

MC/19/0050

Date Received: 9 January 2019

Location: 32 Carpenters Close Rochester Medway ME1 2QH

Proposal: Demolition of existing dwelling and outbuildings and construction of 4 two-bedroom dwellings, comprising of 2 pairs of semi-detached dwellings together with associated parking and landscaping

Applicant Plaxtol Investments Ltd

Agent Hume Planning Consultancy Ltd Innovation House
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Sandwich
CT13 9FF

Ward: Rochester South & Horsted Ward

Case Officer: Doug Coleman

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 21st August 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: 758/P03 received on 9 January 2019; 758/P01B, 758/P02B, 758/P05A and 758/P0A received on 1 July 2019; and 758:P06A received on 22 July 2019.

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

- 3 No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, 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. All 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, the countryside, wildlife and habitat and with regard to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 4 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 details to be submitted to and approved by the Local Planning Authority, 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.

- 5 No dwelling herein approved shall be occupied until an Ecological Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority, detailing ecological enhancement measures which will be incorporated

into the site. The approved measures must be incorporated in to the development, as approved prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 6 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.

- 7 No dwelling 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 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.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 No dwelling herein approved shall be occupied until the area shown on the submitted layout drawing number 758:P01B 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 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 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.

- 10 The access shall not be used until vision splays of 2.0m x 2.0m by 45 degrees as shown on drawing number 758/P05A have been provided and no obstruction of sight lines, including any boundary treatment, more than 0.6m above carriageway level shall be permitted within these areas thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T3 of the Medway Local Plan 2003.

- 11 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, 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.

- 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) all dwellinghouses 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 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the height, position, external appearance, any shielding and a report to demonstrate its effect on nearby residential properties and bats (including reference to the recommendations of the Bat Conservation Trust and incorporating the measures specified in Appendix 1 of the Preliminary Ecological Appraisal (Corylus Ecology) dated 1 may 2019, and how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on nearby residents and wildlife and with regard to Policies BNE2 and BNE39 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 relates to a site on the east side of Carpenters Close measuring approx. 27m wide by approx. 31m/34m deep. It is currently occupied by a detached bungalow with a fairly extensive curtilage and outbuildings. The site slopes gently from west to east, towards the frontage.

The application, as originally submitted, proposed to demolish the existing bungalow and outbuildings and to construct 5 dwellings, comprising a terrace of 3 houses and a pair of semi-detached houses. The terrace would have measured approx. 13m wide by approx. 11m deep, and the semi-detached houses would measure approx. 9m wide by approx. 11m deep.

The application has been amended and now proposes the construction of 4 houses, comprising of 2 pairs of semi-detached, two-bedroom dwellings. Each pair of houses would measure approx. 9m wide by approx. 11m deep.

The accommodation within each house would comprise a living room at the front and a kitchen at the rear on the ground floor, with two bedrooms and a bathroom on the first floor. The houses would be brick built, with render on the front elevation of the semi-detached houses. One pair of houses have a gabled roof with a return gable to the front of each property and would be rendered. The other pair would be half hipped and half gable with a return gable to the front of one property and tile hanging.

Six car parking spaces are shown at the front of the site with access directly off Carpenters Close. The proposed houses would have rear gardens varying in depth from approx. 11m (Plot 4) to approx. 15m (Plot 1). A bin store/cycle store would be provided in the rear garden of each house.

Site Area/Density

Site Area: 0.08 hectare (0.2 acre)
Site Density: 49.5 dph (20 dpa)

Relevant Planning History

No relevant planning history identified.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Ecology and Rochester Airport have also been consulted.

Consultation Response for Original Proposal

A total of **12 letters** have been received raising the following objections:

- Overdevelopment.
- Overlooking of neighbouring properties and garden.
- Loss of outlook.
- Inadequate parking.
- Additional traffic.
- Vehicles will have difficult entering and leaving site due to on street parking.
- Difficult for refuse vehicles and emergency vehicles to access.
- Danger to children and elderly.
- Noise and disturbance.
- Impact of local schools.
- There are foxes in the garden.

Other matters raised are non-material planning considerations.

A letter has been received from the **three Ward Councillors (Clarke, Griffin and Turpin)** raising the following objections:

- Cramped form of development which would result in overdevelopment of site;
- Out of character with surrounding area;
- Impact on amenity of occupiers of neighbouring properties;
- Frontage parking would dominate;
- Units out of character with neighbouring family properties

KCC's Biodiversity Officer wrote requesting an ecological survey.

All consultees and objectors have been notified of the receipt of revised drawings.

Consultation Responses on Revised Proposal

6 letters have been received re-iterating previous concerns:

- Inadequate parking would add to problems in road;
- Access is on a bend and would be dangerous;
- Overdevelopment
- Overlooking and loss of outlook.

KCC's Biodiversity Officer has commented on the ecological survey noting that there is negligible potential for roosting bats and no mitigation for bats is necessary. There is some potential for foraging bats and in this regard a conditions are sought with regard to lighting and landscaping. Informatives are suggested with regard to foxes and nesting birds.

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 property dates from the 1930s and was one of four detached bungalows built adjacent to a public footpath linking Landsdowne Road and Old Patterns Lane. In the 1980s, the area was extensively developed with new housing (Brenchley Close and Carpenters Close) giving the bungalow direct access to the public highway. The remaining bungalows have all been demolished and replaced by new housing.

Principle

The site is residential area within the urban area and as such falls to be assessed under Policy H4 of the Local Plan which contains a presumption in favour of residential development in the urban area including infilling, (providing a clear improvement to the local environment will result). This presumption in favour of residential development in the urban area is supported by Paragraph 59 of the NPPF which seeks to boost the supply of homes.

Accordingly, no objection is raise to the principle of the proposed development under Policy H4 of the Local Plan and Paragraph 59 of the NPPF.

Design, appearance and street scene

The area is characterised by mainly 1980s semi-detached and terraced houses. The proposal has been designed to blend in with the surrounding development, whilst introducing its own distinctive style, in terms of detailing, onto the street scene.

Concerns were raised to the original scheme regarding the number of units and the appearance of the hard surfaced area to the front of the proposed houses. The amended scheme and the consequent reduction in the number of parking spaces, would break up this hard surfaced area and provide small areas for planting. The amended scheme also

increases the gap between the units, giving the development a less cramped appearance.

Therefore, subject to the use of appropriate materials, which can be addressed by condition, no objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

Occupier amenity

The DCLG's Nationally Described Space Standards requires a minimum Gross Internal Floor Area (GIA) of 79 sq. m for a two storey/two bedroom/four person dwelling. Minimum bedroom sizes of 11.5 sq. m. (double) are also specified.

Unit 1 would have a GIA of 82 sq. m. whilst the other units would have a GIA of 80.6 sq. m. Bedroom sizes would range from 14.8 sq. m. to 12.7 sq. m, therefore complying with the above standards.

Each property would have a rear garden in excess of 10m which would provide adequate private amenity space for the occupiers of the proposed houses and the houses with the shorter rear gardens approx. 9.3m deep, are wider (approx. 8.5m wide). No objection is therefore raised in terms of occupier amenity and private amenity space under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Neighbour amenity

The closest properties to the proposed development are the neighbouring properties to the north (31 Carpenters Close) and to the south (8A Brenchley Close). 31 Carpenters Close is separated from the application site by the public footpath linking Landsdowne Road and Old Patterns Lane. There would be a gap approx. 8.2m between the flank wall of unit 1 and the flank wall of that property (31), which includes an attached garage to no 31. There is a secondary first floor window in the flank wall of No. 31, but no windows in the flank wall of the proposed house. The proposed house would be set back at the front but project approx. 4m further to the rear. However, having regard to the distance between the two houses, there would be no unacceptable loss of light, privacy or outlook.

The property to the south of the site (8A Brenchley Close) would be approx. 3.3m from the flank wall of unit 4, compared to approx. 2m under the original scheme. There is a secondary first floor window in the flank wall of that property (8A), but no windows in the flank wall of the proposed house. The proposed house would be set back at the front but project approx. 2m further to the rear. The proposed house would be to the north. Under the circumstance, it is considered that there would be no unacceptable loss of light, privacy or outlook so far as that property is concerned.

To the east (rear) the flank wall of 25 Carpenters Close is at the end of the gardens

serving the units 1 and 2, and would be between approx. 15m and 17m from the rear of the proposed houses. There are windows on the rear elevations of the proposed houses, and a small secondary window in the flank wall of the existing house at 25. A concern has been raised with regard to overlooking from the proposed houses towards No.25. Whilst this concern is noted, it is considered as there is already a dwelling on the land, the existing window in No.25 is a secondary window and the length of the proposed garden, would help to minimise any additional overlooking. As such, no objection is raised in terms of light, privacy or outlook.

Finally, to the west, on the opposite side of Carpenters Close, is the flank wall and rear garden of 7 Brenchley Close. There are windows in the flank wall of that property and again concerns have been raised regarding overlooking from the proposed dwellings to the house and garden of No.7. There would be a gap of approx. 17m from the front of the proposed houses to the flank wall of that property. Whilst these concerns are noted, the situation is not different from any other street where there are properties on both sides of the road.

However, to ensure that the development maintains the character of the area and protects the amenity of neighbouring occupiers, it is necessary to remove permitted development for enlargement and also control the occupation of the dwellings.

Having regard to the above considerations and subject to conditions removing permitted development rights for enlargement and small HMOs, no objection is raised in terms of neighbour amenity under Policies BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The Council's adopted Vehicle Parking Standards require the provision of 1.5 spaces per dwelling for two bedroom units. The proposal would, therefore comply with the adopted standards. It should be noted that although not in the town centre the site is within walking distance of Chatham Station and Chatham town centre and there are bus routes in close proximity to the site. The submitted drawings show that secure cycle parking is to be provided. No objection is therefore raised in highways terms under Policy T13 of the Local Plan and Paragraphs 105 and 108 of the NPPF.

Trees

Two trees are shown on the submitted drawing, a small ornamental tree in the south-eastern corner and a larger tree in the rear garden on 31 Carpenters Close. The trees within the application site are not considered to be of such value as to merit retention. However, the tree in the rear garden of 31 Carpenters Close is outside the control of the applicant. Although separated from the site by a public footpath, it is likely that tree roots penetrate onto the application site. Appropriate measures will, therefore, be required to ensure the protection of during the carrying out of the development, which can be addressed by condition. Subject to this condition, no objection is raised under

Policy BNE43 of the Local Plan and paragraph 175 of the NPPF 2019.

Ecology

The site is within the urban area and surrounded on all sides with residential development, and as such there would normally be limited ecological potential. However, parts of the site have become overgrown and there are features that could offer potential for protected species. KCC Biodiversity have, therefore, requested an ecological survey.

An ecological survey of the site has now been carried out and no evidence of bats was found in the buildings and no protected species were found on site. There are no trees on the site with the potential for roosting bats.

Conditions are recommended by the ecologist in respect of ecological enhancements and the impact of any lighting on bats. The ecological survey also identifies that the garden is a suitable habitat for bird breeding and recommends that vegetation is removed outside the bird breeding season. As this is covered by the Wildlife and Countryside Act 1981, an informative will be included on the decision notice should planning permission be granted, as recommended by the Biodiversity Officer. An informative is also recommended regarding foxes. Subject to these appropriate conditions and informatives, no objection is raised under Policy BNE39 of the Local Plan and Paragraph 175 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 J239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total J550) 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 applicant has agreed and paid the tariff was paid on 7 March 2019. No objection is, therefore raised under Paragraphs 170, 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and, subject to appropriate conditions, no objection is raised in terms of design and appearance, occupier amenity, neighbour amenity, highways and trees. A contribution has been secured towards SAMMs in the Special Protection Areas. The proposal would, therefore comply with Policies BNE1, BNE2, BNE35, BNE43 H4, and T13 of the Local Plan and Paragraphs 59, 105, 108, 124, 127, 170, 175, 176 and 178 of the NPPF and is recommended for approval.

The application would normally be determined under Officer delegated powers but is being reported to Committee due to the number of representations received expressing views contrary to Officer's recommendation and at the request of Cllrs. Clarke, Griffin and Turpin as originally submitted.

The application was considered by the Committee on 24 April 2019 and was deferred to enable officers to discuss with the applicant the possibility of reducing the proposed development. The applicant has amended to scheme to reduce the number of units from 5 to 4.

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/>