

MC/16/2653

Date Received: 20 June, 2016

Location: Elmsleigh Lodge, 118 Maidstone Road, Chatham ME4 6DQ

Proposal: Construction of two pairs of semi detached three bedroomed dwellings with integral garages and associated parking and new tree planting - demolition of existing wall

Applicant: Grays of Chatham

Agent: Mr M Carter Mark Carter Design Design Studio, Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward Chatham Central

Case Officer Paul Ives

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 December 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:

i) £894.32 towards Wildlife Habitat Mitigation

ii) replacement tree planting within the Ward

B. And 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:

Drawings 3079 002 Rev A;3079 003 Rev A;3079-008;3079 009 received on 20 June 2016

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

- 3 No development above ground floor 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 Prior to first occupation the ground floor flank windows serving the dining rooms shown on drawing 3079-003 rev B, 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 room it serves, shall be non-opening. The windows shall thereafter be retained as such.

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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A 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.

- 6 Notwithstanding the submitted information 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) and boundary treatment. The approved boundary treatment and hard landscaping shall be undertaken prior to first occupation of any of the units. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first 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 Local Planning 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.

- 7 None of the dwellings hereby approved shall be occupied until the area shown on the submitted layout as vehicle parking space and garaging 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 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 BNE2 and T13.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: In accordance with the objectives of Policy BNE23 of the Medway Local Plan 2003

- 9 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 : In the interests of residential amenity protection 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.

Proposal

This application proposes the erection of two pairs of three storey semi detached houses. The properties would be split level being three storey fronting onto King Edward Road and two storey at the rear accounting for the rise in levels through the site. The rear gardens are proposed of two tier form. The frontage gardens are proposed with hard and soft landscaping combined with tree planting. A mono pitched roof design is proposed with a palette of render and brick finish to the external elevations of the dwellings. The works would require the lowering of the site levels and removal of an existing front boundary wall. In addition mature trees would need to be removed to facilitate the development.

Each dwelling is proposed to be three storey in height and comprise garage, utility room and w/c at ground floor level (to the front), kitchen, hall and lounge at first floor level and three bedrooms above. The properties will be set back approx. 9.5m from the edge of the highway to provide for a drive and front garden fronting onto King Edward Road. Each property is proposed to be served by an 11m approx. depth rear garden on two levels.

Site Area/Density

Site Area: 0.8hectares (1.9acres)

Site Density: 5dph (7.8dpa)

Relevant Planning History

- | | |
|------------|---|
| MC/16/2333 | Change of use from community mental health care centre (Class D) to a residential care home (Class C2) together with use of existing office (within single storey detached building to rear) as ancillary storage
Decision Approval With Conditions
Decided 22 July, 2016 |
| MC/15/0645 | Construction of two pairs of 3-bedroomed semi-detached dwellings with associated parking, bin store and amenity space
Decision Withdrawn - Invalid
Decided 09/11/2015 |
| MC/14/3139 | Construction of 4 dwellings with access via King Edward Road
Decision Withdrawn - Invalid
Decided 23/01/2015 |

Land to rear of 116 Maidstone Road

- | | |
|------------|--|
| MC/15/0425 | Details pursuant to conditions 03 and 04 on planning permission MC/14/0270 for demolition of garage block and construction of two 3-bedroomed town houses with associated parking - resubmission of MC/13/1314
Decision Discharge of Conditions
Decided 08/04/2015 |
| MC/14/0270 | Demolition of garage block and construction of two 3-bedroomed town houses with associated parking - resubmission of MC/13/1314
Decision Approval With Conditions
Decided 18/07/2014 |
| MC/13/1791 | Conservation area consent for the demolition of garage block to facilitate the construction of two 3 bedroomed houses with associated parking |

Decision Withdrawn by Applicant
Decided 18/09/2013

MC/13/1314 Demolition of garage block and construction of two 3
bedroomed houses with associated parking
Decision Withdrawn by Applicant
Decided 18/09/2013

Land to rear of 120-124 Maidstone Road

MC/07/1055 Construction of a terrace of 5 three bedroomed dwellings
and associated parking
Decision Refusal
Decided 15/08/2007

Representations

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

9 letters of representation (with two from one household) have been received objecting to the proposal on the following grounds:

- Loss of mature trees in Conservation area
- Out of character with surrounding development and adverse impact on Conservation area
- Increased on street competition for parking and obstruction of highway for residents and emergency vehicles
- Trees have been removed from the site without consent of the authority
- The Council has not managed the development of the site to the north adequately and damage has been caused to an existing wall making it unsafe
- Adverse impact on wildlife
- Increased traffic intensity
- Overcrowding of development in this road
- Lack of pedestrian footpath to front of the site would have an adverse impact on pedestrian safety
- Disruption caused by construction traffic
- Overdevelopment and intrusive form of development
- Previous local opinion ignored
- Poor surface water and sewage drainage system in locality
- Adverse impact on quality of life for residents

Greenspaces (who act on behalf of the tree and highway verge owner Medway Council) advise that the submitted information demonstrates sufficiently the retaining wall's (King Edward Road) structural integrity is being undermined by Medway Council Highway trees. No objection is raised to the felling and removal of all implicated trees. Replacement trees should be planted within the Ward at suitable locations that will allow 15m+ trees to develop without coming into conflict with grey infrastructure.

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 (NPPF) and are considered to conform.

Planning Appraisal

Principle of Development

The application site comprises the former car park of 118 Maidstone Road, Chatham that was used for visitor and staff parking in association with its use as offices/care provision. It has now been separated from the care home and is now self contained. The site is on the extreme western boundary of Maidstone Road Chatham Conservation Area. The site is approx. 1.5m above the level of King Edward Road and is set out over two tiers. Access to the site is via a single vehicular access point from the western boundary of the site off of King Edward Road. The lower tier is a hard surfaced former car park and the upper tier a soft landscaped parcel of land. The two parcels are linked by a staircase on the southern side of the site. Both the southern and northern most boundaries are walled approx. 1.2-2m above the surface level but it varies in height along its course. The car park is fronted by a wall on the highway which is separated from the roadway by a line of trees. The wall is 2.5m (approx.) in height on the highway side and 1m (approx.) on the car park side. The wall appears in poor condition and there are signs of historic movement in the joints. The trees are sited adjacent to the wall in linear form across the site frontage. The site is surrounded by predominantly residential uses to the north west and south. To the south is the extreme rear garden of 120 Maidstone Road. To the northern side is the side flank of a recently built three storey house. To the west at a lower level across Kind Edward Road are 1930s/40s two storey terraced housing. To the eastern side lies a single storey storage building that with 2m close boarded fencing now forms the extreme western boundary of 118 Maidstone road. Parking in King Edward Road is on one side of the highway that allows a single passage of traffic flow. The car park has been used historically and informally by residents as overflow parking until the relatively recent sale of the land to the applicant. 118 Maidstone Road has been approved as a care home where parking provision is secured to the site frontage off of Maidstone Road.

Paragraph 49 of the NPPF states a presumption in favour of residential development and paragraph 50 of the NPPF supports the provision of a choice of high quality homes. In terms of Conservation Paragraphs 126,128 131 and 135 are relevant in terms of development impact. In addition to the NPPF, the proposal would need to comply with Policy H4 of the Medway Local Plan 2003, which states that within the urban area, residential infill / redevelopment development will only be permitted provided that there is a clear improvement in the local area. The development would

in principle comply with the provisions of paragraphs 49, 50 126,128 131 and 135 of the NPPF and Policy H4 and H5 of the Local Plan and determination of the application rests on matters of detail.

Street Scene and Design

The proposed design represents a contemporary approach to architecture influenced by recent development of the adjacent site to the north which is adjacent to the Conservation Area. In terms of siting, height and design the proposal is considered to be appropriate and in keeping with the neighbouring development.

The proposal will necessitate the removal of the historic wall to the front of the site and the trees along the frontage. The walling is historic but in poor condition and appears to have been altered in the past to facilitate the provision of car parking behind. Sufficient evidence has been provided to understand the impact of the trees on the existing wall and this has formed the basis of the scheme approach. The existing trees have affected the stability of the walling which also appears to have been damaged by vehicles using the car park. On this basis, the wall could be lowered and made good or removed but that would affect the health and stability of the mature trees to the front. These trees contribute positively to the streetscape. However, the trees have affected the stability of the wall necessitating the need to reduce or remove it which in turn necessitates the removal of the trees. While this is disappointing, it does allow for the development of this under used urban site and for the scheme to be designed with full frontage landscaping including the provision of suitable replacement trees at a highway level. The provision of raised planters, new trees and use of appropriate materials would enhance the streetscape.

The loss of mature trees to the front of the site is unfortunate but overall, the development is considered to reflect the established character of the area and would have no adverse impact on the wider Conservation area due to siting at a lower level from Maidstone Road itself and is considered acceptable with regard to Policy BNE1, BNE6, BNE12 and BNE14 of the Local Plan and the design and Conservation objectives set out in paragraph 56 126,128 131 and 135 of the NPPF.

Amenity Considerations

There are two main amenity considerations: the impact on the amenities of neighbours; and the standard of amenity which would be experienced by occupants of the site itself.

Impact on neighbouring amenity:

The proposed accommodation would have a road frontage with King Edward Road. There are properties on the opposite side of King Edward Road but it is not considered that the proposal would cause an unacceptable loss of amenity to the occupiers of those properties by reason of overlooking, outlook, dominance and light as it would be part of the character of the area generally to have properties facing each other across a street and indeed it is no different from the new properties to the north. There would be no unacceptable impact on the amenities of the occupiers of the new properties to the north or the occupiers of the care home to the rear.

Impact for future residents

The development has been assessed with regard to the Government's Technical Housing Standards 2015 and the objectives of Policy BNE2 and BNE7 of the Local Plan. The proposal meets with the standards in terms of room sizes and circulation space with regard to the National described space standards and whilst the garden space would be small, the two tier garden would be sufficient and in character generally with the area. In terms of refuse storage and collection, the details show provision to meet requirements and such refuse would need to be presented to the public highway on collection days only to meet the needs of the collection team. In summary the amenity impact of the development is therefore considered acceptable with regard to Policy BNE2 and BNE7 of the Local Plan.

Environmental Protection

In the event of any contamination being found, a planning condition is recommended to control any mitigation in accordance with the objectives of Policy BNE23 of the Local Plan.

Tree Impact

Following the advice of Greenspaces who manage the highways trees on behalf of the local authority, it is regretted that the existing trees, whilst contributing significantly the streetscape in terms of visual amenity, need to be removed to prevent further adverse impact on the wall. On this basis, with replacement planting proposed to the front of the site and in the vicinity where practical, no objection is raised to the loss of the existing trees in King Edward Road as identified. Such replacements and mitigation can be secured by unilateral undertaking and by planning condition. The proposal is not considered to conflict with the objectives of Policy BNE12, BNE14 and BANE 43 of the Local Plan.

Highways

It is proposed to provide a minimum of two off-road car parking spaces per dwelling within a garage and in front on a hardstanding. This would meet the maximum parking standards for the type of dwelling proposed. Whilst at a premium, on-street parking is also available nearby. There would be satisfactory vision for access both on and off of the public highway. The site is within walking distance of Chatham Town Centre, Chatham Station, local shops and amenities. On this basis it is considered that the proposal for two parking spaces per dwelling would cater for the demand generated by the development.

There is no objection with regard to Policies T1, T2 and T13 of the Local Plan.

S106 matters

Natural England (NE) has advised councils that a significant effect, either alone or in-combination, is likely to occur on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest from new development proposals. This relates to development within 6km of the North Kent Marshes SPA/Ramsar Sites. NE has worked closely with the local authorities to advise on establishing and securing the necessary strategic mitigation measures to

protect the coastal SPAs and to enable development to proceed. Further advice was provided on 17 August 2015 concerning this matter. The strategic measures are in the process of being developed by the authorities, 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. Natural England has also advised that an appropriate tariff is collected on the basis that it can be used to fund strategic measures across the Thames, Medway and Swale Estuaries. This interim tariff should be collected, for new builds, 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;
- Ensuring 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 currently stands at £223.58 per additional dwelling (excl. legal and monitoring officers costs which separately total £550). The applicants have agreed to pay this tariff in the form of a Unilateral Undertaking in accordance with Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None considered relevant.

Conclusions and Reasons for Recommendation

The residential development of this vacant site is welcomed and would significantly improve the appearance of the site. The impact on the amenities of neighbours and the living conditions for future residents are considered acceptable, as are the parking and highway effects of the development. The development is acceptable with regard to Policies S6, H4, H5, BNE1, BNE2, BNE6, BNE12, BNE14, BNE35, BNE43, T1, T2, T4 and T13 of the Local Plan and paragraphs 49, 50, 51 and 56 in particular of the NPPF.

The planning application is reported to Planning Committee for Members consideration in light of extent of representation received expressing a view contrary to the recommendation.

This application was considered by Members at the Planning Committee on the 21 September 2016, when it was determined to defer a decision to enable a Members' site visit to be held.

Member site Meeting 12 November 2016. Members attending: Cllrs Mrs Chambers (Chairman); Hicks; Bhutia; Carr; Gilry; Pendergast; Potter; Royle and Tranter. Cllr Maple attended as Ward Councillor and Cllr Freshwater as an observer.

Following the opening of the meeting by the Chairman, the Head of Planning outlined the details of the application, the representations received and the planning issues as they related to street scene and design, amenity, highways and parking and, trees and impact on conservation area.

The Agent added some detail in relation to the need for the removal of the trees and the wall, and clarified the proposed land levels and the stepped nature of the proposal.

Residents expressed the following concerns regarding the development:

- The wall is in no worse condition now than it was 10 years or more ago.
- The trees are important within the street scene and if the wall is sound there is no need for the trees to be removed.
- The trees and wall are important parts of the street scene and form an important part of the character of the conservation area.
- The removal of the wall and trees will be harmful to the conservation area
- The proposed houses would be out of character with the street scene and harmful to the character of the area.
- Previous refusals in the immediate area of housing development are still pertinent and no justification for departing from that now.
- Vehicular access along King Edward Road is already a problem with residents having to reverse the full length of the road at times and this will be made worse with additional traffic caused by the development.
- Inadequate off street parking already in the street.
- Overlooking and loss of outlook as a result of the development.
- Disturbance during construction.

One of the objectors handed the Head of Planning a letter which due to weather conditions could not be circulated and it is attached to this supplementary agenda.

Relevant Planning History

At the site meeting, reference was made to the planning history of adjacent land. This is as follows:

MC/07/1055. To the South planning permission was refused for a terrace of 5 three bedroom dwellings on 15 August 2007 for 5 reasons:

- Poor design – a 2 storey flat roof element.
- Inadequate rear garden lengths.
- Car parking inadequate
- Increased on street parking issues
- Loss of trees would be detrimental to street scene and character of the area.

MC/12/1039. To the north, an outline application for four semi detached dwellings to the rear of 114 Maidstone Road was refused in June 2012 due to poor layout; harm to character of the area; lack of an arboriculture report in relation to tree impact and inadequate off street parking. It was dismissed on appeal. The inspector supported all three grounds for refusal at the time.

MC/14/0270 Planning permission was granted for the site immediately north of the application site (to the rear of 116 Maidstone Road Chatham) in 2014 under reference MC/14/0270 for the construction of two three bedroomed dwellings. This development has been completed and is the modern development adjacent to the site seen at the site visit. This was a resubmission of MC/13/1314 and the scheme was altered so that the roof design changed to a shallow pitch design. The scheme was accepted as it would preserve generous rear gardens of properties in Maidstone Road and have direct access from the highway (rather than a shared access for the scheme dismissed on appeal). Weight was given also to the design and site levels where the proposal would not have an undue impact when seen from Maidstone Road on higher ground to the east. The gardens as built are more generous than the current application site with a depth of 12.7m approx. with 17m depth retained for the housing 116 Maidstone Road. The report into this application took into consideration the appeal decision on the site further to the north.

This application was originally reported to the 16 November Committee when it was deferred for an independent report to be undertaken on the structural integrity of the wall and the adjacent trees. The conclusions of this report will be set out in the supplementary report for Committee.

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/>