

MC/16/1070

Date Received: 8 March, 2016

Location: Appletrees 6 Walderslade Road, Walderslade, Chatham, ME4 6NY

Proposal: Construction of a detached 3 bedroom bungalow to the rear of the existing house with associated landscaping & vehicle access

Applicant: Mr Stylianou

Agent: Mr Sparrow JS Designs (London) Limited Suite 3 West Hill House West Hill Dartford, Kent DA1 2EU

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 1 June, 2016.

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:

Drawing numbers 15020-100 Amendment C and 15020-101 received on 8 March 2016.

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

- 3 No development shall take place above slab level 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 dwellinghouse herein approved shall not be occupied until a scheme for replacement trees and boundary treatment has been submitted to and

approved in writing by the Local Planning Authority. The replacement trees shall be planted and the boundary treatment shall be erected in accordance with the approved details prior to the first occupation of the dwellinghouse. Any trees 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.

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.

- 5 No development shall take place until a method statement for the protection of tree indicated to be retained within the site plan of drawing number 15020-100 Amendment C during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include: details of the siting and storage of any materials, waste or equipment to avoid the root protection areas; site accommodation and construction process. The approved details shall be implemented on site prior to commencement of development and maintained on site for the duration of the construction phase.

Reason: Required prior to commencement of development to prevent irreversible harm to a valuable tree and to protect the environment in accordance with Policies BNE43 and H4 of the Medway Local Plan 2003.

- 6 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; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, site contact details in case of complaints, the location of the parking vehicles of site operatives and visitors and the location of storage of plant and materials used in the construction of the development. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before the commencement of the development to avoid irreversible detrimental impact on interests of public safety and good living conditions for nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 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 amenity, in accordance with Policies BNE1 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 detached 3 bedroom bungalow to the rear of the existing house with associated landscaping and vehicle access. The bungalow would be located to the southwest of Appletrees and would front the access road and not Walderslade Road. The bungalow would have a hipped roof design and would measure approx. 9m in width with a maximum depth of approx. 11.5m with windows on all four elevations. It would be set back between approx. 6.2m and approx. 6.8m from the access road and approx. 1m from the proposed boundary of Appletrees and between approx. 1.5m and approx. 3.2m from the boundary to 6a Walderslade Road. It would consist of three bedrooms, one bathroom, living room/diner and a kitchen.

Site Area/Density

Site Area: 0.152 hectares (0.376 acres)

Site Density: 26.3 dph (10.6 dpa)

Relevant Planning History

MC/16/0878	Part-retrospective application for construction of two detached 4-bedroom dwellings, together with associated parking and landscaping (resubmission of MC/15/1408) Decision Approval With Conditions Decided 27 April, 2016
MC/16/0627	Application for a Non Material Amendment for MC/15/1408 to revise the size and positions of the windows and revision to internal layout Decision Withdrawn by Applicant Decided 24 February, 2016
MC/15/3591	Application for non-material amendment to planning permission MC/15/1408 for overall height increase and revised roof pitch; revised window sizes and positions; revised landscaping and means of enclosure and revised internal layouts Decision Refusal Decided 17 November, 2015
MC/15/1709	Listed building consent for retrospective application for the installation of flues Decision Approval With Conditions

Decided 9 July, 2015

MC/15/1408

Construction of two detached 4 bedroom dwellings together with associated parking and landscaping
Decision Approval With Conditions
Decided 20 June, 2015

Representations

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

Five letters of objection have been received raising the following concerns:

- Unacceptable increase in activity and overdevelopment for the access road and parking concerns
- Impact on the character of the area and overdevelopment of the site, forward of building line.
- Impact on environment with the loss of trees
- Construction concerns including - Hours, methods, dust, vehicles restricting access to other properties, damage to access road and utilities below.
- Garden size of Appletrees unacceptable
- Loss of privacy

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

Principle

The site is located within the urban boundary as defined by the proposals map of the Medway Local Plan 2003. Both national advice and local policies support the efficient and effective use of land. The National Planning Policy Framework (NPPF) paragraph 53 notes that 'local planning authorities should.... resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' However the NPPF notes that sustainable development should be approved where it accords with the development plan. Therefore the redevelopment of this plot needs to be considered in the context of this and the objectives of Policy H4 of the Medway Local Plan 2003 in terms of whether the proposal would result in the most effective and efficient re-use of urban land and whether a 'clear improvement to the local environment' would result. Within the context of a residential area, the proposal for a dwellinghouse is considered acceptable subject to the consideration of more detail matters to determine whether there is a clear improvement including the impact of the development in terms of design and trees; impact on amenity and on highway safety. Subject to the

consideration of these detailed matters (below) the principle of the proposal is considered to be in accordance with Policy H4 of the Medway Local Plan 2003 and paragraph 53 of the NPPF.

Design and trees

By virtue of its siting, the proposed bungalow, boundary treatment and hardstanding area would all be visible from the access road and neighbouring properties. The properties within the access road are a mixture of bungalows and two storey properties with driveways all set back different distances from the access road with varying sized gardens and spatial character. The application site forms part of the rear garden of Appletrees this corner of the rear garden has approx. five trees however they are not covered by tree protection orders. The side garden of Appletrees fronting Walderslade Road has already been granted planning permission for two x 4-bed, two storey properties under reference MC/16/0878.

Concerns have been raised under consultation that the proposed dwelling would be an overdevelopment of the site, forward of the building line, detrimental to the character of the area and detrimental to the environment due to the loss of trees. The sub division of the Appletrees into the previously approved development to the side and the proposed bungalow to the rear would not be considered to result in these properties being out of character with the spatial pattern of development within the area with acceptable garden sizes being retained for Appletrees and proposed for the new dwellings (see amenity section below). Therefore, the proposal is not considered to result in overdevelopment. The proposed bungalow would be set back between approx. 6.2 and approx. 6.8m from the access road. Although this would be set closer to the access road than the adjacent property at 6a Walderslade Road, it would be set further back than its garage to the front and significantly further back than 12 Walderslade Road opposite. Consequently the bungalow, its curtilage, driveway and boundary treatment subject to a materials condition, would be considered to be in keeping with the mixed spatial character and the mixed street scene design of properties along the access road.

The trees to the rear of the site, which includes the tree with the greatest visual merit are proposed to be retained. While it is unfortunate that the trees to the front of the site would be removed to provide the development, these trees do not benefit from tree preservation orders. It is considered that with the use of a condition to retain the tree to the rear and a further landscaping condition including the planting of replacement trees within the proposed application site, the development would not result in any detrimental harm to the visual amenities of the local environment.

The proposal would therefore be in accordance with Policies BNE1, BNE43 and H4 of the Medway Local Plan 2003.

Amenity

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

With regard to neighbouring amenities, by virtue of the design being single storey and the siting of the property in relation to the surrounding neighbouring properties of Appletrees, the two properties under construction, 6a, 10 and 12 Walderslade Road and their habitable room windows, it is considered that there would be no detrimental impact on residential amenity in terms of loss of daylight or outlook.

Due to the orientation of the site and path of the sun, sunlight tests have indicated that there would only be some overshadowing to properties to the north in the afternoon, however this level of overshadowing and for the limited period of time this would occur, it is not considered to be detrimental to the residential amenities of these neighbours. Finally concerns have been raised in consultation regarding the loss of privacy. Due to the boundary treatment and distance to Appletrees and 6a Walderslade Road and their habitable room windows, the proposal would not result in a loss of privacy. Number 12 Walderslade Road is the property located opposite the application site. The proposed property would be sited opposite number 12 with a gap of approx. 14m between the front elevations of the two properties. This gap, which contains the access road, is considered acceptable.

Concerns have been raised regarding the construction phase of the development including hours, construction methods, parking of vehicles on the access lane and damage to the access lane. Due to the close proximity to the neighbouring properties there is potential impact from noise and dust. A condition is therefore recommended requiring a Construction Environment Management Plan (CEMP).

With regard to the amenities of the future occupiers, the proposed dwellinghouse would be 3b5p property over a single floor. For guidance in terms the living conditions of potential occupants of the site itself the development has been assessed with regards to the Medway Housing Standards (interim) November 2011 (MHDS) and the Technical housing standards - nationally described space standard. The national standard and MHDS indicates that a property of this size should have a gross internal floor area including storage of 86sqm. The proposed drawings show a gross internal floor space of 86sqm and therefore it is considered that the proposed dwellinghouse would provide an adequate level of internal living space for future occupiers.

The proposed dwellinghouse would have a garden in depth of approx. 15m and the two properties currently under construction would have depths of approx. 12m and 14m across the width of the property meeting the MHDS standards of 7m depth across the width of the dwellinghouses. The existing property (Appletrees) would have a garden of between approx. 7m and 14m in width and approx. 15m in depth.

Whilst it is considered there is sufficient garden depth for the proposed development and the surrounding properties, it is necessary to consider the potential future development that could be carried out under permitted development rights. Given the spatial pattern of development, the potential development that could be implemented under permitted development rights, could have the potential to result in harm to residential amenity of surrounding occupiers and therefore it is recommended that permitted development rights should be removed by condition.

With regard to refuse storage, waste and recycling collection it is deemed that there is

adequate storage space for refuse within curtilage of the proposed dwellinghouse and the existing dwellinghouse Appletrees and there is sufficient access to present at the kerbside on collection day.

Subject to the suggested condition, the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of Policy BNE2 of the Medway Local Plan 2003 and the fourth core planning principle in paragraph 17 of the NPPF.

Highways

Concerns have been raised by representation regarding the impact of the extra dwelling onto the access road as well as parking concerns. The proposed development is a three bedroomed bungalow and it is proposed to have two off road parking spaces which would meet the Medway Councils standards for a property of this size with adequate vision splays. Furthermore it is considered that the movements associated with a development of this size would not result in an intensification of the access road that is considered detrimental or have any further highways safety issues. The proposal is considered satisfactory from a parking and highway safety perspective and no objection is raised to the development under the provisions set out under Policies T1, T2 and T13 of the Medway Local Plan 2003.

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 £223.58 per dwelling (excluding legal and monitoring officers 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
- 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.

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The applicants have 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.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, street scene, character of the area, amenity and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to the unilateral undertaking and imposition of appropriate conditions. The proposal accords with the provisions of Policies H4, BNE1, BNE2, BNE35, BNE43, S6 T1, T2 and T13 of the Medway Local Plan 2003 and the advice in the NPPF. 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 officers' 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://publicaccess.medway.gov.uk/online-applications/>