indicate that there is limited potential for protected/notable species to be present on site but there is a possibility to support breeding birds and mammals (hedgehogs). Details of lighting to the front has been provided within this application and a suitable condition should be imposed to control the impact of lighting and details of ecological enhancements proposed within the

landscaping condition. Subject to these conditions no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless archaeological field evaluation has been arranged to be carried out by an approved archaeological body in advance of development. The application site lies in an area of archaeological potential associated with its proximity to the River Medway where a number of discoveries have been recorded including a number of Romano-British pottery vessels, fifth century AD gold Merovingian coin and flint tools including twelve Paleolithic hand axes.

Specification for an Archaeological Watching Brief of Land Adjacent to 506 Lower Rainham Road, Rainham, Gillingham Kent” prepared by SWAT Archaeology, dated 7 January 2019 has been submitted in support of this application. A condition is recommended for the completion of a programme of archaeological work in accordance with the approved archaeological specification.

Subject to such condition, no objection is raised to the proposal under Policy BNE21 of the Local Plan and paragraphs 189 and 190 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 applicants have paid this tariff and there is an existing unilateral undertaking for three dwelling existing on the site. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in principle and with regard to the character of the site and its surroundings, amenity, ecology, contamination, archaeology and highway matters. Approval subject to conditions is therefore recommended including with regard to the proposed development is therefore considered to be accordance with paragraphs 11, 77, 78, 79, 109, 100, 124, 127, 175, 176, 178 and 190 of the NPPF 2012 and Policies S6, BNE1, BNE2, BNE14, BNE21, BNE23, BNE25, BNE34, BNE35, BNE37, T1, T2 and T13.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representation 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/>