

MC/17/1845

Date Received: 25 May, 2017

Location: Land Rear Of 56-60 Town Road, Cliffe Woods, Rochester ME3 8JJ

Proposal: Construction of a detached chalet bungalow with parking and access via Milton Avenue

Applicant: Mr Antony Coulson

Agent: Mr David Dray 14 Cranborne Avenue Maidstone Kent ME15 7EB

Ward Strood Rural

Case Officer Majid Harouni

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 2 August 2017.

Recommendation: Approval subject to:

A. The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling 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:

AC/17/23/P01A, P02 received on 25/05/2017 6/07/2017, 12/07/2017 and agent's letter dated 10th July 2017.

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

- 3 No development 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 The dormer windows on the eastern and western flank elevations 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. This work shall be carried out and completed before the room 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 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 Class B and C 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 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. 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.

The landscaping scheme should include a replacement tree in lieu of TPO tree to be removed.

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 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 onto 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 Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed (before the dwelling hereby permitted is occupied) and shall thereafter be retained. 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.

- 9 The boundary treatment and landscaping along the north and north-east corner of the site shall be kept at no higher than 900mm above the level of the nearest part of the carriage way for a length of 2.5 metres and thereafter maintained as such.

No gate or barrier of any kind shall be erected or installed at a height exceeding 0.9 metres above the level of the nearest part of the carriage way for a length of the access point.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of local

Plan.

- 10 No development shall take place until details of the surfacing and drainage of the vehicle parking area and any soakaway in the rear garden have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of protected trees, amenity and highway safety in accordance with Policies BNE41, T2 of Medway Local Plan.

- 11 The building shall not be occupied, until the area shown on the submitted layout as vehicle parking space 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) 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 T13.

- 12 Prior to the commencement of the development hereby permitted, a Construction Code of Practice covering noise, dust, air quality and lighting for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved statement.

Reason: In the interests of the amenities of nearby properties 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

Construction of a detached 4 bedroom chalet bungalow comprising two bedrooms, living room (involves single storey rearward projection of 2.4m to facilitate a 5 x 5.7m living room), kitchen, study, bathroom and cloakroom at ground floor level and two bedroom with an en-suite at first floor level involving dormer windows on the eastern and western elevations and bedroom windows on the southern and northern gables, plus provision for refuse storage and two on-site car parking and vehicle access from Milton Avenue.

Site Area/Density

Site Area: .066 hectares (.165 acres)

Site Density: 15.2 dph (6 dpa)

Relevant Planning History

MC/16/0403 Construction of single-storey side/rear and single storey rear extension together with insertion of rear dormer with roof lights to front and rear to provide additional accommodation within roof space

Decision Approval With Conditions

Decided 05/05/2016 by Planning Committee

ME/89/0223 Outline application for the erection of a 3- bedroomed detached chalet bungalow with off road parking.

Decision Approved with Conditions

Decided 20/02/1989

Representations

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

9 letters of objections have been received expressing concern about the following issues:

- The proposed site and the proposed vehicular access are on a corner location where large lorries regularly use and the proposal will add to the potential accident on this corner,
- The proposed dormer windows will cause overlooking of the adjoining properties,
- Direct overlooking from the dormer window,
- Milton Road is used for parking and this development due to lack of visitor parking will add to the parking problem,
- Loss of a large tree on site that supports wildlife.

Consultation

Cliffe and Cliffe Woods Parish Council objects to the proposal stating:

The front access is shown on the sight-line of the junction with the service road access (in use by both pedestrians and service vehicles for the shopping parade and doctor's surgery). This would limit the frontage for vehicle parking and two spaces would be insufficient to serve the property. TPOs are in place for some important trees and these needs to be enforced.

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 application site forms part of the residential curtilage and rear garden of No. 56 Town Road, however, the northern section of the land is situated beyond the rear garden of Nos. 58 and 60 Town Road.

The eastern and southern boundaries of the site form the edge of the service area and access road associated with the village local centre comprising a number of shops and the village medical centre.

The land is enclosed in part by a 1.8m high boundary fence. There are five protected trees within the application site and the proposal seeks to fell one these trees. The site is located to the back of properties fronting Town Road and has frontage onto Milton Road. The properties on Milton Avenue, where the site fronts, are varied and comprises mainly of a mix of detached and semi-detached chalet and bungalow style dwellings. Town Road is similar in character but has some two-storey elements in the mix.

According to the planning history of the site, Rochester Borough Council granted an outline planning permission for the erection of a detached chalet bungalow dwelling on this site back in 1989 under ref: ME89/0223. Access to the proposed dwelling would be in a similar position as that approved under that application. That permission was not implemented.

It is worth noting that in May 2016 planning permission was granted for a loft conversion and addition to No. 60 Town Road. This permission has not been implemented.

Principle

The site is located within the confines of Cliffe Woods and the proposal is considered to be acceptable as a minor development under the terms of Policy H11 (residential development in rural settlement) of the Local Plan, subject to consideration of matters of detail on design, streetscene, character, amenity, trees and highway issues.

Design and Street Scene

Consideration has to be given to development plan Policy BNE1 of the Local Plan. This policy seeks to ensure that the design of the development is appropriate in relation to the character, appearance and functioning of the built and natural environment by reason of its use, scale, mass, proportion, details, materials, layout and siting. Furthermore, the Local Planning Authority has to be satisfied that the

development respects the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area. In addition to this, the NPPF supports the need for good design.

The proposed detached chalet bungalow is of a standard appearance with ground floor front windows and single storey front element with lean-to roof and front canopy open porch projecting forward. First floor front bedroom window would be within the front gable of the roof. The side elevations mirror each other and would comprise two windows at ground floor level and a dormer window. The rear roof comprises a half hip barn and a large bedroom window on the gable and single storey rearward projection with large folding patio door on the ground floor. It is considered that the proposed design would be acceptable and be in keeping with the design and siting of the other chalet dwellings in the locality and reflects the character of the wider streetscene which is mixed in character.

The proposed dwelling would be situated over 8m behind the back edge of the footpath and would conform with the building line of the dwellings to the east of the site. Also the ridgeline has been designed to be no more than 6.5m in height, similar to the other surrounding chalet bungalows as such is considered that the proposal would be in keeping with the character of the area, streetscene and in compliance with Policy BNE 1 of the Medway Local Plan and advice in NPPF regarding good design.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the proposed dwelling itself.

With regard to neighbours, it is considered that the proposed siting of the dwelling would avoid unacceptable loss of light and overbearing impact on neighbours. Although it would be close to the rear end of the gardens of Nos.58 and 60, these dwellings have long back gardens as a result, the distance from the back of the houses to the side of the proposed dwelling would be at least 23m. In addition, the only window at first floor that would overlook the rear garden of Nos. 58 and 60 would serve the en-suite bathroom to a bedroom. This window is proposed to be obscure glazed with only the top hung openable.

With regard to the proposed dormer window on the eastern elevation, this would be over 14m away from No. 2 Milton Avenue, across the private vehicle access, and would be a secondary window serving a bedroom in the loft level. To overcome any concern about potential overlooking, this dormer window would also be obscure glazed with top hung openable only. These measures would overcome any overlooking concerns and is considered to be acceptable.

Although the new dwelling would be visible from the rear Nos. 58 and 60 Town Road, having regard to the 23m distance that will remain between these properties and the proposed chalet, it is considered that the proposal would not appear dominant or overbearing when compared with other corner developments on Milton Avenue with Parkside and Shaw Close. As such, the proposed development would not cause significant harm to the occupiers of neighbouring properties and would not have an

overbearing impact on their visual amenity.

It is also necessary to consider whether adequate habitable space would be provided for the future occupier of the proposed dwelling house in compliance with the Technical housing standards - nationally described space standards March 2015.

The table below shows minimum gross internal floor area expected against the proposed dwelling floor areas.

	Number of bedrooms	Number of bed spaces(person)	2 storey dwellings m2
standard	4b	5p	97
proposed	4b	5p	155

In light of the above, the proposed dwelling also complies with the Technical housing Standards March 2015, with respect to bedrooms, lounge and kitchen size area. It is therefore considered that the new dwelling would provide a satisfactory living space.

The proposed development would provide a rear garden measuring over 30m deep and 12.5m wide (375 sqm) which is considered to be acceptable for a four bedroom dwelling house. Provision for refuse storage is shown to be in the front garden area.

In summary, the impact of the development on amenity is considered to be acceptable with regard to Policy BNE2 of the Local Plan and NPPF.

Highways

The proposal would provide two side by side on site car parking spaces in the front garden area. This would be adequate and in compliance with the Residential Parking Standards. The vehicle access and the sight lines are also satisfactory provided the height of planting and any enclosure on the north and north-east corner of the site do not exceed 900mm. A condition is recommended to deal with this issue.

The additional traffic generation will be low and have a negligible impact on the local highway network. The parking and highways impact of the development is therefore considered acceptable including with regard to Policies T1, T2 and T13 of the Local Plan.

Impact on Trees

There are a number of trees afforded protections by a Tree Preservation Order (TPO) on the application site. The majority of trees stand at the southern end of the plot, in what would become the rear garden, but one tree (T5 field Maple) stands within the footprint of the proposed dwelling and would need to be removed.

The applicant's tree report highlights the fact that the field Maple identified as tree T5 is leaning heavily and overhangs the service road to the east. Whilst this tree

contributes to the public amenity of the area, its condition is such that there is no objection to its removal subject to a replacement tree being planted.

Subject to the installation of tree protection measures outlined in the applicant's tree report and the satisfactory location of services and soakaways, it is considered that the development would not directly impact on the remaining trees growing on this site.

There is potential for retained trees to cause nuisance to future occupants – shade, falling detritus and fear of falling trees or branches are most likely in this instance. Having reviewed the proposal it is noted that the rear elevation of the new dwelling would be approximately 5.5m north of the canopy of the nearest remaining tree (T4 Oak), which is considered to be satisfactory – there will be a patio/amenity area immediately behind the dwelling. Whilst the canopies of the remaining trees will cast a shadow over much of the rear garden area, it is felt that applications to heavily prune or remove the protected trees to mitigate such nuisances could be resisted.

To ensure that the remaining trees are protected during the construction period a condition is recommended to deal with tree protection barriers, storage of materials and waste as well as the installation of services and any soakaways.

Replacement tree planting in the front garden area can be secured as part of a future submission for approval of landscaping.

In summary subject to conditions the impact of the development on trees is considered acceptable including with regard to Policies BNE1, BNE41 and BNE43 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 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 applicant has agreed to pay this tariff and has submitted a unilateral undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations relevant to this development.

Conclusions and Reasons for Approval

In summary, there is no objection in principle to the erection of a new dwelling within this village location. In addition, its impact on the character of the area including the protected trees on the site, its potential visual impact, the amenity effects on the surrounding neighbours and potential occupants of the site itself and the highways effects are also considered acceptable. Approval is therefore recommended with regard to Policies H11, BNE1, BNE2, BNE41, BNE43, T1, T2 and T13 of the Local Plan, and the advice given in the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the representation received from the Cliffe and Cliffe Woods Parish Council, and local residents expressing views contrary to the officer's 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/>