

MC/17/1778

Date Received: 18 May, 2017

Location: 2 Connaught Road, Luton, Chatham ME4 5DJ

Proposal: Construction of a 3 bed dwelling to side

Applicant: Kapo Ltd

Agent: Mr Erlap Semi E F Planning Thames Innovation Centre 2
Veridion Way Erith DA18 4AL

Ward Luton & Wayfield

Case Officer Madeline Mead

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 27 September 2017.

Recommendation - Approval subject to:

A. £773.58 payment for bird mitigation measures for Natural England

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 EFP/17010-1 and EFP/17010-2 received on 17 May 2017.

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

- 3 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: Required at slab level 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 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 8 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 No development, including demolition, shall take place until a Construction Environmental Management Plan 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, 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.

Recommendation

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 planning permission for the construction of a three bed end of terrace property.

The proposed dwelling would be approx. 4.4m in width, up to approx. 13.2m in depth and approx. 8.4m in height to the ridge. A flat roofed dormer is proposed within the rear roof slope that would have a projection of approx. 3.5m, width of approx. 4.1m and height of approx. 2.5m. At ground floor level the accommodation would comprise of a lounge, and kitchen/dining room, at first floor level two bedrooms and a bathroom, with a further bedroom within the roofspace.

Site Area/Density

Site Area: 0.022 hectares (0.054 acres)

Site Density: 45 dph (18.5 dpa)

Representations

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

Two letters and a **petition** with 37 signatures have been received with the following comments.

- Lack of parking.
- Noise and disturbance.
- Design is out of character with the area.
- Development is dominant.
- Heritage of area will be destroyed.
- Inadequate infrastructure to cope with new development.
- Impact on windows of adjacent building.

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

Principle

The application site is located within the urban area of Chatham, where there is a general presumption in favour of minor infill development, similar to the proposed development here. Paragraphs 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. Good design is encouraged (paragraph. 56) requiring that development should respond well to local character. Policy H4 of the Local Plan allows for residential infilling in principle providing that a clear improvement in the local environment will result.

The principle of the construction of a dwelling on this site would be considered acceptable.

Design

The property would be visible within the street scene, which consists of mainly two storey terraced houses. The proposed property would infill a piece of land that has previously been used as a driveway with a garage/workshop to the rear. The dwelling proposed would form an end of terrace property. The dwelling would follow the same building line and ridge height as number 2 Connaught Road, along with the front elevation of the dwelling designed to mirror image its features and fenestration, to include a bay window. To the rear of the property, a two storey pitched roof and single storey sloped roof projections are proposed. These projections are in keeping with others within the vicinity. Within the rear roof slope would be a flat roofed dormer. The flat roofed dormer is not ideal, but in consideration that this element would only be viewed from neighbouring properties and gardens, in this case it is considered acceptable.

The proposed dwelling is considered to be of a scale, design and siting that would be acceptable within the street-scene.

In summary, the proposal is considered to be in accordance with paragraph 56 of the NPPF and Policy BNE1 of the Local Plan.

Amenity

Bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan is concerned with the impact on neighbouring amenities and the amenity of future occupants of the dwelling.

To the rear of the site are residential properties. Mutual overlooking already exists between the properties in Connaught Road and those in Albany Road. The rear building line of the proposed dwelling would be the same as number 2 Connaught Road and therefore would not have any greater impact on the properties to the rear than the current situation.

To the side of the site is a two storey building that is currently used for storage in connection with the hot food takeaway at 290 Luton Road. In the gable end of this building adjacent to the application site is a window. The proposed development would be constructed up to the boundary and therefore would have a significant impact on the window. Within this building other windows do exist, of which some are boarded up. Overall, as this building is not in residential use and is currently only used for storage it is not considered that the proposed development would have a significantly detrimental impact on this building. Furthermore, with other windows serving this building, the proposed development would also not prejudice alternative future uses.

Regarding the amenity of future occupiers, the Government's national described standards provide guidance for determining whether the amenity levels are appropriate in order for proposals to be in accordance with Policy BNE2 of the Local Plan.

The proposed dwelling would be a 3b5p two storey dwelling with an overall floor area of approx. 104m². This internal floor area is above the 93m² as set out in the national described standards and therefore considered to provide adequately sized living accommodation for future occupants of the dwelling.

For the reasons set out above the proposal is considered to be in accordance with bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

With regard to refuse storage, it is deemed that there is adequate storage space for refuse within the curtilage of the proposed dwellinghouse. Accordingly, the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan subject to a condition for a Construction Environment Management Plan to be submitted due to close proximity to existing residential dwellings.

Highways

The application proposes the removal of a detached garage/workshop and driveway associated with number 2 Connaught Road. No off street parking is proposed for the

new dwelling or to replace the loss of parking for 2 Connaught Road. On street parking is available within the vicinity and the loss of the dropped kerb access to the existing parking area would create a further on street parking space. The site is in close proximity to local shops, Chatham town centre and local bus routes. Overall, it is considered that the proposal would comply with the objectives of Policy T1 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 are in the process of submitted a 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

There are none relevant to this application.

Conclusions and Reasons for Approval

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities and parking. The proposal accords with the provisions of Policies H4, BNE1, BNE2, BNE35, S6, T1 and T13 of the Medway Local Plan 2003 and paragraphs 17, 49, 50, 56, 109 and 118 of the National Planning Policy Framework 2012 and is accordingly

recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee for determination due to the number of representations received expressing a view 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/>