

MC/20/0230

Date Received: 29 January 2020

Location: Land Adjacent To 27 Berengrave Lane Rainham Gillingham Medway

Proposal: Construction of two 5-bedroom detached dwellings with associated parking - removal of existing garage

Applicant Mr Jimmy Zammit

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Ward: Rainham North Ward

Case Officer: Dylan Campbell

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1st April 2020.

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 3213-001 E, 3213-005 and 3213-006 received 29 January 2020; 3213-003 F and 3213-004 E received 3 February 2020; and 3213-008 received 18 February 2020.

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 rooflights on the south east facing elevation of plot 2 serving the master bedroom and guest bedroom 3; and the first floor en suite windows on the north east facing elevation of plot 1 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

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 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 The dwellings herein approved shall not be occupied until the area shown on the submitted layout (drawing number 3213-005) received on 29 January 2020, as vehicle parking spaces have 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 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.

- 8 The garages herein approved shall not be occupied for any other use other than the purposes of parking or storage ancillary to the use of the dwellings herein approved.

Reason: In the interests of protecting residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of the dwellings herein approved, full details of both hard and soft landscape works for the access road and parking area and a timetable for implementation shall be 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.

- 10 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and 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.

- 11 No development shall take place above ground floor slab level until details of the provision of 2 electric vehicle charging points (one for each dwelling) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated

infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 12 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, 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.

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 construction of 2 detached, 5-bedroom dwellings. The proposal would make use of the existing access onto Berengrave Lane and each dwelling would benefit from off road parking and a detached garage along with private amenity space.

The proposed dwelling on plot 1 to the front would be a large two storey dwelling comprising a double pitched barn hipped roof design when viewed from the sides and gable projections to the front and rear. It would also have single storey projections to the front and rear. The proposed dwelling would be approx. 9.6m in width, approx. 16.6m in depth, approx. 5.4m to the eaves and approx. 8.5m to the ridge. The dwelling would be set off from the northern boundary with no. 27 Berengrave Lane by approx. 1m; approx. 6.6m from the southern boundary with no. 21 and set back from the highway by approx. 10m. The ground floor would consist of a hall, study, living room, dining room and kitchen, family room, utility room, W/C and storage. The first would consist of 5 bedrooms (3 with en suites), bathroom and storage. The dwelling would also benefit from two off-road parking spaces, a detached garage and private garden to rear.

The proposed dwelling to the rear of the site on plot 2 would be a chalet style bungalow comprising a barn hipped roof design with a hipped roof two storey element to the front and rear in the centre of the property along with roof lights to front and two dormer windows to rear to provide habitable accommodation in the roof space and a single storey projection to rear. The proposed dwelling would be approx. 14.5m in width, approx. 13.3m in depth, approx. 3.2m and approx. 5.2m to each eaves and 7.7m to the ridge. The

dwelling would be sited from the boundary to the north by approx. 6.4m, from the boundary to the south by approx. 2.4m and from the boundary to the west by approx. 9.6m. The ground floor would consist of a hall and study, lounge, kitchen/family room, 2 bedrooms (both with en suite) and a W/C. The first would consist of 3 bedrooms (all with en suites). The dwelling would also benefit from two off-road parking spaces and a detached garage to front and private garden to sides and rear.

Site Area/Density

Site Area: 0.15 hectares (0.37 acres)

Site Density: 13 dph (5 dpa)

Representations

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

8 letters have been received (2 from the same address) raising the following objections:

- Out of character with streetscene
- Tandem development
- Overdevelopment
- Plot 1 forward of line of development
- Loss of light to No.27
- Loss of privacy
- Parking and access issues
- Change of use to HMO
- Small gardens
- Land cleared of vegetation prior to application

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, residential area of Berengrave Lane. Paragraph 70 of the NPPF relates to the development of residential gardens where it would cause harm to the local area and Policy H4 of the Local Plan supports infill development in urban areas where there would be a clear improvement to the local environment. Policy H9 of

the Local Plan is relevant as the proposal would result in tandem development where there is one dwelling in front of the other. In most circumstances such tandem development would not be permitted under Policy H9 of the Local Plan as it 'generally causes disturbance and loss of privacy to the house at the front' as stated in the preamble of said Policy.

In this case there is no existing dwelling to front of the site, regardless of this, the impact in terms of disturbance and privacy related to the proposed dwelling has been taken into account. In this situation the dwelling to the rear would be sited approx. 26m from the rearmost elevation of the proposed dwelling to front and approx. 17.5m from the rear garden, additionally the proposed front windows to the plot 2 property would not be primary windows and could therefore be conditioned to be obscure glazed. Furthermore, given the width of the plot and approx. 1m defendable buffer from the side elevation of the proposed dwelling to front and the access, along with no ground floor side elevation habitable windows to the front dwelling, it is considered that there would not be a significant impact to the proposed dwelling in terms of disturbance from vehicle movements.

Although the proposal is not supported Policy H9 of the Local Plan in terms of tandem development, in light of the above there are no objections raised to the tandem development in these circumstances. It is necessary to take into consideration the impact on neighbouring residential amenities with regard to the details within Policy H9 of the Local Plan which can be summarised as no loss of privacy, acceptable vehicle access, no significant noise increase, existing natural features retained, adequate private amenity space, and character of the area and amenity land maintained.

Design and Landscaping

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 scale and mass and should respect the visual amenity of the surrounding area.

Berengrave Lane comprises a mix of housing types and designs on plots varying in size. Many of the existing dwellings throughout the streetscene have undertaken various external alterations, contributing to the mixed character and appearance of the area. The application site is located on Berengrave Lane towards the southern end, near London Road. The proposal would create a tandem development, whereby one of the proposed dwellings would be sited behind the other. Whilst this is an uncommon arrangement, there is an example of tandem development in the adjacent cul-de-sac where 4A Cozenton Close was constructed to the rear of No. 5 with an access road between the Nos. 4 and 5. The proposed dwellings are relatively traditional in design and appearance and they would appear distinct from one another in terms of their character, appearance and use of materials as illustrated in the supporting 3D renders.

In terms of siting and scale, the proposal is considered to be appropriate given the size of the application site and taking account of other recent large developments including the

flats at No. 21 Berengrave Lane (MC/17/3735) and the extension of 4A Cozenton Close (MC/18/2432). It is considered that there is no uniform line of development in the immediate area of the application site, where Nos. 4-20 are approx. 6m-12m from the highway; No. 21 is approx. 25m+ from the highway; No.27 is approx. 11-16m from the highway; No. 29 is approx. 16-19m from the highway. The proposed dwelling on plot 1 would be sited approx. 10m-12m from the highway due to the taper along the front of the plot. No objections would therefore be raised with regard to the siting of plot 1 forward of No. 27.

It is unfortunate that the site was cleared and existing natural features such as trees were removed prior to the submission of the planning application, however the Design and Access Statement (dated January 2020) outlines that there will be new trees and shrubs planted on the boundaries along with new boundary treatment. The proposed plan (drawing number 3213-005 received 29 January 2020) shows a combination of trees and shrubs which appear crammed into spaces giving unrealistic impression of the green infrastructure that might be expected, therefore it is recommended that any forthcoming planning permission includes conditions relating to landscaping and boundary treatment to ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Local Plan and paragraph 170 of the NPPF.

It is considered that the proposal would respect the character and appearance of the existing streetscene, in accordance with Policy BNE1 of the Local Plan and paragraphs 124 and 127 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

Plot 1

Due to the relationship of the proposed dwelling with No. 27 Berengrave Lane, the orientation of the site and the path of the sun, a daylight and overshadowing assessment has been carried out. Whilst there would be some additional overshadowing and loss of daylight to No. 27, the overshadowing test has shown that there would be adequate sunlight to serve the rear garden and habitable rooms throughout the day and the proposal is acceptable in terms of the 45° daylight tests. Therefore, there would be no detrimental impact on neighbouring amenities in terms of loss of daylight or sunlight.

Plot 1 would result in a degree of overlooking for the occupiers of the flats at No. 21 and No. 27 but would not result in any detrimental impact in terms of privacy as these views

would be directed toward the rear garden of the proposed dwelling and front parking area of the flats to the south which would be expected in this residential setting.

Plot 2 and Garages

Due to the relationship of the proposed dwelling and garages with Nos. 27 Berengrave Lane and No.4 Cozenton Close, the orientation of the site and the path of the sun, an overshadowing assessment has been carried out. Whilst there would be some additional overshadowing to the rear garden of No. 27 and No. 4, the overshadowing test has shown that there would be adequate sunlight to serve these rear gardens throughout the day. Therefore, there would be no detrimental impact on neighbour's amenities in terms of loss of sunlight.

Plot 2 would result in a degree of overlooking for the occupiers of No. 4A, 4 and 5 Cozenton Close from the proposed first floor windows to rear. The proposed dwelling would overlook the parking area and face some habitable room windows to 4A Cozenton Close. These windows would be between approx. 23m- 30m away, which is considered an adequate distance to maintain privacy, additionally there would be no concerns with the proposed windows overlooking the existing parking area serving No. 4A as this is not utilised as private amenity space.

The kitchen window of No. 4 Cozenton Close would be approx. 15m from the closest first floor window to rear (master bedroom) and would be at the periphery of the 45° outlook from this window. In these circumstances it is considered that there would not be a detrimental impact in terms of loss of privacy to the existing kitchen window because of the angle.

The rear garden of No. 5 Cozenton Close would be approx. 21m from the closest proposed first floor window to rear (master bedroom) and approx. 26m and 34m from the conservatory and windows to rear of No. 5, which is considered an adequate distance to maintain privacy.

In most circumstances tandem development would not be permitted under Policy H9 of the Local Plan as it 'generally causes disturbance and loss of privacy to the house at the front' as stated in the preamble of said Policy.

In this situation, the dwelling to rear would be sited approx. 26m from the rearmost elevation on the proposed dwelling to the front and approx. 17.5m from the rear garden. The proposed dwelling would be in close proximity to the rear windows and garden serving the flats at No. 21 Berengrave Lane and rear garden of No. 27 Berengrave Lane providing outlook up the private gardens towards the rear of the properties and therefore it would be recommended that any forthcoming planning permission includes a condition to obscure glaze the roof lights to the front serving the master bedroom and guest bedroom 3. The proposal also included a large glazed element to front. At first floor this glazed element would serve a mezzanine landing with a void to front. The first floor landing would be set back from the glazed frontage by approx. 4.5m. A 45° outlook test

indicated that there would be minimal overlooking of neighbouring properties due to this set back, including the rear garden of the proposed dwelling to front (plot 1) which would be approx. 22m away. It is considered that this mezzanine window would not be required to be obscure glazed.

With regards to noise and disturbance to neighbouring properties from the dwelling to the rear, it is considered that, given the width of the plot; and the approx. 2.2-3.5m defensible buffer between the side elevation of No.21, the access and the approx. 1m defensible buffer from the side elevation of the proposed dwelling on plot 1; and the access, along with no ground floor side elevation habitable windows within the plot 1 dwelling, it is considered that there would not be a significant impact the neighbouring dwellings (proposed and existing) in terms of disturbance from vehicle movements.

In considering the potential for future development under permitted development rights, it is recommended that enlargement to the dwelling under Classes A and E be removed in the interest of the amenity and preserving the character of the area.

It is also necessary to restrict the use of the dwelling to single-family occupancy in the interest of amenity. As such, a condition removing permitted development right for change of use from Class C3 to C4 (Small HMO) is recommended.

Due to the proximity of the proposal to neighbouring dwellings it is recommended that a Construction Environmental Management Plan, is secured by condition to mitigate noise and disturbance to nearby residents during the construction process.

Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 223m² gross internal floor areas (GIA) for plot 1 and approx. 199m² GIA for plot 2 would exceed the minimum standard for a 5 bedroom, 8 person over two storey minimum GIA of 128m². All double and single 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 gardens meet these depths.

It is considered that the proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways and Climate Change

The plans include the provision of two off-road parking spaces to serve each of the proposed dwellings in accordance with the adopted Interim Residential Parking Standards. It is proposed that the dwelling would have a single access onto Berengrave Lane. It is not considered that this would result in any adverse impact to the highway. It is

noted however that no electric vehicle charging points are proposed. The NPPF 2019 has put sustainable development as a central core and paragraph 110E outlines that development should provide for electric vehicle charging. Therefore, a suitably worded condition would be required to fulfil this objective. A condition would also be required to ensure the parking areas are provided prior to occupation and retained thereafter. It is considered that the proposal is in accordance with Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110E of the NPPF.

The Planning Agent has submitted an Energy Statement which is summarised as follows:

- All materials are to be sourced responsibly from suppliers who are environmentally accredited (ISO14001, BES6001 or similar);
- All timber used onsite and in construction shall be sourced from accredited suppliers and sources
- Materials with an Environmental Product Declaration (EPD) shall be chosen
- A 98% efficient gas combination boiler the heating system using underfloor heating system will be used
- 100% LED lighting throughout the scheme will be used
- Rainwater will be collected and reused for the Garden areas.
- The new hardstanding areas will be porous paving to allow the surface water to be returned into the ground.
- Glazing will be thermally insulated gas filled and also be tinted to reduce solar glare and overheating of the building.
- The new dwelling will meet the requirements of approved document L1A 2013, for target energy efficiency of the total building including the fabric, heating system, solar gain and natural shading elements.

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 paid this tariff and completed a SAMMs Bird Mitigation Contribution Agreement form. No objection is therefore raised with regard to Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Conclusions and Reasons for Approval

It is considered that the proposal would respect the character and appearance the streetscene. The proposal would not have a detrimental impact on neighbouring residential amenities, parking or highway safety and therefore no objections would be raised with regard to the proposed tandem development. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE6, BNE35, H4, T1, T2 and T13 of the Local Plan and paragraphs 70, 109, 110E, 124, 127, 127f, 170, 175 and 176 of the NPPF.

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 for approval with conditions.

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/>