

MC/19/1171

Date Received: 2 May 2019

Location: 26-36 Ivy Street Rainham Gillingham Medway

Proposal: Construction of 4 three bedroom dwellings with associated parking and garden amenity space.

Applicant Mr Martin Whale

Agent Consult Construct Ltd
Mrs Jennifer Hughes Consult Construct Ltd
Gunpowder Works
Off Bysing Wood Road
Faversham
ME13 7UD

Ward: Rainham 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 subject to:

A. i) £982.24 towards Wildlife mitigation(awaiting payment)

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:

Drawings 202;203;204;205 received 20 June 2019 and Drawing 105 Rev A received 21 August 2019.

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

- 3 The boundary treatment shall be completed in accordance with the approved details before any dwellings are occupied and once implemented, shall thereafter be retained.

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 Notwithstanding the submitted details, 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 and paragraphs 124 and 127 of the National Planning Policy Framework 2019.

- 5 The bathroom window on the side elevation of proposed unit 4 at first floor level 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 dwelling is first occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 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 Class A,B,C,D,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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 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.

- 8 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, dust and lighting 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 with regard to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 9 Each property shall be provided with at least one electric vehicle charging point in accordance with details to be agreed in writing by the Local Planning Authority prior to works commencing above slab level. The charging points shall be implemented prior to occupation of each dwelling and thereafter maintained.

Reason: In the interests of Air quality and a sustainable form of development in accordance with the objectives of paragraph 149 of the National Planning Policy Framework 2019.

- 10 All gas boilers shall meet a minimum standard of less than 40mgNOx/kWh prior to occupation of any dwelling. Once installed, the boilers shall be maintained.

Reason In the interests of air quality and sustainable development in accordance with the objectives of paragraph 149 of the National Planning Policy Framework 2019.

- 11 Full details of any PV solar panels to be used for this scheme shall be submitted to and approved in writing prior to installation on site. The development shall be carried out in accordance with any details approved and maintained following installation.

Reason: In the interests of sustainability and climate control in accordance with paragraph 149 of the National Planning Policy Framework 2019

- 12 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. 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.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and such retention will be in accordance with Policies BNE2, T1 and T13 of the Medway Local Plan 2003.

- 13 The access to each parking area shall not be used until vision splays 2.0m x 2.0m by 45 degrees between the driveway as shown on approved drawing number 202 have been provided and no obstruction of sight, including any boundary treatment, more than 1m above carriageway level shall be permitted within the splays thereafter

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T3 of the Medway Local Plan 2003.

- 14 Prior to construction of any hard surface in connection with parking to serve the development, full details of a soakage test accompanied with a scheme of sustainable drainage for the development shall be submitted to and approved in writing by the Local planning Authority. This submission shall demonstrate that the underlying geology is suitable for infiltration to convey water from the roofs and driveways to the soakaway(s) or provide an alternative means of sustainable drainage to serve the development. The front parking area shall be implemented in accordance with any details approved and thereafter be retained.

Reason: To manage surface water in accordance with Paragraph 103 of the NPPF.

- 15 Prior to the first occupation of the dwellings herein approved, a landscaping scheme for the frontage area of the site together with a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 16 Full details of proposed refuse and cycle storage shall be submitted to and approved in writing by the Local Planning authority prior to occupation of the dwellings. The storage shall be implemented in accordance with any approved details prior to occupation of the dwellings.

Reason: In the interests of amenity protection and sustainable means of transport in accordance with the objectives of Policies BNE2 and T4 of the Medway Local Plan 2003

- 17 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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,

archeological 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: In the interest of amenity protection from the potential effects of contamination of the site in accordance with the objectives of Policy BNE23 of the

Medway Local Plan 2003 and paragraph 178 of the National Planning Policy Framework 2019

- 18 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 must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. 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: In the interest of amenity protection from the potential effects of contamination of the site in accordance with the objectives of Policy BNE23 of the Medway Local Plan 2003 and paragraph 178 of the National Planning Policy Framework 2019

- 19 The approved remediation scheme must be carried out in accordance with its terms prior to any development taking place (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. 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 occupation of any dwelling hereby approved.

Reason: In the interest of amenity protection from the potential effects of contamination of the site in accordance with the objectives of Policy BNE23 of the Medway Local Plan 2003 and paragraph 178 of the National Planning Policy Framework 2019

- 20 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 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, 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 19 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 19.

Reason: In the interest of amenity protection from the potential effects of contamination of the site in accordance with the objectives of Policy BNE23 of the Medway Local Plan 2003 and paragraph 178 of the National Planning Policy Framework 2019

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 proposes the demolition of existing motor vehicle repair workshops and the construction of a terrace of 4 three bedroom dwellings. The properties are proposed of a two storey design with single storey front and rear projections (the rear incorporating roof lights). The southernmost plot incorporates a single storey side extension incorporating rooflights to the side roof. Front and rear dormer windows are proposed within the main roof space with each property separated by a raised parapet detail. The end properties are proposed to have gable flanks.

The dwellings are proposed to measure approx. 5.7m high to eaves and approx. 8.7 m high to ridge from ground level. The single storey height is proposed to measure approx..2.4 m from ground to eaves level and approx. 3.3 m in height from ground to ridge. The properties would have a maximum depth of approx.12.5m set back approx. 6.3m from the highway. The applicants propose a finish of red facing brick with rendered first floor; artificial slate roof tiles and Upvc heritage windows throughout.

To the rear, each property is proposed to have a minimum garden of approx. 11.5 m depth served by a patio and soft landscaping. The gardens are proposed to be bounded by approx.1.8m high close boarded fencing. Storage for cycles and refuse is proposed at the rear (indicatively). Access to the rear gardens would be provided via a private footpath off an existing public footpath north of the site with perimeter hedging tidied up throughout. No access would be provided to the neighbouring car park to the east that serves flats.

Each property is proposed to be provided with two parking spaces to the front on a hardstanding bounded by an approx. 1m high boundary wall with railings at the point of adjoining the public highway. Landscaping is proposed also within each front garden that would be separated by wrought iron railings to approx. 1m in height.

Property layout

Unit 1 (southern most plot)

This is proposed to have a front porch; open plan lounge and kitchen; study; and w/c/utility at ground floor with two double bedrooms and bathroom at first floor level and a double bedroom with storage within the loft area.

Units 2 and 3

These are proposed to have a front porch; open plan lounge and kitchen; utility/storage room and separate w/c at ground floor with two double bedrooms and bathroom at first floor level and a double bedroom (with storage) within the loft area.

Unit 4 (northern most plot)

This is proposed to have a front porch; lounge; kitchen; utility/w/c room and storage cupboards at ground floor with two double bedrooms and bathroom at first floor level and a double bedroom (with storage) within the loft area.

Site Area/Density

Site Area: 0.075hectares (0.185acres)

Site Density: 53dph (21dpa)

Relevant Planning History

GL/94/0724/58/0236 Continued use of premises for car repairs workshop (Class B2) and MOT bay
Approved 6 January 1995

Land adj 8 Ivy Street Rainham

MC/18/2653 Construction of a detached 3no bedroom dwelling with associated parking
Refused 30 November 2018
Appeal Allowed 5 May 2019

Representations

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

Seven letters of objection have been received raising the following concerns:

- Overdevelopment
- Inadequate parking
- Adverse impact on character of area
- Precedent for further development
- Adverse strain on services ie doctors and schools
- Adverse impact from construction plant and noise associated with construction of development
- Parking mitigation can be managed by agreement/planning condition
- New housing should be supported for families

Four letters of support have been received (including three from a planning agent of a nearby development site)

- The proposed development would reduce traffic movement from the site
- Whilst there may be concern regarding construction impact, this can be mitigated
- Adjacent properties will be enhanced indirectly
- No loss of privacy will occur
- The development will prevent illegal parking to the front of the site
- Sufficient parking is provided
- A recent planning appeal has been allowed for development with parking within the front garden of similar design

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

The application site has been used as a motor vehicle and repair centre (including MOTs) for 26 years. It has previously been used as laundry business and for scouting purposes. It closed in 2018. The agent advises that the constraints of the site are such that it is not ideal to continue for garage and MOT use, there are more appropriate sites and any intensification would be detrimental to the residential amenities of the area.

The applicants have sought pre application advice on the proposed scheme; comments from residents in a low key meeting and also amended the scheme at the request of officers during the course of the submission.

Recently frontage parking and impact from overspill parking has been a consideration for development nearby (see planning history). In this decision frontage parking was allowed and the impact from a single dwelling supported with consideration given to the parking situation in Ivy Street.

Principle

The site is within an urban location where there is a presumption in favour of residential development (in particular windfall sites) if the site circumstances are appropriate.

The proposed infill development of a terrace of four houses is considered appropriate in terms of location within a residential area characterised predominantly by terraced two storey housing with some having accommodation within the roof. The development would be more neighbour friendly than the existing use with vehicle movement less frequent in comparison to the existing use. Overall the proposal would comply with the objectives of Policies H4 of the NPPF and paragraphs 8,10 105,117,118 of the NPPF.

Design

The proposed design would respect the streetscape in terms of siting and appearance that would pick up features of the historic streetscape. The setback of the terrace reflects existing buildings but differs from the general streetscape. This would allow off road parking to the front of the site where the site is currently hard surfaced. The provision of a frontage wall/railing combination would reflect the element of walling presence currently on site. The gable ended design would pick up on the features of neighbouring households and the modest dormer windows to front and rear would give interest to the design without dominating the roof form overall. On this basis, no objection is raised.

The proposal lack details of rear storage for both the cycle and refuse buildings but these details may be secured by planning condition. To the front of the site where planting of modest scale is proposed for the benefit of the street scene, it is considered appropriate to manage this in terms of design and maintenance via condition to secure planting for the first five years of occupation. This will enhance the site where seen from the road provided appropriate planting is used and maintained. Residents could then take 'ownership' of maintenance, if a management company is not involved, once established. The proposal is considered to comply with the objectives of Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

The proposed development will need to be considered against the objectives of Policy BNE2 of the local Plan and paragraph 127(f) of the NPPF.

Impact on existing residents

The development is considered acceptable in terms of privacy outlook, light and sunlight in consideration of the siting, distance and orientation of the development to neighbouring properties. Weight is also given to the depth of the proposed buildings, nature of use in comparison to the existing, siting of existing footpaths and depth of gardens. The scheme has been revised from the original submission to reduce the impact on the neighbour to the south in particular and that in addition will improve outlook from the existing situation.

The site is close to neighbouring properties who will potentially be affected by construction works. On this basis, it is recommended that a Construction and Management Plan is secured by planning condition to manage the works on site where there is the potential to cause nuisances to neighbouring properties in regards to noise, dust, an increase in vehicle traffic and mud on the roads.

Impact on future Residents

The proposed development would meet the objectives of the National Technical Standards in terms of floor space and room sizes for the three bedroom properties on three levels. In addition, the proposal would provide sufficient depth of garden space for the family occupants. The site is in an appropriate location for ease of collection of refuse storage. Provision is made for storage and refuse may be presented in black sacks to the kerb on collection day. No objection is raised on this ground. Overall, the proposed development is considered to meet the objectives of Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Sustainable drainage

There are some capacity issues within the Surface Water Sewer Network downstream of the site. Historically, there have been flooding issues, which could be lessened by reducing the water entering the system upstream. This proposal provides an opportunity to reduce water entering the system. Whilst greenspace on the proposed site is increased (which will reduce water entering the system), the driveways at the front of the buildings or the gardens provide an opportunity for soakaways, assuming there is suitable soakage. It is recommended that the applicant provide suitable mitigation. Soakage tests will be required to ensure the underlying geology is suitable for infiltration and a private network to convey water from the roofs and driveways to the soakaway(s). Installing soakaways may remove the need for surface water drainage to connect to the Southern Water Sewer Network and this may be managed by planning condition. The proposal is considered to comply with the objectives of paragraph 155 of the NPPF.

Air Quality

With regards to Air Quality, the site is close to the Rainham AQMA and while it is unlikely to have a significant impact on the AQMA, it is recommended that the applicant provides a scheme of mitigation measures in the form of Electric Vehicle rapid charge points of 1

per dwelling and for all gas boilers to meet a minimum standard of less than 40mgNO_x/kWh. This case be secured by planning condition in accordance with the objectives of paragraph of the NPPF.

Contamination

The applicants have submitted a desktop study for the site. The Phase 1 Desk Study submitted in June 2019 (Lustre Consulting Ref.3244-190610-AK) is in line with current guidance. The site has had previous industrial use and the report does recommend an intrusive investigation to establish the nature and extent of potential contamination. Therefore, it is recommended that land contamination conditions be attached to any permission to mitigate the impact from any potential contamination found. The proposal is considered to be in accordance with the objectives of Policy BNE23 of the Local Plan and paragraphs 178 179 and 180 of the NPPF.

Climate Change

The applicants commit towards adapting to climate change. They propose to provide one electric vehicle charging point for each dwelling to the front elevation adjacent to each parking area with a 3 – 7 kw supply. Gas boilers are also proposed in each dwelling will meet a minimum standard of less than 40mgNO_x/kwh. The applicants advise that the use of PV solar panels for this scheme would be desirable and is intended if the orientation of the properties suits their inclusion, however, it will be dependent on the outcome of SAP calculations as to the required area of panels to achieve sufficient electrical gain and whether the roof area is large enough to hold this number of panels, as these are terraced house with dormer windows to front and rear. Where possible sustainable building materials will be used that are locally sourced including energy efficient windows and doors and eco-friendly lighting.

Highways

Parking is permit controlled in the locality and at a premium at peak times.

The proposal would provide an extended drop curb along the frontage of the site to serve the proposed properties. The proposal would not represent a significant safety hazard provided suitable visibility splays are in place to safeguard pedestrian safety. No objection is raised to the proposed height of front walling with this subject to no further increase in height at a later date to enable vehicles to leave the parking areas in a safe manner. In regards to vehicle movements, it is considered that the proposal would not generate greater movement than the present land use and therefore would not considered to result in a severe impact to highway network.

In terms of parking generation and competition for parking on the highway, the development has the potential to cause harm to amenity from increased parking potential. The applicant has provided robust evidence to allow the planning authority to make an informed decision of the existing situation. The applicant undertook a survey over three

days covering three periods (morning, afternoon and evening). The results demonstrate high parking stress within the local vicinity. The applicant has additionally provided information using census data which demonstrates the parking demand is likely to be 1 car per dwelling. As the proposal includes two spaces per dwelling, it is considered that this would be sufficient to accommodate the likely demand and accords with the Council's parking standards. Also storage for cycles is proposed to the rear.

Finally, whilst access from gardens is proposed to the rear onto a private footpath, this would link to an existing public highway north of the site. There will be no through route to the adjacent flat car park to the east.

Overall, the application is considered to be acceptable in respect of the transport and parking policies T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraph and 109 of National Planning Policy Framework 2019.

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 £245.56 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 agreed to pay this tariff and have/are in the process of submitted/submitted a unilateral undertaking. 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

None

Conclusions and Reasons for Approval

The proposed development is considered a suitable infill scheme as a windfall development that would respect the character and appearance of the locality and neighbouring amenity without prejudice to highway safety and efficiency subject to the conditions as set out. The proposal would comply with the objectives of Policies H4, BNE1, BNE2, BNE23, BNE35, S6, T1, T2, T4, and T13 of the Medway Local Plan 2003 and paragraphs 8,10,105,109,117,118;124,127,155,175 176,178,179, and 180 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/>