

MC/16/3737

Date Received: 6 September, 2016

Location: Medway Microlights Stoke Airfield Burrows Lane Stoke
Rochester ME3 9RN

Proposal: Retrospective application for construction of a 3-bedroomed detached dwelling and ancillary enclosed hardstanding, along with removal of existing mobile home

Applicant: Mr & Mrs Draper

Agent: Mr G Mickelborough Bloomfields 77 Commercial Road Paddock
Wood Tonbridge TN12 6DS

Ward Peninsula

Case Officer Hannah Gunner

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 March 2017.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

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

- 2 Within 3 months from the date of this decision, the mobile home located adjacent to the house shall be removed from site and the land on which it was located shall be landscaped to match the remainder of the site to be used as part of the residential garden area.

Reason: To ensure that the mobile home is removed in accordance with the approved plans within a reasonable timeframe.

- 3 The occupation of the approved dwelling shall be limited to a person solely or mainly working, or associated with by way of ownership, to the Medway Microlights business and shall not be occupied by any unrelated persons.

Reason: Development within this countryside location would not normally be permitted but can be viewed to be acceptable if related to the affiliated Micro

lights site/Airstrip.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This is a retrospective application for the construction of a 3-bedroomed detached dwelling and ancillary enclosed hardstanding. The proposal also includes the removal of existing mobile home.

The detached house is a brick built structure with tiled roof. The building is shown to be located in the area of the approved office/training building.

The building is a gable ended structure with two small pitched roof dormers within the southwest elevation. The first floor of the building is set within the roof form so the property is in fact considered to be a chalet style detached building (not a standard two storey house). At the southeast end of the building is a single storey flat roof structure that has a balcony over. This balcony looks over the airstrip. The main entrance is within the northeast elevation which has a ramped access up to it. There are no dormers within this roof slope.

Adjacent to the house is a brick enclosure that has been built on an existing hard standing to accommodate the parking of the applicants caravan and cars. The enclosure consists of 2 walls, approximately 1.4m in height and within the wall, closest to the house, are some external electricity points. These are for use if the caravan is parked there and also to power electric garden tools and mowers etc. The wall is finished in appearance and is not to be made any larger. This element of development on site is considered to be ancillary to the main dwelling.

Site Area/Density

Site Area: 0.19 hectares (0.47 acres)

Site Density: 5.3 dph (2.13 dpa)

Relevant Planning History

Case ref: MC/07/2194 Construction of replacement two storey office and training building (Resubmission of MC2003/0532)
Decision Approval with Conditions
Decided 13/06/2008

Case ref: MC/03/0532 Construction of replacement two storey office and training building
Decision Approval with Conditions
Decided 30/04/2003

Case ref: HIS/98/49002 Retention of a storage building comprising two containers with steel roofs
Decision Approval with Conditions

Decided 14/12/1993

Case ref: 87/198 Proposed erection of a single storey industrial building for the manufacture of microlight aircraft and operational use of take off and landing facilities

Decision Approval with Conditions

Decided 03/03/1989

Case ref: 85/897/A Renewal of temporary permission for the siting of a caravan for a night watchman

Decision Approval with Conditions

Decided 16/02/1987

Case ref: 85/897 Temporary permission for the siting of a caravan for a night watchman

Decision Approval with Conditions

Decided 04/02/1986

Case ref:82/727/B Renewal of change of use from an agricultural barn to light industrial for the manufacture of microlights.

Decision Approval with Conditions

Decided 31/01/1986

Case ref: 82/727/A Renewal of change of use from an agricultural barn to light industrial for the manufacture of microlights.

Decision Approval with Conditions

Decided 30/03/1984

Case ref: 82/727 Change of use from an agricultural barn to light industrial for the manufacture of microlights

Decision Approval with Conditions

Decided 25/11/1982

Representations

The application has been advertised on site.

The Environment Agency have also been consulted.

Dickens Protection Society and **Stoke Parish Council** have written raising the following issues:

- This is inappropriate development on an industrial site
- This is on a flood plain
- The proposal is too close to an airfield and runway

The Environment Agency have made the following comments:

In response to your correspondence on 16/02/2017 with regard to the Medway Microlight retrospective planning application we must confirm our position that we

would like to maintain our objection on flood risk grounds.

We are fully aware of the situation on site in relation to the lawfulness of the mobile home and dwelling. However we have been consulted on the planning application. At the meeting our advice was that there may be the possibility to apply conditions for flood gates etc. and remove the objection if the finished floor levels (FFLs) were within a reasonable range of what we would normally require. Unfortunately having subsequently received the details of the FFLs, this has not proven to be the case.

As stated in previous comments FFLs of a minimum of 6.14 m AOD are required in order to sufficiently protect the property from flooding. This is based upon a design flood level of 5.84 m AOD plus a suitable 300 mm of freeboard to sufficiently protect the ground floor living accommodation.

The topographic survey supplied show that the FFL of the ground floor are set at 4.001 m AOD. This is therefore 2.14 m below our minimum standard. 2.14 m is too large to be compensated by the use of property level protection measures such as flood gates etc. and we must therefore maintain our objection.

As you are aware we can only base our comments on the information provided and also taking into account the requirements of the National Planning Policy Framework. We also have to ensure that we make it clear to LPA's and applicants whether based on the information provided we object or not to a proposal providing clear reason, which we have done.

We are not in a position to comment on the lawful use of the mobile home and dwelling as we can only provide advice on the proposal seeking permission, which we have given. However, the removal of the highly vulnerable use (mobile home) from the site would be supported and considered an improvement.

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 and are considered to conform.

Planning Appraisal

Background

In 2003 (and then renewed in 2008) planning permission was granted for the construction of a replacement two-storey office and training building (see above planning history). Records indicate that construction began in 2008/9 on this building. The mobile home has also been in place on site for a number of years (albeit originally meant for night watchmen). This structure was consented in 1986 originally (again, see planning history above).

The main use of the site is a microlight school who have been instructing from this site since the late 1970s. The airstrip is located to the south of the application site beyond

the rail line and bund.

Principle

The structures that are currently on site have been in situ for a number of years. The main structure the subject of this planning application was meant to be built for office/training purposes but was not built in accordance with the approved plans. It is noted in the applicants planning statement however that there is vast evidence that proves the structure has been in place for more than 4 years (construction commenced 8-9 years ago). Whilst not subject to a Lawful Development Certificate the Council is reasonably satisfied that this structure would be considered lawful. The use of this structure as residential is not however considered lawful currently.

The mobile unit has been on site since the 1980s and although was approved as a night watchman shelter for the airstrip, has been in residential use for a substantial amount of time. As with the detached building, evidence is available to show that this has been used for residential purposes in excess of 10 years. Again, whilst not subject to a Lawful Development Certificate the Council are reasonably satisfied that the use of this mobile home would be considered lawful. On this basis the Council are therefore aware that there could be a lawful mobile residential unit and office building on site (albeit that the detached building was not built in accordance with the original approval).

It is considered that both uses (residential and office) have always been used in association with Medway Microlights and that neither have ever been occupied by external interests. For this reason it is considered appropriate to incorporate a condition within this proposal that would ensure the house is occupied in association with the overall site and shall not be used independently from the business that surrounds it. The house is located within the countryside and is considered to sit centrally within the existing business. If the application had been submitted prior to being built it would be considered appropriate if tied to the business. The Local Authority do not consider that an independent house in this location would be viewed to be acceptable.

The main principle point for consideration here is that the application allows for the Local Authority to gain some control over the site by way of conditions and allows for the removal of the existing mobile home unit on site. It must be acknowledged that a residential building here would not normally be considered given the constraints and location in the flood zone, however there is a situation in place here and control of this is viewed to be beneficial. It is not considered that permission here would set a precedent as there are specific considerations for this property that would not transfer to other applications or sites.

The relevant policies with the Medway Local Plan (2003) include BNE1, BNE2, BNE25, BNE27 and H11.

Whilst the proposal complies with BNE1 in terms of the general structure being appropriate (given the office approval and the neighbouring residential houses to the north) it is not necessarily considered that this proposal would be viewed to be a suitable new build development in the countryside, in accordance with BNE25, without

the previous permission for the office building. However, the adaptation of the building can be successfully assessed against the criteria of BNE27.

Design

The existing dwelling is materially different to the permitted schemes on the basis that it includes three velux-style roof-lights; includes two dormer windows; the roof pitch has changed from 40 degrees to 45 degrees; the height to the eaves level has increased; window sizes have increased; fenestration details have changed; the internal staircase is in a different position; the overall height above ground level has increased; and the building occupies a smaller footprint. The approved plans show the overall height of the building to have been 6.25m high (approximately) whilst the building that is in place on site has an overall height of 8.25m.

Despite this, the physical form of the building that is in place on site currently is not considered to be of concern in terms of its design in this location. The building is higher than the original proposal however the principle of a two storey structure was agreed and approved on two separate occasions (despite the difference in height).

Burrows Lane has a number of residential properties located on it further to the north and they appear to vary in style and character. The style and character of this building, given that it is separated from the rest of the residential units here, is therefore considered to be acceptable.

The wall that is in place adjacent to the house is to allow for the vehicles parked within it to be protected. This was built on an existing hardstanding area, which has generally been used for parking. Instances have occurred in the past where youths have fired air rifles etc at vehicles parked in this area and have caused damage as a result. This wall allows for limited protection without having to enclose the site at the boundaries. It is considered that this helps to give a more open appearance overall and is not considered in design terms to be out of keeping with the main house.

Amenity

Saved Policy BNE2 of the Medway Local Plan (2003) relates to amenity protection. This says all development should secure the amenities of its future occupants, and protect those amenities enjoyed by nearby and adjacent properties. It says the design of development, should have regard to: (i) privacy, daylight, and sunlight; and (ii) noise, vibration, light, heat, smell and airborne emissions consisting of fumes, smoke, soot, ash, dust and grit; and (iii) activity levels and traffic generation.

The Department of Communities and Local Government's Housing Technical Standards specify a minimum gross internal floor area (GIA) of 79m² for a three bedroom/five person dwelling. The proposed dwelling would have a GIA well in excess of this (approximately 146.7m²) and so the building would provide residential accommodation which clearly complies with these standards. The proposed development would therefore comply with the Housing Technical Standards. The bedroom sizes that are shown on the plans also show that each of the bedrooms is well above the required minimum floor area with the master bedroom being over 22m² and the smallest room (single room) being 11m².

It has been put forward by the applicants that the proposed use of the existing building as a dwelling would result in significant improvements for current occupants of the existing residential unit at this site. The transfer of accommodation from a mobile home to the existing building that is proposed is representing a logical enhancement to living arrangements, in terms of amenity of occupants and safety in relation to flooding.

In terms of the amenity of occupants of neighbouring property, it is noted that the existing building is set such a significant distance from the nearest residential properties that the building has not given rise to any material impacts upon neighbours in terms of privacy, daylight, and sunlight.

It is therefore concluded that there would not be any adverse impact of amenity, in accordance with Saved Policy BNE2 of the Medway Local Plan (2003). It is also concluded that the proposal would not result in any amenity impact that would significantly and demonstrably outweigh the benefits, but there would actually be amenity benefits from the use of the existing building rather than the existing residential mobile home as a dwelling.

Highways

Saved Policy T13 of the Medway Local Plan (2003) relates to vehicle parking standards. It says development proposals will be expected to make vehicle parking provision in accordance with the adopted standard. The current standard is shown in Appendix 6. Provision for people with disabilities will be required to be made on site, consistent with the provisions of Policy T22.

As laid out in the submitted site plan, the proposal provides sufficient space for vehicles to enter the site, park and egress the site in a forward gear. There would therefore be adequate vehicle parking provision in accordance with Saved Policy T13 of the Medway Local Plan (2003).

Flood risk

Comment has been received following a meeting held with the EA, the applicant's agent and the Local Authority case officer, in relation to the use of the building for residential purposes. It has been discussed in great detail that the current situation on site in relation to the mobile home is not only dangerous being located at single storey level in this location but is also lawful, given that it has been in place for so many years.

Despite the situation being recognised by the Environment Agency they have confirmed that they are still not in a position to withdraw an objection as the new building fails to comply with the finished floor level requirements in terms of height above flood level. It is noted that within the last response the Environment Agency stated that "the removal of the highly vulnerable use (mobile home) from the site would be supported and considered an improvement".

It has been considered on balance that whilst the flood risk is recognised and

acknowledged, the Local Authority have to take a even-handed view on this application in light of the current situation on site. The fact that this permission would allow for the removal of a residential unit (mobile home) that is worse/more dangerous than the proposal is considered to be beneficial to the residents. In addition the new building has all sleeping accommodation at first floor level well above the flood level of concern. This is a positive step and also one that can be conditioned. Whilst the Environment Agency have maintained their objections throughout, they are understanding of the Local Authority's position and have set out some recommended informatives which are incorporated within this recommendation, should the proposal be granted.

Bird Mitigation

As the application does not increase the number of residential units on site (it remains at 1) then the LPA do not consider that it is necessary for bird mitigation costs to be sought.

Local Finance Considerations

None

Conclusions and Reasons for Approval

It is considered that the use of the approved office building as residential is acceptable in this instance, as it results in the removal of the mobile unit for residential purposes. The intensification of residential on this site is therefore not considered to be an issue. In terms of the physical alterations that have occurred on the building in comparison to the approved office building, the height and scale of the house is not substantially different enough to cause visual harm. It is noted that the building has been in place for longer than 4 years so the structure itself could be considered as lawful (no certificate has been issued). The safety of the residents here is recognised to be a significant improvement in relation to the existing situation on site but the concerns of the Environment Agency are noted and informatives have been put in place to best secure resident safety.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the extent of representations received expressing views contrary to the 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/>