

MC/18/2481

Date Received: 22 August 2018

Location: 44 Station Road, Cliffe, Rochester, Kent

Proposal: Construction of a 4-bedroomed detached house with associated parking.

Applicant Mr Tuvame Vodo

Agent Mr Mark Carter Design Studio
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Kent
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Ward: Strood Rural Ward

Case Officer: Robert Neave

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 completion of a unilateral undertaking to secure a contribution of £239.61 (per dwelling) towards appropriate mitigation measures related to bird disturbance within Special Protection Areas.
- 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:

3160-001 Rev D, 3160- 002 Rev C and 3160-003 received on 22 August 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 development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 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 of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan, 2003.

- 6 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

The application is for full planning permission for the construction of a 4 bed detached dwelling with associated parking.

The proposal seeks the subdivision of the land to create a new residential curtilage to front onto Symonds Road. The new plot would be 10.5m wide and 32m deep in dimension.

The dwelling would measure approx. 8.3m wide, 10.7/12.2m deep, and 8m high to the pitch at its tallest (5.4m eaves height and 6.9m on the flat roof section). A rear garden at 12m deep would be provided with 3 parking spaces proposed within the front garden/amenity area.

The accommodation would be arranged as living room, cloakroom and, a kitchen/dining to the rear with direct access to the rear garden on the ground floor and four bedrooms (one with en-suite shower room) and a family bathroom on the first floor.

The proposed dwelling would be accessed from, and front onto, Symonds Road.

Site Area/Density

Site Area: 0.07hectares (0.18 acres)

Site Density: 21 dph (54 dpa)

Relevant Planning History

None

Representations

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

Cliffe and Cliffe Woods Parish Council raise no objection.

Five letters of representation were received objecting on the following grounds:

- Design not in keeping with the area

- Pressure on local services (education and health)
- Loss of light, loss of privacy, and overshadowing
- Impact on Highways

The following concerns raised are not material planning considerations:

- Issues relating to foundations
- Right to Light
- Impact during construction

In respect of the concerns raised on the impact during construction, this phase of process is inevitable to enable development as such, this concerns can be addressed by appropriately worded condition(s) to mitigate the impact from noise, dust and disturbance during the process.

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 lies within the defined village boundary of Cliffe as identified on the proposals map of the Medway Local Plan 2003 and as such the proposal falls to be considered against the criteria set out under Local Plan Policy H11. The policy (H11) states that unless the site is allocated for housing development in the Local Plan, or an exceptional justification can be made, housing development in the rural area will be restricted to minor development within the confines of the defined village settlement as indicated on the Proposals Map. Paragraph 11d of the NPPF however, supports proposals for development unless policies within the NPPF provide clear reason for refusal. Paragraph 78 promotes sustainable development in rural areas, particularly allowing for villages to grow and thrive.

The provision of a new residential curtilage and the construction of a dwelling, fronting Symonds Road, would constitute a new residential development that is supported by Policy H11 of the Local Plan and paragraphs 11d and 78 of the NPPF.

Design

Development Plan Policy places considerable emphasis on the importance of achieving good design to ensure that all new development are appropriate to the shape, size and location of the site. Local Plan Policy BNE1 and paragraphs 124 and 127 of the NPPF

seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

Symonds Road mainly consists of semi-detached and detached properties of similar design resulting in a fairly uniform character. However on the west side it changes to a more mixed character.

The proposed house is an individual design to fit the plot. The ridge runs front to back with the flat roof element incorporating a gable element. Whilst the design differs from others nearby, taking into account the general form, height and set back from the road it is not considered that this will appear harmful in this part of the road. The visual impact of the proposed house is therefore considered acceptable.

Overall, it is considered that the modern/contemporary design of the proposed dwelling would complement, positively, the existing mix of housing in the immediate area, would provide a good residential development, which would not cause harm to the character or appearance of the street scene and area as a whole. Therefore the development is considered to conform to paragraphs 124 and 127 of the NPPF and Policy BNE1 of the Local Medway Plan 2003.

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 127F of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

With regards to privacy, the proposed habitable windows within the first floor are within the front and rear elevations which would only introduce mutual overlooking that already exists in the area. By virtue of the siting of the proposed dwellings within the established front building line on Symonds Road, the relationship between the proposed dwellings and neighbours habitable room windows, the path of the sun and the orientation of the site, it is considered there would be no adverse impact on neighbouring amenities in terms of outlook, daylight or sunlight.

Due to the close proximity of the neighbouring properties, there is potential impact from noise and dust during construction, however this can be adequately mitigated by condition.

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). The gross internal floor areas (GIA) would be approx. 160sqm for the new dwelling.

The dwelling, as such, would exceed the required 124sqm for a four bedroom eight person dwelling over two storeys. All bedrooms meet the space standard and width requirements, and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m deep (7m when constraints exist). The proposal would have a garden that exceeds this standard.

Consequently, subject to conditions, no objections are raised in terms of the effect of the proposal on the amenities of both the future and existing neighbouring occupiers. It is necessary to control future enlargements to the dwelling as such a condition to remove permitted development rights for enlargement under Class A, B and E is recommended. The proposal would comply with Policy BNE2 of the Local Plan and paragraph 127F of the NPPF.

Highways

It is noted that Symonds Road is a private road that is not adopted by Medway Council.

Three parking spaces are proposed for the 4 bedroom house, this is acceptable and in accordance with Policy T13 of the Local Plan and paragraph 105 of the NPPF.

It considered the scheme for the additional dwelling would have minimal impact on traffic in the area, and little impact on existing parking availability on the street, as the scheme proposes sufficient off-street parking for the dwelling.

Consequently, the proposed development would accord with the provisions set out under Policies T1 and T13 of Local Plan and paragraphs 105 and 108 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 (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 are in the process of completing a unilateral undertaking. No objection is therefore raised under Paragraphs 170, 178 and 179 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

The site is within the village confines and as such the principle of a new residential development is acceptable. The design and scale is considered acceptable and would not cause harm to the occupiers of neighbouring properties. The proposed access and parking provision would be acceptable. The proposal is considered to be acceptable in line with Policies S6, H11, BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 11d, 78, 105, 108, 124, 127, 170, 178 and 179 of the NPPF.

The application would normally be determined under delegated powers however is being referred to the Planning Committee due to the number of representations that has been received expressing views 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/>