

MC/15/4220

Date Received: 1 December, 2015

Location: 2 And 3 Denison Mews, Lower Stoke, Rochester, ME3 9LG

Proposal: Demolition of existing garages and construction of a new 2 bedroom mid-terrace dwelling; alterations to front porch of number 2 and additional roof light to rear of number 2 and 3 Denison Mews

Applicant: Mr Light

Agent: Mr Wells, Andrew Wells Planning & Design, 1 Gills Court, Chaucer Close, Medway City Estate, Rochester, Kent ME2 4NR

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 June 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:

Drawing number 379/02 Rev B received on 11 April 2016 and Flood Risk Assessment REF:FRA/430 received on 27 April 2016.

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

- 3 All materials used externally shall match those of 2 Denison Mews.

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 property shall not be occupied until the hardstanding shown on the submitted layout on drawing 379/02 Revision B as vehicle parking space and covered parking 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 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 and BNE2 of the Medway Local Plan 2003.

- 5 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be 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 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, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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.

- 6 If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a Method Statement setting out remediation measures is submitted to and approved in writing by the Local Planning Authority. The remediation measure shall be implemented in accordance with the approved details.

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.

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 demolition of existing garages and construction of a new 2 bedroom mid-terrace dwelling, alterations to front porch of number 2 and additional roof light to rear of number 2 and 3 Denison Mews.

The proposed dwelling would be approx. 5.2m in width, approx. 8.4m in depth with an eaves height of approx. 4m and ridge height of approx. 7m. The property would have windows to the front and rear at ground floor level and a front gable dormer at first floor level and two roof lights to the rear. The property would have a shared pitched roof porch with 2 Denison Mews which would project approx. 1.2m with a width of approx. 4.2m and eaves height of approx. 2.4m and maximum height of approx. 3.2m. The dwelling would consist of a sitting room, kitchen, w/c and porch at ground floor with two bedrooms and a bathroom at first floor. The application also includes the provision of an additional rear roof light to the rear of both 2 and 3 Denison Mews.

Site Area/Density

Site Area: 0.0344 hectares (0.085 acres)

Site Density: 29.07 dph (11.76 dpa)

Relevant Planning History

98/504	Erection of six chalet bungalows and block of five garages to vary application ME/88/699 Decision Approval with Conditions Decided 15/08/1989
88/699	Proposed erection of five residential units Decision Approval with Conditions Decided 16/08/1988

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Environment Agency and Stoke Parish Council have also been consulted.

Environment Agency have raised no objection and are satisfied with the details within the submitted Flood Risk Assessment.

Stoke Parish Council have raised an objection regarding an overdevelopment of the site and the loss of parking where pressure is high within Stoke Village.

Four letters of objection have been received raising the following objections:

- Noise during construction;
- Parking concerns from loss of garages and additional house;
- Impact on sunlight and daylight.

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 dwelling house 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; impact on amenity; contamination 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

The property would be visible from the street scene, which consists of a mixture of two storey detached and semi-detached properties gable roof properties with front porches and the fenestration of a gable dormer to the front and roof lights serving the rear. The proposed property would be attached to the existing properties 2 and 3 Denison Mews and would result in the loss of these properties' single storey garages, to create a terrace of four dwellings. The proposed dwelling would continue the existing eaves and ridge height of the existing building. A joint pitched roof porch with number 2 Denison Mews is proposed; although this differs in design from the porches in the area, it is considered to be of a suitable size and scale while the design would not be detrimental to the street scene. The proposed fenestration is in keeping to the front and the use of only roof lights is in keeping with the area, no objection is raised from the second roof light at 2 and 3 Denison Mews. The materials of brick and textured render is considered to be in keeping with the materials in the area and a condition would be required for the materials to match 2 Denison Mews. It is considered that dwelling would reflect the appearance, size and scale of the properties in Denison Mews, including the gable dormer to the front and would not appear as an overdevelopment of the site.

The front gardens would be laid with hardstanding to provide off-road parking and no objection is made to this.

Consequently with the suggested conditions, the visual impact of the development,

on the street scene and character of the area, is considered acceptable. The proposal is considered to be in accordance with Policies BNE1 and H4 of the Medway Local Plan 2003 and NPPF design objectives.

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.

Concerns have been raised by neighbours regarding loss of daylight and sunlight. By virtue of the siting and the design of the proposed dwellinghouse, respecting the building line of the properties with no rear extensions/projections, there would be no detrimental impact on neighbouring residential amenity when considered against the position of habitable room windows within existing adjacent properties with regard to outlook or daylight.

Furthermore, with regard to sunlight, sunlight tests show an increased shadowing of the gardens at nos. 2, 3 and the new dwelling only, which is of a scale that would not be considered detrimental to the occupants' amenities.

With regard to privacy, the windows to the front and rear reflect the existing arrangements of windows in surrounding properties in the area and no new issues of loss of privacy to adjoining neighbours would result.

The proposed dwelling house would be a 2 bedroom 4 person property over two floors. The Technical Housing Standards - Nationally Described Space Standard indicates that a property of this size should have a gross internal floor area including storage of 79sqm. The total area of the proposed dwelling is approx. 82sqm. Therefore, the property is considered to be of an acceptable standard. The rear garden would measure approx. 8m in depth across the width of the property, meeting the Medway Housing Design Standards.

Concerns have been raised regarding the noise and disturbance during construction and due to the proximity of the proposed dwelling to neighbouring residential dwellings, a condition would be required for a Construction Environment Management Plan to be submitted to the Local Planning Authority. With regard to refuse storage, waste and recycling collection, there is adequate storage space for refuse within the curtilage of the proposed dwelling house. Accordingly, 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

Highways

The proposal would result in a change from two, two-bed properties with a garage and one off-road parking space each, to three two-bed properties with one off-road parking space each. This has resulted in concerns from neighbours regarding the increase in parking pressure within the street and local area.

The parking provision for a two bedroom property is 1.5 parking spaces per dwelling

according to the Medway Council Interim Residential Parking Standards and consequently the one off-road parking space provided by each dwelling is under this standard. However, each property could provide additional parking space on the hardstanding in front of the porches of the property, which would overhang on to Denison Mews. Normally this would be considered to be unacceptable to highway safety, however due to the vast hardstandings provided within the Denison Mews with no footpaths, this would not be considered to be detrimental to the highway safety in this specific situation. Accordingly, the parking and highways impact of the development are considered acceptable with regard to Policies T1 and T13 of the Medway Local Plan 2003, subject to a condition to retain the hardstanding to the front of 2, 3 and new property.

Flood risk

The application site is within flood risk zones 2 and 3. Policy CF13 of the Medway Local Plan 2003 relates to proposals for new residential development. A Flood Risk Assessment has been submitted with the application and the Environment Agency has been consulted and raises no concerns with the development. The proposal is considered to comply with Policy CF13 of the Medway Local Plan 2003.

Contamination

Policy BNE23 of the Local Plan 2003, aims to protect human health and the wider environment in areas which may be affected by contaminated land. Paragraph 121 of the NPPF ensures that sites are suitable in consideration to ground conditions and use of mitigation. In this instance the application would see the demolition of the outbuilding used as a residential garage therefore there is a potential for contamination to exist. A condition is therefore recommended for a watching brief during the development to be in accordance with Policy BNE23 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 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 applicants have agreed to pay this tariff and have submitted a draft 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

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, street scene, and 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 imposition of appropriate conditions. The proposal accords with the provisions of Policies H4, BNE1, BNE2, BNE23, BNE35, S6, T1 and T13 of the Medway Local Plan 2003 and the NPPF 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 officers' recommendation and the objection from Stoke 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/>