

MC/15/2897

Date Received: 12 August, 2015

Location: Land At The Junction Of Maidstone Road And Sir Evelyn Road
Rochester Kent

Proposal: Construction of 2 houses and 1 two storey flat (within a terrace)
with associated parking and landscaped works

Applicant: Blue Line Property LTD

Agent: Mr L Appleby Abode First 223 Napier Road Gillingham Kent
ME7 4HN

Ward Rochester West

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 15 February 2017.

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) £ 670.74 towards Designated Habitats Mitigation;

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:

Drawing numbers 1006-30 Rev E, 1006-40 Rev E, 1006-50 Rev E, 1006-60 Rev E, 1006-100 Rev E, 1006-110 Rev E, 1006-120 Rev E, 1006-200 Rev E, 1006--210 Rev E and 1006-510 Rev E received 24 October 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 No development shall commence until a construction environmental management plan that describes measures to control the noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction environmental management plan shall describe how the measures mitigate the impact of construction on residential amenity, wildlife habitat and foraging and commuting bats. All construction works shall be undertaken in accordance with this approved plan.

Reason: In order to minimise the impact of the construction period on the amenities of local residents, ancient woodland adjacent to the site, wildlife habitat and bats with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 5 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 Schedule 2, Part 1, Class A, E, F 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 Policy BNE2 of the Medway Local Plan 2003.

- 6 No dwelling herein approved shall be occupied, until the area shown on the submitted layout (Plan 1006-40 Revision E) as vehicle parking spaces 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) (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 or adverse impact on neighbouring amenity and in accordance with Policies T13 and BNE2 of the Medway Local Plan 2003.

- 7 Full details of any external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority prior to being installed on

site. Any lighting approved pursuant to this condition shall be retained in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of wildlife habitat in the locality in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 8 The proposed ecological enhancements as detailed with the Ecological Scoping Survey by Greenlink Ecology (dated Jan 2015) shall be implemented prior to the occupation of any dwelling herein approved and shall be retained thereafter.

Reason: To ensure that the development is without prejudice to conditions of wildlife habitat in the locality in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 9 Notwithstanding the submitted plans, the parking areas shall not be brought into use until it has been formed from 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 the 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.

- 10 The properties shall not be occupied until there has been submitted to and approved by the Local Planning Authority details of the hard landscaping to the front of the dwellings herein approved. The hard landscaping shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 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) Notwithstanding the submitted information, full details of fencing/alignment of fencing to be erected for the protection of any retained tree shall be submitted to and approved in writing by the local planning authority prior to works commencing on site. The fencing 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 Policies BNE1 and BNE6 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 full planning permission for the construction of three properties comprising two houses with gardens (one 3-bed and one 2-bed); and a 1-bed flat with balcony feature to front elevation and associated parking. The properties are proposed on a north/south axis with east facing rear gardens for the two houses that vary between 9.5m and 10m depth.

The terrace would be a maximum of approx. 8m deep, approx. 6m wide and would be approx. 7 m high to the ridge of the pitched roof. The terrace would have gable ends.

Each house would have its own parking for two cars either immediately to the front or within an allocated bay to the north but still within the application site. The flat would be served by an integral garage below and a parking bay to front. One visitor parking space is also proposed to the north of the site, adjacent to the allocated bays for the two houses.

The properties would be open plan to the front predominantly comprising hard landscaping with a small area of soft landscaping adjacent to the front entrance door and wrapping around the bin storage. The rear gardens to each house would be enclosed with 2m high close boarded fencing. Fenestration has been designed with an elongated feature window to the stairwell on the front elevation. Bi fold doors are proposed at the rear facing into the rear gardens of the houses. The flat would not have its own private amenity space in the form of a garden but would have a first floor frontage balcony instead. A new block paved shared surface is proposed for the public area of the development to the front of the housing and would also be up to the front of existing garages which are owned by people outside of the development site.

Site Area/Density

Site Area: 0.07hectares (0.17acres)
Site Density: 43dph (18 dpa)

Representations

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

18 letters of representation have been received raising objection to the proposal on the following grounds:

- The development would be built adjacent to an existing house
- The development would prejudice flora and fauna
- Out of character with the area and overdevelopment of site
- Intensification of use of the site; potential damage to cars
- Adverse impact on natural environment
- Loss of trees/woodland
- Adverse impact on wildlife habitat
- Loss of day time parking for nearby care home; residents and other visitors
- The area is already congested by prison staff parking in nearby roads
- Inadequate access for refuse vehicles
- Adverse impact on highway safety as a consequence of parking overspill onto the highway and parking of construction vehicles
- Increase in vehicle activity levels
- Loss of existing turning and visitor parking facility
- Precedent for further development in the locality
- P to cut back protected trees
- Encroachment

Neighbours were re-consulted on amended plans. **One** further representation was received objecting on the following grounds:

- Views about this planning application will not change
- Loss of trees and impact on wildlife
- Loss of privacy
- Loss of parking spaces for local residents where on street parking is limited
- Poor turning circle for users of nearby garages
- Access insufficient for waste teams

Following re-consultation on the amended plans, **5 letters of representation** have been received objecting on the following grounds:

- Overcrowding the area
- Intensification of traffic within the vicinity
- Previous concerns expressed remain regarding access, parking, impact on traffic flow and wildlife
- Detrimental impact on Ecology

- Adverse impact on Streetscape
- Increased parking competition on nearby roads
- Increased danger and inadequate access from construction vehicles during the course of the development process
- A protected tree was removed from the site and after cutting the tree down, the remains left on the site
- The land to the front of the garages (hardstandings) is not within the applicants ownership

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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

Background

The application was originally submitted as a terrace of four houses but having assessed the impact on trees and amenity, the proposal has been revised and a revised arboricultural report has been provided. The difference between the proposal as originally submitted and the current proposal is that the number of units has been reduced to three (one of the central pair of houses removed thereby allowing the remaining 3 to be shifted north) and the garden to the rear has been removed from the northern most plot (the flat).

Principle

The site is located within the urban area of Rochester, west of a main through route through the Medway towns. The site is currently used for the parking of vehicles by some residents of Monkwood Close and the surrounding area and is also used for garaging on the south western boundary that will remain but are in separate ownership. Being a previously developed site in the urban area, the proposal would comply with the objectives of Policy H4 of the Local Plan, which states that within the urban area, residential development will be permitted on land within residential areas provided such development is without compromise to neighbouring amenity. The density of the site is supported also by Policy H5 of the Local Plan and it reflects the spatial characteristics of the area. The development is also considered to conform with the NPPF in terms of a presumption in favour of sustainable high quality homes for different people offering a mix of choice (paragraphs 49 and 50 of the NPPF). On this basis, no objection is raised to the principle of developing the site for residential purposes and the proposal is considered to be in accordance with paragraphs 49 and 50 of the NPPF and Policies H4 and H5 of the Local Plan.

Design

Good design is encouraged in paragraph 56 of the NPPF and Policy BNE1 of the Local Plan. There is a mature oak tree growing in the centre of the application site and another close to the south boundary, adjacent to 5 Monkwood Close. The application site is bounded by mature trees on the east and northern boundaries; garages to the west/southwestern side and housing to the southern side next to the singular vehicular access from Monkwood Close. Many of the properties within the vicinity have off road parking spaces or park on street close to homes where parking is not controlled. Pedestrian access is provided across the site. Existing trees have a screening affect upon the existing hardstanding/parking area when viewed from Maidstone Road and Sir Evelyn Road. These trees form part of the narrow woodland which runs parallel with Maidstone Road and which is protected by a tree preservation order (TPO). The woodland contributes positively to the character of the area and was protected with a TPO in 2006 in the interest of amenity. The surrounding area primarily consists of post war, two storey semi detached housing.

The proposed development has been designed in the form of a terrace of two storey housing which would respect the character and appearance of the area. Fenestration and materials would give the scheme its own distinctive features. The proposed design would improve natural surveillance over the existing garages. The detailing of fenestration would give some interest to the appearance of the buildings along with the angled footprint to each end unit. With appropriate use of materials and hard and soft landscaping, the development is considered acceptable with regard to paragraph 56 of the NPPF and Policy BNE1 of the Local Plan.

Trees

The purpose of the woodland tree preservation order category is to safeguard the woodland as a whole. So it follows that, while some trees may lack individual merit and warrant attention in the form of re coppicing, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.

The proposal has been revised with one house being removed from the southern end and the property on the northern end being changed from a house to a flat. This revision has resulted in the omission of rear amenity space and fencing close to a number of the mature trees. The submitted revised arboricultural report identifies extensive coppicing to many of the surrounding trees northeast and east of the proposed dwellings in order to address structural defects identified in the survey. This work is necessary regardless of any development proposals and the expectation is that these trees will regrow and new trees be allowed to grow from saplings, thereby safeguarding the future of this woodland. The coppicing works will have an immediate impact on the streetscape with the site exposed to the road as a result. However, in the long term with regrowth of these trees and the establishment of new trees growing from saplings, the site will be screened sufficiently to soften the appearance of the development from Maidstone Road. The regrowth of these trees and establishment of new trees does however increase the likelihood of pressure to either undertake otherwise unwarranted pruning work or to remove trees entirely due to the fact that

their canopies will dominate the rear gardens of the two proposed houses and shade the morning sun.

One of the two large mature oak trees sitting outside the woodland, but protected as tree T35 on the TPO, would be lost as a result of this development. The canopy of the second mature oak growing immediately northwest of 5 Monkwood Close (identified as tree T27 on the applicants plans) would almost touch the roof of the proposed house identified as house 1. Whilst it is possible to construct the house closest to tree T27 without causing significant damage to this tree, its canopy will cast a shadow on this house and the parking space in front of it and this could lead to pressure to either prune or remove it.

It is important to highlight the points above. The proposed flat has been designed so that all its windows face towards the front and away from the trees. There will therefore be no impact on the amenities of the prospective occupiers of the flat. In terms of the two houses, the retention of the Oak tree to the front and the re-growth of the coppiced trees to the rear (and new trees that will establish) will have an impact on the amenity of prospective occupiers and it is important that those occupiers recognise that impact when they move in as the regrowth and establishment of new trees is vital to the character of the area. It needs to be recognised that no support will be given to any proposal to lop, top or prune the trees due to impact on internal amenity. Occupiers will though benefit from a soft and natural outlook and internal amenity will be of an acceptable level.

With the inclusion of the recommended conditions and subject to the acceptance of the above amenity points, the development is considered to be in accordance with Policies BNE6, BNE41 and BNE43 of the Local Plan.

Amenity

The development has been assessed against the Government's National Technical Housing Standards 2015, the objectives of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan. 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 of the proposed dwellings on neighbours

The proposed dwellings would be sited a sufficient distance from existing neighbouring households and would therefore not create any unacceptable residential amenity issues with regard to overshadowing, visual dominance and loss of daylight, outlook and privacy.

Impact for future residents

The proposal meets with the standards in terms of room sizes and provides sufficient garden depth or amenity space (in the case of the flat) for use by future occupants. In view of the garden space proposed to serve the proposed houses being close to minimum objectives set out in the Medway Housing Design Standards, it is recommended that permitted development rights be removed to ensure sufficient

amenity space to be retained should future occupants wish to develop further.

The impact of existing trees, including regrowth and new growth following coppicing has been considered in the tree section above.

In terms of refuse storage and collection, the details show provision to meet the requirements to suit both the occupants and the needs of the refuse collection team where storage is set within designated space to the front/side gardens of each property.

In summary the amenity impact of the development is considered acceptable and in accordance with point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Ecology

The site has ecological value and an investigation has been undertaken by the applicants to establish potential habitat and impact on local bat population. The ecology report confirms that the existing trees have no features suitable for roosting bats and there is no requirement for any emergence surveys to be carried out. It is likely however that bats forage/commute within the area and the proposed development will increase the amount of lighting within the area. Lighting can be detrimental to roosting, foraging and commuting bats but the lighting design can mitigate against this utilising Bat guidance produced by the Bat Conservation Trust. A condition is recommended to control this. A construction management plan is also recommended to control the impact of the development on the ancient woodland adjacent to the site and with regard to the amenity of nearby residents. One of the principles of the NPPF is to encourage biodiversity in and around developments. The ecology report confirms forms of enhancement will be provided (cavity wall bat boxes, a house sparrow terrace and bird boxes) and this can be undertaken in accordance with the report recommendations and secured by planning condition. With such measures in place, the proposal would comply with the objectives of Policy BNE37 of the Local Plan.

Highways

It is proposed to provide two off-road car parking spaces per dwelling and one visitor space. With the existing vehicle parking access retained, sufficient access and vision would be maintained to enable the existing garages to be used in addition to the parking to be provided. The trip generation would be low and the proposal complies with the Medway Parking Standards. It should be noted that parking in front of the existing garages could not take place if the development is constructed as it would block vehicular access to the parking for the proposed dwellings. This in itself would ensure that land directly in front of the garages is left clear; it would however, displace any casual parking currently taking place in this area but this would not compromise highway safety. Casual visitor parking would be available in the local area where parking is not controlled. The site is also on a public transport route and within walking distance of local shops and amenities. On this basis it is considered that the proposed parking would cater for the demand generated by the development.

There is no objection with regard to Policies T1, T4 and T13 of the Local Plan.

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 officer's 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 Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None considered relevant.

Conclusions and Reasons for Approval

The residential development of this 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 impacts on the trees and ecology of the area. Parking is considered sufficient and there would be no highway safety hazards. The development is acceptable with regard to paragraphs 49, 50, 56, 109 and 118 of the NPPF and Policies H4, H5, BNE1, BNE2, BNE6, BNE35, BNE37, BNE41, BNE43, T1, T4 and T13 of the Local Plan.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received expressing views contrary to the Officer recommendation.

This application was considered by Members at the Planning Committee on the 14 December 2016 when it was determined to defer a decision to enable a Members' site visit to be held.

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/>