

MC/15/3751

Date Received: 22 October, 2015

Location: 132 Cooling Road, Strood, Rochester, ME2 4RT

Proposal: Construction of a 2-bedroomed chalet bungalow

Applicant: Mr Wilmont

Agent: Ms Richardson DIRECT PLANNING 95-97 Riverbank House
High Street St Mary Cray Orpington, Kent BR5 3NH

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9 March 2016.

Recommendation – Approval, subject to;

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 towards Designated Habitats Mitigation;
- B) The following 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 plan received 22 October 2015, Arboricultural report (revised) GRS/TS/TCP/TPP/AIA/1/15/54 Rev B, Plan Tpp 02 DP/2400/ES/2, Tree location Plan DPS 2400 ES1, proposed floor plans and elevations DP 2400 ES 1, proposed floor plans and elevations DP2400 ES 03, proposed block plan DP2400 ES 2, Tree Protection Plan TPP-02, indicative isometric details; Planning Statement received 15 December 2016 and drawings DP 2400 ES 05 and DP 2400 ES 06 received on 16 Feb 2016.

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

- 3 No development above slab level 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 The bathroom and landing windows on the first floor of the proposed bungalow to the east and west elevations 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 first floor, shall be non-opening. This work shall be carried out and completed before the room 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 direct overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No boundary treatment shall be erected until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the design of foundations to serve the proposed boundary treatment to be erected. The boundary treatment (including that to be erected for 132 Cooling Road) shall be completed before the proposed bungalow is occupied and following erection shall thereafter be retained. 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 amenity in the locality, in accordance with Policy BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 In this condition, "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be

stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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.

- 7 No development shall commence until a Construction Environmental Management Plan that describes measures to control the noise, dust, and lighting impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: Required prior to commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policies BNE2 of the Medway Local Plan 2003.

- 8 The proposed front parking area shall not be brought into use until it has been constructed using permeable surfacing materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The surfacing so provided shall be completed in accordance with any subsequent approved details prior to the parking being brought into use and following completion shall be maintained as such thereafter.

Reason: In the interests of sustainability.

- 9 The dwelling hereby permitted shall not be occupied until the area shown on the submitted layout for vehicle parking has been provided. The parking area shall be maintained and kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)(England) 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 adverse impact on amenity so such provision will ensure that the development is in accordance with Policy T13 and 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

This application seeks planning permission for the construction of a two-bedroomed chalet bungalow to the western side of 132 Cooling Road, within its side/rear garden. The proposed dwelling would be accessed via an existing private access (shared by a

number of properties for access and parking purposes).

The proposed dwelling would be set back approx. 6.6m from the northern boundary, approx. 2.8m from the side (western) boundary with no. 16 Princes Walk and approx. 1.6m from the side (eastern) boundary with no. 32. The proposed property would comprise a hall, study, kitchen/diner and lounge at ground floor level. At first floor level, two bedrooms and a bathroom hall are proposed. The proposed dwelling would have a depth of approx. 16m and would be approx. 2.4m to eaves and approx. 6.5m to ridge. A canopy feature is proposed to the front and a dormer is proposed on the eastern side of the development, with a roof-light to the west, giving light to a stairwell. Eight solar panels are proposed on the western flank. A parking area would be provided in front of the dwelling, with soft landscaping proposed to be retained on both sides, to be enhanced by further planting.

The applicant has provided sectional details and existing topography levels for the existing and proposed gardens. The existing garden slopes down eastwards towards the highway and there would be a drop in level of approx. 1m between the existing dwelling, no. 132 and the proposed plot, with the existing being the lower of the two.

The boundary fence of the existing rear garden would be relocated to extend the existing rear garden (to incorporate part of the existing front garden), which would also involve some land level changes and the existing garage would be removed.

A window to the west flank of the existing dwelling would be infilled. Two parking spaces would be retained for parking with direct access retained onto Cooling Street.

The applicant has had a landscape survey undertaken. A fence/trellis would be erected along the side boundary between the proposed dwelling and no. 16 Princes Walk, with new planting. Existing conifers would be removed to facilitate this and allow for the building to be sited in the proposed location.

Site Area/Density

Site Area: 0.04 hectares (0.09 acres)
Site Density: 25dph (11dpa)

Relevant Planning History

MC/14/3617	Construction of a two-bedroomed detached chalet bungalow with associated parking Decision: Withdrawn by Applicant Decided 6 May, 2015
MC/12/2175	Raising of the whole roof height to facilitate conversion of bungalow into two-storey house together with construction of a porch to front Decision Approval With Conditions Decided 07/12/2012
MC/04/2541	Construction of conservatory to side (demolish existing

conservatory)
Decision Approval with Conditions
Decided 15 December, 2004

81/780

Additional room WC and car port
Decision Approval with Conditions
Decided 29/10/1981

Representations

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

Six letters of objection have been received, objecting on the following grounds:

- Potential loss of privacy;
- Solar panels will be seen from a neighbours garden out of keeping with the country feel of the area;
- Noise disturbance from vehicles;
- Adverse impact from the view of a blank white wall;
- Cramped form of development;
- Poor access for vehicles using a private drive;
- Out of character with the locality;
- Design Statement conflicts with the plan detail in terms of number of bedrooms proposed;
- The neighbouring conservatory is not shown and the impact is mis-represented;
- The forms indicate that there are no adjacent trees and hedges on neighbouring land, but ignore an existing beech hedge and Rowan tree within the garden of 16 Larkin Close;
- The proposed boundary treatment is unclear on the western side;
- What is to stop the property being extended once planning permission has been granted;
- Back-land development;
- Intensification of an existing vehicular access and movement of vehicles;
- Adverse impact on the setting of a listed building;
- The root protection area of the tree is much wider than shown;
- The proposal will affect ground conditions to the detriment of the neighbouring listed building;
- The existing plans are not to scale;
- Adverse impact from construction traffic and delivery of materials;
- Aerial pictures used are out of date;
- No details of services have been provided;
- Access for emergency vehicles will be blocked.

Frindsbury Extra Parish Council objects on the following grounds:

- Insufficient parking;
- Overdevelopment of the site;
- Loss of residential amenity;

- No provision for emergency vehicles;
- Loss of light;
- Loss of privacy;
- Drawings not to scale;
- Site levels not accurate;
- No mention of how services will be provided;
- Conflict with covenants;
- Request to be consulted on any changes to the scheme.

Cllr P. Hicks requests that the planning application be considered by members of the Planning Committee on the following grounds;

- Several residents object to the scheme;
- There is no direct road access to the proposed property;
- The development would be out of character with the street-scene and the adjoining properties and its close relationship to the adjoining property at 132 Cooling Road;
- It would be an overdevelopment of the site and as it has no frontage into Larking Close, constitutes backland development.

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.

Principle

The site is located within the urban boundary as defined by the proposals map of the Medway Local Plan 2003. The surrounding street scene comprises a mix of property types set within relatively varied sized plots.

Both national advice and local policies support the efficient and effective use of land. National Planning Policy Framework (NPPF) paragraph 53 suggests that 'local planning authorities should.... resist inappropriate development of residential gardens where development would cause harm to the local area' but balanced against this promotes sustainable forms of development (paragraph 49), good design of housing (Paragraph 56) and a need to secure a good standard of amenity for both existing and future occupants of property (paragraph 17). Paragraph 48 also makes allowance for windfall sites.

The development of this plot needs to be considered in the context of whether the proposal would result in the most effective and efficient reuse of urban land and would provide a 'clear improvement to the local environment'.

In terms of the principle of development, a new dwelling on this site is in accordance with the provisions of Policy H4 of the Medway Local Plan 2003 and the objectives of the NPPF. The proposal would not result in backland development, as it would have a

frontage onto Princes Walk and the dwelling would be set comfortably between existing dwellings, whilst retaining sufficient garden space for the existing and proposed dwellings and would involve the redevelopment of an existing residential area; one of the criterion of Policy H4.

Design

The proposed bungalow would have its own frontage onto the existing access that serves housing within the vicinity. The approach to the site is of pleasant appearance and whilst relatively narrow, is bounded by attractive trees, hedging and close-boarded fencing boundary treatment. Existing Ash trees and a hedge row of approx. 2m high line the private drive which leads to the site entrance. There are dense conifers of approx. 5m high to the west of the site and to the east of the proposed building (adjacent to a large Pine Tree and mature Ash tree within the garden of 130 Cooling road). The hedgerow is lined with Ash trees on the northern frontage. There is a Grade two Listed building nearby, 130 Cooling Road.

The proposed chalet bungalow design would respect the character of the area in terms of scale and appearance and is not considered to appear prominent within the street-scene. The proposed ridge would be greater in height than the existing property by approx. 1.5m but this in itself is not considered to be an issue in streetscene terms, as building heights do vary in the vicinity.

As building design is relatively mixed and depth of gardens varied in this area, no objection is raised in design terms. Proposed planting would mitigate the loss of the conifer trees on the western side and can be conditioned. Boundary treatment proposed elsewhere would be considered acceptable in design terms where shown. The existing conifers within the plot currently offer mitigation screening between gardens but have no long-term amenity value and would be removed as part of the scheme.

Accordingly, for the reasons above, the dwelling is considered to accord with the provisions of Policies H4, H9, BNE18, BNE21 and BNE1 of the Medway Local Plan 2003.

Impact on listed building

No. 130 Cooling Road is a grade 2 listed building and its rear garden would share a boundary with the proposed dwelling. Due to distance of the proposed dwelling from no. 130 and in consideration of the very mixed development surrounding that property that has evolved over time, the development would have no significant or adverse impact on the setting of this building.

Impact on Residential Amenity

Due to the siting and orientation of the proposed dwelling, overshadowing, outlook, loss of sunlight and daylight to neighbouring properties would be limited. The proposed dwelling would project further south than the existing dwelling with a gable end but this would not overall be considered harmful. In consideration of siting and distance of nearby properties to the south and south east, no amenity objection is

raised to the proposal. In consideration of the proximity of other residential dwellings, there may be problems associated with noise and nuisance dust during the construction phase of the development. For this reason, the applicants are required to submit a Construction Environmental Management Plan which can be secured via a planning condition.

Impact on amenity of existing bungalow (132 Cooling Road) With regard to outlook impact from the existing property, a condition is recommended to ensure that a new window is provided to the northern elevation of the existing property (which is part of the scheme and shown on plan) to ensure adequate outlook is provided for the existing habitable room, as its existing window would result in a loss of outlook.

The property would have a smaller garden as a result of the development and the usable garden space for natural sunlight to the south west of the site would be lost. This together with the amount of debris that would annually fall from the Pine tree in the neighbour's garden to the south require the garden to be extended eastwards to secure a good standard of amenity for all future occupants of the property. With this in place, no objection is raised.

Impact on no. 16 Larkin Close The outlook retained for the dwelling would be considered acceptable, particularly given the distance of the proposed dwelling away from the side wall of no. 16. In terms of privacy, a combination of boundary treatment and the use of a condition to ensure that the first floor window on the western roof plane would be obscure glazed, would prevent direct overlooking from the proposed first floor level of the bungalow. Due to the siting and distance of the proposed dwelling from no. 16, no objection is raised in terms of potential sunlight or daylight loss.

Impact on future occupants The development would provide sufficient internal and external amenity space for the future occupants in terms of the National technical guidance introduced in 2015. The proposed internal floor layout would exceed the minimum standards for room sizes with the two bedrooms proposed to exceed the minimum double bedroom sizes. In addition, the proposed garden space would be sufficient in terms of depth and width for future residents' use. Sunlight and outlook would be acceptable from habitable rooms and whilst the planting to be retained would have an impact in terms of shadowing, overall, the proposed garden would have sufficient light for the future residents and there would be less pressure for the planting to be removed as a consequence.

The proposed development would comply with the objectives of Policy BNE2 of the Local Plan.

Trees

The applicant has submitted a tree report that indicates that the proposal would safeguard the health and stability of the existing trees, apart from the conifer screening along the western boundary. The proposed scheme safeguards trees to the south of the site, provided that the design of boundary treatment does not unacceptably encroach the root protection zones. The foundation design is identified as an important part of protecting the trees but no details of such a design have been provided at this stage. This aspect can be controlled by planning condition. The report

identifies the need for tree protection measures to be imposed before and during the course of construction and suggests that a watching brief be present during the course of construction to support the provision of guidance notes being prepared for the construction team. A small part of an existing hedgerow will need to be removed to the front of the site but overall this would not significantly erode the impact from the hedgerow from the road. Overall, the development is considered to comply with the objectives of Policy BNE43 of the Medway Local Plan 2003.

Highways

The development would provide two off-street parking spaces to meet Medway Council's standards for a property of this size and ingress/egress would be via a private drive where vehicle and pedestrian movement is relatively low key.

In respect of the impact upon highway safety, one additional dwelling would generate a very small number of traffic movements and there would be satisfactory visibility from the access in both directions onto the shared private drive, provided that the fence panels are lowered either side to no greater than 0.6m, 2m back from the access road itself. This can be conditioned to ensure that this is achieved to secure appropriate vision when leaving the site in a forward gear. The proposal is satisfactory from a parking and highway safety perspective and as such, no objection is raised to the development under the provisions set out under Policies T1, T2 and T13 of the Medway Local Plan 2003. No detailed surface water drainage details have been provided in respect of the parking area. It is recommended to be controlled by condition to prevent overspill onto the public highway via the private drive in consideration of the slope in levels down to the highway.

S106 matters

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 £223.58 per dwelling (excluding legal and monitoring officer 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 tariff which has been agreed across all of the local authorities and Natural England, currently stands at £223.58 per dwelling, excl. legal and monitoring officers costs which separately total £550. The applicant has agreed to pay this tariff and have submitted a unilateral undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application.

Other matters

The site access has been confirmed as within the applicant's joint control with neighbouring land owners and they have the mutual responsibility to maintain the access drive.

Conclusions and Reasons for Approval

The development is considered to comply with the objectives of the above mentioned planning policies and is recommended for approval.

This application is reported to planning committee for members' consideration, due to the number of representations received against officer recommendation, at the request of Cllr Hicks and due to objection by Frindsbury Extra Parish Council.

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://publicaccess.medway.gov.uk/online-applications/>