

MC/17/0858

Date Received: 7 March, 2017

Location: Land At 92 Woodside, Rainham, Gillingham, ME8 0PN

Proposal: Construction of detached 3 bedroom chalet bungalow with associated parking spaces and access driveway (resubmission of MC/16/0976)

Applicant: Mr James Foad

Agent: Mr I J McCourt Kent Design Partnership Grove Dairy Farm Buisness Centre Bobbing Hill Bobbing Sittingbourne ME9 8NY

Ward Rainham 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 5 July 2017.

Recommendation – Approval subject to;

A. i) Secure £223.58 towards Wildlife 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 16.70.SK02A, 16.70.SK03, 16.70.SK04, 16.70.SK05 and 16.70.SK06 received 15 March 2017; and 16.70.SK07A and received 7 March 2017.

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

- 3 The development shall be carried out in accordance with the submitted details as follows:

Main facing brick - multi buff brick with natural mortar;
Feature plinth brick - red facing bricks with natural mortar;
Main roof tiles - red/brown plain concrete hip, ridge and roof tiles;
Tiles - red plain concrete tiles;
Windows - Light oak coloured uPVC window frames with double glazing;
Doors - white uPVC;
Drive - red/brown gravel

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 bathroom window to the eastern flank at first floor level shall be fitted with obscure glass and apart from any top-hung light, that has a sill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the dwelling is occupied and shall be retained at all times thereafter.

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 In this Condition "retained tree" means the existing cedar tree (T7) which is to be retained in accordance 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) The retained cedar tree (T7) 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 the retained cedar tree (T7) 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 the retained cedar tree (T7) shall be undertaken in accordance with the plans and particulars as set out in the Arboricultural Tree Survey before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained for the duration of the construction period 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.

- 6 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 Schedule 2, Part 1, Classes A, B, C, E and 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 and tree protection, in accordance with Policies BNE1, BNE2, BNE41 and BNE43 of the Medway Local Plan 2003.

- 7 No development shall take place until a Construction Environmental Management Plan (CEMP) has been 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.

Reason: Required prior to commencement of development to ensure no detrimental impact on the amenities of local residents during the construction period 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 comprises the construction of a detached 3 bedroom chalet bungalow with associated parking spaces and access driveway. The bungalow is proposed to be located to the rear of 92 Woodside with access along the eastern side garden of the property.

The dwelling is proposed of a chalet bungalow design comprising a half hipped roof form with use of full hipped roof dormer windows to the north and south elevations. The accommodation would comprise a hall, lounge, dining room, kitchen, utility, study, games room at ground floor level with three bedrooms, bathroom and en suite above.

The access proposed would be direct from Woodside measuring a minimum of approx. 5m width with the hardstanding varying between approx. 3.7m and approx.

4.4m along its route. The site layout includes the provision of three vehicle parking spaces, with two to the north and one to the east of the proposed dwelling. A turning area for vehicles would be provided within the courtyard on the eastern side.

Site Area/Density

Site Area: 0.07hectares (0.17acres)

Site Density: 28dph (12dpa)

Relevant Planning History

MC/16/0976	Construction of a detached three bedroomed chalet-style bungalow with associated access to the rear of existing property Decision Withdrawn by Applicant Decided 8 August, 2016
MC/13/0193	Construction of a two bedroomed detached bungalow (Resubmission of MC12/2186) Decision Refusal Decided 15/03/2013 Appeal Allowed with Conditions Decided 10/12/2013
MC/06/1667	Outline application for construction of two 3/4 bedroomed detached dwellings Decision Refusal Decided 24/10/2006 Appeal Allowed Decided 26/04/2007

Representations

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

8 representations (two from one household) have been received objecting to the proposal on the following grounds:

- Out of character with the surrounding area supported by planning history
- Backland/Tandem form of development that would set a precedent in the locality
- Loss of outlook
- Loss of light/overshadowing
- Loss of privacy
- Noise disturbance
- Garden grabbing
- Adverse impact and loss of protected tree
- Adverse impact on highway safety
- Insufficient parking and increased competition for parking on the highway

- Inadequate access for the fire brigade
- Poor access with no passing bay and inadequate sight lines
- Increased traffic generation
- If allowed, permitted development rights should be removed
- The applicants proposal contradicts previous comments made in respect of the protected tree
- Security compromise

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

A previous planning application was submitted under reference MC/16/0976 by the applicants with a different agent. That scheme was withdrawn by the applicants to enable them to secure the services of another agent to address issues raised regarding the impact on trees and privacy. Since that time, the applicant has sold 92 Woodside and moved away but kept retention of the application site for purposes of development. It is enclosed by close boarded fencing to approx. 2m in height but remains laid to grass.

Principle

Both National and Local Policies support the efficient and effective use of land by making the best use of development opportunities within the urban areas whilst seeking to ensure that the amenity of local neighbourhoods is respected. Paragraph 7 identifies the role of planning as important is sustainable development to provide a supply of housing to meet the needs of present and future generations where appropriate that would also support economic and environmental objectives overall. Paragraphs 17, 49 and 50 of the NPPF encourage development for housing in urban areas (where appropriate) with a presumption in favour of good quality housing and choice where development would not cause harm to the local area. Paragraph 53 directs caution with regard to the development of residential gardens but does not rule such development out entirely where there is no harm.

In 2013, planning permission was allowed on appeal for the erection of a two bedroomed detached bungalow to the rear of 94 Woodside under reference MC/13/0193. At the time, the inspector noted two buildings built to the rear of 94-98 Woodside under reference MC/06/1667 had already broken the established pattern of nearby development and within the wider locality, noted examples of bungalows built to the rear of dwellings facing the highway as well as examples of smaller gardens appropriate to the scale of dwellings in the vicinity. Other factors including distances between dwellings, the layout of adjoining gardens, presence of boundary treatment and planting in place outside the applicants control and the positioning of the access

road for a limited number of vehicle movements generated by the development were considered. The inspector summarised however that whilst the presence of backland/tandem development is established within the area, any future development would be considered on merit. The principle of such development is therefore potentially acceptable if the site circumstances allow.

At a local level, Policy H9 of the Local Plan is relevant as the proposal is tandem development where such development will only be permitted when there are no privacy concerns, appropriate access, no significant increase in noise and disturbance, natural features are maintained or conserved, there is sufficient amenity space for existing and future occupiers and the character of the area is maintained as a whole. Elements of this policy are matters of detail and are discussed later in the report. However, on the point of principle, whilst the proposal is for one house behind another (tandem development) and the site is in a locality where development of rear gardens has been accepted previously in a residential area of mixed dwelling type. Vehicle movements would be relatively low key and the development would provide independent access for both properties onto the highway.

The general principle of a residential redevelopment is considered acceptable and the development broadly accords with the objectives of paragraphs 7, 17, 49, 50 and 53 of the NPPF and provisions of Policies H4 and H9 of the Local Plan subject to the consideration of more detailed matters as set out below.

Design

The design is sensitive to the location where there is a mix of architectural styles. The use of the proposed materials for the dwelling and associated landscaping works would insofar as the extent of hard and soft landscaped areas are considered acceptable. Overall, the development would respect the character of the locality with quality housing. The development is considered to accord with the objectives of Paragraphs 7, 17, 56 and 57 of the NPPF and Policy BNE1 of the Local Plan.

Amenity

Existing Residents

The proposed development would result in increased vehicular activity between 92 and 94 Woodside is in mixed use. 92 Woodside is a residential dwelling with habitable room windows to the site and 94 Woodside comprises a mixed use as a residential dwelling and clinic. With the access approach to the proposed dwelling bounded on each side by approx. 2m high boundary treatment in the form of planting and fencing, the visual impact of the access and presence/movement of vehicles would be relatively low key serving one dwelling only. On this basis no objection is raised on this ground.

The proposed bungalow would be seen from neighbouring gardens. In consideration of the scale of the proposed development being a chalet bungalow design and the distance from neighbouring habitable room windows, no objection is raised in terms of dominance or outlook impacts.

The proposed development would result in shadow cast at various points throughout the day across the site relative to the path of the sun. However, in consideration of the siting and distance of the property from habitable rooms and amenity space of surrounding properties, no objection is raised in terms of loss of light and shadow cast. In terms of privacy, direct overlooking of gardens may be controlled by planning condition where overlooking may be a concern. The proposed bathroom window to the eastern elevation would potentially cause loss of privacy to neighbours to the east. It is recommended that this window be conditioned to be obscure glazed.

Elsewhere, in consideration of the distance from habitable room windows of the proposed dwelling to private amenity space of existing surrounding dwelling, this varies. However, due to the distance from the habitable rooms windows of the proposed dwelling to neighbouring private amenity space and given the existence of planting and boundary treatment in place, no objection is raised terms of loss of privacy to the occupiers of properties within the immediate vicinity.

Future Residents

The proposed development would provide a very good standard of accommodation with generous room sizes, circulation and storage space. Whilst the garden size of both the existing and proposed dwellings would be smaller than those within the vicinity, owing to the combined depth and width of both gardens, they would provide sufficient amenity space for each dwelling as family homes in consideration of the number of bedrooms proposed. Due to the extent of garden size proposed for the bungalow, it is recommended that permitted development rights be removed for the proposed plot to enable the impact of any future development of amenity to be managed and afford continued protection for retained trees in the future - see below.

The works are within a wholly within a residential area and the impact of construction works will have a potential impact on neighbouring amenity. To manage this, a Construction Management Plan is recommended to be secured by condition. In terms of refuse collection, as the scheme is for a single dwelling, the occupants would be expected to present refuse to the front of the site on collection day. On this basis refuse could easily be accommodate and stored on site in the meantime and therefore no objection is raised.

Overall, the proposed development would comply with the objectives of point 4 of paragraph 17 of the NPPF and Policies BNE2 and H9 (i) and (iii) of the Local Plan.

Tree Impact

The application site is subject to a Tree Preservation Order (reference 161/2 1996). This order protected numerous trees in Woodside including two plum trees (T29 and T30) and a cherry tree (T28) at 92 Woodside. Tree T30 is a replacement of the original Plum and has not yet grown to contribute significantly in terms of providing amenity value. Being located so close to the proposed access road, this tree would not be able to be retained and there would be little scope to replace it with another tree in the same position where the streetscape would benefit.

Since the imposition of the TPO, T29 (Plum) has been removed at some point without consent. The applicants have stated that Tree T02 on the survey was a replacement for this tree. With regard to the current proposal, the turning head for the parking area would be no more than 0.5m from the tree and therefore will not be practical for retention given the close proximity of any excavation and creation of new hardstanding within its root protection area. Tree T28 (Cherry) has previously been damaged by and has had the removal of at least one large limb reportedly due to storm damage and is therefore in poor health. The current proposal leaves little scope for a meaningful replacement tree within the site. All other trees within the site are not protected.

There were three protected trees in the garden of 92 Woodside when the order was made in 1996 but the cherry is the only original specimen and is in poor condition. The access road and siting of the building prevents the planting and establishment of meaningful replacements for the protected trees and therefore the proposal needs to be assessed by balancing the provision of a residential dwelling against the amenity value of the trees.

With the only remaining protected tree in poor health and other trees on the site set back considerably from the highway with no significant amenity value, it would be very difficult to make a case that the trees should be retained. The only exception is the neighbours Cedar tree. This could be protected by condition and whilst the amenity of future residents would potentially be affected by the presence of the tree, in consideration of the overall outlook the property, use of rooms and layout of the site, no objection is raised to the proposal. No replacement trees have been sought in view of the limitations of the site circumstances and in the amenity interests of future residents. Overall, the development would accord with the objectives of Policies BNE41 and 43 of the Local Plan.

Highways

The existing site, before recent works were carried out, allowed for ingress/egress from two openings within the site frontage. The site has been altered so that the two openings are self contained. The proposal would result in the net increase of one additional dwelling which would use an existing entrance onto the highway for sole use by the proposed property.

There is parking on street in the vicinity but the proposal would allow for both properties to be served by sufficient off road parking within their curtilages to meet the Councils Interim Parking standards. Should there be any additional parking generated in the long term or by visitors, the works would have no significant impact on highway safety or neighbouring amenity. Subject to the provision of a permeable surface to contain surface water within the site (by condition), the proposed development would be considered acceptable in respect of Policies T1, T2, T13 and H9 (ii) 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 unilateral undertaking for consideration. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests for the reasons explained above.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

Whilst tandem development, the proposal is considered acceptable in principle due to the existing spatial pattern of development. The design and impact on residential amenity is considered acceptable along with the access and the level of parking provision. Subject to the completion of a unilateral undertaking and the imposition of the suggested conditions, the proposed development is considered to accord with paragraphs 7, 17, 49, 50, 53, 56, 57, 109 and 118 of the NPPF and Policies H4, H9, BNE1, BNE2, S6, BNE35, T1, T2, T13 of the Local Plan.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of the representations received expressing a

view 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/>