

MC/21/2313

Date Received: 3 August 2021
Location: Land Behind 69 Ivy Street, Rainham Gillingham
Proposal: Construction of a one-bedroom bungalow with associated parking and private amenity space - demolition of existing garage
Applicant: Karen West
Agent: Archi Technology Design
Mr Dan Butler
179 Edwin Road
Rainham
ME8 0AH
Ward: Rainham North 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 6th April 2022.

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:

Received 25 October 2021:

Layout ID 02 - Proposed Elevations
Layout ID 02.1 - Proposed Floor Plan

Received 23 February 2022:

Layout ID 01 - Proposed Site Plan

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

- 3 No development above slab level 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.

- 4 The construction works shall be undertaken in accordance with the details specified in the Construction Environment Management Plan received 8 March 2022.

Reason: To ensure that the construction period of the development minimises the impact on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 The bathroom window on the western elevation 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.

- 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 slab level, until details of how the development will enhance biodiversity has been submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes and native planting. The development shall be implemented in accordance with the approved details prior to occupation and thereafter maintained.

Reason: In accordance with the objectives of Policies BNE37 and BNE39 of the Medway Local Plan 2003.

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

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 9 The dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space and turning area 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 and turning area.

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

- 10 The dwelling 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 and BNE2 of the Medway Local Plan 2003.

- 11 The areas shown on the proposed site plan (01 - WIP received 26 October 2021) for soft landscaping forward of the principal elevation of the dwelling 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 Policies BNE1, T1 and T2 of the Medway Local Plan 2003.

- 12 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, AA, B, C, D, E, F and G 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 and occupier amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 23 August 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

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 1-bedroom detached bungalow with associated parking. The dwelling would be approx. 4.2m in height measured to the ridge, approx. 2.5m to the eaves, approx. 14.4m in length and approx. 5m in width. It would consist of a hipped roof and would be finished with a mix of facing brickwork and timber cladding, concrete interlocking tiles and UPVC double glazed casement windows.

The proposed layout includes an entrance hall, open plan lounge/kitchen/dining area, one bedroom with an ensuite and a separate WC. The proposal also includes off road parking for one vehicle and a private garden area to the rear.

Site Area/Density

Site Area: 0.036 hectares (0.09 acres)

Site Density: 27 dph (11 dpa)

Relevant Planning History

MC/11/1405

Change of use from disused access way/road to residential use and construction of a detached domestic garage

Decision: Approval with conditions

Decided: 4 July 2011

Representations

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

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

- Wildlife Impact
- Loss of daylight, outlook, and privacy
- Overshadowing
- Dominant overbearing form of development
- Impact with respect to parking

Southern Water have advised that they require a formal application for a connection to the public foul sewer. They have also advised that it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

The **Environment Agency** have advised that they have no comments to make.

KCC Biodiversity have confirmed that they have reviewed the ecological information submitted in support of the application and subject to a condition requiring details of ecological enhancements they raise no 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 2021 (NPPF) and are considered to conform.

Planning Appraisal

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.

Policy H4 of the Local Plan states that development in the form of the redevelopment of existing residential areas is acceptable providing that a clear improvement in the local environment will result. Paragraph 11 of the NPPF states that decisions should also apply a presumption in favour of sustainable development. The site is located within the urban area as defined on the proposal maps to the Local Plan and in a predominantly residential area characterised by mainly single-family dwellings. In the context of the policies above no objections would therefore be raised in principle to a new dwelling in this location, however the impact of the dwelling in terms of design, its character and appearance on the street scene as well as its impact on residential amenity needs to be considered further.

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 application site comprises a parcel of land to the rear of Ivy Street which is accessible from Hothfield Road and was once used for access to the Old Post Office. There is an existing garage on the site which is used in connection with 69 Ivy Street. The surrounding area is residential in character, with a mix of modern and older houses resulting in a variety of architectural styles, including properties arranged in terraces and some semi-detached. The site itself is located to the rear of Ivy Street and whilst the depth and width of the plot is consistent with the older appearing terraced properties, the dwelling would be set back in line with the principal elevation of the properties on Maplins Close. In this regard the proposed dwelling would not directly address either Ivy Street or Hothfield Road due to its setback position. However, whilst most of the properties in the immediate surrounding area are houses and this would be a bungalow, this does not render the development unacceptable, and it has been designed in this manner in recognition of the need to provide acceptable living conditions for adjacent properties. Furthermore, the orientation and placement of the properties on Maplins Close would be a departure from the more linear pattern of terraced and semi-detached properties on Ivy Street and Hothfield Road.

The proposed dwelling would be set back in excess of approx. 25m from the footpath, and therefore by virtue of its height would not be highly visible in the street scene. In addition, there is already an existing garage on the site which by virtue of its height would be visually more prominent when viewed from public vantage points. As a result, it is not considered that the dwelling would harm the character and appearance of the wider area.

In terms of its design, and in recognising the relationship between the site and the neighbouring properties, the eaves height of the proposed dwelling has been kept to approx. 2.5m. Incidentally, this would be the same height permitted for an outbuilding within 2m of the boundary under the Town and Country Planning (General Permitted Development) (England) Order 2015. Although the ridge height would extend to approx. 4.2m the roof would hip away from the boundary of the properties on Ivy Street and Maplins Close, which would further reduce its prominence.

Accordingly, and subject to a condition to cover the submission of external materials, the development is considered to be in accordance with Policies H4 and BNE1 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 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 130 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the location of the proposed new dwelling the main consideration would be the impact on the amenity of the residential properties whose gardens would directly abut the site, most notably 47-73 Ivy Street and 1-5 Maplins Close.

Due to the orientation of the dwelling in relation to these properties, and following concerns raised with respect to a loss of sunlight, an overshadowing assessment has been undertaken. Although the proposed new dwelling would cast a shadow over the rear garden of 3 Maplins Close first thing in the morning, between 10am and 11am this shadow would start to move away to the point where only a small section of the garden would be in shade at midday. The garden would then benefit from uninterrupted sunlight throughout the afternoon. Similarly, and with respect to the properties on Ivy Street, due to the orientation of these gardens it would not be until later in the afternoon between 3-4pm that the building would start to cast a shadow into the gardens of 57-65 Ivy Street. However, in recognising the proposed dwelling would only be single storey, the shadow would only extend approx. 2-3m into the bottom ends of these gardens. This would not be materially different from the shadow that would be cast by a 2m high boundary treatment. Furthermore, the rear gardens of the properties in Ivy Street are in excess of 17m in depth.

In addition, although it is accepted that the dwelling will have a visual presence from the rear gardens of the neighbouring properties, it is important to note that there is an existing garage on the site which measures approx. 7m in length with a pitch roof approx. 5.5m to the ridge. While the proposed footprint of the dwelling would be larger than the garage (measuring approx. 14.4m in length), as it would need to accommodate the amenities for day to day living, the ridge height of the dwelling would measure approx. 4.2m in height, which would be 1.3m lower in height than the existing garage. Furthermore, the eaves height of the dwelling at the boundary with adjacent properties would measure approx. 2.5m, which as mentioned in the design section of this report, would be the same height permitted for an outbuilding within 2m of the boundary under the GPDO. The ridge height would also hip away from the adjacent properties thus reducing the impact at its highest point.

The rear gardens of the properties on Ivy Street measure approx. 17m in depth, and therefore, and when taking into account the dwelling is limited to a single storey, it is not considered that there would be any detrimental impact with respect to a loss of outlook or daylight from the rear facing habitable rooms of these properties. In addition, and for the same reason it would not be considered overbearing. A different conclusion would have been reached had this proposal been for a dwelling with habitable accommodation at first floor level. In this regard, permitted development rights relating to alterations to the roof would be removed by condition, to prevent upward extensions.

To mitigate the impacts from the construction phase, the applicants have also submitted a Construction Environmental Management Plan (CEMP), which is considered acceptable and will be imposed as a condition of an approval. Accordingly, and subject to the above-mentioned conditions the development is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

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 gross internal floor area (GIA) would measure approx. 58m². This would meet the minimum standard for a 2-bedroom, 1 person, one storey dwelling which requires a minimum GIA of 50m². The bedroom would also 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 garden would measure approx. 20m and therefore would be considered acceptable.

The proposal is therefore in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 130 of the NPPF.

Highways

The adopted Interim Residential Parking Standards require the provision of one parking space for a one-bedroom property. The plans would include the provision of one off-road parking space in accordance with this standard, whilst retaining two parking spaces for the existing property at 69 Ivy Street. In addition, a turning circle has also been incorporated into the parking layout, which would allow sufficient space for vehicles to exit the site in a forward gear. This is important, particularly when taking into account the access is bounded by highway boundary treatments and the neighbouring outbuilding, which would block visibility for both pedestrians and vehicles, if vehicles had to reverse. Furthermore, and given that this application is for a single dwelling, no objection would be raised with respect to the impact of the proposal on the existing highway network.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore a suitably worded condition has been attached to fulfil this objective.

Accordingly, it is not considered that the proposal would result in any adverse highways impacts and the development is considered acceptable with regard to Policies T1 and T13 of the Local Plan and paragraph 111 and 112e of the NPPF.

Ecology

Although concerns have been raised regarding the impact of the development on wildlife, a Preliminary Ecological Appraisal, report reference 2022/01/08, dated 28 January 2022 has been submitted in support of the application. Following consultation with KCC Biodiversity they are satisfied that the ecological information submitted is acceptable and therefore, and subject to a condition with respect to ecological enhancements, no objection is raised having regard to Policies BNE37 and BNE39 of the Local Plan and paragraph 180 of the NPPF.

Climate Change and Energy Efficiency

The Planning Agent has submitted a Climate Change and Energy Efficiency Statement which is summarised as follows:

- Non-renewable energy use will be minimised by adoption of high thermal standards of Building Regulations.
- Materials will be selected based on environmentally friendly fabrication with a preference to being recyclable.
- All surface water will be taken to on site soakaways.
- Construction will accord with high thermal requirements of the building regulations. Giving an energy efficient dwelling. This will apply to both installed insulation and heating and lighting controls. All lights will be of low voltage design.
- Water use will comply with the stringent requirements of the Building Regulations.
- An electric car charging point will be installed.
- The site is in a sustainable location and will promote more sustainable modes of transport.

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 and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reason for Approval

On balance it is considered that the scale, mass, and design of the dwelling would be acceptable and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities, or highways safety. The application is therefore in accordance with Policies BNE1, BNE2, BNE35, BNE37, BNE39, H4, T1 and T13 of the Local Plan and the advice set out in paragraphs 11, 111, 112, 126, 130, 180 and 181 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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>