

MC/19/1915

Date Received: 18 July 2019

Location: 122 Ploughmans Way Rainham Gillingham Medway

Proposal: Construction of a two bedroomed detached dwelling with associated parking (Resubmission of MC/18/3561)

Applicant Mr Matthew Anderson

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Ward: Rainham South 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 16th October 2019.

Recommendation – Approval subject to:

- A. Securing a contribution of £245.56 towards wildlife mitigation; and
- 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: 3170-004 Rev D, 3170-006 received on 18 July 2019, and 3170-005 Rev A received on 14 August 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 proposed bay window to the western side elevation of the property at first floor level shall be of a solid panel finish (non translucent) and be completed before the room it serves is 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.

- 5 Notwithstanding the submitted plans, the proposed fencing around the patio area over the double garage shall be no less than 1.7 metres (no more than 2 metres) in height taken from the floor level of the patio. This work shall be completed before the patio area is brought into use 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.

- 6 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall show consideration regarding matters of controlling noise that may affect nearby residents, hours of work, dust suppression and the prevention of the escape of pollutants. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of nearby residents through the construction process in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The dwelling herein approved shall not be occupied until the area shown on the submitted layout for vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development including enclosure with doors, 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/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.

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

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with 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

Planning permission is sought for the construction of a two bedroomed detached dwelling with associated parking. The proposed dwelling would comprise two bedrooms (one with an en suite) and a bathroom on the ground floor. A double vehicle carport is also provided on the ground floor at first floor is an open plan living/kitchen area with access to a side patio created over the flat roof area of the carport.

Garden area to the side/rear would be directly accessible from the patio and a side staircase leads to the front, ground level (side of the carport).

To the south eastern and north eastern boundaries, 1.8m high close boarded fencing will be retained.

The proposed building would measure approx. 7.6m from ground to ridge height, a maximum depth of 7.8m and an overall width of 14m inclusive of the carport.

The building is of a contemporary design incorporating gable frontage with use of a parapet feature to the northern side and projecting bay to the front. All window openings face onto the Sutherland Gardens street frontage and at first floor, the projecting bay window is fitted with restricted outlook. The double glass doors to the first floor living area would face onto the patio and the fencing.

Carport would provide parking for at least two vehicles with access from Sutherland Gardens.

Site Area/Density

Site Area: 0.01 hectares (0.024 acres)

Site Density: 100dph (41dpa)

Relevant planning history

MC/18/3561 Construction of a detached 3 bedroom dwelling with associated parking

Decision: Refusal

Decided: 6 February 2019

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. The representations are a mix from both local residents and those made aware of the application.

Ten letters of objection received raising the following:

- Out of character with the area
- Loss of privacy
- Adverse impact on the streetscape
- Adverse impact on highway safety
- Adverse impact on highway safety in terms of emergency vehicle access close to the bend in the road
- Additional competition for parking on the highway and loss of highway parking
- Noise and inconvenience from construction works
- Access should be from Ploughman's way

Twenty-four letters in support received stating the following:

- The proposal would provide a safer approach to the local woods
- Would reduce anti-social behaviour at the entrance to the woods
- The land is underused and the proposal would make good use of the space
- The proposed house is well designed and would fit in well with the area and enhance the locality
- Adequate parking would be provided
- Parking is readily available in the area on the highway where residents also have use of their own garages
- The expansion of the community is a good idea
- No plans are put forward for a road linking Ploughman's way and Sutherlands Gardens as implied
- Would meet housing need

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

In February 2019, planning permission was refused under ref: MC/18/3561, for the construction of a detached 3 bedroom dwelling with associated parking. The summary of the reasons for refusal are as follow:

- The proposal would have an overbearing and intrusive impact on the character and appearance of the existing street scene in terms of siting, height, mass and scale;
- loss of privacy to neighbouring gardens on Sutherland Gardens; and
- Failure to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes.

The current application is a resubmission to address the above reasons for refusal. The design has taken account of the concerns raised and mitigating measures for the SPA would be provided.

Principle

The application site lies within an urban residential area of Rainham where Policy H4 of the Local Plan supports the principle of residential development provided there is a clear improvement to the local environment. Paragraph 68 of the NPPF supports the development of windfall sites for residential development and paragraph 70 advises of the need to resist inappropriate development of residential gardens, where it would cause harm to the local area.

Given that the previous application was considered to be acceptable in principle, the current application also for residential development on the site is considered acceptable in principle, subject to other matters being considered in this report.

Design

The sloping site forms part of the side/rear garden of No. 122 Ploughmans Way and is enclosed by approx. 1.8m close boarded fencing. There is a clear distinction between houses on Ploughmans Way, that are set on higher ground and built circa 1980/90s and those on Sutherland Gardens which are lower and built circa 1960/70s. Both, however, have rear or side gardens facing Sutherland Gardens. The current scheme proposes a house that fronts onto Sutherland Gardens with little set back from the pavement bringing the building closer to the road than any other development in the vicinity. The refused scheme, concern was raised to the siting, height and mass being

out of character with the surrounding streetscape. It was considered that the openness of the separation of development either side of the highway would be lost where there is a distinct difference between housing on higher ground in Ploughmans Way and Sutherland Gardens on lower ground.

This represented a challenge to overcome. It was noted that there was some merit in a stand-alone contemporary design, but the dominance of the proposed building as a whole would have an overbearing presence in the streetscape so close to the highway forming the only house with direct frontage to Sutherland Gardens.

The current scheme would retain a larger amount of garden area to the side which in turn significantly reduces the dominance of the building when viewed from Sutherland Gardens. The design, in terms of the reduction in the mass and height also adds to the building being less obtrusive.

Given the urban location of the site, the need for more housing and no policy objection, the current proposal is considered to be acceptable and addresses the previous reason for refusal.

Overall, the proposal would respect the character of the area and comply with Policy BNE1 of the Local Plan and the objectives of paragraph 124 of the NPPF.

Amenity

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

Neighbouring Residential Amenity

Whilst the neighbouring gardens are relatively on properties on Sutherland Gardens, they nevertheless provide a degree of private amenity space for the occupiers. The second reason for refusal is on the impact of the new dwelling in terms of overlooking to the gardens of these properties. The current development, has mitigated this by providing a ground level sleeping area and the living area to the upper floor with majority of the views over the south/south-west of the site. The windows to the living area on the west elevation facing Sutherland Gardens is also provided with directional glass as such minimising any direct overlooking of rear gardens.

Consequently, given that the rear gardens are on the opposite side of Sutherland Gardens and the provision of the directional glass, it is considered that the second reason for refusal has been addressed by the current proposal.

Due to reduction in mass, height together with the siting, distance and orientation of the new dwelling, no objection is raised in terms of loss of daylight or outlook. There would be some minor loss of sunlight to the north but in consideration of the path of the sun throughout the day, no objection is raised.

In terms of noise and disturbance during the construction process, a Construction Environmental Management Plan (CEMP) condition is recommended to ensure that any disruption is adequately mitigated.

Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 112 m² gross internal floor area (GIA) would exceed the minimum standard for a two bedroom, four person over two storeys minimum GIA of 79m². Both the double bedrooms meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed garden exceeds 10m being between approx. 13m deep from the rear of the dwelling. Outlook from all habitable rooms would be satisfactory. The habitable rooms would have adequate outlook and access to sunlight/daylight for the future occupants.

No objection is raised with regard to future occupiers' amenity and, the proposal is considered to be in accordance with the objectives of Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

Highways

The plans include the provision of two off-road parking spaces to serve the proposed dwelling in compliance with the Council's adopted Interim Residential Parking Standard. A condition is recommended to secure the carport is retained for vehicle parking.

In terms of vision splays, an opening within the side flank of the building is provided to enable road users, or vehicles existing the site, to have sufficient views to exit the site safely without conflict with pedestrians or other road users.

Consequently, the proposal would not cause harm to highway safety and would not affect parking in the area. The proposal, subject to condition, complies with Policies T1, T2 and T13 of the Local Plan and paragraph 109 of the NPPF.

Trees

Retained trees within the site are not under threat by the development. Any historic tree screening that may have been in place on the site has been removed. In view of this and considering that no trees on the site were protected, no objection is raised and the proposal meets the objectives of Policy BNE43 of the Local Plan and paragraph 170 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 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 applicant has agreed to make this contribution and completed a SAMMs agreement, as such satisfies the objectives of the Appropriate Assessment. The proposal would comply with Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Climate change Considerations

The dwelling will need to be designed in accordance with the latest building regulations and in particular Part L (Energy Use).

All the windows will be double glazed windows, which will significantly reduce noise and improve heat insulation.

Surface water runoff will make use of the existing surface water drainage. Any new external hard landscaping will be free draining.

Given the location of site in an urban area, the close-proximity of amenities including public transport, local services and shopping facilities from the site means that the length of private car journeys would be minimal promoting walking and other sustainable modes of transportation.

Conclusions and Reasons for Approval

On balance, the current proposal has addressed previous reasons for refusal. The proposed development is considered to meet the objectives of Policies S6, H4, BNE1 BNE2, BNE35, BNE43, T1, T2, and T13 of the Medway Local Plan 2003 and paragraphs 68, 70, 109, 124, 127, 175 and 176 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 views 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/>