

MC/23/0043

Date Received: 8 January 2023

Location: 598 Mierscourt Road Rainham
Gillingham Medway

Proposal: Raising of the roof height and construction of a single storey extension to the front/side and rear together with photo voltaic panels to side and rear of 598 Mierscourt Road, together with the construction of a detached dwelling with photo voltaic panels to rear and associated parking adjacent to the existing dwelling

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Ward: Rainham South East Ward

Case Officer: Chantelle Farrant-Smith

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 7th June 2023.

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 9 January 2023:

Location Plan

PL/598MR/062/SD106 - Proposed Elevations

PL/598MR/062/SD105 - Proposed Floor Plans and Elevations

Received 10 April 2023:

PL/598MR/062/SD107 REV A - Proposed Site Plan

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) 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 in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 4 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.

- 5 The proposed new dwelling hereby approved shall not be first occupied, until the area shown on the approved plans as a 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 the vehicle parking space shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

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

- 7 The window on the first floor side (serving bathroom) of the new dwelling hereby approved 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 dwelling is first 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.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement (under Climate Change) received 26 September 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 of the National Planning Policy Framework 2021.

- 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 on either the existing or proposed dwelling shall be carried out within Schedule 2, Part 1, Classes A, B, D 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) both the existing dwelling and the proposed dwelling house 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.

- 11 The proposed new dwelling hereby approved shall not be first 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 approved new dwelling is first 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.

- 12 The areas shown on drawing number PL/598MR/062/SD107 REV A (Proposed Block Plan) for soft landscaping 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 of the Medway Local Plan 2003.

- 13 No development shall take place until details of tree protection measures have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures should be in accordance with British Standard 5837: 2012 Trees in relation to design, demolition and construction. The tree protection measures shall be implemented in accordance with the approved details prior to any site clearance or construction works and shall thereafter remain in accordance with the approved details throughout the construction phase.

Reason: To ensure the protection of trees covered by a tree preservation order in accordance with Policy BNE43 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 proposed development seeks to alter and extend the existing 5 bedroom-chalet bungalow on site to facilitate to a 5-bedroom two storey dwelling: together with the construction of a detached 4-bedroom two storey dwelling within the site.

The proposed alterations to the host dwelling would consist of a two-storey gable end extension to front, creation of a first floor with gable end roof together with a 4m single storey extension to rear. The resulting dwelling would be arranged internally as office, reception room, playroom, storage, 1 double bedroom, bathroom, utility room and open plan kitchen/lounge/dining area at ground floor together with 4 double bedrooms (2 with ensembles) at first floor level.

The proposed new dwelling would be arranged internally as office, reception room, bathroom utility room and open plan kitchen/lounge/dining area at ground floor together with 4 bedrooms (1 with ensuite) and shower room at first floor.

Both dwellings would be two storeys with hipped design roofs with single storey extensions to rear. It is proposed that the external materials would consist of white render, with grey slate roof tiles, black fascia's and soffits, windows and doors. The driveway is proposed to be finished in tarmac with some planting retained and trees retained along the front boundary.

Both dwellings would be served by an existing access and have 2 parking spaces each to front. The dwellings would also have private gardens to rear.

Relevant Planning History

| | |
|------------|--|
| MC/17/3909 | Demolition of existing bungalow and construction of four 3-bedroomed linked detached houses with associated parking (demolition of existing house) Decision: Refused Decided: 21 November 2018 |
| MC/17/0163 | Construction of a 3x bedroom detached dwelling with associated parking Decision: Approval with Conditions Decided: 23 May 2017 |

Representations

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

Three letters of objection have been received raising concerns of:

- Development not in keeping with the area.
- Bungalow should not have been allowed to be knocked down as historically important.
- Extra cars represent highway danger at this junction.
- Work has commenced without permission.
- Construction is being undertaken at unsocial hours.
- Environmental damage by removing trees.
- Overlooking and loss of privacy.

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 generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background and Principle

The site is within the urban area and strategic policies and guidance seek that new housing development firstly be directed to urban areas. Policy H4 of the Local Plan allows for the redevelopment of sites in existing residential areas and infilling in such areas. The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraphs 60, 69, 119 and 120 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated. Medway Council can only demonstrate a 3.4year housing land supply.

Planning permission has previously been granted for a 3 bedroom detached dwelling on this site and while the permission has lapsed, essentially relevant planning policy in terms of principle has remained unchanged. Given that history the principle for a dwelling in this location has been established and is in accordance with Policy H4 of the Local Plan and NPPF paragraphs referenced above subject to the consideration of design, impact on amenity and highways safety as set out below.

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Paragraph 130 of the NPPF is key to achieving well designed places and requires that developments (in part) function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Local Plan Policy BNE1 requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The proposal site is located within an urban residential area. The surrounding street scene comprises of predominantly two storey dwellings of varying designs within varying plot sizes. The site boasts a significantly large front, side and rear garden with the existing dwelling being set back approx. 22m from the road and is presently out of character in terms of the plot size to dwelling ratio with regard to the properties within the immediate area. There are some significantly larger dwellings east of the site including 636 Mierscourt Road and 'Kanuka' 638 Mierscourt Road which again vary in design and appearance.

The proposed development would enlarge the existing dwelling on site and propose one further dwelling within the plot. The resultant dwellings would differ slightly in their

design however would have matching external materials comprising of white render and grey fenestration details. To ensure the quality of the development to be delivered does not deviate from the quality of the existing residential estate, the final details of the materials are conditioned for further approval.

In terms of landscaping around the site, it is important to ensure that the development relates positively to its environment. The second dwelling would be served by an established hardstanding and the remaining site would retain some soft landscaping to the front to ensure no unacceptable hardening of the street scene. An appropriate condition is recommended.

It is acknowledged that the resultant dwellings are much larger than those within the immediate vicinity. However, taking into consideration the current land use, together with the mixed residential street scene and the proposals being set back significantly from the road it is not considered that the proposals would negatively affect the appearance of the street scene or the surrounding area. As such, subject to the recommended conditions, the proposal would be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

Paragraph 130f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring Amenity

The proposed new dwelling would be sited approx. 15m from the rear elevation of 60 Tyler Drive and approx. 17m to the dwellings located within Hunstanton Close. Due to the proximity of the existing dwelling, there is already an established overlooking across neighbouring boundaries. The new dwelling, specifically Bedroom 1 at first floor would result in additional overlooking into the neighbouring property of 60 Tyler Drive however it is not considered that this overlooking would go above and beyond that which is currently in place.

In terms of overshadowing and loss of light to neighbouring properties, a sun on ground test has been carried which demonstrates that between the hours of 08:00 to 10:00 the shadow cast remains mainly within the curtilage of the proposed dwellings. During the hours of 10:00 to 12:00 a shadow would be cast into the neighbouring garden of 60 Tyler Drive. However, this would not cast a shadow that is considered to be unacceptable in terms of significant impact on the neighbour amenity and

usability of the garden. The shadow cast would then remain within the front gardens of the dwellings until 16:00. After this time a shadow would be cast into the neighbouring property. However, when assessing the shadow cast from the existing property on this boundary it is considered that the proposed resultant dwelling would not cause a significant additional harm in terms of overshadowing. Both the proposed dwellings would be set in from neighbouring boundaries as such it is not considered they would result in a dominant or cramped development that would impact the amenity of neighbouring occupants in terms of outlook.

However, due to the size of the proposed dwellings there is the potential for them to be converted to a small HMOs in the future should permitted development rights not be removed. The consequence of such a change may result in harm to neighbouring residential amenity in terms of noise and disturbance from increased comings and goings as well as pressure for parking. It is therefore recommended that if planning permission is granted, a condition be attached removing the permitted development right.

It is also recommended that permitted development rights be removed for further outbuildings and extensions to the dwelling to ensure the impact on the street scene and neighbouring amenity is properly assessed.

Amenity of Future Occupiers

It is also necessary to consider whether satisfactory environment would be provided for the future occupier of the proposed dwelling in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The table below shows the minimum gross internal floor area expected against the proposed dwelling.

| | Number of Bedrooms | Number of bed spaces | 2 storey dwellings |
|----------|--------------------|----------------------|-----------------------------|
| Standard | 4 | 8p | 124m ² |
| | 5 | 10p | 132m ² |
| Proposed | 4 | 8p | 212m ² (approx.) |
| | 5 | 10p | 250m ² (approx.) |

All bedrooms would exceed technical housing standards. The development would also provide sufficient garden space for both dwellings.

Notwithstanding the above, it is necessary to ensure that should the development be considered acceptable, it continues to maintain the character and appearance of the area as well as ensuring no detrimental impact on neighbouring residential amenity should further development occur within the site. It is therefore recommended that permitted development rights be removed for further alterations or enlargement of the dwellings in particular to development under Classes A and E of the GPDO.

A construction environmental management plan is also recommended to be controlled by condition to ensure that the development does not cause harm to amenity during the construction process.

As such, subject to the above conditions, no objection is raised in relation to amenity and the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

Policy T13 of the Local Plan relates to vehicle parking standards, cars and cycles. Policy T1 of the Local Plan relates to the impact of development on the highway network.

In this case, the site layout plan demonstrates two parking spaces per dwelling although the scope of hardstanding to front would facilitate additional parking. The dwellings would be accessed via the existing access for the bungalow. No objection is raised in relation to site lines and ingress and egress of the site.

One electric vehicle parking space per dwelling is required and secured by planning condition.

The proposal provides adequate parking in accordance with Medway's interim Parking Standards and as such no objection is made to the parking provision. Subject to the recommended conditions no objection is raised in relation to vehicle parking or highway safety under Policies T1 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

Climate Change and Energy Efficiency

A Climate change statement has been provided which includes the following measures:

- solar panels on roof,
- rainwater harvesting,
- LED lighting used throughout,
- electric car charging points and
- gas combination boiler to minimise carbon needed to heat the dwellings.

These details will be secured via the recommended condition in accordance with paragraph 154 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 £275.88 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access

Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

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.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Approval

The proposed development is acceptable in terms of design and impact on the street scene and character of the area and in relation to parking provisions, highway's function and neighbouring amenity. As such the proposal would be in accordance with Policies S6, BNE1, BNE2, BNE35, H9, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 71, 111, 112e, 126, 130, 180 and 181 of the National Planning Policy Framework 2021.

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 for approval.

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/>