

MC/23/2088

Date Received: 20 September 2023

Location: Land Rear Of 339A & 341 Maidstone Road (Fronting Tanker Hill)
Rainham, Gillingham Medway

Proposal: Demolition of outbuildings and construction of one pair of semi-detached dwellinghouses with parking.

Applicant Agent Bhupinder & Jasbir Singh Rai
Architechnology Design

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Ward: Rainham South East

Case Officer: Chantelle Farrant-Smith

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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 20th December 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:

Site location/proposed block plan 01Rev01-WIP
Proposed elevations/floor and layout Plan 02

Both received 26 September 2022:

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 No dwelling shall be occupied until the area shown on the plans hereby approved for vehicle parking spaces 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.

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 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 prior to first occupation 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 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.

- 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 shall be carried out within Schedule 2, Part 1, Classes A 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.

- 11 No dwelling shall 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 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 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 construct one pair of semi detached dwellings with associated garden and parking to the rear of 339A and 341 Maidstone Road (Rainham). This would require the demolition of the existing outbuildings on the site.

The proposed two storey gable end dwellings would be approximately 5m in height to the eaves (8m to ridge), 5.6m in width and 9.9m in depth. The dwellings would be arranged internally as hallway, WC, lounge and Kitchen/diner at ground floor together with 3 bedrooms, master served by ensuite and family bathroom at first floor.

Two off street parking spaces would be provided to the front of each property.

Relevant Planning History

No relevant history.

Representations

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

3 letters have been received raising the following objections:

- Impact on parking within the area
- Loss of light
- Overlooking

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 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Principle

The site is within the urban area and strategic policies and guidance seek that new housing development should 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). Whilst Policy H9 of the Local Plan states that backland development

may be acceptable this is subject to an assessment of certain elements including providing suitable access, adequate amenity and maintaining the character of the area.

Paragraph 71 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area.

The application site is currently used as part of the rear gardens for the dwellings of 339A and 341 Maidstone Road (Rainham) and includes outbuildings and off street parking fronting on to Tanker Hill.

Given the location of the site within a residential area the principle of the proposed development of the land for residential purposes would be acceptable in line with the objectives of Policy H4 and H9 of the Local Plan and paragraph 71 of the NPPF, subject to the assessment of other material considerations which is 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 site is a backland site but has a frontage to Tanker Hill and is read against that street scene and existing adjacent development. It is not considered that the subdivision of the plots to facilitate the proposed dwellings would be out of character taking into consideration the similar developments undertaken adjacent together with the generous gardens retained for dwellings within Maidstone Road.

Tanker Hill comprises predominantly of two storey semi detached dwellings with the exception of a single bungalow to the west of the proposal site. The two storey dwellings within the area comprise predominantly of brick facades and gable roofs, with some dwellings incorporating hung tiles and cladding.

The proposed semi detached pair dwellings would be similar to the neighbouring properties of 73 and 75 Tanker Hill in design, scale and appearance and would therefore relate positively to the surrounding area. The materials as set out on drawing number 02 comprising of Hanson LBC Heather Brick and Redland Grovebury Roof tiles are considered acceptable however, to ensure the quality of the development to be delivered does not deviate from the quality of the existing residential estate, an appropriate condition is recommended requiring submission of further details of all materials to be used externally.

Subject to the above condition, it is considered that the proposed dwellings would be appropriate within the street scene in terms of design and would therefore 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

It is not considered that the proposal would introduce a form of overlooking that does not already exist from adjacent existing 2 storey development.

In terms of overshadowing and loss of light to neighbouring properties, there is an existing window on the side elevation of No. 75 Tanker Hill. However as this window serves the stairway it is not considered that the proposed dwellings would result in harm to habitable rooms. Furthermore, a sun on ground test has been carried which demonstrates that shadow cast will not cause an unacceptable impact on neighbour residential amenity such as to justify a refusal of the application.

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. An appropriate condition is therefore recommended to remove the permitted development right.

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 applicant has stated that the proposed dwellings would be for a 3 bedroom 4 person dwelling. However as both dwellings provided 2 double bedrooms and 1 single room the housing standard calculated below are measured against a 5 person occupancy.

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

	Number of Bedrooms	Number of bed spaces	2 storey dwellings
Standard	3	5	93m ²
Proposed	3	5	92m ²

Although the dwellings are 1sqm below expected internal floor area as prescribed within the national described space standards, all bedrooms would exceed the minimum floor area and therefore it is not considered this would be detrimental to occupant amenity. Furthermore, the rear gardens of the proposed dwellings would measure approximately 9m in depth while the dwellings as 339a and 341 Maidstone would retain a depth of approx. 12m. The proposed dwellings and existing dwellings would retain front gardens for parking and landscaping and as such no concern is raised in relation to occupant amenity.

However, as the rear gardens meet but do not exceed local standards, it is considered appropriate to remove permitted development rights for further extensions to the property under Classes A and E of the GPDO.

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

Subject to the recommended conditions it is considered that the development is acceptable in amenity terms 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.

The Medway Interim Parking Standards states that a three-bedroom dwelling should provide a minimum of 2 parking space. In this case, the site layout plan demonstrates two parking spaces per dwelling. There is also on-street parking provided within Tanker Hill.

One electric vehicle parking space per dwelling is required and will be 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, T4 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 submitted with the application which details measures for tackling climate change including that the proposed dwelling will achieve compliance with Document L of Building Regulations together with water recycling.

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 £314.05 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.

Contamination

Due to the outbuildings/garages that are proposed to be demolished it is possible that there may be some contamination on site and a watching brief condition is recommended. Subject to this condition the development would comply with the objectives of Policy BNE23 of the Local Plan.

Conclusions and Reasons for Approval

The proposed development would not detract from the character of the area and would respect neighbouring residential amenity and would not result in additional impact on highways or parking. The proposal would comply with the provisions of Policies S6, BNE1, BNE2, BNE23, BNE35, BNE37, H4, T1 and T13 of the Medway Local Plan 2003 and paragraphs 11, 59, 111, 130, 174, 180, 181 and 186 of the NPPF, therefore, is considered acceptable.

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/>