

MC/19/2199

Date Received: 18 August 2019

Location: 45 May Road Rochester Medway ME1 2HY

Proposal: Construction of a 2 bed dwelling to form an end of terrace with stepped access; associated parking and raised planter to front together with shed/cycle storage to rear

Applicant D.K. Bovis Developments Ltd.,
Mr Danny Bovis

Agent db architecture
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Ward: Rochester East Ward

Case Officer: Amanda Grout

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 13th November 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: 19.03.04 Rev B, 19.03.05 Rev C, 19.03.06 Rev C, 19.03.07 Rev C, 19.03.08 Rev B, 19.03.09 Rev C, 19.03.10 Rev B and 19.03.11 Rev A received on 26 September 2019.

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, all materials used externally shall match those of the adjacent building/property at No. 45 May Road.

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 proposed dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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.

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.

- 5 Prior to occupation of the new dwelling details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority;

1 Electric Vehicle charge point per new dwelling with dedicated parking.

The measure shall be implemented and thereafter retained.

Reason: In the interests of sustainability in accordance with paragraph 110E of NPPF.

- 6 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall show consideration regarding matters of controlling noise that may affect nearby residents, hours of work, dust suppression and the prevention of the escape of pollutants. The construction works shall thereafter be carried out at all times in accordance with the approved Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- 7 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, Class[es] A, B, C 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 in accordance with Policies BNE1 and BNE2 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) 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.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application seeks full planning permission for the construction of a 2-bedroomed attached dwelling with associated parking on land adjacent to 45 May Road, Rochester. One off road parking space is shown on a driveway to the front of the new property, with two off road parking spaces being retained at the existing property on a driveway to the front. The proposal would create a 2 storey dwelling providing entrance hall, toilet, lounge and kitchen/diner on the ground floor and, double bedroom, single bedroom, bathroom and built-in storage on the first floor.

Site Area/Density

Site Area: 0.015 hectares (0.037 acres)

Site Density: 66.6 dph (27 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.

Seven letters of representation have been received objecting to the proposal for the following reasons:

- Principle of additional dwelling
- Parking
- Loss of sunlight
- Added pressure on local facilities
- Impact on solar panels
- Loss of privacy
- Overlooking
- Overdevelopment

All other matters not listed above are considered to be non-material planning considerations and therefore have not been taken into account in the consideration of this application. These are as follows:

- Dispute of right of way of side path/alley
- Loss of View
- Devalue of properties
- Money making for developer

One Letter of support was also received.

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

This application was initially for a 3-bed property, however the parking provision proposed was not adequate and due to site constraints, additional parking could not be provided.

The applicant subsequently revised the scheme to a 2-bed property with associated parking.

Principle

The site is located within the built up confines of the urban area of Rochester. Both national and local policies support the development and creation of residential units on these sites in favour of countryside locations.

The proposed development makes use of a portion of land to the side of no. 45 May Road. The plot currently is used as part of the residential garden of no. 45 May Road and off road parking. Paragraph 70 of the NPPF advises that Local Planning Authorities should resist inappropriate development of residential gardens, for example, where development would cause harm to the local area. However, the host property has reasonable level of amenity space immediately to the rear and therefore the loss of the side garden and parking area is not considered to result in a detrimental impact.

Policy H4 of the Medway Plan provides a general support for infill residential developments. In this instance therefore the principle of a residential development is considered acceptable.

The proposal would be in accordance with Policy H4 of the Medway Local Plan 2003 and objectives of paragraph 70 of the NPPF 2019.

Design and appearance

The proposed dwelling would face onto and contribute to the street scene of May Road and within the wider vicinity that consists of 2-storey terraced properties. In this instance, the proposed dwelling would be 2-storeys in height, and would be attached to no. 45 May Road and would appear as an end of terrace. The design with a pitch roof, would reflect design features of the surrounding properties and as such is considered to be acceptable.

Materials proposed to be used in the construction of the dwelling include brickwork, concrete roof tiles and UPVC windows to match those on no. 45.

Having regard to the above, no objection is raised in terms of design, siting and appearance of the proposed dwelling under Policy BNE1 of the Medway Local Plan 2003 and paragraph 124 of the NPPF.

Amenity

Existing occupiers

Policy BNE2 of the Local Plan 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.

The proposed dwelling would be located north of no. 45 May Road. The land level would not change within the vicinity and height and depth of the proposed dwelling would match the existing terrace property to which it would attach and would therefore restrict any potential impact upon the sunlight and daylight of the occupiers of that dwelling. Furthermore, the lack of change in land level and proposed footprint of the property would also limit any impact upon the outlook for occupiers of the adjacent dwelling. Finally, with regards privacy, the existing mutual overlooking between properties, means that the proposed development, whilst additional habitable room windows would be introduced, any additional overlooking would not be severe or to levels that would be harmful to the living conditions of the neighbouring occupiers in particular to those to the west of the site.

The property to the north, no.43, does not have any windows in the side elevation and therefore the proposed property would not pose any impact from loss of light or privacy to any habitable rooms. The submitted overshadowing details do show that the proposal would result in additional overshadowing within the side and rear amenity areas of no. 43 between the hours of 9am and 12pm, however the majority of the private amenity area directly to the rear of this property would not be adversely affected.

Given the size of the property, it will be necessary to remove the permitted development rights for Classes A, B, C and E of the GDPO to control any future enlargements.

Amenity of future occupiers

It is also necessary to consider whether adequate habitable space would be provided for the future occupier of the proposed dwelling house in compliance with the Technical housing standards - nationally described space standards March 2015.

The table below shows minimum gross internal floor area expected against the proposed dwelling floor areas.

	Number of bedrooms	Number of bed spaces(person)	2 storey dwellings m2
Standard	2b	3p	70
Proposed	3b	3p	70.6

As such, the living conditions for potential occupants of the site are considered acceptable. There are no objections with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 127 of the NPPF 2019.

Highways

The application proposes one off road parking space for the new 2-bed property in the form of a driveway to the front. In addition there is no controlled parking in the area. The application proposes two off road parking spaces for the existing dwelling to take into consideration the loss of the parking to the side/front. The Medway Interim Parking Standards states that for a 3+ bedroom property the minimum number of car parking spaces should be 2. Taking into consideration the parking provision provided, parking available on-street and the sustainable location of the site being in close proximity to local shops and bus routes, it is considered that the proposed parking is acceptable in this location.

The driveway would be constructed using permeable block paving and the materials and landscaping proposed within the revised supporting statement are considered acceptable.

It should be noted that the NPPF 2019 has put sustainable development at its core objectives and paragraph 110E outlines that new development should make provision for electric charging, therefore a condition is recommended to fulfil this objective.

The application is considered to be acceptable in respect of the transport and parking Policies T1, T2 and T13 of the Local Plan 2003 and paragraph 109 and 110E of NPPF 2019.

Other Matters

Noise

Due to the proximity to residential properties and the potential for impacts on existing residents in the area, a condition requesting the submission of a Construction Environmental Management Plan will be added to the decision.

Solar Panels

The adjacent dwelling, No 43 has solar panels installed on both the south and east facing roof slopes and has expressed concern relating to the impact of the proposed dwelling on the functionality of the solar panels.

The submitted overshadowing assessment does highlight that the new dwelling would result in additional overshadowing over the south facing roof slope between the approximate hours of 12pm and 3pm. However, the aforementioned solar panels would not be affected in the morning or late afternoon. It is considered that the proposed

development would not result in a negative effect on the performance of the solar panels on this south facing roof slope, that would warrant a refusal, for the reason that the sunlight test carried out confirms that only a small area of the panels on the south roof slope would have marginal shadow cast and around mid-day around mid December. The test shows that the solar panels on the east facing roof slope would not be affected by the proposal.

There are no objections with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 127 of the NPPF 2019.

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 £245.56 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 (SAMB) 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 SAMB measures is secured and the SAMB 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 the tariff. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Appropriate Assessment

Due to the location of the site within 6km of the Medway Estuary & Marshes SPA and Ramsar Site/ Thames Estuary & Marshes SPA and Ramsar Site the proposal needs to be considered by the competent authority under Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017.

In this case, subject to the payment of the Bird Mitigation strategic tariff, (agreed by the applicant but would need to form part of a S106) the Council concluded that with

mitigation, the development would have no adverse effect on the integrity of the European protected site(s).

Climate Change and Energy Efficiency

The dwelling will need to be designed in accordance with the latest building regulations and in particular Part L (Energy Use).

All windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation.

Surface water runoff will make use of the existing surface water drainage. New external hard landscaping will be free draining/permeable material.

The close-proximity of amenities including public transport and local shops from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private garden, which is accessible from the side access path as such the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for this Recommendation

The site is within the urban area and as such the principle of the proposed development is acceptable. The proposed dwelling would relate positively to the character of the area and appearance of the street scene. In addition, it is considered that the proposal would not cause adverse harm to the occupiers of the adjoining properties. The proposed car parking provision would be acceptable for the proposed and existing dwellings and no objection is raised in this regard. The proposal is considered to be acceptable in terms of design, neighbour amenity and highways, in line with Policies H4, BNE1, BNE2, T1, T2 and T13 of the Medway Local Plan 2003 and with the objectives of paragraphs 70, 109, 110E, 124 and 127 of the NPPF and is therefore recommended for approval.

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