

MC/20/0804

Date Received: 1 April 2020

Location: 21 Berengrave Lane Rainham Gillingham Medway

Proposal: Part retrospective application for the construction of two storey side extension together with part two storey part single storey rear extension and installation of dormers to front and rear to facilitate the change of use of existing care home (use class C2) to provide 8 flats with private amenity space, vehicle parking and landscaping

Applicant Cherry Acre Developments

Agent DHA Planning
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Ward: Rainham North Ward

Case Officer: Dylan Campbell

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 22nd July 2020.

Recommendation - Approval with Conditions

- 1 The part two storey/part first floor rear extension with flat roof over the kitchen of flat 6 shall be replaced with a tabletop roof as shown in drawing numbers page 1 front elevation and side elevation -1 and page 1 rear elevation and side elevation - 2 received 9 June 2020 within 2 months from the date of this approval.

Reason: To ensure that the appearance of the development is satisfactory in the interests of the visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers page 1 (ground floor plan), page 2 (first floor plan) and page 3 (second floor plan) received 1 April 2020; and page 1 (front elevation and side elevation - 1), page 1 (rear elevation and side elevation - 2), page 3 (block plan) and page 1 (refuse, recycle and cycle store plan) received 9 June 2020.

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

- 3 All materials used externally shall match those of the existing building.

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 stairwell windows on the south facing side elevation serving flat 6; the first floor windows on the south facing side elevation serving flat 7; and the roof lights on the north facing roof slope serving flat 8; 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 these flats are 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 The separating ceilings and floors between each flat shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To safeguard the amenities of the occupants of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No dwelling herein approved shall be occupied until the area shown on the submitted layout, Page 3 (block plan) received 9 June 2020, as vehicle parking spaces 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 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.

- 7 No dwelling herein approved shall be occupied until the area shown on the submitted layout, page 3 (block plan) and page 1 (refuse, recycling and cycle store plan) received 9 June 2020, as secure private cycle parking provision in the form of individual lockers for have been provided. The cycle parking shall be implemented in accordance with the approved details before any dwellings are 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.

- 8 No dwelling herein approved shall be occupied until the refuse and recycling storage facility are provided in accordance with drawing number page 3 (block plan) and page 1 (refuse, recycling and cycle store plan) received 9 June 2020 and shall be retained thereafter.

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

- 9 The privacy screen to the balcony of flat 7 shall be retained in accordance with drawing number page 1 (rear elevation and side elevation - 2) received 9 June 2020.

Reason: To protect the amenities of the occupiers of the neighbouring property 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

This part retrospective application is for the construction of a two storey side extension together with part two storey part single storey rear extension and installation of dormers to front and rear to facilitate the change of use of a care home (use class C2) to provide 8 flats with private amenity space, vehicle parking and landscaping front (use class C3).

The ground floor comprises 5 two-bedroom flats with flat 5 being distributed over the ground and first floor; the first floor comprises 2 two-bedroom flats and 1 three-bedroom flat with flats 7 and 8 being distributed over the first and second floor (roof space).

There are two entrances to the building located on front elevation. One would serve flats 1, 2, 7 and 8 and the other would serve flats 3, 4, 5 and 6. Each flat would benefit from an

element of outdoor amenity space and shared amenity space to rear, along with a vehicle parking, cycle storage and refuse and recycling storage to the front.

Site Area/Density

Site Area: 0.020 hectares (0.048 acres)

Site Density: 400 dph (166 dpa)

Relevant Planning History

MC/19/3135

Variation of condition 2 to allow a retrospective minor material amendment to planning permission MC/17/3735 for increase in ridge height of main building, increase in size of dormer windows to front and rear along with additional roof lights to front and additional dormer to rear; re-location of bay windows to front elevation; roof alterations to form hipped roof to ground floor rear elevation; shallower pitch roof to rear projection and additional roof lights to northern roof slope; flat roof to two storey rear projection; and associated external alterations to windows and doors; along with internal alterations - Resubmission of MC/19/1173

Decision: Withdrawn by Agent

Decided: 13 January 2020

MC/19/1173

Variation of condition 2 to allow a retrospective minor material amendment to planning permission MC/17/3735 for increase in size of dormer windows to front along with additional roof lights; increase in size of dormer windows to rear along with additional dormer window and roof lights with associated roof alterations, addition of windows, doors and roof lights to South facing side elevation/roof slopes and internal alterations

Decision: Refusal

Decided: 28 June 2019

MC/18/3243

Details pursuant to condition 4 on planning application MC/17/3735 - Construction of two storey side extension together with single storey rear extension and installation of dormers to front and rear to facilitate the change of use of existing care home (use class C2) to provide 8 Flats with private amenity space, vehicle

park and landscaping
Decision: Discharged
Decided: 21 December 2018

MC/17/3735

Construction of two storey side extension together with single storey rear extension and installation of dormers to front and rear to facilitate the change of use of existing care home (use class C2) to provide 8 Flats with private amenity space, vehicle park and landscaping

Decision: Approval with Conditions
Decided: 8 March 2018

Representations

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

Six letters of objection have been received outlining the following concerns:

- Out of character
- Loss of privacy
- Number of vehicles
- Appearance of proposal from rear
- Number of proposed occupants

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

During the construction phase of the approved development MC/17/3735, it came to light that the development was not being constructed in accordance with the approved plans and the applicants submitted a variation of condition to remedy this breach (MC/19/1173). It was considered that the development as constructed was substantially different to the scheme approved under planning reference MC/17/3735, with particular reference to the increase in the size and number of dormers, installation of additional windows in the side elevations and roof slopes, construction of a flat roof to the two storey projection to rear;

and increase in the number of bedrooms, proposed occupants and changes gross internal floor area, and therefore did not constitute a minor material amendment and an application for full planning permission was required.

A further variation of condition application was submitted (MC/19/3135), however it was advised that the concerns outlined in the previously refused application (MC/19/1173) had not been addressed and an application for full planning permission was required; and subsequently the application was withdrawn.

This application has been submitted to address concerns raised and includes several alterations to the originally approved application and to what has been constructed on site.

Principle

The principle of the development has been accepted with the grant of planning permission under MC/17/3735. The key elements for consideration are the design; the impact on neighbouring residential amenities; and highways safety.

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

Berengrave Lane is in a predominantly residential area of Gillingham. The streetscene consists of a mix of properties, varying in character and appearance. Many of the properties are set back from the highway providing open frontages with varying boundary treatments, hardstanding areas and soft landscaping. 21 Berengrave Lane is a large detached property which is set back from the highway. Prior to works being carried out, the property comprised a two-storey residential care home, accessed via a driveway leading to a turning area at the front of the main entrance to the building.

Since the approval of the previous application (MC/17/3735) several external alterations have been carried out in the process of converting the property into 8 flats, a number of which do not reflect the approved plans under MC/17/3735. As constructed these alterations include an increase of the ridge height of the main building by approx. 500mm; the construction of a flat roof rather than a pitched roof over the part two storey/part first floor rear extension; an increase to the size of dormer windows to the front along with additional roof lights; an increase to the size of dormer windows to the rear along with an additional dormer window, additional rooflights and the re-siting of previously approved roof lights to the rear; the addition of windows, doors to south facing side elevation and internal alterations.

The approved scheme (MC/17/3735) included the construction of a first-floor rear extension comprising a tabletop roof design with tiles to match the pitched roof of the

existing property. This extension was shown on the approved plans to accommodate the kitchen area of flat six. It is considered that this roof would have tied in with the existing property being appropriate in scale and appearance. The development as constructed is now a part two storey/part first floor rear extension with flat roof. Whilst this element is to the rear of the main building, it is visible from within the site and from neighbouring properties. By virtue of its flat roof design, the extension relates poorly to both the host property and neighbouring properties and is therefore be detrimental to the character and appearance of existing property when viewed from the site and surrounding rear gardens.

This proposal shows an amended roof design to the first-floor rear element which reflects what was previously approved, being a tabletop roof design with tiles to match the pitched roof of the existing property. In these circumstances it is considered that this amendment to what has been constructed is acceptable.

Whilst the dormers to front are larger than previously approved, it is considered that they are still sited well within the pitch of the roof slope and they do not appear to dominate the frontage of the proposal, or detract from the streetscene. The increase in size and number of dormers to the rear is not considered ideal in design terms and appear bulkier than what was approved. However, this element of the proposal is not visible from the streetscene and therefore does not detract from the character and appearance of the development or neighbouring properties when viewed from public vantage points. Therefore, on balance it is considered that this element of the development would not warrant refusal of the scheme.

With regard to remainder of the alterations as outlined above, although there are a number of them, overall it is considered that the character and appearance of the development is satisfactory in terms of scale and mass and respects the visual amenity and mixed character of the surrounding area, 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 proposal 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

Due to the size, scale and siting of the proposal in relation to neighbouring properties and habitable room windows and also taking into consideration the path of the sun, it is considered that the proposal would not significantly impact neighbouring residential amenities in terms of loss of daylight, sunlight or outlook over and above the impact of the development approved under MC/17/3735.

As constructed Flat 8 meets the overall minimum gross internal floor areas as set out in the Technical housing standards – nationally described space standard (2015), however the installation of an additional dormer to the rear and two additional roof lights to the north facing roof slope to serve the third bedroom, enables direct overlooking into the rear private amenity space of 27 Berengrave Lane. Additionally, the first floor south facing side elevation windows serving flat 7 enables overlooking of the roof lights of 19 Berengrave Lane. These roof lights and windows result a loss of privacy, detrimental to the amenity of the occupiers of 19 and 27 Berengrave Lane.

This proposal shows an amendment to flats 7 and 8 whereby these windows and roof lights would be obscure glazed and fixed shut. An additional roof light would be installed to the front roof slope to provide adequate outlook to serve the third bedroom of flat 8. In these circumstances, it is considered that these amendments to what has been constructed is acceptable in terms of protecting neighbouring residential privacy.

Amenity of Future Occupiers

The proposed flats have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard).

As a result of the internal alternations bedroom 2 of flat 1 no longer meets the minimum gross internal floor area for a single bedroom; flat 5 has increased from two double bedrooms, to two double bedrooms and one single bedroom. Flat 5 no longer meets the minimum gross internal floor areas set out in the Technical housing standards – nationally described space standard (2015). Due to the addition of a dormer to the rear and roof lights to the north facing roof slope, flat eight has increased from one double bedroom and one single room to two double bedrooms and a single bedroom.

The proposal shows relocation of an internal wall in flat 1 and removal of a wall in flat 5 to bring these flats in line with the Technical housing standards - nationally described space standard dated March 2015. In these circumstances it is considered that this amendment is acceptable.

The proposed flats have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). Flats 1, 2, 3, 4 and 6 would be acceptable in terms of the minimum GIA of 61m² as set out in the standards for a two-bedroom, three person, dwelling, flats 5 and 7 would be acceptable in terms of the minimum GIA of 70m² as set out in the standards for a two-bedroom, 3 person dwelling over two floors; and flat 8 would be acceptable in terms of minimum GIA of 93m² as set out in the standards for a three-bedroom, 5 person dwelling over two floors. The width requirements for bedrooms would be acceptable and all habitable rooms would be provided with suitable outlook.

Regarding refuse collection, a refuse and recycling store would be provided to the front of the application site and this would be conditioned to be implemented prior to occupation of any of the flats.

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

Highways

The application proposes 10 parking spaces plus disabled space for the 8 flats. Although this proposal includes one additional bedroom to the previously approved scheme, given that the site is on the edge of the town centre within walking distance of shops and services, the railway station and bus station, it is not considered that the proposal would result in a significant increase in competition of on street parking. A study commissioned by the Department of Transport shows declining car ownership in young people and car ownership in this ward is lower than the national average. Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car. The proposal also includes secure cycle storage within the site in the form of individual lockers; and would be secured by condition.

Subject to conditions relating to parking and cycle storage being provided, no objection is raised regarding highway safety or parking under the Policies T1 and T13 of the Local Plan or paragraphs 103 and 109 of the NPPF.

Bird Mitigation

As part of Planning Permission MC/17/3735 the applicants agreed to pay the bird mitigation tariff and completed a unilateral undertaking to that effect. The current proposal does not propose an increase to the number of flats proposed. Therefore, this application complies with Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Conclusions and Reasons for Approval

This proposal is considered to respect the character and appearance of streetscene. It would not detrimentally impact neighbouring amenities or highways safety and would provide adequate living conditions for future occupiers. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE35 and H4 of the Local Plan and paragraphs 103, 109, 124, 127, 127f, 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/>