

MC/14/1581

Date Received: 5 June, 2014

Location: Land Rear Of 172-176 Maidstone Road And Adjacent To
Randall Court, Randall Road, Chatham, ME4 6JW

Proposal: Construction of a two storey block comprising one 2-bedroomed
and two 1-bedroom flats with associated works

Applicant: Walpole Properties Ltd

Agent: Mr J Rowland DAC Architects 21 Stone Street Gravesend Kent
DA11 0NP

Ward Rochester South & Horsted

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September 2014.

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:4281D-10 & D11 received on 18 June 2014

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

- 3 No development 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, and the development shall be carried out 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 code of practice covering noise, dust, air quality and lighting for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict

accordance with the approved construction code of practice for the duration of the construction phase.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of any part of the building details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The boundary treatment shall be implemented in accordance with the details shown on drawing number 4281 D-10A prior to any part of the building 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.

- 8 The building shall not be occupied, until the area shown on the submitted layout as vehicle parking space and 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 1995 (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 Policy T13 of the Medway Local Plan 2003.

- 9 The bathroom windows on the north elevation of the proposed building shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be carried out and completed before any part of the building is occupied and shall be retained at all times 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.

- 10 Prior to the first occupation of any part of the building, details of any external lighting proposed including the exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first occupation and shall be retained thereafter.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in excessive glare or overspill in accordance with Policy BNE5 of the Medway Local Plan 2003.

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

Proposal

The application proposes the construction of a two storey block comprising 3 flats (1 x two bedroom flat on the ground floor and 2 x one bedroom flats on the first floor) on the eastern part of the site, which is currently overgrown and where the land starts to rise towards Maidstone Road. 5 parking spaces are shown to serve the proposed flats, one of which is an existing parking space, four are new spaces.

The proposed flat block would measure approx. 12.5m wide by approx. 8m deep. There would be a front projection of approx. 1.5m for the entrance and an approx. 1.5m projection on the east flank. The proposed building would be set back approx. 18m from Randall Road and approx. 11m from the rear of 2 Randall Road, the chalet bungalow to the front of the site. The application proposes a shared amenity area, measuring approx. 18m by approx. 10m in front of the flat block. Due to the steep rise in land level to the east of the site, in the rear gardens of houses in Maidstone Road, a 1.1m (approx.) high retaining wall with metal railing is proposed. A retaining wall is also proposed along the northern boundary.

Site Area/Density

| | |
|--|---------------------|
| Site Area of proposed development (including parking): | 0.51ha (0.12 acres) |
| Site Density of proposed development: | 58 dph (23 dpa) |
| Total Site Area: | 0.1ha (0.26 acres) |
| Total Site Density (including Randall Court): | 112 dph (45 dpa) |

Relevant Planning History

Application site

- MC/12/2936** Details pursuant to conditions 02, 03 and 06 of the planning permission MC/10/0535 for construction of one 2 storey block comprising four 1-bedroomed flats and associated parking
Discharge of Conditions 11 November, 2013
- MC/10/0535** Application for a new planning permission to replace an extant planning permission (MC2006/0057) [Construction of a two storey block comprising 4 x one bedroom flats and associated parking
Approved 27 April 2010
- MC/06/0057** Construction of one 2 storey block comprising four 1-bedroomed flats and associated parking
Approved 05/04/2007
- MC/05/1101** Construction of one 2 storey block comprising four 1-bedroomed flats & associated parking
Refused 29/06/2005

Randall Court

- MC/03/1671** Construction of a 3 storey block comprising of 9 one-bedroomed flats and associated parking.
Approved 09/10/2003

Application site and Randall Court

- MC/03/0232** Construction of two blocks of six self contained flats three storeys high and associated car parking
Refused 18/07/2003

2 Randall Road

- MC/99/5279** Erection of one dwelling and garage.
Approved 26/08/1999

Area in general

- ME/95/0261** Outline application for the erection of four 1-bedroomed flats in one, two storey building.
Refused 14/06/1995
- ME/93/0002/A** Details pursuant to outline application for the erection of 1

two-storey block (with third floor accommodation in roof space) comprising 4 one-bedroomed flats and 1 two-bedroomed flat with associated car parking
Approved 08/08/1994

ME/91/0056 Erection of four 1-bedroomed flats in one 2-storey building
Approved 09/04/1991

ME/89/564 Outline application for the erection of four one bedroomed flats in one two storey building.
Approved 15/08/1989

Representations

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

Four letters have been received raising the following objections:

- Overdevelopment;
- Loss of privacy;
- Noise and disturbance;
- Proposal would add to problem of on street parking in Randall Road. Residents of existing flats don't use existing parking area;
- There is already anti-social behaviour and this will be exacerbated by additional flats;
- The drawings are inaccurate as they do not show the new houses opposite.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

The site lies to the rear of numbers 172-176 Maidstone Road to the east and 2 Randall Road, a chalet bungalow, to the south. It is accessed via a drive from Randall Road, and includes an existing three storey block of 9 flats called Randall Court and associated parking, which can accommodate up to 9 cars. To the rear (north) of the site are the rear gardens of 37 Elm Avenue to the west and 170 Maidstone Road to the east. To the west of Randall Court is another block of flats called Armada Court.

The area to the rear of Maidstone Road, fronting onto Randall Road has been the subject of several development over recent years. Initially there was the development of a block of 12 flats on the corner of Elm Avenue and Randall Road,

known as Armada Court. A detached chalet bungalow, 2 Randall Road, was built in the rear garden of Maidstone Road following the grant of planning permission in 1999 (MC/99/5279). Then a three storey block of 9 flat block, Randall Court, was built following the grant of planning permission in 2003 (MC/03/1671).

There have been three previous planning applications to develop this land. The first application (MC2005/1101) for a two storey block containing four flats was refused on 29 June 2005 on the grounds that:

- 1. The proposed development, due to its siting to the rear of the properties in Maidstone Road, the height of the first floor rear windows and the fact that these rooms provide habitable accommodation, would result in overlooking of the properties in Maidstone Road and a loss of privacy which would affect the level of amenity currently enjoyed by these residents. The development would therefore be contrary to Policies BNE2 and H9 of the Medway Local Plan 2003.*
- 2. The change in levels between the existing houses in Maidstone Road and the site would exacerbate issues of overlooking, in particular for the prospective occupiers of the proposed flats and those using the amenity area. The development would therefore be contrary to Policy BNE2 of the Medway Local Plan 2003.*
- 3. The proposed layout of the development would result in a large area of hard standing located in front of the flats to provide parking for the proposed development, which would have a detrimental impact on the appearance of the site contrary to Policy BNE1 of the Medway Local Plan 2003.*
- 4. The proposed method of construction of the development, which involves cutting the flats into the existing ground levels, would result in the windows at ground floor level receiving little light due to the proximity of the bank at the rear and the side boundary treatment with 2 Randall Road. As such, the development would be contrary to Policy BNE2 of the Medway Local Plan 2003.*
- 5. The location of the parking spaces adjacent to the boundary of the site with 2 Randall Road is likely to result in noise and disturbance from cars coming and going for the occupiers of this existing property, affecting the level of amenity they currently enjoy. As such, the development would be contrary to Policy BNE2 of the Medway Local Plan 2003.*
- 6. The proposed development would result in the amenity area currently designated for the occupiers of Randall Court being relocated to the rear of the proposed flats, which would limit the accessibility and availability of this space for the occupiers of the original flats to the detriment of the level of amenity they would expect to enjoy. As such, the development would be contrary to Policy BNE2 of the Medway Local Plan 2003.*

A subsequent application for a two storey block of four flats (MC/06/0057) was submitted in January 2006 in an attempt to overcome the grounds of refusal grounds of the previous application. Several changes were made to the scheme to make it acceptable: the building was re-orientated through 90 degrees, and windows removed from the east facing elevation, except for a ground floor window that would have been obscured by the retaining wall. No habitable room windows were proposed on the north facing elevation, and the internal re-arrangement of the rooms would have increased natural light. In addition, the parking was re-positioned, to provide a shared amenity space in front of the block and create a buffer zone. That

scheme sufficiently overcame the reasons for refusal of the previous application and was approved by Committee on 4 April 2007.

Following approval of MC/06/0057 an application was submitted under reference MC/10/0535 to replace that planning permission. This was approved on 27 April 2010. An application to discharge details pursuant to conditions 02, 03 and 06 of that planning permission was approved on 11 November, 2013 (MC/12/2936).

The earlier planning permissions have not been implemented and now further changes are proposed. The principle change is the reduction in the number of flats from four to three. The changes involved the replacement of 2 x one bedroom flats by 1 x two bedroom flats on the ground floor and changes to the external appearance of the building. The impact of these changes in terms of design, amenity and parking will be assessed below.

Principle

The principle of the proposed development was accepted with the previous grant of planning permissions.

Policy H4 of the Local Plan contains a presumption in favour of residential development within the urban area, including infilling, providing a clear improvement to the local environment will result. Paragraph 49 of the NPPF states that housing application should be considered in the context of the presumption in favour of sustainable development. The site is located close to Chatham town centre, Chatham Station and there is a frequent bus service on Maidstone Road so this is a sustainable location. The proposed development would not have its own road frontage and therefore is considered to be backland development. The proposal will, therefore be assessed below against the criteria identified in Policy H9 of the Local Plan.

Design

The proposed building would be in character with the surrounding development and would be less bulky than the neighbouring flat block, Randall Court. Furthermore being set back from the highway and partly screened, it would not be unduly prominent in the street scene.

Since permission was first granted in 2006, the site is has become overgrown and some small self-sown trees have appeared. However, these do not make a positive contribution to the character of the area.

No objection is, therefore raised in terms of design, appearance and the character of the area under Policy BNE1 and Policy H9 (iv) & (vi) of the Local Plan.

Medway Housing Design Standards

Since the previous applications were considered, Medway Council's Housing Design Standards (Interim) (MHDS) were formally adopted by the Council November 2011. The MHDS specify a minimum gross internal floor area (GIA) of 61 sq. m. for a two

bedroom/three person flat and 50 sq. m. for a one bedroom/two person flat. The proposed floorspace for each flat is shown in the table below.

| | Number of Bedrooms | MHDS Min Gross Internal Floor Area sqm | Gross Internal Floor Area Proposed sqm | MHDS Living/ Dining/ kitchen Good Practice Minimum Floorspace sqm | Living/ dining and kitchen proposed sqm | MHDS Bedroom Good Practice Minimum Floorspace sqm | Bedroom Floorspace proposed sqm |
|-------------|--------------------|--|--|---|---|---|---------------------------------|
| Flat 1 (GF) | 2b 3p | 61 | 80 | 25 | 31.4 | 12 (double) 8 (single) | 19 14 |
| Flat 2 (FF) | 1b 2p | 50 | 50 | 23 | 21 | 12 | 12 |
| Flat 3 (FF) | 1b 2p | 50 | 50 | 23 | 23 | 12 | 13 |

The ground floor flat at 80 sq. m. far exceeds the minimum floorspace requirement for a 2b 1p flat. The two first floor flats, just meet the minimum requirement. However, to achieve this each flat has been designed with its own entrance at ground floor which is included in the floorspace. In terms of individual room sizes, the living/dining /kitchen area in Flat 2 falls short of the minimum good practice standard of 23 sq. m. but the living area, measuring 3m by 3.5m meets the minimum baseline standard of 2.8m width.

The submitted drawing shows a shared amenity space measuring approx. 18m wide by approx. 9.5m deep, to the front of the proposed block. This amenity area is larger than that shown under the previously scheme and would be available to both the occupiers of the proposed flats and the occupiers of Randall Court, who currently have no private amenity area.

Having regard to the fact that the two first floor flats just achieve the minimum GIA requirements, the size of the shared amenity area and the fact that the current proposal is an improvement on the previous scheme for 4 x one bedroom flats which has the benefit of an extant planning permission, no objection is, therefore raised in terms of MHDS and under Policies BNE2 and H9(v) of the Local Plan.

Neighbour Amenity

There nearest property is the chalet bungalow at 2 Randall Road, the rear wall of which is tight to the boundary of the application site. There are no windows in this wall and therefore, there would be no unacceptable overlooking, loss of light or loss of outlook to that property as a result of the proposed development.

The nearest properties to the east are the houses in Maidstone Road. These houses are at a higher level and have approx. 18m deep gardens. There would be a further 5m gap between the flank wall of the proposed building and the site boundary, giving

a total distance of approx. 23m. A 1.1m (approx.) high retaining wall with railings on top is proposed. The only window in the flank wall would be at ground floor level serving flat 1. There would, therefore, not be any unacceptable overlooking or loss of light or outlook to these properties as a result of the proposed development.

Due to the position of the proposed block at the rear of the site, there would be no direct overlooking from the windows in the west flank wall towards Randall Court.

The provision of three additional units would not result in a significant increase in noise and disturbance to adjacent residents from traffic using the access. A condition is recommended that a construction code of practice is submitted to control noise and dust impacts on nearby properties.

No objection is therefore raised in term of neighbour amenity under Policies BNE2 and H9(i) & (iii) of the Local Plan.

Highways

The Council's adopted Vehicle Parking Standards require the provision of one space for a 1 bedroom flat and 1.5 spaces for a two bedroom flat, plus 0.25 space per unit, making a minimum requirement of 4.25 spaces to serve the proposed development. The submitted drawings show 4 spaces to serve the proposed development in addition to 9 spaces serving Randall Court. The standards allow for a reduction if the site is within an urban area and has good links to sustainable transport. The application site is located close to a bus road and within walking distance of local shops and Chatham Railway Station and as such has good links to sustainable transport. No objection is, therefore raised in terms of parking under Policy T13 of the Local Plan.

The existing vehicular access is adequate to serve both the car park to the rear of Randall Court and the proposed development and therefore no objection is raised under Policies H9(ii) and T2 of the Local Plan.

Other Matters

The bin store exceeds the 10m distance from the highway and so the bin store should be moved closer to the highway. It is recommended that a condition be attached to any planning permission requiring the submission and approval of bin store details.

A concern has been raised that drawings are inaccurate as they do not show the new houses opposite. These houses, being a recent development, have not been plotted on the Ordnance Survey extract. However, they have been identified and consulted on the planning application.

Local Finance Considerations

No Local Finance Considerations are raised by this application.

Conclusions and Reasons for Recommendation

The proposed development is considered to be acceptable in principle and accords with Policies H4 and H9 of the Local Plan and with the NPPF. The proposed development is acceptable in terms of design and appearance, MHDS, neighbour amenity, parking and access and accords with Policies BNE1, BNE2, T1 and T2 of the Local Plan. The application is, therefore recommended for approval.

This 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.

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://planning.medway.gov.uk/donline/AcolNetCGI.gov>