

MC/17/4437

Date Received: 29 December, 2017

Location: Land Fronting Higham Road And To The Rear Of Nos 4 And 2  
Hollywood Lane, Wainscott, Rochester, ME3 8AH

Proposal: Construction of 1x bedroom bungalow with associated parking -  
Resubmission MC/17/3129

Applicant: Mrs Kimber

Agent: Mr Brian CBC Planning Silverwood Stone Street Westenhanger  
Hythe CT21 4HT

Ward Strood Rural

Case Officer Robert Neave

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 February 2018.**

**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:

CB-001, CB-002, CB-003, CB-004, CB-005, and CB-007 received 28 December 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: 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 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 A, B and E 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.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

- 6 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) (England) 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.

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 of the Medway Local Plan, 2003.

- 7 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 A, B and E 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.

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

## **Proposal**

This application is for the construction of a 1 bedroom detached bungalow and associated car parking with access direct from the public highway. The dwelling is proposed to have a hipped roof design with garden to the rear (western side) and parking to the front (eastern side) of the building.

No accommodation is proposed within the roofspace. There would be a window and door to the west elevation serving the living and kitchen area, a small window on the north and south elevations serving a bathroom and hallway, and window and doors on the east elevation. There is also a small front porch to this elevation. The fenestration detailing would be in keeping with those found on neighbouring properties in the area. Access and parking is proposed off Higham Road but no details of surfacing have been provided. The development would have an eaves height of approx. 2.6m and a ridge height of 4.9m.

## **Site Area/Density**

Site Area: 0.023 hectares (0.056 acres)

Site Density: 43 dph (17 dpa)

## **Relevant Planning History**

MC/17/3129	Construction of 2x bedroom dwelling with associated parking Decision Withdrawn by Applicant Decided 7 November, 2017
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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.

**Five letters** of representation (Four from two addresses) have been received objecting to the proposal on the following grounds:

- Loss of light
- Impact to highways

All other matters not listed below are considered to be non material planning considerations:

- Impact arising from construction

- Impact on utilities

**Cllr Williams** has raised objection to the proposal on the following grounds

- Over development of site
- Loss of amenity to neighbour
- Loss of privacy
- Contrary to paragraph 53 of the NPPF and BNE1 of the Medway Local plan 2003
- Back garden development the site is tight and constrained and squeezed into a small area
- Insufficient parking

### **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

An application under ref: MC/17/3129 for the construction of a 2 storey 2 bedroom dwelling was withdrawn by the applicant on 7 November 2017. Whilst this application was not refused, officers had concerns to the scale, appearance and location of building and its impact on the amenity for both the prospective occupiers and current occupiers of No.4 Hollywood Lane. This application is a resubmission which seeks to address the concerns raised by officers.

The current scheme has been reduced and now proposes a single storey, one bedroom dwelling and retains some parking for No.4 Hollywood Lane.

#### *Principle*

The application site is within the built confines of the urban area, as identified on the Proposals Map to the Medway Local Plan 2003. Policy H4 of the Local Plan states that residential development consisting of infilling within existing residential areas will be permitted providing a clear improvement to the local environment will result.

The site is currently fenced off and overgrown, and accommodates some dilapidated structures. The site currently does not add any particular value to the character or appearance of the area. As such, as an infill development, the proposal would represent a clear improvement to this local area/environment.

Therefore, subject to design and other material consideration, no objection would be raised to the principle of the proposed development under Policy H4. Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable

development. Therefore, providing no harm is caused to the local area, there is a presumption in favour of the proposed development.

### *Design, appearance and street scene*

Good design is encouraged in Paragraph 56 of the NPPF requiring that development should respond well to local character. Policy BNE1 relates to the impact of built form. The section of Hollywood Lane and Higham Road within which the application site is located comprises of a mixture of 1930's semi-detached houses, terrace houses and bungalows of varied style and appearance.

The proposed bungalow whilst not exceptional in design terms, it would not be harmful to the character or appearance of the area and would be, generally, in keeping with existing styles of buildings present on the street.

In terms of layout, the spatial pattern of development within the locality on Higham Road, properties are generally located towards the front of the plot with large gardens to the rear.

Whilst the application plot does not share this common pattern, the proposed development would be sited forward of the plot as such maintaining the established building line on the road and providing a satisfactory private rear garden for the dwelling. The proposed development would therefore relate positively to the established pattern of development in the area and would not appear 'constrained and squeezed' into the area.

Consequently, the proposed development in terms of its design, layout and siting would comply with the objectives of Policies BNE1 and H4 of the Medway Local Plan 2003.

### *Amenity considerations*

Medway Local Plan Policy BNE2 seeks to ensure that an adequate level of amenity is provided for the future residents of the proposed dwelling and at the same time respect the amenities of the surrounding properties.

There are neighbouring properties that could be affected by the proposal. To the north of the site is No.1 Higham Road and to the south No. 2 and No. 4 Hollywood Lane. Given that the proposal is for a bungalow, no objection would be raised in terms of overlooking or loss of privacy. With regards to loss of daylight and shadowing, due to the path that the sun travels across the application site means that there would be no significant reduction in terms of daylight/sunlight or overshadowing to adjacent or neighbouring land. There would be sufficient separation distance between the proposed dwelling and the neighbouring properties not cause unacceptable levels of loss of light. Overall it is not considered that the proposed development would result in significant harm to the living conditions of neighbouring occupiers that would warrant refusal of the application.

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.

In terms of the proposed development, the layout indicates living accommodation on the ground floor with a lounge, kitchen/diner, bathroom and bedroom. The table below shows minimum gross internal floor area expected against the proposed dwelling floor areas.

	Number of bedrooms	Number of bed spaces(person)	1 storey dwellings m2
Standard	1b	2p	50
Proposed	1b	2p	49

In terms of the provision of outside amenity space, the proposal would retain sufficient rear garden space for No. 4 Hollywood Lane, as well as providing a reasonable size garden for the proposed one bedroom dwelling. As such, the living condition for potential occupants of the site is considered acceptable. There is no objection with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

#### *Highways*

The proposal would provide one off-street parking space to the front of the proposed dwelling, as such complying with the adopted parking standards. It is noted that concerns have been raised by residents with regards to highway safety. After reviewing the latest accident data within the local vicinity, no registered accidents have taken place along Higham Road or the immediate roundabout located to the east of the site. Therefore when taking into account the traffic calming measures along Higham Road, it is not considered that the proposal would have a significant effect on highway safety and accordingly there is no objection with regard to Policies T1, T2 and T13 of the Local Plan.

#### *Bird Mitigation*

One matter which has arisen since the determination of the previous application is that of bird disturbance 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 officers 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 a completed 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 that are relevant to this application.

#### **Conclusions and Reasons for this Recommendation**

The site is within the urban area and as such the principle of the proposed infill development is acceptable. The proposed dwelling would relate positively to the character of the area and appearance of the streetscene. In addition it is considered that the proposal would not cause adverse harm to the occupiers of the adjoining properties. The proposed access and on-site car parking provision would be acceptable for the proposed dwelling and no objection is raised in this regard. The proposal is considered to be acceptable in line with Policies S6, H4, BNE1, BNE2, BNE35, T1, T2 and T13 of the Medway Local Plan 2003 and Paragraphs 17, 49, 109 and 118 of the NPPF.

The application would normally be determined by delegated officers, however is being referred to Committee due to the number of representation received stating a view contrary of officers recommendation and a request by Cllr Williams to de-delegate.

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#### **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/>