

MC/19/1717

Date Received: 26 June 2019

Location: 107 Victoria Street Gillingham Medway ME7 1EL

Proposal: Construction of a single storey detached outbuilding for storage

Applicant Mr P. Kulanayagam

Agent TSJ Drawings
Mr S John Unit 8
48A Upper Fant Road
Maidstone
ME16 8DN

Ward: Gillingham North 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 18th September 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:

Drawings 1203/CW/12 REV E; 1203/CW/13 REV G; 1203/CW/14 REV E received 26 June 2019; and email received 12 August 2019; and 1202 SAA 11 B received 28 August 2019..

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

- 3 The development shall be implemented in accordance with the approved details with the building finished in rendering in its entirety prior to being brought into use.

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 Full details of any external lighting and security cameras (including set up and angles of view) to serve the development shall be submitted to and approved in writing by the local Planning authority prior to installation on site. All external lighting and security cameras shall be installed in accordance with the approved details and thereafter maintained.

Reason: In accordance with the objectives of Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 5 The outbuilding shall be built in accordance with the submitted drawings and no refrigeration shall be provided within or to serve the building unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In accordance with the objectives of Policy BNE2 of the Medway Local Plan 2003 and paragraph 127 of the National Planning Policy Framework 2019.

- 6 The premises shall only open to the public between 08:00 to 23:00 hours (inclusive) and no commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside these hours of opening.

Reason: In the interests of amenity protection in accordance with the objectives of Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 7 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, and dust arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

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

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

Proposal

This application seeks planning permission for the erection of a single storey outbuilding for use as storage in connection with the existing retail store to the front . The building is proposed of a flat roof design approx. 2.5m high; approx. 4.6m wide and approx. 7.2m max deep. A small w/c is proposed at the front of the proposed building with a door opening to face the side southern boundary. This will be for staff running the shop. A separate door is proposed on the eastern elevation facing into the site towards the rear of the shop. A garden/yard area would be retained between the rear elevation of the shop and the proposed outbuilding. Boundary treatment would be retained to both sides but the rear boundary would be formed by the building itself set in approx. 1m. A render finish is proposed. Down lighters and security cameras are proposed on the exterior of the building.

Relevant Planning History

MC/19/0833 Construction of a single storey detached outbuilding for storage
Refused 3 June 2019

Representations

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

Seven letter (two from one household) have been received objecting to the proposal on the following grounds:

- Overdevelopment of rear yard
- The increased storage of alcohol and tobacco on the property, will increase the fire hazards and risk of burglary.
- Loss of sunlight
- Loss of Privacy
- Noise disturbance
- No need for an external toilet
- Increase in noise and light pollution from increased activity levels
- Dominant form of development
- Poor means of escape in case of fire
- Out of character
- Potential in anti social behaviour in particular from side alleyway at night due to increased stock.
- Increase in deliveries causing disturbance and blocking the road junction

- Breach of hours of planning permission until 11pm at night seven days a week
- Presence of slow worms in rear garden

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Principle

The application site lies within an urban, predominantly residential area but the site is in retail use as a general amenity store. The rear yard is laid out as a relatively flat poorly maintained garden with a mix of boundary treatment (fence panels) throughout. There is no boundary treatment to the rear. Subject to compliance with detailed matters, which are subject to assessment below, the principle of the site for supporting the use as additional storage is considered acceptable where the use meets local needs and storage space is at a premium within the main building.

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 siting, scale and mass and should respect the visual amenity of the surrounding area. This proposal represents a scaled down version of a scheme recently refused in terms of design and impact on amenity.

There are garden outbuildings in the vicinity but not close to the site. The proposal is relatively large but would not be seen from the highway. It is considered acceptable in terms of design where seen from neighbouring gardens as it is reflective of a large flat roof outbuilding often seen in gardens. A condition regarding materials is recommended to manage the development as the proposal would be prominent from neighbouring gardens in particular to the rear.

On this basis, the proposal would with the objectives of Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

The development would be seen from properties to the rear and from neighbouring gardens to each side. Policy BNE2 of the Local Plan and paragraph 127f of the NPPF relate to the protection of existing and future amenities.

In terms of nearby neighbour's amenity, the building would be seen from gardens to the rear as there is no current boundary treatment on the boundary. These gardens are on a lower level (approx. 2m lower) but 2m boundary treatment could be erected without the need for planning permission on the rear boundary. Having regard to this and taking account of the additional height of the building, the proposed set back of the building from the boundary with appropriate use of materials will mitigate any impact caused when seen from the rear.

Neighbours to both sides will see the building from gardens and rear windows. Due to the height of boundary treatment in place currently and the additional height and scale of the proposed building, the impact is balanced against outbuildings that may be built in gardens of a domestic nature of similar scale. The building will be single storey and in consideration of this and depth of gardens, no objection is raised.

There is the potential for disturbance from activity levels to and from the building. Any lighting could be mitigated by condition to be down lit only to ensure no security lights reflect back towards neighbouring windows. There is the potential for activity generated more frequently into the garden than currently experienced. However, having regard to the building being used for storage; staffing levels being low (two staff) and the frequency of movement between buildings being relatively low key, no objection is raised. It is unclear in the long term if the storage would be used for refrigeration but this can be managed by condition in terms of noise and disturbance potential. At the present time, stock is not proposed to be refrigerated.

The site has no current restrictions regarding hours of operation. The increase in stock has the potential to draw in more customers, and increase activity levels and disturbance. The premises currently open between the hours of 08:00 until 23:00 seven days per week and this is not currently controlled by condition. It is recommended that the hours be managed to reflect the current situation to limit hours of opening, movement of goods and for deliveries in the interests of amenity protection.

The ground floor is in retail use but the rear garden provides for a sitting out area for staff and for the flat above the shop. This would be maintained in a reduced size but is considered acceptable.

It is considered that a Construction Environmental Management Plan (CEMP) condition is necessary to minimise the impact of the construction period on the amenities of local residents.

The proposed development is considered to be acceptable and in accordance with the objectives of Policy BNE2 of the Local Plan and Paragraph 127(f) of the NPPF.

Highways

The site has no off street parking. The storage would be ancillary to the existing use and as a consequence would not 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.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

It is considered that the details of the proposal are acceptable and the proposed development would have no detrimental impact on the character of the area and the amenities of neighbouring residential occupiers. The application in accordance with the objectives of Policies BNE1, BNE2, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 105, 108, 124, 127 of the National Planning Policy Framework 2019.

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/>