

MC/17/3333

Date Received: 28 September, 2017

Location: Court Lodge, Riggall Court, Bush Road, Cuxton, Rochester, ME2 1HB

Proposal: Construction of 2x four bedroom detached dwellings with integral garages.

Applicant: Mr Castle

Agent: Mr Holloway Solo Timber Frame The Old Dairy Hodore Farm Hartfield TN7 4AR

Ward Cuxton & Halling

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 17 January 2018.

Recommendation - Approval with 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:

Proposed Block Plan received 28 September 2017 and drawing numbers SOLOTF/CASTLE-01 Rev B; SOLOTF/CASTLE-04 Rev B, SOLOTF/CASTLE-04H Rev B and SOLOTF/CASTLE-05 Rev C received 31 October 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 approved details comprising Redland Saxon Slate, Hanson Kentish Multi stock brick with South Holmwood Dorking Red brick (soldier course) or similar as shown on approved drawings SOLOTF/CASTLE-04 Rev B and SOLOTF/CASTLE-04H Rev B received 31 October 2017.

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 No development shall take place until a Construction Environmental Management Plan covering hours of construction; 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 for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to ensure no irreversible detrimental impact on the amenities of the occupiers of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 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 of 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, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 The dwellings herein approved shall not be occupied until the soft landscaping area and parking space to the front of each dwelling as shown on the approved layout, drawing number SOLOTF/CASTLE-01 Rev B has been provided. The hardstanding area shall be formed using permeable surfacing materials. Both the area of soft landscaping and the hardstanding parking area shall thereafter be retained.

Reason: In the interests of sustainability and visual amenity in accordance with Policies BNE1 and T13 of the Medway Local Plan 2003.

- 7 The integral garage and hardstanding area to the front of each dwelling herein approved shall be kept available for the purposes of parking vehicles 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 adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and competition for on street parking spaces and in accordance with the

objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policies BNE2 and T13 of the Medway Local Plan 2003.

- 8 No development, including site clearance works, shall take place until full details of fencing for the protection of the existing silverbirch tree within the front garden area of plot 1 have been submitted to an approved in writing by the Local Planning Authority. The measures for protection of the 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: Required prior to commencement of development to ensure no irreversible harm to the tree to protect and retain the appearance of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 The bathroom, en suite and landing windows on the side elevations at first floor level 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.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This planning application seeks full planning permission for the construction of two 4-bedroom detached dwellings with integral garages.

The proposed dwellings would be located side- by-side to a handed hipped roof design with recessed porch enclosure to front. The dwellings would have an integral garage, hall, utility room, w/c and open plan kitchen/dining area/living room at ground floor level. Four bedrooms, a bathroom and en suite room are proposed above at first floor level. The dwellings would stand to a height of approx. 5.1 m from floor to eaves and approx. 9.4m from floor to ridge. Each property would have a width of approx. 7.8m and a depth of approx.10.5m. No accommodation is proposed within the roof space. In addition to the proposed integral parking space, a hardstanding space for one car is proposed in front of the proposed garage to serve each property. A silver birch tree is proposed to be retained close to the western most boundary to the front of

the site and soft landscaping is shown to the front of each plot.

The application site is served by a private road (off Bush Road) where residents have an interest in the land and the road remains within the ownership of the original developer for the surrounding estate at present.

Site Area/Density

Site Area: 0.04 hectares (0.09 acres)

Site Density: 50 dph (11 dpa)

Relevant Planning History

MC/02/2558	Application for approval of reserved matters (pursuant to Planning Consent ME/96/0482 for residential development) for the construction of 55 houses, consisting of a mixture of 3, 4 and 5 bedroom units and garages Decision Approval with Conditions Decided 07/04/2003
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Representations

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

Eleven letters have been received raising objection to the proposal on the following grounds:

- The proposed properties are not in keeping with the style and size of existing properties.
- detrimental impact on Court Lodge buildings
- The size of the proposed plot is too small for two detached houses.
- Insufficient parking to serve the development
- Poor emergency access for vehicles where there would be increase parking on the public highway
- Garaging within the vicinity is rarely used for parking
- Noise and disruption cause by construction
- The highway for the existing estate has not yet been adopted and the footway is yet to be completed. The highway remains unmade and the footway incomplete as part of the original estate development. The development should secure the improvement to this footpath
- The applicant should give attention to the existing derelict building on site and the works proposed could facilitate this by condition
- Adverse impact on the setting of the historic building
- potential adverse impact on sewage system

The Dickens Country Protection Society raise objection to the scheme on the following grounds:

- Overdevelopment of the site
- Inadequate parking
- the dwellings should be set back to allow for more parking

Cuxton Parish Council raise objection to the proposal on the following grounds:

- The original development has not been completed. There is a stretch of pavement adjacent to Court Lodge that is unfinished and the roads have not been adopted by the Highway Authority.
- Overdevelopment of the site.
- There is not enough provision for parking.
- Residents need to know who would be responsible for any potential damage caused
- to utilities during the construction, given that the roads have not been adopted by Medway Council.
- The design of the buildings gives potential for further development.
- the development of Court Lodge was potentially protected in the original development 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

Principle

Policy H11 of the Local Plan allows for minor development or redevelopment within rural settlement boundaries in order to contain development within the existing built confines, to prevent sporadic development and protect valuable countryside. As the site is within the defined village settlement, it is considered that the proposal is acceptable in principle as new housing within the existing boundaries is considered more viable in terms of a sustainable form of development if the character and amenity impact is justified. The proposal accords with the objectives of paragraph 7, 17 and 53 of the NPPF and Policy H11 of the Local Plan.

Design

The area is served by residential properties of predominantly detached, two storey design with off road parking for two cars. Many have relatively small to medium sized gardens to the rear and are fronted by open plan landscaped front gardens (both hard and soft landscaping). Court Lodge is a large detached house with two storey wing to the eastern side of the plot with the very large garden on two levels west and south west of the main building.

The application site comprises part of the upper tier garden of Court Lodge. Whilst historic, the property is not listed and part of the wing of the building is not occupied. Court Lodge has vehicular access off Riggall Court to the northern side of the site and this is to remain. The large garden is predominantly enclosed by approx. 2m high close boarded fencing and is currently overgrown. The garden slopes down in a northerly direction on two levels divided by mixed species hedge planting to approx. 4m in height. This would be retained within the garden of Court Lodge.

Paragraphs 56 and 57 of the NPPF and Policy BNE1 of the Local Plan establishes the general principles for built development. In doing so it requires that the design of development should be appropriate to the character, appearance and functioning of the built environment. Proposals should respect the scale and appearance and location of the buildings and visual amenity of the surrounding area. The properties in the immediate locality vary in design but are typically of two storey, pitched roof design.

Although not architecturally inspiring, the design of the proposed dwellings would sit comfortably within this streetscape retaining a degree of set back from the highway similar to the existing housing. Whilst the development would occupy part of the existing garden of Court Lodge itself, the works could be undertaken without prejudice to the setting of the non listed historic building. Provided the existing tree is preserved as shown and soft landscaping is provided in addition to the hardstanding areas proposed to the front of each house, no objection is raised to the development. The proposal would comply with the objectives of Paragraph 49, 50, 56, 57 and 58 of the NPPF and Policies BNE1 of the Local Plan.

Amenity

All development should secure the satisfactory amenities for its future occupants and protect those amenities enjoyed by existing nearby and adjacent properties. Whilst the development would have a greater presence from neighbouring properties in the street than the existing fencing in place, no adverse impact on amenity would result. This is due to the siting, distance and orientation of the proposed properties in relation to neighbouring houses, their habitable room windows and their private amenity space. Planting within Court Lodge, changes in land levels and the angle of view from habitable room windows helps to reduce the presence of the buildings when viewed from the lower garden level and any overlooking from proposed first floor windows would be across the garden rather than down into the private amenity space directly behind the lodge itself. Any potential overlooking to the remainder of Court Lodge would be mitigated by boundary treatment.

In terms of future occupation, the development would meet the National Technical Space standards in terms of overall floorspace and room sizes. The proposed gardens would be on the smaller side in terms of the Medway Housing Design Standards (MHDS) which is used as a guide for external amenity space, however, they would be of sufficient garden depth/size for sitting out and drying clothes. To ensure a sufficient area of private amenity space is maintained, it is recommended that a condition be attached to remove permitted development rights. In addition, the development would potentially cause some disturbance to neighbours during the

construction process and so a condition is recommended to secure a Construction and Environmental Management Plan to manage this.

The proposed development is considered to accord with the objectives of point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Highways

Riggall Court has not yet been formally adopted by Medway Council but a Section 38 agreement was secured to progress the adoption of the road as a public highway in 2005. This has been subject to delays concerning works to the footway close to Court Lodge in particular. The developer, Taylor Wimpey has made significant steps to move this forward and the last remedial work should be carried out in early 2018. Demelza Close will however remain a private road as it was never part of the agreement.

On street parking is available to the front of the site but at peak time there is competition for spaces on the road where residents choose to park for convenience and where garages in part are used for alternative storage. The proposal provides 2 off road parking spaces per unit both utilising a proposed integral garage and a hardstanding area to the front of each house with direct vehicular access from Riggall Court. The development would provide sufficient parking and vision splays for each property and with each garage of appropriate size to accommodate a vehicle which may be secured by condition, the proposal is considered acceptable in terms of the Medway Parking Standards (interim) and Policies T1, T2, T13 and BNE2 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal would provide two residential dwellings of acceptable design and without harm to the appearance of the street scene, the amenities of the occupiers of the surrounding residential properties and the highway in accordance with Paragraphs 7, 17, 49, 50, 53, 56, 57 and 58 of the NPPF and Policies H11, BNE1, BNE2, T1, T2, and T13 of the Medway Local Plan 2003.

This application would normally fall to be determined under delegated powers but has been referred to Members for determination due to the number of representations received contrary to officers' 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/>