

MC/19/0394

Date Received: 12 February 2019

Location: Land Rear Of 56-60 Town Road Cliffe Woods Rochester ME3 8JJ

Proposal: Construction of a detached chalet bungalow with parking and access via Milton Avenue

Applicant Mr Antony Coulson

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ME15 7EB

Ward: Strood Rural Ward

Case Officer: Dylan Campbell

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 July 2019.

Recommendation - Approval with 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: AC/19/02/P01, AC/19/02/P02 received on 13 February 2019 and AC/19/02/P03 received on 6 March 2019.

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 The dormer windows and roof lights on the eastern and western roof slopes shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 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 and E 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 and safeguarding protected trees in accordance with Policies BNE1, BNE2 and BNE43 of the Medway Local Plan 2003.

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (hard and soft), including a proposed new tree as identified in the Arboricultural Survey and Planning Integration Report by Quaife Woodlands (dated 24 May 2019 - Ref AR/5820/jq) and tree protection plan within the report (Appendix C) received 31 May 2019. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. 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 Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 The tree protection measures and recommendations shall be implemented in accordance with Section 8 and 10 of the Arboricultural Survey and Planning Integration Report by Quaife Woodlands (dated 24 May 2019 - Ref AR/5820/jq) and tree protection plan within the report (Appendix C) received on 31 May 2019.

Reason: Pursuant to section 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 BNE43 of the Medway Local Plan 2003.

- 8 The boundary treatment shown on drawing numbers AC/19/02/P02 received 13 February 2019 and AC/19/02/P03 received on 6 March 2019 shall be completed before the dwelling hereby permitted 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.

- 9 The boundary treatment and landscaping along the north and north-east corner of the site shall be kept at no higher than 900mm above the level of the nearest part of the carriage way for a length of 2.5 metres and thereafter maintained as such. No gate or barrier of any kind shall be erected or installed at a height exceeding 0.9 metres above the level of the nearest part of the carriage way for a length of the access point.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan, 2003.

- 10 The dwelling herein approved shall not be occupied, until the area shown on drawing number AC/19/02/P02, received on 13 February 2019, 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)(Order) 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 spaces.

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.

- 11 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 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 the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 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 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.

- 13 No development shall take place until details of the location and installation of services, utilities and drainage, including soakaways, serving the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is in line with BS 5837:2012 pursuant to section 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 BNE43 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 detached 3 bedroom chalet bungalow comprising of a lobby, bedroom, study, living room, dining room, kitchen, bathroom and utility room at ground floor level; two bedroom and a bathroom at first floor level including dormer windows and roof lights on the east and west facing roof slopes and a bedroom window and Juliet balcony on the north facing and south facing gables. There would be provision two off road parking spaces and vehicle access from Milton Avenue and a rear garden of approx. 30m deep.

The proposed dwelling would be approx. 7.6m in width, approx. 13.8m with length, approx. 6.5m to the ridge and approx. 3m to the eaves. It would be set back from the highway by approx. 11m.

Site Area/Density

Site Area: 0.066 hectares (0.165 acres)

Site Density: 15.2 dph (6 dpa)

Relevant Planning History

MC/18/3470 Application for non-material amendment to planning permission MC/17/1845 to alter front to gable end, the rear to a gable end, and new roof line to include barn hips, increase the size of the kitchen to align with rear of living room, new recessed balcony to master bedroom and installation of 3 roof lights to the west elevation
Decision: Refusal
Decided: 20 December 2018

MC/17/1845 Construction of a detached chalet bungalow with parking and access via Milton Avenue
Decision: Approval with Conditions
Decided: 7 September 2017

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 have also been consulted.

2 letters of representation have been received raising the following objections:

- Loss of privacy
- Highways safety
- Parking

Cliffe and Cliffe Woods Parish Council have objected to the application outlining the following concerns:

- Loss of privacy
- Highways safety

Therefore the total number of representations is **3**

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 2019 and are considered to conform.

Planning Appraisal

Background

The application site forms part of the residential curtilage of No. 56 Town Road, however, the northern section of the plot forms an “L” shape situated beyond the rear garden of Nos. 58 and 60 Town Road. The eastern and southern boundaries of the site form the edge of the service area and access road associated with the village local centre comprising a number of shops and the village medical centre.

The application site is predominantly enclosed by a 1.8m high boundary fence. There are four protected trees within the application site which are proposed to be retained. The site is located to the back of properties fronting Town Road and would have a frontage facing onto Milton Road. According to the planning history of the site, Rochester Borough Council granted an outline planning permission for the erection of a detached chalet bungalow dwelling on this site in 1989 under ref ME89/0223. Access to the proposed dwelling would be in a similar position as that approved under that application. That permission was not implemented.

Planning permission was granted on the site in 2017 under reference MC/17/1845 for the construction of a detached 4 bedroom chalet bungalow. This permission has not been implemented. In 2018 a non-material amendment application to MC/18/3470 was submitted and subsequently refused on the basis that the proposed amendments would significantly alter the design, scale and appearance of the approved scheme and as such was not considered to be non-material. This application has been submitted to address the amendments.

Principle

The application site lies within the urban, residential confines of Cliffe Woods and the proposal is considered to be acceptable as a minor development under the terms of Policy H11 of the Local Plan. Paragraph 70 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area. Given that this application is a resubmission of a similar approved application (MC/17/1845) it is considered the principle of the application is acceptable subject to compliance with detailed matters assessed below.

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.

The streetscene on Milton Avenue is varied in character and appearance and comprises mainly of a mix of detached and semi-detached chalet and bungalow style dwellings. Town Road is similar in character but there are some two-storey dwellings in the area. The proposed detached chalet bungalow, sited to the rear of 56-60 Town Road, would front Milton Avenue and would be set back from the highway to provide 2 off road parking spaces along with an aspect of soft landscaping. The dwelling would have a gable end and barn hip feature to front, with a bedroom window in the front apex of the gable. There would be a small projection to front to form a canopy over the front door, which would be offset from the centre of the frontage. The rear of the property would be similar in design with a gable end and barn hip, with a Juliet balcony in the apex to serve the master bedroom. On either side elevation there would be windows at ground floor to serve the utility room, kitchen and bathroom, along with dormers and roof lights to serve the master bedroom, stairwell and bathroom. It is considered that the proposal is acceptable in terms of design and appearance, in keeping with the design and siting of the other chalet dwellings in the locality and reflects the wider streetscene which is mixed in character and appearance. The proposed dwelling would be situated approx. 11m behind the back edge of the footpath and would conform with the building line of the dwellings to the east of the site. The ridge height of the dwelling would be approx. 6.5m in height, similar to the other surrounding chalet bungalows.

It is considered that the proposal would be satisfactory in terms of scale and mass and would respect the visual amenity of the surrounding area and therefore the proposal is in accordance with Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

It is recommended that a condition be attached requesting details and samples of all materials to be used externally to ensure that the appearance of the development is satisfactory.

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 regard to neighbouring residential amenities, taking into consideration the orientation and siting of the proposed dwelling in relation to the neighbouring dwellings on Town Road and Milton Avenue and taking account of the path of the sun, it is considered that

the proposal would not result in a detrimental increase in overshadowing or loss of daylight to neighbouring dwellings.

While the proposal would be sited to the rear of 56-60 Town Road, it is not considered that the proposal would result in an overbearing impact as the proposed dwelling would be sited more than 20m away from the rear of these properties. The proposal does include the installation of a dormer window and roof lights on the west facing roof slope to serve a bathroom and master bedroom. These windows are proposed to be obscure glazed with only the top hung openable to prevent loss of privacy to the rear gardens of adjacent properties by way of overlooking.

With regard to the proposed dormer window and roof lights on the east facing roof slope, these would be approx. 13m away from No. 2 Milton Avenue, across a private vehicle access, and would be a secondary window serving the master bedroom and roof lights to serve the stairwell. To overcome concern regarding perceived and actual overlooking, windows would also be obscure glazed with top hung openable only.

To ensure that the relationship to neighbouring properties is maintained, it is recommended that a condition removing permitted development rights for enlargement be removed under Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consequently, it is considered that the proposed dwelling would not detrimentally impact neighbouring residential amenities in terms of overbearing, loss of daylight, sunlight, outlook or privacy, in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

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 approx. 151.7m² gross internal floor area of the proposed dwelling would meet the minimum of 102m² as set out in the standards for a three bedroom, 6 person, and two storey property. The double bedrooms meet the national standards area and the 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 in depth and 7m when constraints exist. The proposed development would provide a rear garden measuring approx. 30m deep and approx. 12.5m wide. The proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

If planning permission was forthcoming a condition would be attached requesting a CEMP, required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, in accordance with BNE2 of the Local Plan.

Given the size of the property, there is potential for the property to be converted to a small HMO in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Highways

The plans include the provision of two off-road parking spaces to serve the proposed dwellings in accordance with the adopted Interim Residential Parking Standards. It is proposed that the dwelling would have a single access onto Milton Avenue, there would also be a degree of soft landscaping to front, details of which would be conditioned. The vehicle access and the sight lines are also satisfactory provided the height of planting and any boundary treatment on the north and north-east corner of the site does not exceed 900mm, which would be conditioned. It is considered that the proposal would not result in any adverse highways impacts and the development is considered acceptable with regard to Policies T1, T2 and T13 of the Local Plan and Paragraph 109 of the NPPF.

If planning permission was forthcoming, it is considered that condition stating that the dwelling shall not be occupied, until the vehicle parking spaces have been provided, surfaced and drained in the interests of highways safety and amenity in accordance with Policies BNE2, T1 and T13 of the Local Plan.

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.

This tariff was paid as part of the previous application (MC/17/1845) and it would not be possible to implement both permissions on the application site. In light of this, no objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Trees

There are a number of trees afforded protections by a Tree Preservation Order (TPO) on the application site, all of which stand at the southern end of the plot, in what would become the rear garden, which provide a valuable contribution to local visual amenity. Subject to the installation of tree protection measures outlined in the Arboricultural Survey and Planning Integration Report by Quaife Woodlands (dated 24 May 2019) received 31 May 2019 and the satisfactory location of services and soakaways, it is considered that the development would not detrimentally impact on the remaining trees growing on this site.

There is potential for retained trees to cause nuisance to future occupants – shade, falling detritus and fear of falling trees or branches are most likely in this instance. Having reviewed the proposal it is noted that the rear elevation of the new dwelling would be approximately 5m north of the canopy of the nearest tree (T4 Oak), which is considered to be a satisfactory distance. Whilst the canopies of the remaining trees will cast a shadow over much of the rear garden area, it is felt that applications to heavily prune or remove the protected trees to mitigate such nuisances could be resisted.

To ensure that the remaining trees are protected during the construction period a condition is recommended to deal with tree protection barriers, storage of materials and waste as well as the installation of services and any soakaways. Replacement tree planting in the front garden area could be secured as part of a future submission for approval of landscaping.

In summary subject to conditions the impact of the development on trees is considered acceptable including with regard to Policies BNE1, BNE41 and BNE43 of the Local Plan and Paragraph 170 of the NPPF.

Conclusions and Reasons for Approval

It is considered that the proposed dwelling would be satisfactory in terms of scale and mass and would respect the visual amenity of the surrounding area, it would not detrimentally impact neighbouring residential amenities, highways safety or trees to the rear of the site, subject to the recommended conditions. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE35, BNE41, BNE43, H11, T1, T2 and T13 of the Local Plan and Paragraphs 70, 109, 124, 127, 127f, 170, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred to the Members of the Planning Committee for determination due to the number of representations 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/>