

MC/21/0332

Date Received: 5 February 2021

Location: Garages Adjacent To No.53 Danson Way, Norfolk Close
Rainham Gillingham

Proposal: Redevelopment to provide two 3 bed dwelling houses with associated car parking spaces and amenity space - Demolition of garaging units (19no.)

Applicant Medway Council --- Mr Adam Spokes

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Case Officer: Wendy Simpson

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd June 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: 02084H 0315 REV P3, 02084H 0322 REV P3, 02084H 0325 REV P3, 02084H 0319 REV P2, received 15 March 2021; 02084 H 1005 P4, 02084 H 0312 P6, received on 9 April 2021; 02084H 0330 REV P4, 02084H 0331 REV P4, 02084H 0316 REV P4, and 02084H 0318 REV P3, received 18 May 2021.

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

- 3 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: To ensure protection of neighbours' amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall commence until a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure safety for human health, buildings and other property and the natural environment in accordance Policy BNE23 of the Medway Local Plan 2003.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4 and submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed remediation scheme. Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data collected in order to demonstrate that the works set out in condition 4 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, must be prepared, submitted to and approved in writing by the Local Planning Authority prior to any of the dwellings being occupied.

Reason: To ensure safety for human health, buildings and other property and the natural environment in accordance Policy BNE23 of the Medway Local Plan 2003.

- 6 The dwellings 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 spaces.

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.

- 7 No development shall take place above ground floor slab level until details of the provision of 2 electric vehicle charging points (1 per dwelling) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in good working order.

Reason: In the interests of sustainability in accordance with paragraph 110E of the NPPF.

- 8 Notwithstanding drawing 02084H 0319 REV P2 (Proposed Boundaries/Landscaping), no development shall take place above ground floor slab level until full details of a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details shall include

- means of enclosure/boundary treatment
- car parking layouts
- vehicle and pedestrian access and circulation areas
- all paving and external hard surfacing
- lighting and services (including drainage)
- 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.
- details of what ecological enhancements will be incorporated into the site and where, and
- a timetable for implementation

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, die, or become seriously damaged or diseased so as to impair their successful establishment, shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and neighbours' amenity and in order to enhance the biodiversity on the site with regard to Policies BNE1, BNE6 and BNE39 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of the house on the western side, the louvre screen to the windows as shown on drawing numbers: 02084H 0330 rev P4 (Proposed Elevations 1), 02084H 0331 rev P4 (Proposed Elevations 2), 02084H 0315 REV P3 (Proposed Floor Plan) and 02084H0035 rev P1 (Proposed Louvre), shall be installed and thereafter maintained for the entirety of the development.

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.

- 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) all dwelling houses herein approved shall remain in use as a 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 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.

- 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) no development shall be carried out within Schedule 2, Part 1, Class[es] 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.

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

Proposal

This application involves the demolition of the existing nineteen garages on the site and the construction of a pair of semi-detached three-bedroom houses. The houses would be constructed fairly centrally within the site and would each have a rear garden with side access and to the front of the houses a parking area providing 2 parking spaces per dwelling and a further visitor parking space. Within the parking area would be soft planting beds. The site would be accessed using the existing access to the site from Danson Way.

The front elevation of the western house is staggered back from the eastern house by about 1.6m. The eastern house is inset from the side boundary of the site, with 55 Danson Way, by about 5m. The western house is inset from the boundary with the Langdale Close rear private footpath by about 1.2m.

The proposed houses would have hipped roofs and the proposed palette of materials is shown to be buff facing brickwork at ground floor level, red facing brickwork at first floor level, grey UPVc window frames and rainwater goods and dark brown concrete tiles.

Site Area/Density

Site Area: 0.077 hectares (0.19 acres)

Site Density: 25.97 dph (10.53 dpa)

Relevant Planning History

No relevant history.

Representations

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

Southern Water have provided a plan of their infrastructure in the area and provided standard advice.

Thirty letters from twenty-seven households have been received raising the following objections:

- Insufficient parking is being provided and the development would push further parking onto the street and exacerbate existing parking situation in the area
- Parking within Danson Way is already under considerable stress
- The site would be cramped and overdeveloped
- The houses are higher than those surrounding
- Increase in noise pollution
- The fencing to Langdale should be at least as high as the garages they replace for reasons of security and overlooking
- Loss of garages will make neighbouring properties vulnerable to security risks
- The footpath to the rear of the Langdale House properties is private
- Tenants are being evicted from the existing garages and are unlikely to move to a garage 'in the Gillingham Area'
- The open parking on the site will also be lost
- Inadequate access for service vehicles
- Impact on amenity of no. 123 Langdale Close from overshadowing and loss of light into garden and lounge; including loss of sunlight and overlooking to properties on Danson Way (particular reference to no. 55)
- The parking survey does not reflect the on-street parking situation
- The proposed fencing will not prevent overlooking
- The site and garages are contaminated, and the works will affect neighbour's health
- The proposed materials do not reflect the area
- The side boundary fencing to Langdale Close needs to be raised to at least 2.5m high

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 site is within the urban area and as such falls to be assessed under Policy H4 of the Local Plan which contains a presumption in favour of residential development in the urban area, including infilling, providing a clear improvement to the local

environment will result. This presumption in favour of residential development in the urban area is supported by paragraph 59 of the NPPF which seeks to boost the supply of homes.

A key element of national housing policy within the NPPF is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities on urban land.

In addition, material to the current consideration is that the council currently lacks a five-year housing land supply. If the council could demonstrate a five-year housing land supply then a proposal on unallocated 'greenfield' (non-brownfield) land would be unacceptable in principle. It would be deemed contrary to the strategic direction of the Local Plan and the NPPF, which directs development to allocated and brownfield sites. However, the council cannot demonstrate a five-year housing land supply at this time.

Where no five-year housing land supply can be demonstrated Local Plan housing policies are deemed to be automatically out of date. Paragraph 11 d) and footnote 7 of the NPPF indicate in this scenario planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, or there are particular policies in the Framework that provide a clear reason for refusing the development proposed.

In this case therefore a presumption in favour of the development applies therefore in this urban, sustainable location, subject to there being no harm arising from the development that would outweigh the benefits of providing additional sustainable housing units, the proposed redevelopment of this garage land is considered to be acceptable.

In addition, the applicant has submitted supporting document which suggest that the uptake of the garages is below expected occupancy to allow it to be economically viable in the longer term. As such, coupled with the need for housing, the proposed development would result in the loss of garages which in its current state does not currently provide parking but would result in the provision of much needed housing for Medway residents.

The proposal would comply with the objectives of Policy H4 of the Local Plan and paragraphs 59 and 127 of the NPPF.

Design

Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 124 is key to the achieving well designed places.

Danson Way consists predominately of two-storey semi-detached dwellings of a number of repeated designs. Many are of a red brick and a fewer number with cream render. Langdale Close consists of terraced houses of short terraces of brick and

some have a cladding on the rear elevation. The proposed palette of materials is acceptable. The applicant has latterly changed the proposed roof tile from a dark grey tile to a brown tile.

The proposed dwellings do not replicate any of the existing dwelling styles in the area but are a pair of staggered semi-detached dwellings that sit comfortably within their plot. The plot dimensions are not as wide as those commonly seen in Danson Way but the dwellings do not appear cramped within the site. The dwellings are slightly taller than adjacent dwellings but as the site section drawings show the height difference is not excessive and the use of hipped roofs helps to reduce the bulk of the roof.

Given the position of the dwellings, they do not relate to the streetscene and as such their appearance would not be harmful to the appearance of the Danson Way streetscene.

The parking area to the front of the dwellings allows for areas of soft planting and bin storage. Final details of the soft planting and ecological enhancements could be secured by conditions to ensure the development does not cause harm to the character of the area.

Subject to conditions, the proposal is considered to comply with Policies BNE1 and BNE6 of the Local Plan.

Amenity

Policy BNE2 relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 127f of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

Neighbouring amenity

The site is enclosed by residential properties to the front and on both sides. To the rear of the site is Rainham Mark Grammar School. A number of mitigation measures are proposed to address amenity impacts.

Within the forward vision (south) from the proposed houses there are currently a number of trees within the garden of 53 Danson Way and a detached garage up to the boundary, which will filter views into the garden from the proposed houses. However, the nearest house to the boundary with 53 Danson Way would be about 13m separation and mitigation has been proposed in the form of a 2.4m fence together with 0.3m additional trellis on top against the boundary with no. 55 Danson Way. Therefore should the trees die/be removed overlooking in a forward vision will be mitigated. This is acceptable in this instance and the existing tree line will filter the presence of the fence/trellis from the garden on 53 Danson Way.

Langdale Close is to the west of the proposed dwellings and the rear elevations of those dwellings would be about 13m from the flank of the closest proposed dwelling. In respect to overlooking louvre screens are proposed to the western sides of the first-

floor windows, serving habitable rooms, for the western house. These would offset overlooking of gardens to an acceptable level. These screens will be required to be retained by condition. To the east the mutual overlooking between the adjacent gardens is acceptable and exists between existing dwellings.

In respect to overshadowing the relative location and orientation of the dwellings means that overshadowing as a result of the proposed houses would not be of a duration or extent that would warrant refusal of the application.

In respect to outlook the dwellings in Langford Road the flank wall of the western dwelling would be about 13m from the rear windows of those houses, as original. The roofs of the proposed dwellings are also hipped. The proposed dwellings are at a similar ground level to the Langford Close dwellings. Therefore this is an acceptable distance to ensure that the proposed dwellings are not overbearing within the outlook from the existing dwellings. The eastern property has been carefully located with an adequate inset from the boundary so as not to appear within the natural outlook from 55 Danson Way.

In respect to matters of dust, noise etc during the construction works can be addressed by a condition requiring the agreement of a Construction Environmental Management Plan to help limit the impact of the development to the surrounding properties and highway network.

Occupiers amenity

The proposal would provide a pair of semi-detached 3-bedroom dwellings. The internal layout of the dwellings is considered to be acceptable and meet the housing standard for internal floor area and rooms size standard. The amenity space would also comply with the set standard for rear gardens.

Outlook, natural lightning and circulation within each dwelling would ensure a satisfactory living accommodation for the intended occupants.

Notwithstanding the above, given the limited size of the plots, it is necessary to remove permitted development rights for extensions under Classes A, B and E of the GDPO. To ensure that the intensity of use on site is also controlled it is necessary to remove permitted development rights for small HMOs.

Therefore, subject to conditions the proposal complies with Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

Highways

Policy T1 of the Local Plan relates to the highways impact of new development. Policy T13 relates to the council's adopted vehicle parking standards. Paragraph 109 of the NPPF clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe. Paragraph 110E supports sustainable modes of transportation including provision of electric charging points to meet climate change.

The proposal involves the demolition of 19 garages and the construction of two (3-bed) dwellings. The existing site access is to be utilised for the proposed dwellings. Each dwelling is to have 2 dedicated parking spaces and a further visitor space is also to be provided on-site.

In line with Medway Councils Interim Parking Standards 2 car parking spaces should be provided for every 3+ bedroom dwelling and as such the proposal complies with the current parking standards. The layout also allows for suitable manoeuvring within the site.

The applicant has also submitted a parking stress survey as the existing garages on the site are leased out and neighbours also report that the open hardstanding on the site is used for parking (informally). Clearly leases can be terminated and the site gated off at any time but as this is not currently the case a parking stress survey has been undertaken to demonstrate that there is sufficient on-street parking to absorb any cars offset from the site.

The results of this survey showed that only one of the garages was used for parking on the Wednesday, Thursday and on the Saturday. It noted however that there were additional vehicles entering and exiting the garage area and parking on the hardstanding. It is noted that there were seven additional vehicles on the Wednesday, three on the Thursday and two on the Saturday.

The results of the survey are such that it is considered that there would be sufficient on street capacity to accommodate any potential overspill resulting from the development, even if there was to be a slight increase in parking pressure during the weekend.

It is not considered that the new dwellings being served from proposed access would cause a significant or severe impact to highway network and therefore is acceptable.

Paragraph 110E of the NPPF requires new developments to be fitted with electric vehicle charging points and therefore a condition would be appended to require each property to have one fitted prior to occupation.

Subject to the above condition, the proposal is considered to be acceptable in respect of the transport and parking Policies T1 and T13 of the Local Plan and paragraphs 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 £253.83 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 no objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Contamination

Paragraphs 178 and 179 of the NPPF and Policy BNE23 of the Local Plan require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment. Policy BNE23 of the Local Plan requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. This is in accordance with the NPPF requirements to take the likely effects into account in decision making.

In this case a Stage 1 contamination report has been submitted in support of the application which concludes that one area of the site requires remediation and beneath the footprint of the garages has not been investigated as the garages remain to date. Therefore, conditions can be used to ensure remediation and a watching brief as the works take place.

Subject to conditions, the proposal complies with Policy BNE23 of the Local Plan.

Drainage

Paragraph 165 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

The site is located within Flood Zone 1, the lowest flood risk category and suitable for development in accordance with the NPPF guidance.

Climate Change Statement

A Climate Change Statement has been submitted in support of the application. The submitted proposal proposes measures in order to achieve an energy efficiency within the building. The following measures are envisaged:

- Highly insulated building fabric to achieve the following U Values:
 - Ground Floor - 0.13 W/m² K
 - External Walls - 0.16 W/m² K

- Party Walls - 0.0 W/m² K
- Roofs - 0.11 W/m² K
- Glazing - 1.40 W/m² K
- Solid Doors – 1.00 W/m²/K
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- Airtight building fabric with:
 - Domestic units target permeability value of 5.0 m³/(h.m²)
- 100% Energy Efficiency LED or low energy luminaries
- Gas fired combi boilers and thermostatic radiator valves and a central programmer with a minimum efficiency rate of 89%
- Extractor fans meeting requirements of Approved Document L complaint
- EPC rate of B as a minimum
- Use of soakaways and permeable paving
- Efficient taps, dual flush toilets, low water use appliances
- Connections for waterbutts
- Bird boxes
- Space for recycling bins in kitchen layouts
- Bike storage

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

Provision of residential development within this urban and sustainable location is supported by Policy H4 of the Medway Local Plan 2003. The proposal would be improving the appearance of the site and environment and would not cause harm to the character or appearance of the area. The proposal would not cause harm to neighbouring amenity and future occupiers amenity would be protected.

The proposal would not result in harm to highway, nor would it exacerbate the parking congestion currently experience in the area.

Consequently, the proposal is acceptable and would comply with Policies H4, BNE1, BNE2, BNE6, BNE23, T1 and T13 of the Medway Local Plan 2003 and paragraphs 109, 110E, 124, 127, 165, 178 and 179 of the NPPF.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>