

MC/19/1146

Date Received: 1 May 2019

Location: 44 Woodlands Road Gillingham Kent ME7 2BQ

Proposal: Conversion of existing car workshop (Class C3) to a 5-bedroom dwelling house with associated external alterations including construction of dormer windows incorporating Juliet balconies to East elevation together with Juliet balcony to South elevation and parking area

Applicant Ruprai Construction Limited,
Mumtaz

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Ward: Twydall Ward

Case Officer: Paul Ives

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 July 2019.

Recommendation - Approval subject to Section 106

A. Paragraph to start here

i) £245.56 towards Wildlife mitigation

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 103 Rev A; 104 Rev A; 105 Rev A received 1 May 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 The first floor window on the side flank elevation serving bedroom 3 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. The high level windows within the roof plane of the master bedroom shall be retained and no alterations to the floor to cill height shall be made to these windows.

Reason: In the interests of amenity protection in accordance with the objectives of paragraph 127(f) of the NPPF 2019 and Policy 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) the dwellinghouse herein approved shall remain in use as a dwellinghouse falling within Class C3 only 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 protect the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and to manage such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 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 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 paragraph 217(f) of the National Planning Policy Framework 2018 and Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 The building shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained 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 in accordance with Policy T13 of the Medway Local Plan 2003

- 8 Details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual and neighbouring amenity in the locality in accordance with Policies BNE2 and T4 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 planning application seeks to convert an existing domestic car workshop building (Class C3) into a 5 bedroom dwelling house including the construction of dormer windows (incorporating Juliette balconies) to the eastern elevation together with a Juliette balcony to the southern elevation and provision of parking to the front.

The development proposes the following:

Ground floor

Family room; Porch entrance; kitchen; Living/dining room; lobby; storage; and two bedrooms with en suite rooms; and

First Floor

Three bedrooms (two with en suite rooms) and bathroom

A rear garden would be provided on the northern side of the dwelling with the garden segregated from the main house by approx. 2m close boarded fencing. To the southern side at the front, two parking spaces would be provided on an existing hardstanding behind existing boundary treatment which included a gated frontage onto the private road in front of the plot.

Site Area/Density

Site Area: 0.13hectares (0.33acres)

Site Density: 44dph (18dpa)

Relevant Planning History

MC/18/3633

Change of use of existing domestic car workshop (Class C3) to residential comprising of one 1-bedroom studio flat and a 5-bedroom multiple occupancy unit with associated external alterations including construction of dormer windows incorporating Juliette balconies to East elevation together with Juliette balcony to South elevation

Decision Refused

Decision 9 April 2019

MC/05/0081 Construction of detached workshop building for the repair of vintage cars

Decision Approved

Decision 21 March 2005

MC/04/2041 Construction of outbuilding attached to rear of property.

Decision Approved

Decision 7 October 2004

95/0611/84/0192 Proposed erection of a detached garage

Decision Approval

Decision 07 November 1995

GL/84/192/90/568 Proposed erection of detached garage

Decision Approved

Decision 14 August 1990

Representations

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

5 letters of representation have been received objecting to the proposal on the following grounds:

- Concerns regarding balls and danger to occupants;

- Limited access for vehicles to site (where the gate serving the private road according to them needs to be locked at all times);
- Potential HMO;
- Overlooking of golf course;
- Out of character;
- Noise;
- Pollution;
- Parking on the private road used for access;
- Increased surety risk through use of access;
- Security risk from use of access;
- Unauthorised structure;
- Poor street lighting.

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

A two storey detached hobby workshop was approved in 1995 under reference GL95/0611/84/0192 to be erected in the southernmost part of the rear garden of the property that stretches behind the rear gardens of 32 to 42 (evens) Woodlands Road. From research undertaken from planning records available and aerial photographs, in 2003, the development (with a revised roof form) was in existence and used for the garaging of a classic car with memorabilia storage at first floor level. The local authority visited at the time and considered the development acceptable so no further action was taken. Later, the principle of a detached structure to the north of the building was allowed under reference MC/2005/0081. That permission was not implemented but a structure of similar footprint (again with a different roof form) was erected without planning permission in single storey form with a projecting canopy. As this unauthorised work has been in existence for more than four years, it is immune from any potential enforcement action through the passage of time. The proposal combines the two buildings into the layout. To the east of the site is a golf course. The building is currently enclosed by close boarded fencing and showing signs of needing repairs. The house and building are now in different ownership. Recently, planning permission was refused for conversion of the building into a combined HMO and flat on amenity grounds.

The main use has been for space to store a classic car, hobby memorabilia and uses incidental to the dwelling house. The application site forms part of the garden of the property. It is L shaped in design and is located behind neighbouring properties in the vicinity to the west of the garden area. The building is served by a private access road shared with some residents for parking.

Principle

The proposed development would bring back into use the large building providing as family accommodation in a predominantly residential location and as a result bring forward the opportunity to improve the appearance of the site. The extent of plot size would be considered acceptable where amenity considerations may be managed by condition. Access to the site via a private drive would need to be addressed under civil legislation but notice has been served for the purposes of the planning process.

The impact of change would be considered acceptable on the residential character of the area of predominantly single family dwellings. The proposal would comply with the objectives of paragraph 70 of the NPPF and Policy H4 of the Local Plan.

Design

The proposed development would result in changes to the external appearance of the building that would respect the building design overall. The proposed changes would comply with the objectives of paragraph 124 and 127 of the NPPF and Policy BNE1 of the Local Plan.

Amenity

There are two main amenity considerations, firstly the impact of the proposed works on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 127(f) of the NPPF and Policies H4 and BNE2 of the Local Plan relate to the protection of these amenities. Although physically a large building, it has historically been used for low key uses linked to 44 Woodlands Road.

Impact on neighbours

The proposed development would intensify the use of the building as a home with increased vehicle movement. However, the levels of activity associated (using the private road) would have no detrimental impact on neighbouring amenity. Existing windows above ground floor level could be managed by planning condition to ensure appropriate means of outlook to habitable rooms and at the same time prevent loss of privacy from overlooking to the west. To the east, the dormers would not overlook private amenity space. To the north, the bedroom window would look out towards the applicants own extreme rear garden and at an acute angle the garden to the rear of 40 Woodlands Road. No objection is raised with regard to overlooking due to the distance, angle of view and where outlook would not be to immediate private garden space. To the southern side, the window would be of sufficient distance not to cause harm to amenity from loss of privacy to gardens opposite and to the south again due to distance and angles of view. No objection is raised in terms of outlook, sunlight or daylight loss.

Movement and noise would be low key overall.

Impact on future Occupiers

The proposed use of the building has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 178m² min gross internal floor area (GIA) would meet the minimum standard for a 5 bedroom dwelling. All the proposed rooms would meet the minimum floor space for bedrooms with suitable outlook and space for both single and double rooms. Sufficient garden space would also be provided for the enjoyment of occupants as private amenity space. Refuse storage for a single dwelling would be acceptable presenting refuse to the waste team on collection day by the adopted highway but a holding area would need to be provided within the site. No objection is raised on this ground but a condition would have been recommended to mitigate this. The proposal would comply with the objectives of Policies T1, BNE2 and H4 of the Local Plan and paragraph 127(f) of the NPPF.

Environmental Protection

The development would not involve any significant ground works so no objection is raised in terms of potential land contamination. Limited work is proposed to the building so a Construction and environmental management plan is not considered necessary. There is no objection with regard to Policies BNE2 BNE23 of the Local Plan and paragraphs 127(f), 170 and 178 of the NPPF.

Highways

The increase in noise and disturbance as a result of the intensification of the use of the private road is set out in the amenity section above.

With regard to parking, the development would result in the loss of parking to serve the main property. However, as the property has more than 3 off road parking spaces within the main garden to be retained, no objection is raised in terms of parking for the existing house. The proposed development would generate parking demand for three cars. Two spaces will be provided within the front hardstanding space (with a third in front of these on a tandem basis) and overspill within the private road to the front or surrounding roads where there is limited parking competition at peak times. The adopted Residential Parking Standards (interim) also allow for a relaxation if the site is within a sustainable location. The site is close to main bus routes and within walking distance of local amenities. Cycle storage could also be accommodated on site.

Accordingly, there is no objection with regard to the level of parking provision in consideration of paragraph 109 of the NPPF and Policy T13 of the Local Plan.

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 J239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total J550) 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 through using the SAMMs agreement process. 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

None.

Conclusions and Reasons for Approval

The proposed use of the building as a single family home would be considered to meet the objectives of paragraphs 70, 109, 124, 127(f), 170, 175, 176, 178 of the National Planning Policy Framework 2019 and Policies T1, T13, BNE1, BNE2, BNE23, BNE35, H4, S6 of the Medway Local Plan 2003.

This application would normally full for determination at officer level but due to representations received against officer recommendation, the application is reported to Planning Committee for members consideration.

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/>