

MC/17/4068

Date Received: 24 November 2017

Location: Land Between 5 and 11 Tennyson Avenue Rochester ME3 8JF

Proposal: Outline application with all matters reserved for construction of a pair of semi-detached houses with associated parking.

Applicant Cliffe Woods Community Association

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Ash Road
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Ward: Strood Rural Ward

Case Officer: Katherine Parkin

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 9th May 2018.

Recommendation - Approval with Conditions

- 1 Approval of the details of the layout, scale and appearance of the buildings, landscaping and access (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plan:

Drawing Nos. 01, 02, 03, 04, 05, 06 and 07 received 24 November 2017.

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

- 5 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs, and a date for the completion of any new planting. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. 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, unless the Authority gives written consent to any variation.

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 Prior to the first occupation of any dwellinghouse herein approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained.

Reason: To ensure that the impact on neighbouring amenities and the appearance of the development is satisfactory, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the Council's Interim Residential Parking Standards (as amended). None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

order amending, revoking and 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 reserved vehicle parking area.

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.

- 8 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This is an outline application with all matters reserved for the construction of a pair of semi-detached houses with associated parking.

Access to the site would be from Tennyson Avenue. Layout is reserved for future consideration; however an illustrative block plan shows a pair of semi-detached houses set back from the front of the site to allow for off-street parking (1 space per dwelling), and set in from each flank boundary by approximately 1m. The indicative floor plans also show an integral garage for each property to provide an additional parking space. The illustrative designs show the proposed dwellings as two storeys in height, with 3 bedrooms.

Site Area/Density

Site Area: 0.0429 hectares (1.06 acres)

Site Density: 46.62 dph (1.89 dpa)

Representations

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

Three letters from neighbouring properties have been received with the following objections:

- Mature trees have been cut down on the site
- The land is only being put forward for development to secure funding for the village hall, for which finances should be better managed, and alternatives locations are available if necessary.
- The proposal is very poor in design
- The houses would have small gardens and would fail to provide a suitable level of amenity appropriate for family housing, and poor living conditions for future occupiers.
- The houses are not 3 bedrooms as they include an 'office' which could clearly be a fourth bedroom; this has been done in order to get around providing additional parking.
- The houses would not be in keeping with the chalet bungalows in large plots that make up this open and spacious section of Tennyson Avenue
- The proposal is an overdevelopment of the site
- The front building line would project in front of the established building line
- The development would lead to a loss of daylight, sunlight and privacy to No. 11 from the cramped nature of the development so close to this property.
- The size and location of the proposed houses would block light to No. 13 and harm outlook and privacy.
- Whilst there might be a need for houses, amenities in Cliffe Woods are limited and the school is oversubscribed
- The land was gifted to the community and development affects those villagers.
- The land was fenced off to curtail vandalism; it would be preferable to open up this area and maintain it as a green space to be enjoyed by residents or offered to the community as allotments.

Cliffe and Cliffe Woods Parish Council have commented that sufficient parking should be provided. As the site is within the residential area of the village and has been declared surplus to the requirements of the charity a residential use is supported.

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

The starting point for consideration is whether the principle of development in this location is acceptable. Policy H11 of the Local Plan asserts that housing development in the rural area will be restricted to minor development within the confines of particular villages and settlements, such as Cliffe Woods where the application site is located. This policy is reflective of Policy H4 of the Local Plan, which allows for residential infilling in principle providing that a clear improvement in the local environment will result. 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.

An additional consideration in this case is that the site is allocated as protected open space in the Local Plan, to which Policy L3 relates. The policy states that development involving the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless certain criteria are met. In this case, the relevant criterion is (i): development will not be permitted unless sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site. Paragraph 74 of the NPPF also states that existing open space should not be built on unless an assessment has been undertaken that has clearly shown the open space to be surplus to requirements.

There was a Planning Policy Guidance 17 (Planning for open space, sport and recreation) (PPG17) audit undertaken for the green space at Tennyson Avenue, but the application site itself is not actually covered in the audit. The adjoining/associated land to the north of the Community Centre/social club to the rear of the application site is covered, however, and is defined as amenity green space, for which there was found to be a surplus in this area through the audit.

The area of open space where the application site is located is to the rear of the Community Centre and is therefore not particularly useable open space, sandwiched as it is between this large building and the fence across the rear Tennyson Avenue access. It is also fairly overgrown and unkempt. There is a much larger area of readily useable open space in front of the Community Centre, where there is a car park and a parade of shops, and therefore generally more activity. With regard to Policy L3 and the NPPF, there is an argument to say that the functionality of the space can be retained through the remaining open space that lies beyond the Community Centre and the smaller area retained at the rear, and particularly as there is a surplus of such space in the area, it is considered that the policy requirement is satisfied.

As stated, the proposed development falls within the confines of Cliffe Woods, and is a minor infill development, and as the open space matter is satisfactory, therefore the principle of new housing as set out above is generally acceptable. In this case, the size of the plot is such that its proposed division for a pair of semi-detached dwellings would not be overly dense and would respect the established character of the area, which is residential and mixed in both age, style and plot size.

The proposal is therefore considered acceptable in principle, in accordance with Paragraphs 49 and 50 of the NPPF and Policy H4 of the Local Plan, subject to the consideration of detailed matters at reserved application stage.

Design

Development Plan policy places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. Paragraph 57 of the NPPF promotes the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces. Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area. Policy H4 has the proviso that a clear improvement in the local environment must result from infilling.

The indicative plans show the proposed dwellings would be positioned slightly forward and to the rear of the adjacent houses. The rear gardens would be approximately 8m deep, and the houses would be set in approximately 1m from the side boundaries of the site, though there would be a wider space retained to the side of the property adjacent to No. 5 Tennyson Avenue, due to the retention of an access to the rear of the Community Centre/Social Club at the rear of the site. The layout and space around the dwellings is not dissimilar to surrounding properties, and whilst the gardens would be small they are constrained by the border with the Community Centre at the rear and they are in excess of the minimum 7m recommended in Medway Housing Standards (MHS) (interim) 2011.

As the site is fairly overgrown and unkempt, it would benefit from improvement. The submitted Planning Statement recognises the surrounding area consists of residential properties of various sizes, forms and finishes, including semi-detached houses with integral garages, and seeks to respect the appearance of the buildings, spaces and visual amenity of the area. There are two storey buildings adjacent to bungalows along the road, but it is considered that under a reserved matters application for design, it would be preferable to see a reduced scale of building perhaps without a front gabled projection and with a lower roof height, particularly given the bungalow adjacent at No. 11, and with front and rear building lines more level.

It is recognised that the submitted plans are only indicative, but overall it is considered that the appearance, layout, scale and landscaping of two dwellings on this site could be developed to complement the site and street scene in general. However, these are issues that would be properly considered at reserved matters stage.

In principle, the proposal would be in accordance with the NPPF and Policy BNE1 of the Local Plan.

Amenity

One of the core planning principles of the NPPF at paragraph 17 is to seek a good standard of amenity for all existing and future occupiers of land and buildings. This is reflected in Local Plan Policy BNE2, which states all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

The proposed residential use of the site will be in keeping with the existing and surrounding uses, and there will be little change to the present situation with regard to noise, disturbance, increased traffic and activity levels with the addition of two dwellings on the site.

However, in terms of the size and residential locality of the development and the potential for nuisances to existing residents from construction, a condition requiring a construction environmental management plan is recommended.

With regard to the impact on neighbours, the main properties affected would be Nos. 5 and 11 to the north-west and south-east respectively.

The flank wall of No. 5 would be approximately 9m away from the flank of the proposed dwellings. There are existing windows within the flank wall of No. 5, and the two windows that are illustrated on the flank wall facing No. 5 in the indicative plans are shown as obscured (for a bathroom) and high level (for a bedroom), which would sufficiently protect the privacy of No. 5, though it must be noted that as the size and layout of the proposed development could change there may not be a need for flank windows, which would clearly be preferable. Indeed a high level window serving a bedroom would not provide for a satisfactory level of internal amenity. There is likely to be overlooking across neighbouring rear gardens but this is to be expected in such residential areas with houses in close proximity to each other. Due to the distance of the proposed dwellings from No. 5, light levels to this property are also unlikely to be significantly affected.

No. 11 is a bungalow and would be located approximately 4m away from the flank wall of the proposed dwellings. The properties on the road do not have large spaces between them, and the proposed spacing is considered to be in keeping with this. There are bungalows adjacent to two storey dwellings on the road, such as opposite at Nos. 16 and 18, and the proposed relationship between the neighbouring and proposed dwellings will be similar. The indicative plans show windows on the flank of the proposed dwelling facing No. 11, the same as the handed dwelling. Privacy can be protected through the detailed design of the proposed dwellings and positioning of habitable and non-habitable rooms and windows, and conditioned as necessary. Boundary treatment and screening will also help. Light levels to No. 11 may be affected but it is felt that a suitable scheme can be developed to help in this regard with the detailed design of the scheme at reserved matters stage.

With regard to the amenities of future occupants of the development site itself, the detailed design of the proposed dwellings would need to pay regard to the Technical Housing Standards - nationally described space standard (2015) and, for matters not covered by this, the Medway Housing Standards, including acceptable garden sizes. Consideration should also be given to the need to create sufficient privacy within the proposed gardens. It is considered that careful design and boundary treatment could provide a satisfactory scheme in this respect. Further consideration will need to be given to internal layout to avoid matters such as high level windows serving habitable rooms such as bedrooms, but this can be addressed at reserved matters stage.

On the whole, it is considered that the design of two dwellings on this site could be developed to protect the amenities of existing and future occupiers. However, this is an issue that would be properly considered at reserved matters stage. In principle, it is considered that the impact on amenities is acceptable and in accordance with Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

Highways

There is already an access serving the rear of the community centre; the development will involve extending this access. There is likely to be little additional traffic using the driveways to access the proposed two houses. The proposal would not therefore significantly increase the risk to pedestrian, cyclist or highway safety. The illustrated plans demonstrate that an appropriate level of parking for the proposed dwellings can be accommodated on the site and would meet the minimum parking standard requirements (2 spaces for 3 bedrooms and above). No objections have been received in relation to parking problems. There would also be space for cycle storage. The proposal would therefore comply with Policies T1, T2 and T13 of the Local Plan, and there is therefore no objection in principle on transport grounds.

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 have 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 no local finance considerations.

Conclusions and Reasons for Approval

It is considered that the proposed development is acceptable in principle and with regards to design and impact on amenities and highway safety. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 17, 49, 50, 57, 74, 109 and 118 of the National Planning Policy Framework, and the Medway Local Plan 2003, including Policies S6, BNE1, BNE2, BNE35, H4, H11, L3, T1, T2 and T13. Therefore the application is recommended for approval subject to conditions.

This application would normally fall to be determined under delegated powers but has been referred to committee due to the number of representations contrary to the 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://publicaccess1.medway.gov.uk/online-applications/>