

MC/21/2923

Date Received: 7 October 2021
Location: 294 Hempstead Road Hempstead
Gillingham Medway
Proposal: Variation of condition 2 on planning permission MC/18/3610 to allow a minor material amendment to the access arrangements and landscaping
Applicant Agent: Mr D Boast
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Ward: Hempstead And Wigmore Ward
Case Officer: Nick Roberts
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 9th February 2022.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of planning permission MC/18/2610 (that date being 26 March 2019).

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:

Received 25 February 2019

WD/03A/294/18 - Plot A Elevations and Floor Plans
WD/04A/294/18 - Plot B Elevations and Floor Plans
WD/05A/294/18 - Plot C Elevations and Floor Plans

Received 26 November 2021

WD/01B/294/21 - Proposed Site Plan, Access and Landscape Arrangements

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

- 3 The development hereby permitted shall be retained in accordance with the external materials approved by letter dated 24 November 2021 (reference MC/20/1801).

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 part of the development shall be occupied until a Contamination Verification Report has been submitted to and approved in writing by the Local Planning Authority. The Verification Report should detail that the approved remediation scheme discharged by letter dated 24 November 2021 (reference MC/20/1801) has been completed and should demonstrate the effectiveness of the remediation work

Reason: Required 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 Medway Local Plan 2003.

- 5 The boundary treatments shall be implemented prior to occupation of any dwelling herein approved and maintained in accordance with the details approved by letter dated 24 November 2021 (reference MC/20/1801).

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.

- 6 No dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space 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 these reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 7 The areas shown on the drawing number (WD/01B/294/21 received 26 November 2021) for drainage and soft landscaping/planting forward of the principal and side elevations of each dwelling shall be provided in accordance with the approved details within 3 months of the date of this decision. These approved areas of soft landscaping/planting shall be kept available as such 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.

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 and BNE6 of the Medway Local Plan 2003.

- 8 The first floor bathroom windows on the south elevation of Plot A and the north elevations of Plots B and C shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished

floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 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, C 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.

- 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 dwellinghouses 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 is for a variation of condition 2 on planning permission MC/18/3610 to allow a minor material amendment to the access arrangements and landscaping. This includes the removal of a larger landscaped bed and brick wall to the front of the site, and its replacement with two smaller raised planters to the front, and two raised planters along the northern and southern boundaries. The previously proposed in/out driveway has also been changed to allow individual access to the front of each of the dwellings.

Site Area/ Density

Site Area: 0.099hectares (0.044acres)

Site Density: 30 dph (12 dpa)

Relevant Planning History

MC/20/1801

Details pursuant to conditions 3 (CEMP), 5 (Contamination), 6 (Contamination), 7 (Remediation), 9 (Materials) and 10 (Boundary treatment) of MC/18/3610 - Demolition of former garage repair workshop and second-hand car sales forecourt with associated offices and the construction of 3 no. detached 4 bed houses fronting Hempstead Road
Decision: Discharged
Decided: 24 November 2021

MC/18/3610

Demolition of former garage repair workshop and second-hand car sales forecourt with associated offices and the construction of 3 no. detached 4 bed houses fronting Hempstead Road
Decision: Approval with conditions
Decided: 26 March 2019

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. This included a period of re-consultation following the submission of revised plans.

Three letters of objection have been received raising the following concerns:

- Increased surface water-run off.
- Impact on amenity.
- Design would increase on street parking.
- Concerns with regards to highway safety.

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 2021 (NPPF) and are considered to conform.

Planning Appraisal

Background

An application has previously been approved for the demolition of the former garage repair workshop and second-hand car sales forecourt with associated offices and the construction of three detached 4-bedroom dwellings under MC/18/3610. With the exception of the

contamination verification report, the pre-commencement conditions in relation to this permission have also been discharged under application reference MC/20/1801. This new application has been submitted on the basis that the landscaping and access arrangements previously approved to the front of the property have not been implemented. Therefore, the applicant is seeking to amend these details.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the proposed development has previously been considered acceptable and planning permission was granted on 26 March 2019 under reference MC/18/3610. Although the NPPF has been revised, there have been no changes in planning policy at either the local or national level that would raise any further concerns regarding the principle of the development and therefore no objection is raised in this regard.

Design

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 and paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

The design, scale and appearance of the dwellings was previously assessed and considered acceptable under MC/18/3610, and subsequent discharge of condition application MC/21/1801. Therefore, the only matters of consideration under this current application are the changes that have been proposed to the front parking area. This includes the removal of the landscaped bed and brick wall to the front of the site, and its replacement with two smaller raised planters, and two raised planters one along the northern and one along the southern boundary. The previously proposed in/out driveway has also been changed to allow individual access to the front of each of the dwellings.

When taking into account the character of the existing streetscene, and on balance, the alterations to the previously approved access arrangements and the level of soft landscaping proposed is considered acceptable, and therefore no objection is raised in this regard. The proposal also includes the provision of a grating cover and channel gully to collect surface water as per the annotation on the revised plan. Although the representations received initially raised concerns regarding the quantity of soft landscaping proposed, this has been amended and the planters to the front have been increased in size. Furthermore, as all planters are raised this will also prevent vehicles from driving over the planting beds. Following a site visit it was noted that the front parking area had already been paved, and therefore a condition has been imposed requiring the soft landscaping details to be implemented within 3 months of the date of this decision.

In view of the above, and on balance, the proposal is considered to be in accordance with Policies BNE1 and BNE6 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings 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 130 of the NPPF relates to the protection of these amenities.

The amenity impacts of the development have previously been assessed and were considered acceptable under MC/18/3610, and no new issues are raised in terms of either neighbour or occupier amenity as a result of this new application given that the floorplans and design of the dwellings remain as previously approved. As such, and with the reimposition of conditions with respect to obscure glazing and conditions removing permitted development rights, as per the original approval, the proposal is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

Policy T13 of the Local Plan and paragraph 111 of the NPPF states development proposals will be expected to make vehicle parking provision in accordance with the adopted residential parking standards.

Although the access arrangements have changed under this current proposal, and concerns have been raised within the neighbour representation letters regarding highway safety, it is noted that there are similar driveways in the vicinity which are accessed in the same manner as this proposal. Therefore, it is not considered that this amendment would have a detrimental impact on highway safety or highway function. In addition, the proposed plan also demonstrates that each dwelling would have two off road parking spaces in accordance with Medway Councils adopted standards.

Therefore, the application would conform with Policies T1 and T13 of the Local Plan and paragraph 111 of the NPPF.

Contamination

As part of the original approval conditions were imposed with respect to contamination. The applicant has since submitted details pursuant to these conditions under application MC/20/1801, which included a Phase 1 reference 09124/26 (dated 15 July 2020) and Phase 2 reference 09124/26 (dated 1 September 2020) Environmental Assessment Reports. Based on the submitted information, and as per the decision letter dated 24 November 2021, the conditions with respect to condition 5 (contamination investigation) and condition 6 (contamination remediation) were discharged. However, condition 7 of MC/18/3160 requires a verification report to be submitted confirming that the approved remediation scheme has been completed. This has not yet been submitted. As such a condition has been imposed requiring the submission of this report prior to the occupation of the dwellings.

Subject to this condition no objection is raised with regard to Policy BNE23 of the Local Plan and paragraphs 183 and 184 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 applicant has submitted a SAMMs Mitigation Contribution Agreement and payment as part of the previous application and therefore no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and reasons for approval

The application to vary condition 2 of planning permission MC/18/3610 raises no new matters of principle and the amendments to the proposal are considered acceptable in terms of design and appearance, amenity and highways consideration and would therefore accord with Policies BNE1, BNE2, BNE6, BNE23, BNE35, S6, T1 and T13 of the Local Plan and paragraphs 111, 124, 126, 130, 180, 181, 183 and 184 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to the officers' 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/>