

MC/20/1193

Date Received: 26 May 2020

Location: Former Timber Merchants And Land Behind 13-15 Borough Road
Gillingham Medway

Proposal: Part retrospective application for the construction of nine
3-bedroom dwellings, accessed by new shared surface with
associated parking and landscaping

Applicant Blue Line Property Ltd,
Mr Abul Azad

Agent Abode First
Mr Leonard Appleby 223 Napier Road
Gillingham
ME7 4HN

Ward: Gillingham South Ward

Case Officer: Madeline Mead

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 19th August 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: 1013-180 Rev F, 150 Rev F received on 26 May 2020; 1013-40 Rev H received on 20 July 2020; 1013-45 Rev I, 60 Rev H, 100 Rev G, 110 Rev G, 160 Rev G and 170 Rev G received on 28 July 2020.

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

- 3 The dwellings herein approved are to be finished in thorough coloured polymer cream render, grey double glazed windows, doors, gutters, rain water pipes and fascias, with cream stone quoins, coping stones, stone door head, stone cill and stone door surround. The roof is to be finished with Redland 49 concrete tile in grey. The shared access to be constructed of permeable block paving using grey bricks 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.

- 4 No dwelling herein approve 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 development 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.

- 5 No dwelling herein approved shall be occupied, until the alleyway to the rear of the properties on Napier Road and shown on drawing number 1013-40 Rev H, has been reinstated and fenced off from the development in accordance with details to be submitted and approved under condition 4.

Reason: To ensure rear access remains to the properties in Napier Road and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No dwelling herein approve shall be occupied, until the detail of the bin storage enclosures have been submitted to and approved in writing by the Local Planning Authority. Detail shall include refuse storage arrangements and all approved storage arrangements shall thereafter be retained. The residents shall thereafter present to the collection point only on the day of refuse collection.

Reason: To ensure that refuse vehicles do not have to enter the site to collect refuse in accordance with Policy T1 of the Medway Local Plan 2003.

- 7 No dwelling herein approve shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy T13 of the Medway Local Plan 2003

- 8 No dwelling herein approve shall be occupied, until plot numbers 4 to 9 have been fitted with roof lights to the size shown on drawing number 1013-170 Rev G received 28 July 2020.

Reason: To ensure future occupants of the room the roof lights serve have adequate daylight and outlook, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of any dwelling herein approved, full details of both hard and soft landscape works, a timetable for implementation and details of maintenance arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained 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 Prior to the occupation of any of the dwellings, details of the provision of electric vehicle charging points (2 chargers contained within the overall parking provision) shall be 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.

- 11 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method

statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 No dwelling herein approved shall be occupied, until a verification report is to be submitted to and approved in writing by the Local Planning Authority. The verification report must be in line with the Remediation and Verification Plan by GO Contaminated Land Solutions Ref.1319-P3E-1 dated 19 March 2019.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 13 The demolition and construction of the development herein approved, shall be carried out at all times in accordance with the submitted Construction and Traffic Management Plan (by Construction South Limited) dated 2nd January 2019.

Reason: To ensure the residential amenities are protected and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 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), the dwellings herein approved shall remain in use as a single family dwelling house 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 to C4 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

The application proposes the construction of a terrace of three 3-bedroom houses and three pairs of 3-bedroom semi-detached houses. The dwellings are two storey in height with a room within the roof space. Parking is located within an area in the middle of the site, adjacent to plot 3 and to the front of plots 5 and 6.

The dwellings would provide a kitchen, living/dining and w.c. at ground floor level, two bedrooms, one with en suite and a bathroom at first floor level and a further bedroom within the roof space.

The proposed development would be accessed via an existing vehicular crossover on Borough Road and provide a shared access for the development.

The layout of the development would be a terrace of three dwellings fronting onto Borough Road with the semi-detached dwellings positioned in a row at the rear of the site.

Site Area/Density

Site Area: 0.21 hectares (0.51 acres)

Site Density: 42.85 dph (17.64 dpa)

Relevant Planning History

MC/18/0155	Development of 8 residential properties comprising 2 x 3 bed & 6 x 2 bed houses, accessed by new shared surface with associated parking, covered parking and landscaping Decision: Approval with Conditions Decided: 5 July 2018
MC/15/0937	Change of use from A1 to a 'Hand Car Wash Service' class B1/B2. Decision: Withdrawn Decided: 11 June 2015
MC/13/1748	Prior notification for demolition of single storey building Decision: Approved with Conditions Decided: 14 August 2013

Representations

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

Four letters have been received raising the following concerns:

- Works proposed have already been carried out.
- Noise impact from future residents.
- Properties could be used as HMO.
- Overshadowing.
- Inadequate parking provision.
- Increase in bedrooms will increase number of future occupants,

Councillor Clive Johnson, local ward councillor has also written in raising objection to the development reiterating previous objection on grounds of overdevelopment, insufficient parking, poor site management, disregard for the alleyway that runs behind the Napier Road houses.

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 (NPPF) and are considered to conform.

Planning Appraisal

Background

Planning permission has previously been granted on this site under planning reference number MC/18/0155 for the development of 8 residential properties comprising 2 x 3 bed & 6 x 2 bed houses, accessed by new shared surface with associated parking, covered parking and landscaping, on the 5 July 2018. The main differences from the approved application to this application are as follows:

- Increase in the number of dwellings from 8 to 9. Terrace of three properties fronting onto Borough Road.
- All dwellings have 3 bedrooms.
- Five further parking spaces.
- Relocation of shared bin storage.
- The semi-detached properties to the rear of the site have moved approx.1m closer to the western boundary.
- All dwellings have a rooflight within the front and rear roof slope.
- The removal of the structures over the parking areas at the middle of the site.

Principle

The principle of residential development on this site has been established through the granting of planning permission MC/18/0155 and the application therefore accords with Policies H1, H4 and H9 of the Medway Local Plan and paragraph 11 of the NPPF.

Subject to the consideration of the detailed matters set out in Policy H9 which are set out below, the principle of developing the site for housing is considered acceptable.

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.

The dwellings proposed would be similar in design to the terraced properties within Borough Road. They would retain the same square bay window feature at ground and first floor level with a pitched roof above and the main roof is gable ended.

The access road would run between plot 3 and number 11 Borough Road, to the side of plot 3 bin storage and three parking spaces are proposed. Small areas of landscaping are proposed around the site to help soften the impact of the hardstanding areas. A footpath that runs along the rear boundary fences of properties within Napier Road is to be retained and closed off from the development by 2m high fencing.

As the application is part retrospective and some of the dwellings have already been constructed a condition is recommended for all the dwellings to be constructed, using the materials that were agreed under discharge of conditions application MC/19/0776 discharged on 29 May 2019.

In terms of the design of the development, this is considered to be appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of its use, scale, mass, layout and siting, It is also considered that the development would respect the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area. With the above mentioned condition imposed it is considered that the proposal would accord with Policy BNE1 of the Local Plan and paragraph 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development 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.

Neighbours Amenity

Due to the siting of the row of terrace properties fronting Borough Road it is not considered that they would have any detrimental impact on neighbouring properties in terms of daylight, sunlight, outlook and privacy.

The three semi-detached properties to the rear of the site would be, from the nearest proposed dwelling, approx. 31m from the rear elevation of properties in Napier Road, approx. 40m from the rear elevation of properties in Nelson Road and approx. 27m from the rear elevation of properties within Borough Road. Due to these distances it is not considered that the proposed development would have a detrimental impact in terms of daylight, sunlight, outlook and privacy.

Future Occupiers Amenity

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015.

The proposed dwellings would comprise nine 3b5p dwellings. The space standards require a gross internal floor area of 93m² for the 3b5p. These dwellings would exceed the requirements of the standards.

The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the dwellings.

The Medway Housing Design Standards requires a depth of 10m for private amenity space. All the dwellings are provided with rear gardens and all but two have side access to these gardens. The three pairs of semi detached houses to the rear of the site would have gardens over 10m in depth. The three properties to the front of the site would have varying depths of gardens. Plot 3 would have up to approx. 14m in depth, however this is not for the whole width of the garden as this is restricted by the parking spaces, plot 3 approx. 14m and plot 1 approx. 9m in depth. Overall, given the urban location of the site, it is considered that adequate amenity space would be provided.

The construction of the development itself could lead to noise and dust emissions to nearby residential properties. A Construction and Traffic Management Plan has been submitted with the application and its contents are considered to be acceptable and a condition is recommended to secure this.

Overall, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

Bin Storage

Bin storage can be provided within the rear garden areas of the proposed properties. The access road does not provide sufficient turning area for refuse vehicles to exit the development in a forward gear and therefore it has been proposed for refuse storage areas to be provided adjacent to plot 3 and adjacent to the driveway of 11 Borough Road and be presented to the kerbside on the collection day. This will be secured by condition.

Contamination

The former use of the site could have given rise to contamination. Policy BNE23 of the Local Plan and paragraph 178a of the NPPF requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. A Phase 1 Environmental Report, Phase 2 Environmental Investigation Report a Remediation Strategy and Verification Plan has been submitted with the application. The details submitted are considered to be acceptable in terms of any contamination on the land and therefore in accordance with Policy BNE23 of the Local Plan and paragraph 178a of the NPPF.

Trees

There are no trees within the application site, however, as identified on the arboricultural survey and constraints document submitted with the application there are trees and hedges within either neighbouring properties gardens or the adjacent development site. A tree survey and impact assessment have been submitted with the application, however it is to be noted that these documents have not been updated as the application is part retrospective with six of the houses to the rear of the site already constructed. It is also to be noted that tree protection measures specified in the tree report submitted in support of the original application MC/18/0155 have not been adhered to. An informative is recommended for the applicant to liaise with the owner of tree T2 as identified within the tree survey, to mitigate any harm caused to this tree during construction.

The application is considered to be in accordance with Policy BNE43 of the Local Plan.

Highways

The details submitted indicate that the existing access from Borough Road will serve the proposed development. This access previously served a commercial building that operated as a timber merchants. Taking the number of vehicle movements that were associated with this previous use it is considered that the proposed houses would not generate a substantial amount of traffic above that and as such is considered acceptable.

The access driveway is approx. 5.5 metres wide, which allows two vehicles to pass each other and is suitable for shared use with pedestrians.

A vehicle emerging from the access will have visibility of least 43 metres along Borough Road in each direction, which accords with guidance, and there is acceptable visibility of pedestrians approaching on the footway.

It is proposed for 20 car parking spaces to be provided within the site. Medway Council's Parking Standards would require 18 parking spaces for the occupiers of the dwellings and 2 car parking spaces for visitors. The proposed development therefore provides sufficient parking for the proposed development.

Paragraph 110E outlines that development should provide electric charging facilities, therefore a suitably worded condition is recommended to secure this.

It is considered that the proposed development would comply with Policies T1, T2 and T13 of the Local Plan and paragraph 109 and 110E 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 £250.39 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 completed the SAMM's mitigation form and have paid the tariff. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Electric car points will also be provided and hard standings will be drained as requirements of conditions on a planning decision notice.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Bike storage can be accommodated within the rear gardens, as such the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies BNE1, BNE2, BNE23, BNE35, BNE43, H1, H4, H9 S6, T1, T2 and T13 of the Local Plan and Paragraphs 11, 109, 110e, 124, 127, 175, 176 and 178 of the NPPF, the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of the representations received expressing a view contrary to officer's recommendation and at the request of Councillor Clive Johnson on grounds of 'overdevelopment, insufficient parking, poor site management, disregard, for the alleyway that runs behind the Napier Road houses'.

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/>