

2 MC/10/0361

Date Received: 5 February, 2010

Location: Land Fronting 51-58 Hickory Dell Wigmore Gillingham Kent ME7 3SL

Proposal: Application for new planning permission to replace an extant outline planning permission allowed on appeal (MC2007/0712, APP/A2280/A/07/2047623 for 4 detached four bedroom houses with associated access) in order to extend the time limit for implementation

Applicant: Deadwood Enterprises

Agent: Mr N Kingsley Smith 81 High Street Chatham Kent ME4 4EE

Ward Hempstead & Wigmore

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 31 March, 2010.

Recommendation - Approval with Conditions

- 1 Details of the appearance, landscaping, and scale (herein called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

- 3 The development hereby permitted shall begin before the expiration of two years from the date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

- 4 Details submitted pursuant to the landscaping reserved matter required by Condition 1 shall include an arboricultural method statement and tree protection plan, which complies with British Standard 5837 'Trees in Relation to Construction' and ensures that safe and adequate retention of the trees shown for retention. The arboricultural method statement shall include details of any proposed alterations in existing ground levels and the position of any proposed excavation with the crown spread of any retained tree or of any tree on land adjacent to the site within a distance equivalent to half the height of that tree. Additionally, the arboricultural method statement shall include details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. The protection plan shall be implemented in accordance with the details as approved in siting by the local planning authority and thereafter shall be retained for the duration of the construction on the site.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

- 5 The area shown on the approved plan for vehicle parking shall be kept permanently available for such use and no development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown or in such a position and to preclude vehicular access to this reserved parking space.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with policy T1 of the Medway Local Plan 2003.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with i.e. without modification), no development within Part 1 Classes A, B, C, D, E and F and Part 2 Class A of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the local planning authority.

Reason: To ensure that the development does not prejudice conditions of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of this report.

Site Description

Hickory Dell is characterized by two storey detached and semi-detached housing. The southern end of the cul-de-sac has a spacious feel with development only on the western side of the road. The eastern side of the road is covered with dense shrubs and trees. The land slopes steeply up to the east with a difference in land level of approx. 10m with the houses in Speaks Road.

The houses in the area have gable ends and many have weatherboarding or tile hanging over the first floor. Most houses have off road parking either in the form of a garage or parking to the front on a hard standing.

Proposal

Outline planning permission was granted on appeal for 4 detached four bedroomed dwellings on this site. This permission remains extant and this application is extend the time period for submission of reserved matters and the implementation of that permission.

The ability to apply for extensions to the time limits for implementing existing planning permissions which, if successful, results in a new planning permission was introduced by the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 for existing planning permissions which were granted on or before 1 October 2009, have not been implemented in any way and remain extant at the time of applying.

The application to which this relates was in outline form with all matters reserved except access and layout for the construction of four detached 4-bedroomed houses with associated access.

The approved plans site the houses in a line from north to south with plots A-C set in excess of 8m from the road and plot D approx. 3m from the footway to the west. Each plot has two parking spaces to the front with plot D set in a tandem arrangement.

The indicative floor plans show a living room, dining/family room, kitchen and cloakroom (with a study also shown in plots B and C) on the ground floor with four bedrooms (one en-suite) and a bathroom at first floor. Due to the land levels the ground floor of the houses only have windows to the front. At first floor there is access onto a rear patio area and garden area shown cut into the slope.

The rear amenity space for the houses varies in size from a depth of approx. 7m to 11m and in width from approx. 16.4m to 20.2m. The rear amenity space consists of a level patio area for each of the plots with garden area behind which varies in steepness.

Seven trees are shown to be retained on the site.

Representations

The application has been advertised on site. The Hempstead Residents Association has been consulted along with the owners and occupiers of the following properties: 18, and 51-66 (inclusive) Hickory Dell; 28 Boughton Close, Twydall; 19 and 20 Ferndown Close; and Chetwyn, Estelle, Kontiki, Ritalan, Roseville, Sundown and Torvean, Spekes Road.

Six letters have been received from residents relating to:

- Design of the houses is out of keeping with the area
- Loss of trees and wildlife
- Loss of light and outlook for the existing houses
- Noise
- Access for emergency vehicles
- Parking
- Proposed houses have small back gardens no space for waste or recycling
- Disruption to residents
- Not on a regular bus route or close to train station
- Wish the scheme to proceed as soon as possible as the hold up is affecting house sales
- Not good for health with a scheme rumbling on
- Loss of a quiet cul-de-sac
- Schools and doctors already oversubscribed

Site Density

Area: 0.19 ha (0.47 acres)

Density: 21.05 dph (8.51 dpa)

Planning History

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|-------------|---|
| MC2006/2010 | Construction of a terrace of 9 dwellings consisting of 5 four bedroomed and 4 three bedroomed houses with integral garages
Refused 22 December 2006 |
| MC2007/0712 | Outline application for the construction of four detached 4-bedroomed houses with associated access
Refused 4 July 2007
Allowed on appeal 22 October 2007 |

Development Plan Policies

South East Plan 2009

Policy CC4	(Sustainable Design and Construction)
Policy BE1	(Management for an Urban Renaissance)
Policy T1	(Manage and Invest)
Policy T2	(Mobility Management)
Policy T4	(Parking)

Medway Local Plan 2003

Policy BNE1	(General principles)
Policy BNE2	(Amenity protection)
Policy BNE43	(Trees on development sites)
Policy H4	(Housing in urban area)

Policy T1	(Impact of development)
Policy T2	(Access to highway)
Policy T13	(Vehicle parking standards)

Planning Appraisal

This application raises the following issues for consideration:

- The principle of development
- Street Scene, Design and Density
- Amenity issues
- Highways
- Trees

Introduction

The Government Guidance given in Greater flexibility for planning permissions 2009 states that “LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.”

Principle of Development

In terms of the principle of residential development, the site is within the urban area as defined in the Local Plan 2003. Permission in outline was awarded at appeal (reference APP/A2280/A/07/2047623) for the construction of four detached 4-bedroomed houses with associated access. The principle of development has therefore been accepted and it is considered that although policies in the Kent and Medway Structure Plan have been superseded by the South East Plan that there have been no significant changes to override the principle being acceptable.

In terms of the local plan policy H4 to which this was originally assessed as part of the appeal, this has not altered and the proposal therefore still accords with the provisions of Policy H4 of the adopted Local Plan.

Impact on the Street Scene

Access to the site would be from Hickory Dell and the four dwellings would be sited in an informal pattern set back between 8 and 12 metres from the road. This would require them to be set within the area of sloping ground. The previously approved drawings indicate that the finished floor levels of the dwellings would be between 1 and 3 metres above the level of the carriageway in Hickory Dell. The appeal inspector advised that the “proposal would result in development which would be in keeping with the existing development in Hickory Dell and would help in managing

and improving the well-being of the trees which are to be retained". The inspector found that the proposed dwellings would be set only a little higher than the road level and this would be acceptable within the street scene and would make effective use of the land. The inspector found that the scheme was in accordance with policies BNE1 and H4 of the Medway Local Plan 2003 and policy QL1 of the Kent and Medway Structure Plan (KMSP), which is now superseded by the South East Plan 2009. It is considered that while the KMSP is no longer applicable the terms of the saved Local Plan policies are relevant. There have been no significant changes to the street scene or area in general that overrides the previous determination of the scheme in 2007 where it was considered by the appeal inspector that the scheme was acceptable in terms of street scene and design.

Impact on residential amenities

The appeal inspector found that because of the steep slope of the land the proposed dwellings would need to be set into the hillside. The intention is to produce a scheme where the proposed dwellings are sited some way back from the site frontage and only 1 to 3 metres above the road level. There would be views across the street from the existing dwellings to the proposed new dwellings but this is typical of residential development. In these circumstances it was determined by the Inspector that there would not be any significant loss of outlook or loss of privacy for the residents of properties in the west side of Hickory Dell or No. 51 Hickory Dell at southern end of the cul-de-sac. The inspector advised that the proposal would accord with policy BNE2 of the Medway Local Plan.

It is considered that there have been no significant changes to the neighbourhood amenities that overrides the previous determination of the scheme in 2007 where it was considered by the appeal inspector that the scheme was acceptable in terms of amenity.

Trees

At present the site is occupied by a number of large shrubs and mostly self sown trees. It has an overgrown and unkempt appearance although it is accepted that residents in Hickory Dell may find this an attractive backdrop to their street. The appeal inspector advised that the development would be in keeping with the existing development in Hickory Dell and would help in managing and improving the well-being of the trees which are to be retained.

It is considered that there have been no significant changes to the trees that overrides the previous determination of the scheme in 2007 where it was considered by the appeal inspector that the scheme was acceptable.

Highways

The appeal inspector noted that the development includes two off road parking spaces for each of the four dwellings, which in view of the suburban location of the site and the size of the dwellings was considered to provide adequate parking to serve the needs of the development. The new dwellings would bring additional traffic in the street but having regard to the fact that the northern half of Hickory Dell

currently has 32 dwellings compared with the 22 dwellings in the southern half of the street where the appeal site is located. The inspector considered that this would not result in serious traffic congestion or highway danger and said it would accord with policies T1 and T2 of the Medway Local Plan.

There have been changes to the parking standards that took affect from 1 March 2010. These include the requirement for a minimum of 2 spaces for 3+ bedroom houses which this proposal allows for, therefore it is considered that there have been no significant changes that override the previous determination of the scheme in 2007 where it was considered by the appeal inspector that the scheme was acceptable in terms of parking.

Conclusions and reasons for approval

The principle of renewing the extant permission is considered to be satisfactory. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policies CC4, BE1, T1, T2 and T4 of the South East Plan 2009 and Policies BNE1, BNE2, BNE43, T1, T2, T13, and H4 of the adopted Local Plan and the application is accordingly recommended for approval.

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 officer's recommendation.
