

MC/18/2228

Date Received: 27 July 2018

Location: Capstone House Capstone Road Lordswood Chatham

Proposal: Construction of a 4 bedroom detached dwelling with associated parking

Applicant Mr & Mrs Pearce

Agent Mr Marc Storms
The Masters House
College Road
Maidstone
Kent
ME15 6YQ

Ward: Lordswood And Capstone Ward

Case Officer: Tom Stubbs

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 24th October 2018.

Recommendation - Approval subject to:

- A. The submission of a Unilateral Undertaking or SAMM Mitigation Contribution Agreement to secure £239.61 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 3947/p100 received on 27 July 2018; 3947/p200 Rev A, 3947/p201 Rev A and 3947/p202 Rev A received on 11 September 2018; and 3947/p003 Rev B received on 27 September 2018.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been 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 control noise affecting nearby residents; 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.

Reason: Required prior to commencement of development to avoid irreversible detrimental impact on interests of public safety and good living conditions for nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place above slab level 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 Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

- 5 Notwithstanding the details on the approved drawings prior to the first occupation of the dwelling hereby 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 in accordance with the approved details before the dwelling is occupied and shall thereafter be retained.

Reason: In the interest of the character and appearance of the locality and the amenities of local residents, in accordance with Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of the dwelling herein approved, full details of both hard and soft landscape works which shall include a native hedgerod along the boundary to Capstone Road and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 The dwellings shall not be occupied, until the area of parking shown on approved drawing number 3947/p003 rev B and details of surfacing approved under condition 6, 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) 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.

Reason: Development without provision of adequate accommodation for the parking 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.

- 8 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 Schedule 2, Part 1, Classes A, B, C, E and F and Schedule Part 2 Class A 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 impact on the countryside, conservation area and ALLI, in accordance with Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

- 9 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) the dwellinghouse herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 Policy BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the construction of a 4 bedroom detached dwelling with associated parking.

The four bedroom, two storey, barn hipped dwelling would measure approx. 19.3m in width, approx. 9.5m in depth, approx. 3.2m to the eaves and approx. 7.2m in height to the ridge and have sitting room, kitchen/diner, office, utility, hall and w/c at the ground floor and four bedrooms (three with en-suite) and a bathroom at first floor. The proposed dwelling would be located within the front garden area of Capstone House, orientated facing the existing Capstone House access and offset approx. 7m from Capstone Road, approx. 13m from the boundary of 439 Capstone Road and approx. 18.5m from the boundary of 407 Capstone Road. There would be an alteration of land levels by a maximum of approx. 2m for approx. 12m garden and a retaining wall would separating the proposed and existing properties.

The dwelling is proposed to have a tarmac drive to the front with a hipped roof car port measuring approx. 5.6m in depth, approx. 6m in width and approx. 4m in height. The rear garden would have retained trees and additional planting. The existing fence bounding Capstone Road would be replaced with 1.2 open boarded fence and hedges behind.

Site Area/Density

Site Area: 0.11 Hectares (0.27 Acres)

Site Density: 9.09 dph (3.70 dpa)

Relevant Planning History

MC/15/4302	Construction of a two-storey side rear extension and alterations to roof of front entrance along with new steps. Decision Approval With Conditions Decided 8/3/2016
------------	---

Representations

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

Natural England have confirmed that SAMMS contribution is suitable mitigation and there would subsequently not be an adverse effect on the integrity of the European protected sites.

Five letters of objection have been received raising the following concerns:-

- Design overbearing, modern and orientated differently and is unsympathetic to the countryside setting and character of Capstone Road.

- Additional vehicle movements to Capstone Road would cause a highway safety issue.
- Loss of habitat for wildlife.
- Loss of sunlight and privacy to neighbours.
- Impact of the Ski Centre noise and lighting onto a new residential property in this location.

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 2018 and are considered to conform.

Planning Appraisal

Principle

The application site is located outside of any defined urban area and in an Area of Local Landscape Importance.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case. Policy BNE34 seeks to prevent development which would materially harm the landscape character and function of the area. However these Policies are not in full accordance with the subsequent advice of the NPPF. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that where the development plan policies are out-of-date, including in respect of applications for the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless given circumstances apply. In the current case the Council has a shortfall in housing land supply and therefore the development cannot reasonably be refused on principle alone just because it is within a rural area, as designated by the 2003 Local Plan. In these circumstances consideration has been given to whether or not a development in this location would be sustainable and with regard to the advice on rural housing in the NPPF.

With regard to sustainability consideration needs to be given to economic, social and environmental objectives. In the current case the development would provide some economic benefit, providing housing on an existing residential site. It would not result in an isolated development in the countryside being located in the hamlet of properties. It would not be likely to result in environmental harm, indeed there may be some improvement to biodiversity with the proposed natural boundary treatment to be provided. In these circumstances it is considered that the proposed development would be sustainable and that it can therefore be supported in principle with regard to paragraphs 8, 11 and 77-79 of the NPPF. However it is still necessary to consider the impact on the

character, amenity and functioning of the countryside with Policies BNE25 and BNE34 of the Local Plan in mind and this will be addressed in the sections below.

Paragraph 70 of the NPPF relates to the development of residential gardens where it would cause harm to the local area and Policy H9 of the Local Plan is relevant as the proposal would result in tandem development where there is one dwelling on front of the other. Usually such tandem development would not be permitted under Policy H9 of the Local Plan as it 'generally causes disturbance and loss of privacy to the house at the front'. However in this case it is the reverse situation, in that it is the house to the front which would be added such that potential occupants would be aware of the situation (including any impact from the existing dwelling) from the start and if necessary suitable mitigation measures can be built in. In addition, the proposed house to the front would be orientated 90 degrees to the existing house. The frontage of the proposed would also be set well away from the access to the existing house therefore minimising any impact in terms of disturbance. There is therefore no objection regarding Policy H9 however the advice which can be summarised as no overlooking, acceptable vehicle access, no significant noise increase, existing natural features retained, adequate privacy space, character of the area and amenity land maintained will be considered through the detailed assessment below.

Impact on the Surroundings and Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Special attention needs to be paid to the impact on the character and appearance of the countryside and the ALLI and Policies BNE25 and BNE34 of the Local Plan seek to ensure development is sensitive to these areas.

The Medway Landscape Character Assessment adopted 2011 (MLCA) shows the site within the Darland Banks Character Area chalk grass lands with narrow ridges and dry valleys creating a prominent distinct valley.

The submitted plans show this sloping area of the site as a wild flower meadow. Subject to conditions to secure the planting of this area, as well as to prevent built development on it, it is considered that the proposed residential development would not harm the character and appearance of the wider rural landscape and that it could be designed to complement its surroundings in this respect. The character assessment indicates issues of encroaching urban elements and to resist development which detracts from the distinctive character of the area and promotes woodland planting to screen adverse impacts. The proposed development is considered to be of a suitable size and scale compared to the neighbouring properties and views of the existing Capstone House would be visible due to the land level differences. The barn hipped roof design is a modern interpretation of a countryside dwelling and although the proposed dwelling would be orientated with the entrance to the existing access to Capstone House, rather than Capstone Road the layout would be reflective of the extended property adjacent at 439

Capstone Road. No objection is raised to the car port, the drive to the front and the change in land levels which retains the majority of the chalk slope.

The existing harsh boundary treatment of an approx. 1.8m close boarded fence would be removed and replaced with a fence approx. 1.2m open boarded fence and hedge behind. The proposed plans show the retention of the existing trees to the boundary of 407 Capstone Road which would screen the development and add additional planting around the boundary. Additional conditions for the final landscaping, boundary treatment and materials would be required to as more details are required. The planting should be native species to enhance the biodiversity of the area and result in improvement to the character area. Furthermore, due to the sensitive site location a further condition requiring the removal of permitted development rights as alterations to the properties and development within the curtilage of the properties, such as additional fences, hardstanding and outbuildings could be harmful to the character and appearance of the countryside and ALLI location.

Given the size of the dwelling it is also recommended that permitted development rights be removed to prevent the change of use between C3 (dwellinghouse) and C4 (small HMO).

In summary it is considered that the visual impact of the development including the effect on the character of the surrounding countryside and on the hamlet area is acceptable including with regard to Policies BNE1, BNE25, BNE34 and H9 of the Local Plan and paragraphs 124 and 127 of the NPPF subject to conditions.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127 (f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the close proximity to a number of neighbouring properties, there is potential impact from noise and dust during construction, therefore if the application were approved a condition would be required for a Construction Environment Management Plan (CEMP) to be submitted. Within consultation responses concerns have been raised regarding the loss of privacy through overlooking and loss of sunlight. With regards to privacy and overlooking, the habitable room windows of the proposed house would be to the front and rear elevations of the property. The front windows would face the side access of 439 Capstone Road. The rear windows would face the private amenity space of the proposed house itself and further beyond, is the rear/side garden and annex of 407 Capstone Road. However due the distance of the rear windows to the boundary at approx. 18.5m and the distance to the property at 407 and its annex there would be no significantly detrimental impact in terms of loss of privacy and overlooking. With regards to sunlight by virtue of

the proposed siting and scale of the development, its relation to neighbouring properties, the topography, path of the sun and orientation of the site there would not be any detrimental impact on sunlight.

With regard to the impact in terms of outlook and daylight, by virtue of the siting of the proposed house and the relationship to the neighbouring properties and their habitable room windows, the topography of the site there would not be any detrimental impact on neighbouring amenities.

Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard) and the approx. 235m² gross internal floor areas (GIA) would exceed the required 124m² for a four bedroom, eight person dwelling over two storeys. All double beds and single bedrooms meet the national standards area and width requirements and all habitable rooms would also be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should 10m in depth and 7m when constraints exist. The proposed depth of approx. 18.5m would exceed this standard. Concerns have been raised that the owners may be impacted by noise from the Ski Centre which may result in complaints from the future occupiers. It is considered that the given the opening hours of the Ski Centre, there would be no detrimental harm from the leisure use opposite.

Consequently, subject to the suggested condition, no objections are raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 and H9 of the Local Plan and paragraph 127f of the NPPF.

Highways

The proposed house would share the existing access from the Capstone Road with Capstone House. Although it is not sufficient for vehicles to pass along the shared strip this arrangement is considered acceptable for the level of development proposed. The level of traffic generation would be fairly low and visibility at the highway edge is adequate. The parking area to the front and proposed car port would provide over two parking spaces as required by the Medway Council's Interim Residential Parking Standards. There are no objections with regard to Policies T1, T2, T13 and H9 of the Local Plan and paragraphs 105 and 108-110 of the NPPF.

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 £239.61 per dwelling 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 unilateral undertaking/SAMM Mitigation Contribution Agreement. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Local Finance Considerations

There are no relevant local finance considerations.

Conclusions and Reasons for Approval

In summary due to the site location and characteristics and in the context of paragraph 11 of the NPPF there is no overriding objection to the proposed development. It is not considered that its tandem position would result in a harmful impact and there are no objections in principle to the visual, amenity and highways impacts. Approval is therefore recommended including with regard to Policies S6, BNE1, BNE2, BNE25, BNE34, BNE35, H9, T1, T2 and T13 of the Local Plan and paragraphs 8, 11, 77-79, 108-110, 122, 124, 127, 175 and 176 of the NPPF.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representation received expressing a view contrary to officer's 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/>