

MC/22/0149

Date Received: 21 January 2022

Location: 696 Maidstone Road Rainham
Gillingham ME8 0LJ

Proposal: Demolition of existing bungalow and garage and construction of two 4-bedroom detached houses with basement and associated parking

Applicant Zaan Limited
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Ward: Hempstead And Wigmore Ward

Case Officer: Dylan Campbell

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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 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 on 21 January 2022:

005 - Proposed Site Layout

006 - Proposed Block Plan

008 - Proposed Elevations

009 - Proposed Roof Plan

011 - Proposed Street scene

Received 10 March 2022:

007 Rev A - Proposed Floor Plans

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

- 3 No development above slab level shall take place until details 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 No development shall take place until a Construction Environmental Management Plan (CEMP) has been 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; 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: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place above ground floor slab level until details of the provision of 2 electric vehicle charging points 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 the NPPF.

- 6 Notwithstanding the submitted drawing numbers 005 and 013 received 21 January 2022, no development shall take place above slab level until details of landscaping including, timetable for implementation and details of proposed ground preparation, soil depth and volume, along with details and location of service and soakaway installation have been submitted to and approved in writing by the Local Planning Authority. All works shall then be carried out in accordance with the approved details prior to the occupation of any of the dwellings herein approved.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 7 The dwellings herein approved shall not be occupied until a plan indicating the positions, design, materials, and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any of the dwellings are occupied and shall thereafter be retained.

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

- 8 No development shall take place (including demolition) until the scheme for the protection of the retained tree (T1) within Revision 2 of BS5837 Tree Report Ref: C791AIA R2 and drawing number C791TPP Rev R2 received 21 January 2022 has been implemented. The tree protection measures shall be retained throughout the construction phase of the development.

Reason: Required prior to the commencement of development to ensure no irreversible harm to the tree and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 9 No dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking spaces has been provided, surfaced, and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking, or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

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.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within section 6 of the Design and Access Statement Rev B ref: 15050 (dated January 2022) received 10 March 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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.

- 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, Classes A, B, E and F 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, BNE2 and BNE43 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) 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.

- 13 The ensuite window on the first floor southeast facing side elevation shall be fitted with obscure glass and apart from any top-hung light, which 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.

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

Proposal

The application is for the demolition of the existing bungalow and garage on the site and construction of 2 detached 4-bedroom dwellings with associated parking.

The dwellings would be identical to one another and staggered, set back from the highway by approx. 12m. They would be contemporary in style at two-storey, with a part mono pitched and part flat roof design at first floor level with a single storey pitched roof projection to the rear, with material comprising cladding panels, facing brickwork, grey aluminium windows/doors and rainwater goods and roofing membrane with PV panels.

The dwellings would measure approx. 8.8m in width, 15.3m in depth, 5.7m to the eaves, 8m to the ridge and 6.1m to the flat roof two-storey element. The basement would comprise a gym and cinema room. The ground floor would comprise a lobby, hall, study, family room, WC, storage, utility room, dining room and kitchen/lounge. The first floor would comprise two double bedrooms (each with en-suite), two single bedrooms and a bathroom. Each dwelling would also benefit from a minimum of two off-road parking spaces with an element of soft landscaping to front, and a rear garden of a minimum of 10m in depth.

Site Area/Density

Site Area: 0.09 hectares (0.22 acres)

Site Density: 22 dph (9 dpa)

Relevant Planning History

MC/20/2214	Demolition of an existing bungalow and garage and the construction of two 4-bedroom detached houses with associated parking Decision: Approval with Conditions Decided: 29 March 2021
MC/17/1493	Demolition of an existing bungalow and garage and the construction of two 4-bedroom detached houses with associated parking Decision: Refusal Decided: 4 July 2017

Representations

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

Eight letters have been received raising the following objections:

- Out of keeping with area
- Loss of bungalow
- Overlooking of Lime Court
- Impact on trees
- Noise, disturbance, and highways safety during construction, especially basements
- highways safety due to future occupiers
- Dwellings sited further forward

Southern Water has outlined that the exact position of their water main must be determined on site by the applicant; they provided guidance regarding constructing near water mains and building regulations regarding surface water discharge. Additionally, a sewer deemed to be public could be crossing the site. Therefore, if a sewer is found, an investigation to ascertain ownership would be required.

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 and are considered to conform.

Planning Appraisal

Background

Planning permission was refused for this site in 2017 under reference MC/17/1493 for the construction of 2 dwellings due to the scale, mass, and strong horizontal emphasis, of the dwelling fronting Maidstone Road being unduly prominent; no justification of the impact of the proposed development on the trees; and failing to secure a contribution towards strategic mitigation measures within Special Protection Areas. A further planning application, MC/17/2990, was submitted and subsequently withdrawn due to the recommendation for refusal with regard to future occupier amenity, namely privacy and nuisance from existing trees; removal of valuable trees; and failing to secure a contribution towards strategic mitigation measures within Special Protection Areas.

Planning permission was approved in 2020 under reference MC/20/2214 for the demolition of the existing bungalow and construction of 2 detached 4-bedroom dwellings with associated parking. This application is identical to the approved scheme, with the addition of a basement to each of the dwellings.

Principle

The site is located within the main urban area of Rainham. The existing plot comprises a bungalow and detached garage, with parking and soft landscaping to front. A close boarded fence has been erected to the rear of the dwelling separating the area fronting Lime Court from the area of the proposed dwellings and their rear gardens. Policy H4 of the Local Plan states that residential development in the form of infilling in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraph 71 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area. Subject to compliance with detailed matters which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The street scene of Maidstone Road comprises a wide mix of dwelling types. Immediately bordering either side of the plot are two large detached two-storey dwellings to the north and south, detached two-storey dwellings to the east as well as many bungalows. There is a mix of facing brickwork and render used throughout the street scene. Objections from neighbouring residents have been received regarding the contemporary design appearing out of character with the street scene. Maidstone Road, Gillingham is more than 2 miles in length and there are some examples of very contemporary properties. However, there are few in the immediate vicinity of the application site. Generally, the dwellings within the street scene are set back from the highway providing open, soft landscaped frontages and off-road parking. The dwellings in Lime Court are two storey terrace properties with the rear gardens fronting onto the application site. The rear area of the site has been fenced off and cleared of most vegetation and the dilapidated detached summer house.

The design and appearance of plots 1 and 2 are identical and very contemporary in style. There is no objection to the principle of contemporary design in this location. It is considered that the scale, mass, ridge height, and siting within the plots would correspond with the street scene. Although the more contemporary design would contrast the surrounding dwellings and therefore would be more prominent, it is considered that this contemporary prominence would not be detrimental to the mixed

character and appearance of the street scene. The proposal is in accordance with Policy 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 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 130f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Outlook, daylight, and sunlight assessments have been undertaken and due to the relationship of the proposed dwellings and surrounding neighbours, the orientation of the site and the path of the sun, there would be no detrimental impact on neighbour's amenities in terms of loss of privacy, outlook, daylight, or sunlight. The proposal would result in a degree of mutual overlooking for the occupiers of the surrounding dwellings but would not result in any detrimental impact in terms of privacy due to the direction of habitable room windows, distances between neighbouring properties and existing mutual overlooking within the street scene.

Amenity of Future Occupiers

The proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed approx. 185.78m² gross internal floor areas (excluding basement) (GIA) would exceed the minimum standard for a 4-bedroom, 6 person over two storey minimum GIA of 106m². All bedrooms meet the national standards area and width requirements, and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depths of the proposed gardens meet these depths being between approx. 13m deep for plot 1 and approx. 10m deep for plot 2. The proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

In considering the potential for future development under permitted development rights, it is felt in this instance permitted development rights under Schedule 2, Part 1, Classes A, B, E and F should be removed in the interests of visual amenity; and due to the limited garden sizes in order to protect neighbouring amenity and the protected tree to the rear of the site.

Due to the proximity of neighbouring residential properties, there is the potential for nuisance disturbances during the construction phase of the development, in order to reduce the impact on the local amenity during the construction of the development, a condition relating to the submission and approval in writing by the Local Planning Authority of a Construction Environment Management Plan would be required before commencement of development as part of any forthcoming planning permission.

Given the size of the property, there is potential for the properties to be converted to a small HMO in the future, which in turn may result in a harmful impact to the amenity

of neighbouring residents in terms of noise and disturbance from additional comings and goings. It is therefore recommended that permitted development rights be removed regarding the change of use between use class C3 and C4.

Highways

The proposed plans illustrate that the existing access onto Edwin Road would be widened. The new off-road parking area would provide adequate parking for the proposed dwelling in accordance with Medway Councils Interim Residential Parking Standards. The access is also considered to be adequate, and the traffic generation would be low, have a negligible impact on the local highway network. It is noted however that an electric vehicle charging point is proposed in the carport, 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 would be required to fulfil this objective. A condition would also be required to ensure the parking areas are provided prior to occupation and retained thereafter. It is considered that the proposal is in accordance with Policies H4, T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

Climate Change and Energy Efficiency

The proposal is supported by a Design and Access Statement, section 6.0 – Climate Change and Energy Efficiency Statement (dated January 2022) to highlight the sustainable design principles and technologies which are proposed to be implemented as part of this development.

- Comply with building regulations document L
- Responsibly sourced materials
- 100% LED lighting
- 98% efficiency gas combination boiler and underfloor heating
- Double glazing and tinted windows

Any forthcoming permission would include a condition requiring the implementation of the sustainable technologies and signed verification report. No objections would therefore be raised regarding paragraph 154 of the NPPF.

Trees and Landscaping

Policy BNE43 of the Local Plan states that development should seek to retain trees, woodlands, hedgerows, and other landscape features that provide a valuable contribution to local character. Paragraphs 174 and 180 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment in terms of, and amongst other matters, minimising impacts on and providing net gains for biodiversity.

The tree report ref C791AIA R2 (dated 26 November 2021) identifies that the Sweet Chestnut tree that is a Category B tree of moderate quality. The tree would remain as part of this proposal. The tree protection plan shows that development would be outside of the trees PRA and adequate tree protection measures would be erected prior to any works beginning (including demolition) and would be in place for the duration of the construction period, which would be secured by condition. Therefore, there are no objections to the proposal regarding the impact to the existing Sweet Chestnut to the rear of the site.

The tree protection plan also illustrates new planting to the front and rear of the plots. This is a welcome addition and would accord with the objectives outlined in the NPPF in terms of contributing to and enhancing the natural and local environment and providing net gains for biodiversity. Further details would be required in this regard, and it is considered that the planting shown on this plan could be improved upon. Such as, but not limited to; less variety to the front of the plots i.e., one *Carpinus betulus* (hornbeam) at each end and centrally located in beds, with either a third *Carpinus betulus* (hornbeam) or *Betula pendula* (silver birch) in the middle bed (again central in bed); Possibly *Acer campestre* Elsrijk (field maple) to the rear and one fewer tree at the rear, due to the extent of the tree canopy of tree T1. Details of services and soakaway installation would also be required by condition to ensure there is no conflict between proposed tree planting locations and services.

A condition would be attached to any forthcoming planning permission relating to the details of landscaping as outlined above, together with a timetable for implementation.

With the suggested conditions, the proposal would be in accordance with Policy BNE43 of the Local Plan and paragraphs 174 and 180 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 have submitted the SAMMS Mitigation Contribution Agreement under the previously approved application MC/20/2214. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

The proposed dwellings are considered acceptable. There would be no detrimental impact on the character and appearance of the street scene, no detrimental impact on the amenities of future occupiers, neighbouring residential amenities, or highways safety. The application is in accordance with Policies S6, H4, BNE1, BNE2, BNE35, BNE43, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 71, 111, 112E, 126, 130, 154, 174, 179, 180 and 181 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.

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/>