

MC/19/1383

Date Received: 15 May 2019

Location: Former Rochabite Hall Queens Road Gillingham Medway

Proposal: Construction of a pair of 3-bedroom semi-detached houses and three 2-bedroom detached bungalows with associated parking

Applicant Emblem Ltd,
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Ward: Gillingham South 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 21st August 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 PP-002A received on 15 May 2019; and PP-001B and PP-004B received on 30 July 2019.

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

- 3 All construction works carried out on the site shall be undertaken in accordance with the Construction Environmental Management Plan (Revision B) prepared by Adkins Consultants and dated 18 July 2019.

Reason: To avoid any irreversible detrimental impact on the amenities of local residents and with regard to Policies BNE2 of the Medway Local Plan 2003.

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 5 - 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 8 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition

5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 set out in condition 6 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 in accordance with condition 7.

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 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.

- 10 No part of the development herein approved shall be occupied until full details of both hard and soft landscape works and boundary treatment, together with a timetable for implementation has been 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.

- 11 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, bats (including reference to the recommendations of the Bat Conservation Trust)] 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 wildlife and with regard to Policies BNE1, BNE2 and BNE39 of the Medway Local Plan 2003.

- 12 No part of the development herein approved shall be occupied until the area shown on the approved layout drawing PP-004 Rev B as vehicle parking space has been provided, surfaced, marked 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.

- 13 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, E and F 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.

- 14 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.

- 15 No dwelling herein permitted until details of secure private cycle parking provision and refuse storage, shown on drawing number PP-004 Rev B have been submitted to and approved in writing by the Local Planning Authority. The cycle

parking and refuse storage shall be implemented in accordance with the approved details before any dwelling is occupied 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 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The site is irregular in shape and the proposed layout would provide a pair of two storey 3-bed, semi-detached houses on the street frontage with an access formed to the western side of the site frontage that would lead to three 2-bed bungalows at the rear. The properties have been designed mainly with a mix of roof form, modest front gardens with side and rear amenity space.

The two-storey houses would have a front dormer each with a roof light to the rear. A non-habitable first floor window and a secondary window to the kitchen/diner would be located within the ground floor of each of the side elevations to the pair. The existing boundary wall is shown to remain but existing boundary landscaping in places would be removed. As part of the works, a soft landscaping scheme is indicated to be provided in the shared areas between the dwellings.

The submitted drawings show one car parking space for each of the bungalows, one visitor space and two spaces for each of the 3-bedroom semi-detached houses. A turning area is also shown so that vehicles could enter and leave the site in a forward direction.

The application is a re-submission of MC/15/4353 which was approved on 13 May 2016 and expired on 13 May 2019. The only noticeable change is the installation of an additional window on the side elevation of Plot 1 at ground floor level serving the kitchen/diner.

Site Area/Density

Site Area: 0.123 hectare (0.303 acre)
Site Density: 40 dph (16 dpa)

Relevant Planning History

MC/15/4353 Construction of a pair of semi-detached houses and three detached bungalows - Resubmission MC/14/0426
Approved 13 May 2016

MC/15/2973	Details pursuant to condition 1 on planning permission MC/15/2345 'Prior Notification for demolition of existing meeting hall' Discharge of Conditions 21 October, 2015
MC/15/2345	Prior Notification for demolition of existing meeting hall Prior Approval Required – Prior Approval granted 6 August, 2015
MC/14/0426	Demolition of existing hall and construction of a pair of semi-detached houses and 3 detached bungalows Refused 1 October, 2014 Appeal dismissed 24 June 2015
MC/06/0239	Outline application for residential development Withdrawn by applicant 19 April 2006

Representations

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

Four letters have been received raising the following objections:

- Work has already commenced;
- Queen's Road is inadequate for delivery lorries;
- Noise and disturbance during construction;
- Overlooking;
- Inadequate parking to serve proposed development;
- Loss of parking in Queen's Road;
- Bins are to be placed next to adjoining property;
- Development would be out of character;
- Development would affect the environment;
- Hall could be retained and site used for other purposes.

Two letters have been received making the following comments in support of the application:

- There is adequate parking within the development;
- There will be no road blocking during development;
- This is a well thought out scheme which considers the neighbours;
- The bungalows will provide good accommodation for elderly.

One letter has been received raising no objection as such and noting that parking has been provided on site, but commenting that there is already insufficient parking on Queen's Road and expressing concern that this could be exacerbated

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

There have been several applications on this site, which are relevant to the current proposal. The first of these was for a similar scheme of two houses and three bungalows (MC/14/0426) which was refused on 1 October 2014 for reasons relating to the loss of a community facility, limited visibility and highway safety and refuse storage arrangements. A subsequent appeal was dismissed on 24 June 2015. The Inspector dismissed the appeal, purely on account of the loss of the community facility.

Following the appeal decision, a Prior Notification application was submitted for the demolition of the hall (MC/15/2345). Demolition is permitted by Class B (2)(b) of Part 11 of Schedule 2 to the Town and Country (General Permitted Development) Order 2015. The only issues for consideration for determination of the Prior Notification application was the method of demolition and any proposed restoration of the site. The potential loss of a community facility could not a consideration in determining whether or not Prior Approval was required and whether or not Prior Approval should be granted. Prior Approval was granted and the relevant condition attached to the Prior Approval was subsequently discharged.

A further application for the development of the site with two houses and three bungalows (MC/15/4353) was then submitted. Having regard to the fact that the building could be demolished without any further consent from the Local Planning Authority, and the Inspector's comments in respect of the two other reasons for refusal, it was considered that an objection to the proposal on account of the loss of the community facility could not be justified and the application was approved subject to conditions.

The applicant for the current proposal purchased the site in February and was about to apply to discharge the pre-commencement conditions early in May. However, he was advised that it would not be possible to discharge the conditions before the permission would expire and he should submit a new application.

Principle

When the last application was considered, the two issues in terms of the principle that were considered were the loss of the community facilities, under Policy CF1 of the Local Plan and the acceptability of residential development in this location under Policy H4. In addition, consideration was given to Policy H9 as the three bungalows would amount to

backland development.

Loss of community facility

There has been no change of circumstances since the previous application was approved other than the fact that the building has remained empty for a further three years and the site is now boarded up and ready for development. Accordingly, no objection is now raised under Policy CF1 of the Local Plan and Paragraph 92c of the NPPF.

Residential development

Policy H4 of the Local Plan contains a presumption in favour of residential development within the urban area including the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use; and the redevelopment of existing residential areas and infilling provided a clear improvement in local environment will result. The 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, and it is sites like this which can contribute towards meeting housing targets and reduce pressure on the countryside.

The density of the development at 40 dph (16dpa) would be lower than that of the surrounding development, but having regard to the constraints of the site and the need to provide access, turning and parking facilities a higher density could not be achieved.

Accordingly, no objection is raised to the principle of the proposed development under Policy H4 of the Local Plan and Paragraph 59 of the NPPF.

Backland development

Policy H9 of the Local Plan relates to Backland development and states “*Backland development will be permitted only when it does not constitute piecemeal development that would threaten the comprehensive development of a wider area. Tandem development will not be permitted. Backland development will be permitted when:*

- (i) there is no loss of privacy from overlooking adjoining houses and/or their back gardens;*
- (ii) there is acceptable vehicular access;*
- (iii) there is no significant increase in noise or disturbance to adjacent residents from traffic using the access;*
- (iv) existing natural features, such as trees, which contribute to the amenity of the area are retained or conserved;*
- (v) there is adequate private amenity space for the existing and proposed dwellings; and*
- (vi) the character and amenity of the area as a whole is maintained.*

The proposal will be assessed in accordance with these criteria below.

Design and appearance

The proposed houses fronting Queen's Road would be two and a half storeys with a ridge height greater than that of the neighbouring terraced properties. There are no other front dormers within this street, although there are properties near the junction of Queens Road and Nelson Road, with dormers which are visible from the application site. However, the proposed houses would be separated from the existing development and in design terms these houses would be acceptable within the street scene.

The development to the rear would comprise bungalows, which would be of lesser scale and bulk when seen from neighbouring gardens. The roof type would be varied to reflect development design used elsewhere nearby. The layout has been designed sensibly to make best use of natural sunlight and daylight for future occupants.

No objection is raised in terms of the design and appearance of the proposed development. Conditions are recommended to secure appropriate finishes, including surfacing materials that would complement the surrounding development. Subject to this condition, the proposed development would comply with Policies BNE1 and H9(vi) of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

Occupier amenity

The DCLG's Technical Housing Standards provide a nationally described space standard, which specifies a minimum gross internal floor area (GIA) of 93 sq. m. for a two storey, three bedroom, five-person house and 61 sq. m for a two bedroom, three person bungalow. The proposed houses would have a GIA of approx. 104 sq. m. and the proposed bungalows would have a GIA of 61.4 sq. m. In terms of bedroom sizes, the proposed houses would have bedrooms of approx. 12.4 sq. m (double), 15.5 sq. m (twin) and 8.1 sq. m. (single). The proposed bungalows would have bedrooms of approx. 12.2 sq. m. (double) and 8.3 sq. m. (single). The proposal would therefore comply with this standard.

The proposed houses would have private rear gardens of approx. 11.6m (Plot 1) and approx. 10.4m (Plot 2) deep. The bungalows would be on larger, irregular shaped plots with gardens to the side and rear. However, overall it is considered that there is adequate private garden space to serve the proposed development and therefore no objection is raised in this regard under Policies BNE2 and H9(v) of the Local Plan and Paragraph 127f of the NPPF.

Neighbour Amenity

The layout of the proposed development has been designed so that the proposed houses and bungalows are well situated in relation to neighbouring properties and therefore there would not be any adverse impact in terms of loss of light, outlook or privacy. The first floor

windows and dormers from the two storey housing would not cause significantly greater overlooking than the existing situation. Neighbouring amenity would not be compromised in terms of distance, orientation, design and scale when seen from neighbouring property and therefore no objection is raised in terms of light, outlook and privacy. No objection is, therefore, raised in this regard under Policies BNE2 and H9(i) of the Local Plan and Paragraph 127f of the NPPF.

It is considered that the traffic using the proposed vehicular access, would be no more than the potential traffic generated by the use of the hall, if it were to operate to its full potential and no objection is raised in this regard under Policies BNE2 and H9(iii) of the Local Plan.

Trees

There are no trees considered worthy of protection within the development site. It is accepted that many offer a screening measure or security buffer but can also impact on sunlight and daylight loss for residents too. In view of the type of planting species on site, no objection is raised to the loss of existing trees and the development would accord with the objectives of Policies BNE43 and H9(iv) of the Local Plan provided that suitable planting is provided as part of the proposed scheme. This could be secured by planning condition. The type of planting would need to be carefully considered in respect of secure by design principles, growth rate, maintenance and impact on localised hard landscaping.

Highways

The Council's Parking Standards indicate that a minimum of 9 car parking spaces, which includes 1 space for visitors, should be provided. Whilst the 8 spaces proposed falls below this, the standards do allow a reduction to be considered in sustainable locations and the site is around half a mile from the town centre and public transport. Furthermore, average car ownership in the immediate vicinity of the site was 0.98 per dwelling at the time of the last Census. In light of this, the number of parking spaces proposed is considered acceptable and no objection is raised in respect of Policy T13 of the Local Plan and Paragraphs 102 and 105 of the NPPF.

No objection is raised in terms of traffic generation as the site currently has car parking to the rear serving the hall. The existing access is positioned on the eastern boundary, however, which provides the best available visibility along Queens Road. Under the proposed scheme, the access is set against the western boundary. Concern was expressed when the first application was considered with regard to the adequacy of the sight lines and this constituted one of the reasons for refusal.

However, the appeal Inspector concluded that, although visibility would be restricted, traffic speed would be low, due to the carriageway's limited width and length. A proposed rumble strip and the presence of a bin collection point close to the junction would keep speeds low. Visibility could be further improved by providing hatched marking within the area to be set aside for bins. He considered that the proposed access would not be significantly different from the existing situation and would not have a significant effect on

the safety and convenience of highway users. Accordingly, no objection is raised to the current application in terms of highway safety under Policies H9(ii) and T2 of the Local Plan.

The internal access road is around 3.6 metres wide, which would accommodate a single car and van, with sufficient space for a pedestrian or cyclist alongside. For a development of this scale, the proposed access width is considered acceptable. Some visibility of pedestrians on the adjoining footway can be provided, and the proposed rumble strip would slow vehicle egress. In terms of fire safety the bungalows to the rear would need to have a sprinkler system installed and this can be conditioned.

If the application was to be approved, the re-lining of the parking bays on the public highway would need to be arranged and funded by the applicant prior to first use of the new access.

Refuse

In his decision letter the Inspector commented that each dwelling would be provided with a bin storage area, within its curtilage and that a communal refuse storage area is shown approx. 26m from the highway. Given the distance of that storage area and the alternative bin collection point, from any main habitable room windows or rear gardens, he was not persuaded that significant harm to residential living conditions as a result of the accumulation of waste would be caused. Furthermore, it seem to him that bins stored temporarily close to the roadside would not have a significant impact on the appearance of the area and would be unlikely to lead to vandalism, present a fire hazard or attract flytipping and as such he considered that the scheme would not conflict with Policy BNE2's requirement to protect the amenities of residential occupiers.

The current application proposes the same arrangements for the storage and collection of refuse and having regard to the Inspector's comments, no objection is raised in this regard under Policy BNE2 of the Local Plan or paragraph 127 of the NPPF.

Contamination

In respect of potential land contamination from former usage a desk top study was submitted with the application but the study was somewhat limited consisting of historical information, photographs and historical mapping. It concluded that there was potential for land contamination from previous use and recommended a phase 2 contamination investigation. No objection is raised to this approach within the terms of Policy BNE23 of the Local Plan or paragraphs 170 and 178 of the NPPF but as the development is sensitive to the end user in terms of residential gardens conditions are required to ensure appropriate mitigation is carried out in the long-term interests of future occupants.

Construction Environment Management Plan

A Construction Environment Management Plan (CEMP) was submitted with the application. As initially submitted, this was found to be unacceptable, but an amended CEMP has now been submitted to address any concerns and no objection is now raised in this regard under Policy BNE2 of the Local Plan and paragraph 127 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 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 applicant paid this tariff prior to the grant of the previous planning permission (MC/15/4353). No further contribution is, therefore sought as there is no change in the number of dwellings and therefore no objection is therefore raised under Paragraphs 170, 175 and 176 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

No local finance considerations are raised by this application.

Conclusions and Reasons for Approval

Having regard to the above considerations, the principle of the proposed development is considered to be acceptable and no objection is raised in terms of design and appearance, housing design standards, neighbour amenity, tree retention, highways and parking, refuse storage and collection, environmental protection and bird mitigation. The application is, therefore considered to comply with Policies S6, CF1, H4, H9, BNE1, BNE2, BNE23, BNE35, BNE43, T1, T2 and T13 of the Local Plan and Paragraphs 59, 92c, 102, 105, 124, 127, 170, 175 and 176 of the NPPF. 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 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/>