

MC/20/3057

Date Received: 30 November 2020
Location: 17-73 Russell House Russell Court
Luton Chatham
Proposal: An extension to provide two additional one bedroom living units for this residential complex; alterations and a covered walkway to the existing undercroft garaging (to be converted to rooms), new steps up to Magpie Hall Road and new boundary fencing and railings, relocation of public footpath and associated works.
Applicant: MHS Homes
Agent: Frankham Projects Ltd (Mr Mike Allwood)
Mr Jack Lewis Irene House
Five Arches Business Park
Maidstone Road
Sidcup
DA14 5AE
Ward: Luton And Wayfield 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 26 May 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 numbers 845-L-01 received on 10 December 2020; P003 Rev 14, P004 Rev 14, P005 Rev 10, P006 Rev 10 and P021 Rev 06 received on 3 February 2021; P002 Rev 16 and P007 Rev 07 received on 15 February 2021.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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 and highway safety and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 4 No development above slab level for the external alterations and extensions to the buildings hereby approved 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.

- 5 The proposed accommodation shall not 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

- 6 The proposed accommodation shall not be occupied, until details of the provision of 2 electric vehicle charging points have 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.

- 7 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be provided:

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with

grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

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 timetable 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 an equivalent 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.

- 8 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 Aside from the close-boarded fencing subject of condition 10 below, prior to the erection of any new boundary treatment which would be higher than 1.8m above the ground level on either side of the railings (or other means of enclosure) full details of such works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter. All new railings on the boundary shall be externally finished in black.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of residential or visual amenity in the locality, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 10 Prior to the formation of the public footpath, the close-boarded fence shown on drawing P002 Rev 16 received 15 February 2021 shall be erected and it shall be 1.8m in height above whichever is the higher of the ground level to either side. The boundary treatment shall be retained as such thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of residential or visual amenity in the locality, in accordance with Policies BNE2 and BNE8 of the Medway Local Plan 2003.

- 11 Prior to the formation of the public footpath and bringing it into use, details of lighting to the footpath and maintenance of the lighting, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on nearby residential properties and of how this effect has been minimised. The lighting to the public footpath shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on nearby residents and to provide a safe environment for members of the public to walk and with regard to Policies BNE2, BNE5 and BNE8 of the Medway Local Plan 2003.

- 12 Prior to the installation of any new external lighting on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on nearby residential properties and of how this effect has been minimised. Any external lighting added to the site shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on nearby residents and with regard to Policies BNE2, BNE5 and BNE8 of the Medway Local Plan 2003.

- 13 Notwithstanding the plans hereby approved any gates to the site shall open inwards to the site, including the vehicular gates to the car park, and these vehicular gates shall only be locked using a method which remains accessible to the emergency services at all times.

Reason: In the interests of highway safety and amenity and to ensure emergency access, in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

- 14 The two additional accommodation units hereby approved shall only be occupied as part of the residential complex currently known as Russell House and shall not be occupied as separate independent dwellinghouses.

Reason: As they share communal facilities with Russell House and due to their limited size and close relationship with it, in the interests of amenity and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This is an application for an extension to provide two additional one bedroom living units for this residential complex; alterations and a covered walkway to the existing undercroft garaging (to be converted to rooms), new steps up to Magpie Hall Road, new boundary fencing, railings, formation of a public footpath and associated works. The use of the building would in effect be re-orientated, so that the main entrance would be by the southern 'inner' corner via the gardens rather than via the north 'outer' side onto Newnham Street. A new covered entrance would be provided within the courtyard area, as well as a cycle store, and the steps to the existing outer entrance removed, with only a ramp on this side. Eight parking spaces would be provided in place of the existing detached garage block which is to be demolished.

Russell House is a residential complex consisting of 29 residential units together with communal facilities (including laundry and social rooms) overseen by staff with some living assistance provided (sui generis). It was previously occupied to people aged 55 years or older but is currently vacant pending alterations to facilitate its use for the accommodation of people aged 16-25 who for a variety of reasons are unable to live in their family home but are not ready to live alone. They would live independently but with minor assistance and a 24-hour warden/porter would be re-instated with the existing community facilities adapted to be age appropriate.

Relevant Planning History

- | | |
|------------|--|
| MC/21/0278 | Retention of 3m high temporary hoarding for a further period of 12 months
Decision: Under consideration |
| MC/19/3327 | Extension to provide two one bedroom living units, alterations and covered walkway to existing undercroft garaging (to be converted to rooms), new steps up to Magpie Hall Road and new boundary fencing and railings and associated works |

Decision: Approved with conditions
Decided: 17 April 2020

MC/20/0067 Installation of a 3m high temporary hoarding for a period of 12 months
Decision: Approved with conditions
Decided: 9 March 2020

MC/19/2629 Erection of 3m high temporary hoarding for a period of 12 months
Decision: Approved with conditions
Decided: 22 November 2019

MC/19/2607 Prior Notification under Schedule 2 Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the demolition of garage block
Decision: Prior approval not required
Decided: 30 October 2019

MC/19/0463 Application for a Lawful Development Certificate (proposed) for continued use of building as a residential complex consisting of 29 residential units together with communal facilities (including laundry and social rooms) overseen by staff with some living assistance provided (sui generis)
Decision: Approved
Decided: 25 April 2019

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Fire and Rescue Service and Kent Police have also been consulted.

Sixty letters of objection have been received raising the following objections:

- Proposed extension intrusive to existing bungalows.
- Noise pollution and disturbance.
- Over development.
- Boundary fence not in keeping with surrounding area.
- Antisocial behaviour and noise in proposed alleyway.
- Lack of parking in the area.
- Design of the extension not in keeping with surrounding properties.
- Loss of a public right of way will restrict access to the other residential dwellings within the vicinity in terms of deliveries, emergency services.
- Loss of sunlight.

Kent Fire and Rescue Service have commented that the building as extended, will have a detrimental impact on the existing means of access for the Fire and Rescue Service to a neighbouring building. It is the professional opinion of the Station Manager

that the proposed alterations would render inadequate the existing means of access for the Fire and Rescue Service to a number of neighbouring properties in the vicinity of Russell Court.

Kent Police have commented that the proposed footpath does not have direct line of sight end to end which limits informal and natural surveillance and does not appear to be lit. It is unclear from the Landscape Proposals plan (drawing number 845-L-01) if the 1.8m railings would be installed on both sides of the proposed path or if there is to be a mix of railings and 1.8m close board fencing. Given the design and location of the proposed footpath, we object to this application in the interests of user safety and potential for the path to provide opportunities for crime, anti-social behaviour (ASB) and to raise the fear of crime.

The drawing submitted originally with the application showed 1.8m close boarded fencing to both sides of the footpath. Amended drawings were submitted showing 1.8m high close boarded fencing to the boundaries of numbers 12 and 16 Russell Court and 1.8m high hoop topped railings to the other side of the footpath (Russell House boundary). These amendments were made to give some natural surveillance to the footpath.

Kent Police were reconsulted on this amendment, however, they have advised that they were unable to find any updated/amended drawings and therefore maintain their objection.

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

The use of Russell House for young rather than older people was granted a lawful development certificate under planning reference MC/19/0463, and the current application is for alterations to better serve the needs of the proposed younger occupants as well as to provide two additional accommodation units. Notification of the demolition of the freestanding garage block on the northeast side of the site was subsequently given (MC/19/2607), prior approval not being required, followed by two applications for temporary hoardings on different parts of the site. The hoardings are required whilst plans for permanent changes were being worked up, the site being currently vacant and subject of anti-social behaviour.

Planning permission has been granted under reference MC/19/3327 for an extension to provide two one bedroom living units, alterations and covered walkway to existing undercroft garaging (to be converted to rooms), new steps up to Magpie Hall Road

and new boundary fencing and railings and associated works. This application is for the same development that was granted permission under reference MC/19/3327.

The differences between the previous application and this are:

- Alterations to the location of the two additional units.
- Formation of a public footpath that would run adjacent to 10, 12 and 16 Russell Court.
- The covered walkway has been reduced in size.
- The car parking on site would be reduced from 10 spaces to 8.
- Removal of one existing unit to facilitate a communal room.

Principle

The site is located in an urban area where in principle there is no overriding objection to alterations, extensions and the addition of new units including with regard to Policies H4 and H8 of the Local Plan and paragraph 68 of the NPPF. The acceptability of the scheme will rest on detailed matters.

Design

There are various elements to the scheme. The main addition is the two new accommodation units to the northeast side of the building, at the end of the current parking court area. The new units would be set back from the footpath to the front by a landscaped and patio area. The units would sit slightly forward of the front building line of 12 Russell Court and would also be slightly deeper than this property. The design of the building is fairly simple, with a pitched gabled roof, and in this position, it is considered that its appearance would be acceptable, providing a step down from the larger main building towards the smaller bungalows to the northeast. Full details of external materials would be secured by planning condition.

The covered walkway to the north eastern elevation of the building is considered acceptable in scale and design. Similarly, there is no objection to the proposed addition to the revised main entrance or to the provision of a cycle shelter within the garden area, these having a limited impact from outside of the site due to their positions.

Part of the purpose of the proposals is to provide some security for future residents and new treatment is shown to the boundaries. Concern has been raised by Kent Police with regard to the security of the pedestrian route between the new dwellings and those at 10, 12 and 16. This is due to not being about to see end to end and the boundary treatment as originally submitted. As originally submitted, it showed closeboard fencing to both sides of the pedestrian route. However, this has since been amended. The current boundary treatment proposals show that apart from the gardens of 10, 12 and 16 Russell Court, where approx. 1.8m high fencing is proposed for privacy, the boundary would be enclosed by bow top railings, the majority being approx. 1.8m high, with pedestrian gates to the southeast to Russell Court and to the southwest up proposed steps to Magpie Hall Road (there would also be a vehicular gate to the parking area).

Although the site would be completely enclosed it is considered that the use of bow top railings would still provide a relatively open feel, including from Magpie Hall Road which is at a much higher level than the main site. In addition, the open nature of the proposed railings and the visibility it would provide, would allow for natural surveillance from the habitable room windows of the building within the site itself and it is considered acceptable on this basis.

In summary, the visual impact and effect on the character of the area, including with regard to security and natural surveillance, is considered acceptable and in accordance with Policies BNE1 and BNE8 of the Local Plan and paragraph 127 of the NPPF.

Amenity

Due to the location, height and depth of the two proposed units it is not considered that they would have a detrimental impact in terms of loss of outlook, privacy, daylight or sunlight to neighbouring properties.

It is recognised that there would be a small patio area and landscaping/garden between the units and Newnham Street, adjacent to the front garden of no. 12 and opposite properties in Newnham Street, however this arrangement is not considered unreasonable. Details of planting for this area would be secured by planning condition.

A new public footpath would be created from the end of the Russell Court road and would run adjacent to numbers 10, 12 and 16 Russell Court. Although the creation of a footpath is not ideal adjacent to residential properties due to the antisocial behaviour that could be carried out within this area, it is considered that with appropriate boundary treatment as described above, that allows for views from Russell House into this footpath, except where it would pass between the new units and number 12 Russell Court, would be acceptable to minimise any antisocial behaviour due to the natural surveillance that would occur. Details of the boundary treatment and lighting to the footpath is recommended to be secured by condition.

The other proposed alterations are likely to have less impact on neighbours. The covered walkway to the northeast side of the building is set away from the boundary and the new 'front' entrance and cycle store are further from neighbours. Although the proposed external steps up to Magpie Hall Road would afford some views of properties in Russell Court to the southeast, they have been located away from the boundary with these neighbours, now being over 30m from the nearest part of the flats, which is considered acceptable.

The proposals include alterations to the boundary treatment and pedestrian means of access to the property. Whilst the bow top railings are welcomed for the majority of the boundary, being relatively open, the use of privacy fencing adjacent to the rear gardens of 10, 12 and 16 Russell Court is essential, as proposed, and would be secured by planning condition. The alterations to the existing main front entrance area adjacent to Newnham Street are noted, this area not being ideal due to the land levels, with further clarification to be sought by planning condition.

As well as the impact of the development on the amenities of neighbours, consideration has also been given to the potential living conditions of occupants of the proposed new units. Each studio flat would be approx. 35.9sqm which is below the 37sqm minimum for a 1 person 1 bedroom unit as set out in the technical housing standards – nationally described space standard DCLG March 2015. However, as the units are part of the Russell House complex, a sui generis residential complex with shared communal facilities, rather than being completely independent dwellinghouses, the standard of accommodation provided is considered to be acceptable in this context.

In summary, the amenity impacts of the development, both with regard to neighbours and occupants of the site itself, are considered acceptable subject to the above-mentioned conditions, including with regard to Policy BNE2 of the Local Plan and paragraph 127 of the NPPF. Details of any additional external lighting would be secured by planning condition, to ensure no significant adverse amenity impacts, as would the method of dealing with any unexpected contamination should it be found.

Highways

There are currently 25 garages on the site. The undercroft garages would be converted to communal facilities and the detached garage block would be demolished (this has been subject of a separate demolition notification application). Generally older garages of limited size are not particularly well suited for modern vehicles, with many being more likely to be used for storage. However, in any case on this site there are no conditions restricting the use of the existing garages for vehicle parking only, meaning that it would be unreasonable to prevent their 'loss' for such use. Similarly, the use of open parts of the site by neighbours for parking cannot reasonably be a requirement of the proposed use of the site.

The proposed layout shows 8 parking spaces including 1 for the disabled. As with the previous occupants of the site, it is unlikely that many (if any) of the future occupants would have their own car and this level of provision is considered to be reasonable for primarily staff and visitor parking. The site is in an accessible location close to public transport links and local services and cycle parking facilities are to be provided.

In summary, the highways and parking impacts of the development including emergency access to neighbouring dwellings are considered acceptable including with regard to Policies T1, T2 and T13 of the Local Plan and paragraph 109 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 submitted a SAMMs mitigation contribution agreement and paid this tariff for the two additional units proposed, under planning reference MC/19/3327 and no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. All hard standings will be self-draining.

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. Secure bike storage is provided as part of the development, as such the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for Approval

In summary, there is no objection to this development in principle and the design, amenity and highway impacts are considered acceptable. A contribution towards bird disturbance mitigation has been made and approval is therefore recommended including with regard to Policies BNE1, BNE2, BNE5, BNE8, BNE35, H4, H8, T1, T2 and T13 of the Local Plan and paragraphs 68, 109, 127, 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.

Update Following Deferral

This application was deferred from the Planning Committee held on 31 March 2021 to allow for a meeting to take place involving the Ward Councillor, a Member of the Planning Committee, the case officer and MHS (the applicant). This meeting was held on 10 May 2021 where the concerns raised by Planning Committee were discussed.

These concerns were:

The principle of the use of the site

The formation of an alleyway

Anti-social behaviour

The comments made by Kent Fire and Rescue and Kent Police in response to this application.

In relation to the use of the site for housing young adults, this is a lawful use for which a lawful development certificate has been granted. This application proposes two further units of accommodation. It is only these two additional units that are under consideration. The use of the wider site is not for consideration as part of this application.

With regard to the alleyway and the comments made by Kent Fire and Rescue and Kent Police, fob access to the car park would be provided to Kent Fire and Rescue. This would allow access to the existing properties and the proposed properties. The report above addresses the issues with regard to the alley. Whilst it would not meet all the requirements requested by Kent Police, it would be conditioned for lighting to be submitted for approval and installed. It is also proposed to use railing as a boundary treatment to the application site to ensure natural surveillance for the majority of the alleyway.

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/>