

MC/18/0548

Date Received: 16 February 2018

Location: 8 Abbots Close Rochester ME1 3AZ

Proposal: Construction of a 3-bedroomed detached dwelling and two detached garages with associated access; landscaping and bin/cycle store (demolition of existing garage)

Applicant Mr & Mrs Hawkins

Agent Mr A Dance Chepstow Chapel Lane
Forest Row
RH18 5BU

Ward: Rochester West Ward

Case Officer: Majid Harouni

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 - Approved 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:

Drawing numbers: 8AC_00 Rev C received 19 February 2018, 12 Rev H, 52 Rev D and 53 Rev D received 19 April 2018.

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. The development shall be implemented 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 No dwelling and/or building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

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.

- 5 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; 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. 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 approval of the Local Planning Authority.

Reason: 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 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within 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 visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 The dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space and garaging 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 as amended (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 in accordance with Policies T1 and T13 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 3 bedroom detached bungalow with a detached single garage and associated parking area, drive and access link to the highway together with provision of a new single garage building for the existing dwelling.

Site Area/Density

Site Area: 0.998 hectares (0.25 acres)

Site Density: 10 dph (4 dpa)

Representations

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

7 letters of representation has been received which includes 2 petitions with signatories of Abbots Close residents and one from the Trustee of the Foord Almhouses, objecting to the proposed development.

The objections are on grounds of overlooking and loss of privacy, and concern that the proposed development would be in breach of the terms of a covenant restriction that limits the number of bungalow dwellings in Abbots Close to 15 units only.

Clerk to the trustees of the Foord Almhouses that imposed the covenant restriction on the properties in Abbots Close have expressed in their objection letter that the restrictive covenant would be enforced. In addition the trustee objects on the grounds that the proposed development would detract from the setting of the grade II* listed Foord Almhouses.

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

Prior to 1982 when permission for the housing development at Abbots Close was granted by the Rochester Upon Medway City Council, the Abbots Close land formed part of the ground of the Foord Almhouses and the covenant restriction imposed by the trust on the owners of the dwellings in Abbots Close is a legal issue and not a planning consideration as such no weight is given to this element of the representation received.

Principle

The application site is within the built confines of the urban area of Rochester, 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 forms part of the garden of No. 8 Abbots Close and contain a number of trees along its western and northern sections/boundaries. The development site is not visible from the Close due to the site's level being below the road level and situated behind the garage and bungalow building. The application site is also not visible from Borstal Road due to substantial level difference between the road level and the elevated position of the application site and presence of dense vegetation on the application site and the east side of Borstal Road embankment.

The site currently provides greenery and garden space around the existing bungalow and does not, due to being enclosed, add any particular value to the character or appearance of the area.

The proposed new bungalow like the existing bungalow would not be fronting the road. The new bungalow would be sited along the western side of the existing bungalow and would be served by a vehicular and pedestrian access from the existing vehicular drive that would be divided to provide independent access for the garages and parking areas of the respective dwellings.

The proposal would represent an infill development and the proposed additional dwelling would represent an efficient use of an urban/brown field site and would result in a clear improvement to this local area.

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 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 proposed development is for the erection of a detached bungalow that would be similar in design and scale to others in the immediate surrounding and would be in keeping with the other properties on Abbotts Close.

The proposed bungalow whilst rectangular in shape and not an "L" shape like the other bungalows in the Close; it is considered that this on its own would not be harmful to the character or appearance of the area, particularly as the building would not impact on the street scene of the Close or Borstal Road.

As mentioned above the application plot would not directly front onto Abbotts Close, the proposed development would have a satisfactory private rear garden for the dwelling and an easy vehicular and pedestrian access to the public highway. The proposed development would therefore relate positively to the established pattern of development in the area and would not appear 'constrained and incongruous in the area.

In terms of plot size, spatial pattern of development within the locality, No. 8 is approx. 1738m² which represents the largest plot in the Close. The area identified for the new dwelling would be just over half the plot which would be larger than plot sizes of Nos. 10 to 14 as such therefore the proposal would not represent overdevelopment or out of character development in the area. Due to the distance to the grade II* listed Ford Almshouses, it is considered that the proposed development would not harm the historic interest or the setting of the listed building.

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.

As stated above, representation has been received from No. 102 Borstal Road expressing concern about potential overlooking and loss of privacy. It is relevant to note that side to front distance of the proposed bungalow with the properties on the west side of Borstal Road would be over 23m, moreover given the siting of the new bungalow none of the opening on the western elevation of the new dwelling would directly face the front of No. 102. In addition, the existing trees and vegetation along the western boundary would substantial screen the new building from view. Therefore, 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 to 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 in compliance with the Technical housing standards - nationally described space standards March 2015.

In terms of the proposed development, the layout indicates living accommodation comprising a lounge, kitchen/diner, bathroom and 3 bedrooms. 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	3b	5p	86
Proposed	3b	5p	159

In terms of the provision of outside amenity space, the proposal would retain sufficient rear garden space for the existing bungalow, as well as providing a large rear garden for the proposed 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 garage and space for more than two on site parking space for the existing dwelling and the proposed, as such complying with the adopted parking standards. In respect of the new access, due to the position of the access as a continuation of the existing along the frontage of the existing dwelling, this extension to it would not harm the existing public highway and would not compromise its usage or pedestrian safety. 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 an urban area and as such the principle of the proposed infill development is acceptable. The proposed dwelling would relate positively to the character and appearance of the area, and would not harm the setting of the grade II* listed building. In addition it is considered that the proposal would not cause significant 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.

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/>