

MC/17/2086

Date Received: 14 June, 2017

Location: 5 Otway Terrace, Chatham ME4 5JU

Proposal: Demolition of existing dwelling and construction three storey apartment building to provide five 1-bedroomed and three 2-bedroomed units including resident's amenity area, cycle and bin storage area and car parking

Applicant: C/O Solo Timber Frame

Agent: Mr J Johnson Crowther Associates LLP Pelham House 25 Pelham Square Brighton BN1 4ET

Ward Chatham 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 25 October 2017.

Recommendation – Approval subject to;

A. Contribution of £1565.06 towards bird disturbance 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 (08) 03 Rev B, (08) 04 Rev B and D655TPP Rev R1 received on 12 September 2017; and (08) 06 rev A received on 3 October 2017.

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

- 3 The materials to be used externally shall be to the schedule shown on plan 08

04 Rev B 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 Notwithstanding the submitted information, the development shall not be occupied 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.

Reason: To protect and enhance the appearance and character of the site and locality and ensure the development does not adversely affect highway safety and efficiency, in accordance with Policies BNE1, BNE6 and T1 of the Medway Local Plan 2003.

- 5 A landscape management plan, including long term management responsibilities and maintenance schedules for all landscape areas (including management details for the existing trees on the adjacent railway embankment), shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall thereafter be carried out as approved.

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 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars (Tree Constraints Plan D655TCP Rev R1; Tree Protection Plan D655TPP Rev R1 and Arboricultural assessment D655AIA R1 dated 9 September 2017); 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 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 Notwithstanding the submitted details, the flats shall not be occupied until security measures on the site have been submitted to and approved in writing by the Local Planning Authority. These measures should include lighting of the undercroft vehicular access and rear parking area and measures to limit public access into the buildings and site. Lighting details shall include the height, position, external appearance, any shielding, light intensity, colour, spillage and hours of use of proposed lighting. All lighting and security measures shall be installed in accordance with the approved details prior to occupation of the flats and shall be retained as such thereafter.

Reason: To ensure safety and security for prospective residents whilst protecting neighbours' amenities to accord with Policies BNE2 and BNE8 of the Medway Local Plan 2003.

- 8 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions of residential amenity from transport noise in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 9 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 including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; 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 works on site in the interests of amenity protection for nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The separating ceiling and floor between floor levels shall be constructed to resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014. The works shall be carried out before occupation of each flat and thereafter maintained.

Reason: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 The proposed allocated bin storage area shall be constructed in accordance with the submitted plans and made available for use prior to occupation of any of the flats hereby approved and shall be retained thereafter.

Reason: In the interests of amenity protection in accordance with the objectives of Policy BNE2 of the Medway Local Plan 2003.

- 12 Prior to the occupation of any of the flats, details of the design of the proposed cycle storage (including means of security) for 8 cycles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of any of the flats and shall be retained thereafter.

Reason: In accordance with the objectives of Policy T4 of the Medway Local Plan 2003.

- 13 The flats shall not be occupied, until the area shown on the submitted layout as vehicle parking spaces has been provided, surfaced and drained from a permeable means of construction. 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 and garaging.

Reason: Development without provision of sustainable adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and unsustainable form of development in accordance with Policies BNE2 and T13 of the Medway Local Plan 2003.

- 14 The access shall not be used until vision splays of 2.0m x 2.0m by 45 degrees between the driveway and the back edge of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

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

Demolition of existing dwelling and construction three storey apartment building to provide five 1-bedroom and three 2-bedroom units including resident's amenity area, cycle and bin storage area and car parking.

The development is proposed to appear as two blocks connected at first floor level. The proposed ground floor level in total would comprise three one bedroom units. Two of the units would be accessed via a shared hallway accessed from a shared entrance door fronting onto Otway Terrace. The third one bedroom unit at ground floor would have its own entrance from Otway Terrace. The first floor would comprise two 1-bedroom and one 2-bedroom units and at second floor level there would be two 2-bedroom units. All units at upper floors would be accessed from the shared entrance and stairway leading up from the hallway.

Each 1-bedroom unit would have an open plan kitchen/living/dining room, bathroom, double bedroom and entrance hallway. Each 2-bedroom unit would have an open plan kitchen/living/dining room, bathroom, double bedroom, single bedroom and entrance hallway with the exception of the 2-bedroom unit at ground floor which would have two double bedrooms.

All flats would have storage cupboards and use of a self contained bin store. Eight cycle storage spaces are proposed to the rear within an area of amenity space. Five parking spaces are also proposed to the rear of the development.

A part hipped part gable form of development is proposed with a shallow roof linkage between the two blocks at roof level. The frontage of the site is proposed to be enclosed by walling and close boarded fencing of between approx.1m and 2m in height. The development would have a floor to eaves height of approx. 6.5m and floor to ridge height of approx.9.7m approx. The building frontage would reflect that of the

adjacent neighbouring end of terraced house to the north and would finish approx. level with the neighbours two storey projection at the rear.

Site Area/Density

Site Area: 0.07 (0.173 acres)

Site Density: 114dph (0.4 dpa)

Relevant Planning History

MC/12/1922	Application for a new planning permission to replace extant planning permission MC/09/0722 (Demolition of existing dwelling and construction of a part 2, part 3 storey building to provide six 1-bedroomed and one 2-bedroomed flats including resident's amenity area, cycle storage area and car parking) in order to extend the time limit for implementation Decision Approval With Conditions Decided 25 September, 2012
MC/09/0722	Demolition of existing dwelling and construction of a part 2, part 3 storey building to provide six 1-bedroomed and one 2-bedroomed flats including resident's amenity area, cycle storage area and car parking Decision Approval With Conditions Decided 09/11/2009
MC/07/2135	Demolition of existing dwelling house and garage and construction of a part 2, part 3 storey building to provide six 1-bedroomed and one 2-bedroomed flats plus provision for 5 car parking spaces, wheelie bin and cycle storage area Decision Refusal Decided 14 February, 2008
MC/07/0866	Demolition of existing dwelling house and garage and construction of a part 2, part 3 storey building to provide seven 1-bedroomed flats and two 2-bedroomed flats plus provision for four car parking spaces, wheel bin and cycle storage area Decision Withdrawn by applicant Decided 10 July, 2007
MC/04/0903	Outline application for the construction of a block of ten 2 bedroomed flats with associated parking Decision Refusal Decided 11 June, 2004

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Archaeology, Rochester Airport Limited and Rochester Airport Consultative Committee have also been consulted.

Four letters have been received (including one from New Road Primary School) raising the following objections:

- intensification of traffic resulting from the increase in number of dwellings on site
- the vision splay would need to be enhanced to ensure that there is sufficient vision for drivers to see approaching vehicles from each direction as they leave the site
- overdevelopment of the site
- increase in congestion and pressure on the highway outside the school where pedestrians already have to step off the footway onto the road at peak times due to the narrow single file footway width under the bridge and no pathway on the side of the road of the development proposed
- increased rubbish
- increase in impact on local services, recreation and security
- Increased Parking competition on nearby roads
- detrimental impact on the fabric of an adjacent dwelling

Network Rail advise that the developer must ensure that their proposal both before, during and after construction does not encroach onto Network Rail Land affecting the safety, operation or integrity of the railway and infrastructure, place additional load on cuttings, adversely affect any railway land, oversail or encroach upon the airspace of Network Rail land or prejudice any future works proposed by Network Rail. Network Rail is however highly supportive of lineside development to unlock new land, and the routine coppicing of trees on the lineside does align with Network Rail's interests. To gain approval to coppice the trees the applicant would need to enter into a Basic Asset Protection Agreement.

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 site has planning history for a previous refusal for flats in 2007 that was dismissed on appeal in terms of the arrangement of accommodation on the site, the relocation of the vehicle access from the previously proposed southern end of the site to centrally positioned along the frontage and revisions to waste storage, cycle parking and amenity space. A revised planning application for 7 flats was granted in 2009 for development of the site where the reasons for refusal had been overcome in the form

of a flatted development of two storey form with accommodation in the roof closely fronting the highway. Parking was to be provided to the rear through an undercroft. This development was later renewed in 2012 under reference MC/12/1922 but never implemented. This scheme represents a redesign with provision of one additional flat proposed..

Principle

The site forms a triangular plot of land currently containing a detached brick built house. It has vehicular access onto Otway Terrace from the front of the plot with an approx. 1m high block wall providing a physical boundary between the property and the road. The site is adjacent to a terrace of four houses to the north and opposite New Road Primary School and Nursery Unit. To the south of the site is a railway embankment with the railway line on high ground approx. 7m from road level and screened from the site by a band of mature trees and shrubs. There is no public footpath on this side of the road and the road narrows to the south as it runs under a railway bridge. There are double yellow lines and priority traffic for vehicles travelling south.

This site is within the urban area where the principle of residential development is generally acceptable subject to detailed site considerations. The proposal is considered to be in accordance with the provisions of 17, 49 and 50 of the NPPF and Local Plan Policies H4 and H5 which encourage sustainable development of high quality homes within the urban area to maximise residential development opportunities. The site is currently already developed and as such the proposal is acceptable in terms of the in principle where there are previous planning permissions for the redevelopment of the site for flats.

Design

The proposed layout essentially comprises two blocks of two storey buildings but with dormer window features within the roof space to facilitate accommodation on three floors. The appearance would be a mix of hip, gable and shallow sloping roof forms and the buildings would be finished in timber cladding, render and cement slate roofing. Window fenestration would be in a grey finish. The proposed mass and depth of both block forms would compliment the streetscape and the appearance would uplift this part of Otway Terrace as a whole. The block siting would reflect that of the adjacent neighbouring terrace but with a modern use of materials. Whilst the eaves height would be greater than the neighbouring terrace, this would not be deemed harmful in the streetscape. The element of flat roof feature would not prejudice the appearance of the development overall and would break up the mass of roof form between the two blocks. The undercroft design would not be ideal but would provide parking off of the highway that would provide security for use by residents. The rear layout would work well where there would be surveillance of communal space semi private from habitable windows towards parking and amenity landscaped space areas.

The proposed development is considered acceptable with regard to paragraph 56 of the NPPF and Policy BNE1 of the Local Plan.

Security

In terms of security and personal safety it is recommended that lighting be provided to the undercroft and rear parking area and appropriate boundary treatment is provided and to limit public access into the buildings and site.

On balance the proposal is considered acceptable in terms of security and public safety and Policies BNE5 and BNE8 of the Local Plan.

Amenity

Impact on neighbouring amenity

The proposed development would need to be considered in terms of impact on both existing and future occupiers amenity. The development would be sited adjacent to an end of terraced house which has no windows in the side flank and a part two storey, part single storey projection to the rear. The site is bounded elsewhere by the railway embankment and school opposite. The presence of the development would be noticed from the rear first floor window of the neighbouring property and loss of light/shadowing would be caused from mid morning onwards. The neighbours property is however already impacted by the shade cast by a tree within its own garden and would retain light in the early morning for at least two hours. The extent of projection on the boundary would not be detrimental to amenity in terms of outlook in consideration of the extent of projection proposed, length of time the rear room is used and sunlight retained in the morning period overall. Accordingly, the proposal could be implemented without prejudice to neighbours amenity in terms of siting, orientation, height and location. A Construction Management Plan condition is recommended to manage the impact of construction works to safeguard amenity protection for neighbouring residents during the course of construction.

Future occupiers amenity

The proposed floor space for the proposed units would meet the minimum floor space objectives of the National Technical Space standards that require a minimum floor space of 50m² for a 1 bedroom (2 person) flat and 61m² for a two bedroom (3 person) flat inclusive of storage space. Sufficient amenity space to the rear would also be provided as shared, semi private space for sitting out or drying clothes where there is good surveillance from the windows of units. In terms of future occupiers, conditions are recommended to mitigate noise from nearby transportation sources such as the road and railway. In addition, as the layout of the development means that there are units adjacent to the vehicular access, a condition is recommended to manage the transmission of sound between the floors of each flat.

The proposal would meet with the objectives of point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Impact on Trees

There is a tree belt on adjoining land along the south eastern boundary of the application site. This tree belt effectively screens the train line from view from the site

and visa versa. However, land management could involve coppicing exposing the site to the railway at any time. The closest point of the proposed building would be located approx. 2.5m from the boundary of the site. The applicants have submitted a tree survey and report that concludes the trees are of low quality, which is agreed. The trees provide some mitigation from the railway and as a group screen views of the railway absorbing some of the noise associated with the use. It is desirable to ensure this tree belt is not eroded but this is outside of the applicants control as within the ownership of Network Rail. The applicants have confirmed that they have come to an agreement with Network Rail to manage the trees in a way that sees the trees coppiced and re coppiced to maintain screening value to improve light to the rear amenity space of the flats but also to allow key regrowth to prevent the loss of the tree buffer in totality; reduce nuisance from seasonal debris and the fear of potential harm caused by the trees that currently tower over the development. They are aware of the potential costs involved and have agreed in principle to Network Rail's requirements in order to undertake the work and implement the necessary agreements including through a Basic Assess Protection Agreement for the development to take place and for future maintenance of the trees in question. The application includes means to protect the trees before during and after works have taken place and it is not considered that any trees would fail as a result of this development. To ensure that the trees are protected and that the management of the trees is carefully undertaken with the land owners or by future residents, a landscape management plan is recommended. A separate tree protection condition is recommended also as the trees have group value as a whole when either seen from the flats or public highway. With such measures in place, the development would comply with the objectives of Policy BNE43 of the Local Plan.

Highways

Parking would be provided for 5 vehicle parking spaces (maximum) to the rear of the site to serve 8 flats. This is considered acceptable in a town centre location such as this where the site is relatively close to public transport. A lesser number per unit was also accepted by the previous appeal inspector. There are no objections to the proposal in light of the provisions of Local Plan Policy T13 (Vehicle Parking Standards). This section of Otway Terrace narrows close to the railway bridge to the south and there is only room for one car to pass at a time under the railway bridge itself. Priority is given to vehicles travelling south. Otway Terrace itself has been marked with double yellow lines on both sides preventing on-street parking. The proposed development would generate up to two vehicle movements during the morning and evening peak periods. Whilst the local school opposite the site produces busy traffic conditions at certain times of the day, it is considered that the low level of traffic resulting from the proposed development would not significantly disrupt the free flow of traffic to such an extent that serious inconvenience or danger on the public highway would result. The Inspector, when considering a previous application on this site, concluded that he "would not expect the proposal to cause significantly greater hazards than exist at present because vehicular and pedestrian traffic, as a rule, would proceed with extreme caution near school gates at these peak times". There is therefore no objection relating to highway safety and the volume of traffic related to the proposed development.

The proposed access is situated approx. 27m from the mouth of the road tunnel beneath the railway. Approaching the tunnel, the road narrows to a single track with double yellow lines with southbound traffic having priority. With the neighbouring garden walls generally at a low level vehicles emerging from the proposed access would be able to see beyond the site boundary. It is considered that the access is now in the optimum position in terms of securing satisfactory visibility towards the road tunnel and from New Road. The crossover would serve an access road which forms part of a shared surface of an approx. 3.8m width. This will enable two cars to pass and prevent any waiting on the public highway. The shared surface arrangement proposed is considered acceptable given the low level of traffic generated by the development and vision splays may be controlled by condition linked to the submission of boundary treatment details. The position of the refuse storage would permit refuse to be collected from Otway Terrace.

Finally, the provision of 8 cycle racks to the rear of the site is encouraged but the final design would need to be submitted and approved in terms of security and visual amenity.

The proposal is considered to comply with Policies T1, T2 ,T3, T4 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 submitting an 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 no local finance considerations

Conclusions and Reasons for Approval

This development would deliver residential development and improve the appearance of the site in a location where it is considered acceptable. The design of the development, impact on the amenities of neighbours and the living conditions for future residents are considered acceptable, as are the parking and highway effects of the development. The development is acceptable with regard to paragraphs 17, 49, 50, 56, 109 and 118 of the National Planning Policy Framework 2012 and Policies S6, BNE1, BNE2, BNE5, BNE8, BNE35, BNE43, H4, H5, T1, T2, T4 and T13 of the Medway Local Plan 2003.

This application is reported to planning committee for members consideration in view of more than two representations having been received contrary to officer 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/>