

MC/17/2305

Date Received: 29 June, 2017

Location: Land Rear Of 6 Margetts Place And 12 Brissenden Close, Upnor,
Rochester ME2 4XD

Proposal: Construction of single storey detached building for residential
parking and storage (incidental to 15 Albion Place, Upnor).

Applicant: Mr Knowels

Agent: Mr Cook Architecnique Architects 8 Beatty Cottages Stoke Road
Allhallows Rochester ME3 9PE

Ward Strood Rural

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:

Drawing numbers 016-002/013 Rev E received 3 October 2017; 016-002/014 Rev F and 016-002/015 Rev F and Living Roof Specification received 28 November 2017.

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

- 3 The brickwork used externally shall match those of the existing garages.

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 development hereby permitted shall be used only for purposes incidental to the enjoyment of the related dwellinghouse at 15 Albion Place Upnor Rochester ME2 4XD and no trade or business shall be carried out therefrom.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The building shall be kept available for the purposes of parking vehicles and for the storage of domestic items associated with the residential dwelling and no permanent development or use, 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 the garage spaces.

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 Policies BNE2 and T13 of the Medway Local Plan 2003.

- 6 The building shall not be used until full details of the maintenance of the 'living roof' hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The living roof shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with the objectives of Policy BNE1 of the Medway Local Plan 2003.

- 7 No development including site clearance works shall take place until a statement setting out the details of biodiversity protection and enhancement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the recommendations of the Preliminary Ecological Appraisal by KB Ecology (April 2017) and shall provide detailed mitigation measures and ecological enhancements to be carried out on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: Required prior to commencement of development to ensure no irreversible detrimental impact on biodiversity and protected species in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 No development, including site clearance works, shall take place until details of the tree protection measures have been submitted to and approved in writing by the Local Planning Authority and the tree protection measures have been implemented on site in accordance with the approved details. The tree protection measures shall remain in place and in accordance with the approved details throughout the duration of the construction works.

Reason: Require prior to commencement of development to avoid any irreversible detrimental impact on protected trees in accordance with Policy

BNE43 of the Local Plan 2003.

Proposal

This application seeks full planning permission for the construction of single storey detached building for residential parking and storage ancillary to 15 Albion Place, Upnor.

The building is proposed to be of a mono pitched 'living roof' design finished in grass and the elevations in brick. The building would measure approx. 14.74m width by approx. 9.94m depth with a height of approx. 2.5m from floor to eaves at the front and approx. 3.76m to the rear (floor to ridge). The development is proposed to be cut into an existing embankment. It would be laid as two separate storage areas comprising one domestic garage unit of approx. 2.7m wide by approx. 4.6m depth (max. measured internally) and a single larger space of approx. 11.5m width by approx. 4.6 m depth. The smaller area would be served by a standard garage door opening with the larger being served by a double sized garage door.

The applicant advise that the 'units' would not be used for any commercial activities and would be used for storage of private vehicles and domestic items. The applicant confirms that the building would be used for the storage of a car and a motorbike with his two existing garages within the block retained for everyday car use for him and his wife who own 15 Albion Place, Upnor.

Relevant Planning History

MC/16/4973	Construction of garage block on existing embankment area to form 3 additional garages with storage above Decision Withdrawn by Applicant Decided 9 March, 2017
MC/16/2527	Construction of garage block on existing embankment area to form 3 additional garages with storage above Decision Withdrawn - Invalid Decided 3 October, 2016
ME/85/398	Erection of eight 3 bedroom semi-detached houses, and one bedroom flat together with eight garages, and fifteen car parking spaces (phase iii) Decision Approval with Conditions Decided 04/07/1985
84/1018	Erection of 8 nr 1 & 2 bed flats and 2 nr 4, bed semi-detached houses (phase ii) Decision Approval with Conditions Decided 20/02/1985

Representations

The application has been advertised on site and by individual neighbour notification to

the owners and occupiers of neighbouring properties.

Thirteen letters of representation (including two from one household) have been received objecting to the original proposal on the following grounds:

- Overbearing form of development which is too large, dominant and out of character
- Loss of woodland and pleasant outlook
- Adverse impact on the SSSI; fauna and flora
- No change to impact from that refused previously in 2005
- The development will not provide additional parking as the applicant will be bringing vehicles in the form of classic cars and a motorbike to the site from an alternative location
- Increased vehicular movement will increase incidents, accidents and noise
- Erosion of settlement boundary
- Loss of privacy
- Inadequate survey of the site
- Adverse impact on wildlife habitat
- Adverse impact on the landscape character and function of the area
- There is no provision for management of surface water drainage
- Adverse impact on existing garage access
- Noise, fumes/pollution
- Inadequate parking for contractors vehicles
- Increased congestion
- The land is owned by residents within the vicinity and notice has been served; the applicant does not enjoy unimpeded access to the plot or right of way to the site; the applicant has a legal responsibility to maintain the boundary wall to the site; adverse impact on wall within neighbouring ownership.

Following reconsultation on amended plans, **a further 8 letters of representation** were received from residents objecting to the proposal on similar grounds as those stated above and the additional the following grounds:

- There is no significant change for the previous plans submitted

- loss of outlook
- no structural report has been provided with the application that in particular considers the retaining wall implications
- There are discrepancies in the description when compared to the actual plans submitted
- increase parking competition
- Potential conversion of building to residential use as a dwelling

Dickens Country Protection Society objects to the proposal on the following grounds:

- Loss of trees and Woodland character

Frindsbury Extra Parish Council object on the following grounds:

- Inadequate access both to the proposed garages and for other users of the garage court, especially if the garage users parked cars directly in front of the new garage doors, restricting the remaining space in the garage court and affecting manoeuvrability;
- Additional traffic movements in the garage court and also in and out of Brissenden Close;
- The size of the proposed storage area, which seems unnecessarily large and which leads to speculation that there might be a future application for conversion to a dwelling;
- An application for a dwelling on this site in 2005 was refused and dismissed on appeal. This creates a precedent for no development on the site.
- There has been a lack of notification to the Parish Council as an adjoining landowner about the application. The Council's land is unstable and there is at least one tree in the Council's ownership that would potentially be damaged by the development.

Natural England have written in raising no objection to the proposal as the development is unlikely to have a significantly detrimental affect on wildlife habitat.

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 scheme MC/16/4973 was withdrawn to enable reports to be prepared in respect of Ecology, impact on trees and land ownership issues. Notice has also now been served on land owners affected by the development and a notice displayed in the local press. This application has been submitted with the appropriate certification.

Principle

The site is located north of an existing parking area serving residential properties and comprises sloping ground covered in plants, trees and bounded by a small retaining wall. The parking area is accessed by two vehicle and one pedestrian points from the public highway and comprises garages on the western side and allocated space elsewhere. The garages run parallel to the rear boundaries of nearby residential gardens to the west of the parking area. They are in the form of a block of garages with flat roofs.

The location for the proposed garages within the application site forms part of landscaped embankment that extends beyond the rural settlement boundary of Lower Upnor. Such rural settlement boundaries have been defined to contain development within the existing built confines; to prevent sporadic development; and prevent the loss of valuable countryside. The land is overgrown but to a degree provides a pleasant landscaped environment for local residents when seen from neighbouring gardens and the garage area.

Paragraph 7 of the NPPF requires the planning system to perform a role to protect and enhance our natural environment and paragraph 17 of the NPPF seeks to secure a good standard of amenity for all. It also requires principles to recognise the intrinsic character and beauty of the countryside, and conserve the natural environment. In terms of landscape quality, paragraph 109 of the NPPF seeks to protect and enhance valued landscape.

The site forms part of an Area of Local landscape importance (ALLI) for its local amenity and environmental quality and therefore Policy BNE34 of the Local Plan is relevant. The ALLI provides an attractive setting to the urban area and surrounding villages as a backdrop of the urban area. In a wider landscaped sense, the site forms the outer edge of part of an important area of landscape known as Cockham Farm Ridge within Medway Council's Landscape Character Assessment (March 2011). The quality of the rolling landscaped land with a mix of both unmanaged trees and planting is enjoyed by residents from surrounding properties. This site is also adjacent to a Site of Special Scientific Interest which has both biological and geological interest; contains woodland and supports a rich insect fauna. It has remained undeveloped and part of the overall landscape setting of the development as a whole since the properties were constructed. The designated land within the application site is overgrown, unmanaged and the boundary treatment in a poor state of repair. Whilst the site gives a sense of visual relief to a relatively urban environment, one has to consider the harm the development would have as a whole to the wider context of the specific designations. It is considered that the presence of the proposed building could potentially reinforce the parking area boundary if sympathetically designed to take account of the surroundings. For this reason, subject to the design of the development, the principle is considered acceptable.

Design

Paragraph 56 and 57 of the NPPF attaches great importance to the quality of design making places better for people. Paragraph 9 of the NPPF seeks to improve

conditions in which people live and the quality of life and Paragraph 64 states that development should be refused if it fails to improve the character and quality of an area. At a local Level, Policy BNE1 of the Local Plan is most relevant in terms of design and siting.

The proposed development would be seen from both neighbouring gardens and the parking area itself and it should be noted that the elevation/streetscape detail shown is not a true representation of the landscape setting itself. The agent has agreed to improve the design and take account of the surroundings by reducing the pitch of the roof proposed and altering the finish of the roof to a more sympathetic design of a living roof. The proposed living roof specification with a 'sedum' layer would provide a mix colouring of moss finish that, upon maturity, would appear more natural to its surroundings than the original tiled roof proposed. The finish of the roof would represent a gradual transition from the single storey development to the landscape behind. The building would therefore not be considered detrimental to visual amenity or the landscaped character of the surrounding countryside and its specific designations described above. The proposal would comply with the objectives of paragraph 7,9, 17, 56, 57,64 and 109 of the NPPF Policies BNE1 and BNE34 of the Local Plan and the provisions of the Medway Landscape Character Assessment (March 2011).

Amenity

The impact of the development is considered in terms of privacy, outlook, light loss (sunlight and daylight) and noise. The proposed development incorporates space within the roof for storage and in its revised form would not be a concern in terms of privacy by virtue of the floor to ceiling height. As a result of the siting and design in terms of the scale and height in relation to habitable room windows and rear gardens, the proposed building in its revised form would not have a detrimental impact on nearby residents in terms of loss of outlook, daylight and overshadowing.

In terms of noise generated, the proposed use of the building as storage for vehicles in particular would not be a cause for concern if used for domestic purposes. A condition is recommended to ensure that the building remains ancillary to the use of the residential property at 15 Albion Place. Having regard to all aspects of the impact on neighbouring residential amenity, the proposal is considered to be in accordance with point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Trees

Tree Preservation Order R102/1989 protects 3 Walnut trees at Margetts Place and Brissenden Close. The site is also listed on the National Forest Inventory as Broadleaf Woodland and also on the Priority Habitat Inventory as Deciduous Woodland. The excavation necessary to construct the garages would fall outside the root protection of tree nearby trees and subject to a condition requiring tree protection measures, there would not be a detrimental impact on existing trees within the vicinity. The proposal would slightly creep into the edge of the wooded area. Neither the National Forest inventory designation or the Priority Habitat Inventory designation give the trees protected status in the same way that a tree preservation order does, but anyone wishing to undertake works to the woodland would need to make a felling licence

application to the Forestry Commission. This is a civil matter. No objection is raised to the impact on existing trees where mitigation can be provided and secured by planning condition. The development is considered to be in accordance with Policies BNE41 and BNE43 of the Local Plan.

Ecology

An ecological report has been submitted with the application. The submitted ecological report has assessed the potential for protected species on site. There is limited potential for any significant impacts due to the small footprint of the development. The report has outlined protective measures with regard to the potential for bats, reptiles and breeding birds being present. It is recommended that these measures be controlled by planning condition. The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. Again, this can be secured by planning condition and subject to these conditions, the proposal is considered to be in accordance with Paragraphs 117 and 118 of the NPPF and Policies BNE37 and BNE39 of the Local Plan.

Flood risk

The site falls just outside the flood zone 2 area designated on the Environment Agency's flood risk map. In consideration of this and the proposed use as non habitable space, no objection is raised in the context of Policy CF13 of the Local Plan.

Highways

The proposed development would result in the provision of two garages that would fall short of the minimum front to rear depth of garage sizes required by the Medway Parking standards (Interim). The turning area into the larger unit for a domestic car has however been improved from the original submission to enable a vehicle to enter and leave the site in a safe way without damage to the vehicle or building. With regard to the smaller unit, the use of such space for the parking of domestic vehicles is impractical and the space would likely be used for separate residential storage or a motorcycle. As stated above, a condition is recommended to ensure that the development should be used for domestic purposes only. Accordingly, whilst there would be a shortfall in internal parking space provision in part and an overprovision of the host property, no objection is raised on highways grounds when the objectives of Policies T1 and T13 are applied. The access to the site would be no different from the existing situation where the applicant has a right of way over the parking area to the site. Any dispute over this is a civil matter.

Local Finance Considerations

There are no local finance implications.

Conclusions and Reasons for Approval

The proposed development has been designed to take account of its surroundings with the inclusion of the living roof. The development can be implemented without

harm to the character and appearance of the locality, residential amenity, ecology and protected trees. The development would therefore comply with the objectives of paragraph 9, 17, 56, 57, 64, 117 and 118 of the National Planning Policy Framework 2012 and Policies BNE1, BNE2, BNE34, BNE37, BNE39, BNE41, BNE43, T1 and T13 of the Medway Local Plan 2003 as well as the Medway Landscape Character Assessment (March 2011).

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/>