

MC/20/3146

Date Received: 7 December 2020
Location: 8 Salisbury Avenue Rainham
Gillingham Medway
Proposal: Construction of a 4-bedroom detached dwelling with associated parking
Applicant: Andy Sheppard
Agent: ArchiTechnology.Design
Mr Dan Butler 44 Cranford Close
Rainham
Rainham
ME8 7HD
Ward: Rainham Central 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 3rd March 2021.

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 number 02 received 7 December 2020; and the proposed location plan and proposed floor plans received 27 January 2021.

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

- 3 All materials used externally shall match those of the adjacent properties Nos. 1-9 Lyra Close.

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 development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints 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 and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until details of gas protection measures to be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and the gas protection measures shall be retained thereafter.

Reason: Required prior to commencement of development to ensure the adequate protection of health and amenity and to safeguard the future occupants in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 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.

- 7 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point 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 in working order.

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

- 8 The dwelling herein approved shall not be occupied until the area shown on the approved proposed site plan and floor plans as a vehicle parking space and garage 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 garage.

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.

- 9 The dwelling herein approved shall not 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 the 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.

- 10 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, B 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.

- 11 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 dwellinghouse 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

This application seeks planning permission for the construction of a detached two-storey, 4-bedroom dwelling.

The proposed dwelling would be approx. 9.7m in width, approx. 10.7m in depth, approx. 7m in height to the ridge (max) and approx. 5.2m to the eaves. The dwelling would be set back from the front boundary by approx. 1m and set off the south side boundary by approx. 0.75m. The dwelling would comprise materials to match the existing dwellings in Lyra Close.

The ground floor would consist of an entrance hall, W/C, lounge, kitchen dining room and single garage; the first floor would consist of 4 bedrooms (two with en-suites) and a bathroom. The dwelling would also benefit from one off-road parking space to the side, a garage, and a private garden to rear.

Site Area/Density

Site Area: 0.048 hectares (0.118 acres)

Site Density: 41 dph (16 dpa)

Relevant Planning History

There is no relevant planning history regarding the application site however there is relevant history in the surrounding area as detailed below.

Rear of 10 Salisbury Avenue

MC/19/3286 Construction of a 3-bedroom detached chalet bungalow with associated parking and bin store

Decision: Approval with Conditions

Decided: 14 February 2020

Land South Of 1 Lyra Close

MC/19/1770 Construction of six 3-bedroom houses with associated car barn (demolition of existing storage building)

Decision: Approval with Conditions

Decided: 19 November 2019

Rear Of 75 London Road

MC/19/1517 Demolition of existing garage and construction of a 4x bedroomed detached house with attached garage and a detached garage for use by 75 London Road

Decision: Approval with Conditions

Decided: 12 September 2019

Rear Of 73A London Road

MC/13/1622 Construction of a 2-bedroomed detached dwelling with attached garage and associated parking

Decision: Approval with Conditions

Decided: 22 August 2013

Representations

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

3 letters have been received raising the following objections:

- Loss of on street parking
- Loss of privacy
- Amenity Impact during construction
- Too large and out of keeping
- Access concerns

Southern Water has advised that an application for connection to the public foul and surface water sewer is required by the applicant/developer; and has provided guidance on surface water discharge hierarchy. Additionally, it is possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works, an ownership investigation will be required; and the proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. The applicant would need to consult with the Environment Agency.

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, located to the rear of 8 Salisbury Avenue, Gillingham and would front Lyra Close. 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 states that backland development will be permitted when there is no loss of privacy from overlooking adjoining houses/ back gardens, there is acceptable vehicular access, no significant increase in noise or disturbance, existing natural features retained, adequate private amenity space for existing and proposed dwellings and the character and amenity of the area is maintained. Additionally, paragraph 70 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area.

The proposal would result in the provision of a dwelling house in an urban area and within a sustainable location. The proposal would not result in an unacceptable backland development and would be in keeping with similar developments in terms of siting, scale and design adjacent to the site, throughout Lyra Close.

Subject to compliance with detailed matters which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

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. Policy H9 of the Local Plan states that backland development will be permitted where the character and amenity of the area is maintained.

The application site is located within an urban residential area of Gillingham and it is not specifically designated in the Local Plan. The proposal would be visible from neighbouring properties and from the junction of Salisbury Avenue and Lyra Close. Lyra Close is a relatively tightly packed cul-de-sac comprising of a mix of dwellings. In the immediate vicinity of the site the dwellings are predominantly large, detached properties, some with detached garages, whereby most dwellings are set close to side boundaries and benefit from reasonably shallow rear gardens.

The proposal would be similar in design and appearance, influenced by existing developments to the west and north of the site, including a recent development for a two-storey detached two-bedroom dwelling (MC/13/1622) and a two-storey detached four-bedroom dwelling (MC/19/1517). Although the dwelling is large and located in a relatively constrained site it is considered that the siting, scale and design of the proposal is appropriate and in keeping with neighbouring properties and would not cause harm to the character or appearance of the area. The proposal is therefore in accordance with Policies BNE1, H4 and H9 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

Due to the relationship of the proposed dwelling with surrounding neighbours, the orientation of the site and the path of the sun, there would be no detrimental impact

on neighbour's amenities in terms of loss of privacy, outlook, daylight or sunlight. The property would result in a degree of mutual overlooking for the occupiers of the dwelling and neighbouring properties west of the application site. Given the distances between habitable room windows in the streetscene being approx. 19m, it is considered that this would not result in any detrimental impact in terms of privacy. There would be some overlooking to the private amenity space and rear elevations of the existing dwellings, 6 and 8 Salisbury Avenue, however it is considered that due to the distances between first floor rear windows being approx. 20m, it would not result in any detrimental impact in terms of loss of privacy.

In considering the potential for future development under permitted development rights, it is recommended that enlargement to the dwelling under Classes A, B 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 given that any intensification of the use as a small HMO, could result in indiscriminate parking and noise and disturbance through increase movements. 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 dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 123m² gross internal floor areas (GIA) would exceed the minimum standard for a 4-bedroom, 6 persons over two storey minimum GIA of 106m². 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 garden would meet these depths being between approx. 10m; and the depth of the garden retained for the existing garden would also meet these standards.

It is considered that the proposal is in accordance with Policies BNE2, H4 and H9 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 accordance with the adopted Interim Residential Parking Standards. It is proposed that the dwelling would have a single access onto Lyra Close. The proposal would result in the loss of one on street parking space, however it is noted that dwellings on Lyra Close benefit from off road parking. It is not considered that this would result in any adverse impact to highways safety. It is noted however that no electric vehicle charging points are proposed. The NPPF 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.

Climate Change

The proposed dwelling will be required to be built to Part L of the Building Regulations, an electric charging point and the hard standing parking area will be drained as requirements to be secured through conditions.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities mean the length of journey is minimal promoting walking and other modes of sustainable transport. Bike storage can be accommodated within the rear garden.

Contamination

Policy BNE23 of the Local Plan relates to contaminated land, site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment. Paragraph 178 of the NPPF relates to ground conditions and pollution.

The site is approximately 100 metres from Bloors Lane, closed landfill site, which was licenced to receive category A and B waste, which includes inert material and some slow degradable matter. If planning permission is forthcoming, a condition relating to appropriate gas protection measures would be required. Additionally, as the site was formerly used as a domestic garage, a condition relating to a contamination watching brief would be required. Subject to these conditions the proposal is in accordance with Policy BNE23 of the Local Plan and paragraph 178 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 paid this tariff and completed a SAMMs Bird Mitigation Contribution Agreement form. No objection is therefore raised regarding Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Conclusions and Reasons for Approval

The proposal would respect the character and appearance of the streetscene, it would not result in any detrimental impact to health, amenity, or highways safety. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE23, BNE35, H4, H9, T1, T2 and T13 of the Local Plan and paragraphs 70, 109, 110E, 124, 127, 127f, 175, 176 and 178 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the level of representation contrary to officer 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/>