

MC/19/1070

Date Received: 23 April 2019

Location: 126 Hempstead Road Hempstead Gillingham Kent

Proposal: Demolition of existing bungalow/storage building and shed to facilitate the construction of 2 semi-detached houses - Resubmission of MC/18/3061

Applicant Mr & Mrs C P Feist Brown

Agent Robert A Clayton Bldg. Plans  
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Ward: Hempstead And Wigmore Ward

Case Officer: Paul Ives

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th July 2019.**

**Recommendation - Approval subject to:**

A. The applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure:

To secure a contribution of £239.61 towards bird disturbance mitigation measures.

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 number 18.09.01/2, Proposed Side Elevation (SW Side), Proposed Streetscene and Proposed Block Plan received 23 April 2019.

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

- 3 The construction works shall be undertaken accordance with The Construction and Management Plan reference 18.09.10 received on 23 April 2019.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to paragraph 127(f) of the National Planning Framework 2019 and Policy BNE2 of the Medway Local Plan 2003.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development unless hereby approved by condition shall be carried out within Schedule 2, Part 1 Class A, B, C, D and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with paragraphs 124 and 127 of the National Planning Framework 2019 and Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 5 Prior to installation of obscure glazed windows as shown on plan 18 09 01/2 and the drawing entitled 'Proposed Elevation Plan (South West Side)', full details of the glazing type including the level of obscurity shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed prior to occupation of the dwellings in accordance with any details subsequently approved and following installation thereafter maintained.

Reason: In order to protect the amenity of adjacent neighbours in accordance with the objectives of paragraph 127(f) of the National Planning Policy Framework 2019 and Policy BNE2 of the Medway Local Plan 2003.

- 6 The development shall be implemented in accordance with the materials schedule reference 18.09.01/2 (dated April 2019).

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

- 7 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 to a permeable design in accordance with details submitted to and approved in writing by the Local Planning Authority. 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 to manage surface water dispersal in accordance with paragraph 103 of the National Planning Policy Framework 2019 and Policy T13 of the Medway Local Plan 2003

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of character and amenity, in accordance with paragraph 124 and 127(f) of the National Planning Framework 2019 and Policy BNE2 of the Medway Local Plan 2003.

## **Proposal**

This application seeks planning permission for the demolition of an existing bungalow and the construction of 2 x semi-detached 4-bedroom chalet bungalows with parking for two vehicles within the front garden of each property.

Each dwelling is proposed on two levels by utilising the roof space for habitable accommodation in the form of dormers within a gable ended roof form. A single storey flat roof projection is proposed to the front and rear. The front dormers are proposed of a linked pitched gable roof design to the front with flat roof design at the rear with angle windows to the rear bedroom space. The properties are proposed to be set back approx. 6m from the highway and have an approx. depth of 15m. Floor to ridge would be approx. 8.2m.

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

### Ground floor

Porch, w/c, double bedroom with en suite, single bedroom/study, open plan sitting room, dining and kitchen space and utility room; and

### First floor

Two double bedrooms each with a shower room and separate bathroom of landing area.

A garden space depth of approx. 10m by approx. 9m is proposed for each rear garden with space also for cycle and shed storage. The front two parking spaces are proposed with an element of soft landscaping and bin store for each dwelling.

### **Site Area/Density**

Site Area: 0.05 hectares (0.12 acres)

Site Density: 40dph (16dpa)

### **Relevant Planning History**

MC/18/3061            Demolition of existing bungalow and construction of 2 semi-detached houses  
Decision: Refused  
Decision Date: 20 February 2019

### **Representations**

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

**Eight** letters have been received (**including six from two households**) raising the following objections:

- Loss of Privacy
- Loss of sunlight and Day light
- Over development of the plot out of character with the area
- Overbearing incongruous form of development
- Increase in parking on the highway
- Adverse impact on amenity

**Natural England** draw attention to standing advice regarding impact on Wildlife habitat and raise no objection to the proposal with the mitigation proposed.

**Cllr Rodney Chambers OBE** has written in raising concerns regarding potential loss of privacy and adverse impact on highway safety.

### **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*

An application was recently refused for development of the plot to two houses by the Local Planning Authority by virtue of its contrived design, scale, massing and relationship with neighbouring properties which was considered to represent an overdevelopment of the site, out of character with the street scene, with a poor relationship to neighbouring properties. The proposal was also considered detrimental to the amenities of neighbouring residents in particular that of 124 Hempstead Road contrary overall to Policies BNE1 and BNE2 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF 2018.

The agent has revised the scheme as a whole with the approach of a pair of semi-detached bungalows and has kept the layout to two floor levels.

### *Principle*

The application site lies within an urban, residential area. Policy H4 of the Local Plan states that residential development in the form of infilling in such area areas is acceptable providing that a clear improvement in the local environment will result. Paragraphs 117 and 122 of the NPPF supports the effective and efficient use of land. In this case, the plot is large and currently occupied by a bungalow providing a single household dwelling. The proposal would allow for more effective and efficient use of the land by accommodating two dwellings for single household occupation. Therefore, on this basis the proposal is acceptable with regard to the principle but is subject to compliance with detailed matters which are set out in the assessment below.

### *Design*

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The proposed design would clearly alter the appearance of the site in terms of scale when compared to the existing property on site but keep with the bungalow style approach albeit of a chalet bungalow design with dormers. Whilst this is the case, the proposal would respect the established character of the surrounding area.

To the front the modest dormers proposed would be considered acceptable. To the rear, the elevations would not be prominent from the highway but would have greater variation in appearance. Whilst seen from neighbouring gardens, the design approach is coherent and considered acceptable in the form proposed where the proposal would appear as a

chalet bungalow with accommodation in the roof. Whilst the roof accommodation would be clearly seen from neighbouring gardens, the flat roof design approach is also a reflection of development in the vicinity albeit with the window design approach taken. The materials proposed are considered acceptable. Accordingly no objection is raised on design grounds.

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

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF relates to the protection of these amenities.

### *Residential Amenity*

#### Amenity of Neighbours

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

The flat roof could potentially be used as a sitting out area where a low cill height is proposed. This may be mitigated by planning condition.

#### Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 147 gross internal floor area (GIA) for each dwelling would exceed the minimum standard for a 4 bedroom, 7 person over two storey minimum GIA of 106m<sup>2</sup>. The double and single bedrooms would meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed gardens meet the 10m depth required. Outlook from bedrooms would be

acceptable and whilst the use of 'oriel' type angled windows as a main form of outlook is not ideal, in consideration of this and extent of daylight provided, no objection is raised. As the gardens are at a premium and further roof works could be undertaken under permitted development, it is considered appropriate to remove permitted development rights to enable the authority to manage development in the interests of amenity protection. No objection would be raised to garden sheds in the location shown but again this could be managed by condition in terms of amenity management. There is the potential that the housing could be let as a small house in multiple occupancy. This may affect residential amenity in terms of disturbance and parking competition. This can also be managed by condition.

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

#### *Construction and Environmental Management Plan*

It is considered that a Construction Environmental Management Plan (CEMP) is required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents. The applicant has submitted a CEMP and this is considered acceptable in terms of management of the construction process overall. This may be conditioned.

#### *Highways*

The plans include the provision of two off-road parking spaces to serve each of the proposed dwellings in accordance with the adopted Interim Residential Parking Standards. No objection is raised to this approach in consideration of the extent of provision and ingress/egress onto the highway. There would be no significant vehicle movements generated by the development and pedestrian safety would be safeguarded by the layout proposed. Surface water drainage mitigation could be achieved by condition.

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

#### *Bird Mitigation*

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

The proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic

measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have paid this tariff and submitted a SAMMs agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests for the reasons explained above

#### *Local Finance Considerations*

No local finance considerations.

### **Conclusions and Reasons for Approval**

It is considered that the details of the proposal are acceptable. There would be no detrimental impact on the character and appearance of the existing streetscene, amenities of future occupiers, neighbouring residential amenities or highways. The application is in accordance with Policies S6, H4, BNE1, BNE2, BNE35, T1, T2 and T13 of the Local Plan and Paragraphs 117, 105, 108, 121, 124, and 127 of the NPPF 2019.

This application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation and at the request of Cllr R Chambers.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>