

MC/16/4528

Date Received: 4 November, 2016

Location: Land to the rear of 58 Boxley Road, Walderslade, Chatham, ME5 9LJ

Proposal: Variation of condition 2 to allow a minor material amendment to planning permission MC/15/1573 to reposition two parking spaces

Applicant: Mr Harman

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

Ward Walderslade

Case Officer Doug Coleman

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 12 April 2017.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (16 December 2015).

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:

2043-005A received on 19 June 2015; 2043-0004F & 2043-007B received on 30 June 2015; and 2043-006D received on 4 November 2016.

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

- 3 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) The erection of fencing for the protection of any retained tree 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 required before any equipment, machinery or materials are brought onto the site to avoid any irreversible detrimental impact on the retained tree in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 4 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 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 commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development above 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.

- 6 No development above slab level shall take place until a scheme of landscaping (hard and soft) and boundary treatment has been submitted to and approved by the Local Planning Authority. This shall include details of the enhancement measures set out in paragraph 5.2 of the Ecological Scoping Survey Report (dated 17th August 2015). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following 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 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 The access road and public areas within the site shall be lit in accordance with a lighting scheme which shall be submitted to and approved in writing by the Local Planning Authority and installed on site before occupation of any building on site in accordance with the approved details.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policies BNE1, BNE8 and T2 of the Medway Local Plan 2003.

- 8 Prior to the first occupation of each individual building details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 The dwellings shall not be occupied until the area shown on the submitted layout as vehicle parking space for that dwelling has been provided, surfaced, drained and marked out on site. 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 or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 10 None of the dwellings hereby approved shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

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.

- 11 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T2 of the Medway Local Plan 2003.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the side elevations of the houses on Plots 1 & 4 as hereby approved without the prior written approval of the Local Planning Authority

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to commencement of development, a detailed Mitigation Strategy shall be undertaken, submitted to and approved in writing by the Local Planning Authority, in accordance with the principles set out in the Reptile Survey Report (at paragraph 6.1). All works shall be carried out in accordance with the approved strategy.

Reason: Required prior to the commencement of development, to avoid the killing of, or injury to slow worms.

**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 to vary condition 2 of planning permission MC/15/1573 to allow a minor material amendment to reposition two parking spaces proposed under that permission. This would facilitate vehicular access to the adjoining land to enable the development proposed under application MC/16/4531 to take place.

## Relevant Planning History

### Rear of 58 Boxley Road

MC/15/1573                      Construction of four three-bedroomed dwellings with associated parking  
Approved With Conditions 17/12/2015

### Rear of 64 Boxley Road

MC/16/4531                      Construction of detached three bedroom house with associated car parking spaces  
Reported elsewhere on the agenda

### Rear of 52 Boxley Road

MC/05/0251                      Construction of two pairs of 2 & 3-bedroomed semi-detached houses, three 3-bedroomed detached houses and a terrace of three 3-bedroomed houses with associated parking and vehicular access via Francis Drive  
Approved with Conditions 13/04/2005

## Representations

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

**One letter** has been received objecting to this letter, in addition to **two separate letters** objecting to the associated application MC/16/4531, for the following reasons:

- There is a drainage problem in the area;
- The area is already overcrowded;
- Additional pressure on schools, doctors' surgeries etc.

## 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*

The background to this application is as set out in the report for the associated application MC/16/4531.

## *Appraisal*

The only issue raised by this application is the effect of the relocation of the two parking spaces serving the end property from the approved location at the south east end of the close to the front of the end house (plot 4). This proposal will result in changes to the front landscaping of plot 4 and would now incorporate a larger percentage of hard surfacing in place of the approved soft landscape.

The new parking arrangement will be parallel with parking spaces serving the other three units in the terrace and not at the end of the access road. This re-positioning of the parking spaces would have no impact in terms of the appearance of the development and neighbour amenity. The only impact in terms of parking and access is that it would facilitate access to the adjoining land, thereby enabling the development of that site, proposed under application MC/16/4531 to take place. Accordingly no objection is raised under Policies BNE1, BNE2, T2 or T13 of the Local Plan and Paragraphs 17 and 58 of the NPPF and the application is recommended for approval.

## *Local Finance Considerations*

There are no local finance considerations raised by this application.

## **Conclusions and Reasons for Approval**

The proposal is acceptable in terms of appearance, neighbour amenity, parking and access. No objection is raised under Policies BNE1, BNE2, T2 or T13 of the Local Plan and Paragraphs 17 and 58 of the NPPF and the application is recommended for approval.

The application would normally be determined under Officer delegated powers but is being referred to Committee for determination on account of the number of letters of representation received contrary to the Officers' recommendation in respect of the associated application MC/16/4531.

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## **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/>