

MC/19/2692

Date Received: 9 October 2019

Location: 104A, B And C Poplar Road Strood Rochester Medway

Proposal: Construction of a terrace of four 4-bedroom dwellings and one detached 3-bedroom dwelling (demolition of existing bungalows)

Applicant Barry Foley Developments Ltd,
Mr B Foley

Agent Salvatore Zaffuto Architecture
Mr Salvatore Zaffuto 22 Berkley Avenue
Waltham Cross
EN8 8DW

Ward: Strood South Ward

Case Officer: Wendy Simpson

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 18th December 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 D381 016C, D381 017C, D381 018C, D381 019A and D381 020A received on 8 November 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 Notwithstanding the Construction Environmental Management Plan submitted, no development shall take place until 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 include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to control noise affecting nearby residents; 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 before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to BNE2 of the Medway Local Plan 2003.

- 5 No dwelling shall be occupied until details of boundary fencing and any screening and details including sections of final levels have been submitted to and approved in writing by the Local Planning Authority. The agreed fencing/screening shall be implemented in accordance with the approved details prior to the first occupation of these dwellings.

Reason: To ensure the terracing of gardens does not lead to a loss of privacy to neighbouring property to comply with policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place above slab level until details of the realigned footpath, including final design, levels, surfacing, drainage, handrails and light columns (including design and illumination) have been submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details prior to the first occupation of any dwelling herein approved and thereafter submit evidence to the Local Planning Authority that the responsibility for the on-going maintenance and lighting of the footpath has been transferred to the Local Highway Authority.

Reason: To ensure that the footpath operates in a safe and functional form for its lifetime to accord with policy BNE2 and BNE8 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 A, Class[es] A, B, 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

This application seeks full planning permission for the demolition of the existing bungalows on the site and the construction of:

- a terrace of four 4-bedroom houses (one x 3-bed, three x 4-bed)
- one detached 4-bedroom house
- realignment of existing footpath through the site

The proposed houses would be located between the existing properties at Nos. 104 and 106 Poplar Road. The terrace would be separated from the detached dwelling by a new footpath running through the site, from north to south, and the existing footpath removed. The front elevation of the proposed houses would be facing south. The house on the east would be adjacent to No. 104 and would be inset from the eastern boundary of the site and there would be a gap with that house of approx. 3.75m. Between the westernmost house and No. 106 would be a gap of approx. 3m.

The buildings would be constructed in gable end roof profile with ridge height similar to those on neighbouring terraces. The elevational treatment proposed is brick and concrete tile with two storey bays on the front elevation and small dormers in both the front and rear

roof planes. The front bay and dormers would have a metal cladding finish and there would be a rendered panel adjacent to the front door of the dwellings. Each dwelling would be provided with a terraced rear garden. The accommodation of each dwelling would comprise of a living room, dining/kitchen, a w.c. and hallway on the ground floor and various numbers of bedrooms and bathrooms on the first floor level and within the roof space.

No on-site parking is proposed.

Site Area/Density

Site Area: 0.127 hectares (0.3 acres)
Site Density: 39.37dph (16.67 dpa)

Relevant Planning History

MC/19/0086	Construction of a terrace of three 3 bedroom houses, two 2 bedroom chalet bungalows and one 1 bedroom bungalow (demolition of bungalows) - resubmission of MC/17/1342 Withdrawn by applicant
MC/17/1342	Construction of a terrace of six 2-bedroomed dwellings (demolition of existing bungalows) Refused, 10 November 2017 Dismissed on appeal, 17 October 2018
75/856	Erection of three space way dwellings for sheltered accommodation Approved

Representations

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

The Environment Agency and Southern Water have also been consulted.

Two letters have been received raising the following objections:

- Insufficient on street parking in the area
- Overshadowing of neighbouring gardens in Laburnum Road
- Overlooking of property in Laburnum Road

The **Environment Agency** advise that the application is of low environmental risk and do not object to the proposal.

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 for the construction of a terrace of six 2-bedroomed dwellings (MC/17/1342) was refused planning permission for the following reasons:

1. The proposal constitutes overdevelopment of the site and therefore does not make adequate provision for parking for the proposed residents which would in turn result in exacerbating existing parking problems for residents in surrounding roads contrary to Policies BNE1, BNE2 and T13 of the Medway Local Plan 2003.
2. The dog leg design of the alley would result in the creation of a dark and hidden area that has the potential for loitering and anti-social behaviour as well as the creating the perception of an unsafe route contrary to Policy BNE8 of the Medway Local Plan 2003.

At appeal, the Inspector dismissed the scheme for the reason that the proposal failed to provide an acceptable and safe walking environment for pedestrians.

Principle

Policy H4 of the Local Plan supports the redevelopment of existing residential areas and infilling in such areas and the thread through the NPPF is firstly for the delivery of sustainable development on brownfield sites in an appropriate use. In this case the dwellings would fall within a residential area within the urban area of Strood and therefore in principle a residential use is considered acceptable, but the details of the development need to be considered.

The Inspector was minded in the MC/17/1342 appeal (terrace of six dwellings) that the additional three dwellings would fulfil a housing need and that the terrace of six dwellings proposed represent a more efficient use of the land – although the proposal was still deemed unacceptable in respect to the footpath realignment and failing to provide a safe walking environment.

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from

good planning. Paragraph 127 is key to the achieving well designed places and requires that developments (in part) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting.

In accordance with the NPPF, Local Plan Policy BNE1 requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The site is currently occupied by three, aged, prefabricated bungalows which are out of character to the area in their style, materials and positioning.

This proposal is for a terrace of four two-storey dwellings and a separate two-storey dwelling, in line with the terrace, all with rooms in the roofspace served by small dormers. The proposed row of housing would be located between the existing dwellings at Nos. 104 and 106 and would reflect better the character of the area, in terms of the layout and spatial pattern of development, than the existing pre-fabricated bungalows on the site. The dwellings would be located towards the front of each plot and would have a terraced rear garden following the slope of the land and similar to adjacent existing dwellings.

The proposed dwellings, whilst not a replica of the adjacent existing dwellings, would sit comfortably within the street scene and, subject to a condition related to materials, the houses are considered to be acceptable and in keeping with the character of this residential area.

Within this proposal, the change to the layout and the decrease in overall dwelling numbers from the MC/17/1342 application has allowed for the realignment of the footpath through that site, which was the single reason for the dismissal of that application at appeal. At that time the inspector was concerned how the then proposed footpath functioned in terms of pedestrian safety through the site. This is discussed in the 'Amenity' section below in the light of the current proposal.

Amenity

Policy BNE2 of the Local Plan and paragraph 127 of the NPPF require the amenities of both neighbours and future occupiers of these units be taken into account.

Future Occupiers

Each dwelling would comply with the Technical Housing Standard and would provide an acceptable internal space for the level of occupation proposed.

In terms of the garden depth, the Medway Housing Design Standards (MHDS) is used as a guide as the national standard only relates to internal floorspace. The MHDS sets a minimum garden depth in most cases of 10m. The proposed gardens will exceed this

minimum depth and are proposed with a patio level and two terraced garden levels, to ensure the gardens are practical and usable for family housing on this sloping site.

Neighbours

The proposed terrace would be located between the existing terraces to the east and west. Taking account of the siting and orientation of the properties in the terrace in relation to existing properties and that there would be no windows in the side elevations, it is considered that there would be no detrimental impact on existing residents in terms of loss outlook, daylight, privacy and overshadowing.

Whilst it is appreciated that the site is steeply sloped, and therefore there is some overlooking into adjacent property already, the land in the rear garden areas of the proposed houses is to be somewhat relevelled to create useable terraces and the result would be that the levels are not necessarily at quite the same levels as the gardens of adjacent dwellings. Boundary fencing and possibly small amounts of screening on terraces may be necessary to ensure that there is no harmful new occurrence of overlooking of neighbouring gardens and property at close range as a result from these level changes. It is therefore recommended that a planning condition be used that details of boundary/screening treatment along with sections showing final levels be submitted. It is also recommended that permitted development rights be removed as there are significant changes in levels across the site and development allowed under permitted development rights could potentially cause harm to the amenities of neighbouring occupiers. A condition is therefore recommended.

In respect to the impact of construction on neighbours' living conditions a planning condition could be used so such details are agreed in a Construction Environmental Management Plan (CEMP).

Re-alignment of Footpath

In respect to the re-alignment of the footpath through the site, it is noted that in the 2017 application for redevelopment that the appeal against the refusal of that application was dismissed for the sole reason of poor pedestrian safety/security as there was no surveillance of much of the footpath, which has been a narrow and convoluted path running between high boundary fences.

The existing footpath is privately owned but is maintained by the Local Highway Authority (LHA) and there are Council lighting columns in place on the footpath.

The applicant now proposes to bring the footpath straight down through the site from its existing access point, between the houses on Laburnum Road, to the existing footpath at Poplar Road. The existing footpath between the houses on Laburnum Road is very narrow. The proposed realigned footpath across the site will run between boundary fences of the gardens of the proposed houses but will taper wider from its northern point

to the widest point between the houses at its southern end – where it would be approx. 4.2m width.

There is a balance to be made in terms of the footpath realignment as whilst there are some steps currently at the southern end of the existing footpath the realigned footpath will rely on the introduction of more steps. The proposed additional steps are of an 'ambulatory' design for pushchairs, as the existing steps appear to be. However the proposed footpath alignment would be straight and direct would allow for a clear view along the path to provide a good level of safety. The footpath tapers wider from north to south so that between the proposed houses the footpath is at its widest and for users of the footpath it would not feel unsafe to use. The footpath would also benefit from street lighting.

Discussions have been undertaken between the applicant and the LHA and in principle the LHA have confirmed to the case officer that the LHA is willing to maintain the proposed footpath, including light columns. It is therefore required that a condition be used so that details of the footpath, such as surfacing, lighting, handrails are agreed with the LHA and that the LHA take over the maintenance of the footpath prior to the first occupation of any of the dwellings.

Subject to suitably worded conditions the proposal is acceptable in terms of amenity and the proposal complies with policies BNE2 and BNE8 of the Local Plan and paragraph 127 of the NPPF.

Highways

Paragraph 127 of the National Planning Policy Framework requires that new development functions well within the area in which it is situated and Policy T13 of the Local Plan relates to the council's adopted vehicle parking standards.

The proposal will lead to an overall increase in 2 dwellings on the site with no on-site for the dwellings being provided. The previous planning application MC/17/1342 was for an increase of 3 dwellings but with fewer bedrooms each. That application was refused planning permission in part due to the perceived inadequacy of on-street parking provision in the area to be able to accommodate the additional parking requirements of that development. However the Inspector did not agree with this refusal reason and was minded that the parking survey evidence provided showed that there was sufficient spare capacity within a 200m stretch along Poplar Road to be able to accommodate the parking associated with the additional three dwellings.

The current proposal will result in the increase of two dwellings and the difference in parking standards between the previously considered six 2-bedroom houses and the current five house proposal is 1 additional parking space.

Whilst the parking situation is not ideal, it is considered that the benefits of the development in terms of housing provision and the improvement to the appearance of the

street scene outweighs the impact in terms of lack of off road parking. The proposal is therefore considered to be in accordance with Policies T1 and T4 of the Local Plan and paragraph 109 of 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 J245.56 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 applicants have submitted a completed SAMMS form and have paid this tariff and as such 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, 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 applicant has indicated that:

1. The proposed development is to be constructed as a timber frame, using sustainable timber throughout and facing materials that endeavour to meet BRE Green Guide A +.
2. All windows are double glazed and will achieve a u-value of 1.4W/m²K and all boilers will be condensing combination gas boilers (low NOx).
3. As the application has no off street parking, electric recharging points are not possible on this application.
4. All hard standing areas within the curtilage of the dwelling will be porous.
5. Secure cycle storage is provided at each dwelling in the rear garden.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car.

Overall, the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for Approval

The proposal is acceptable in principle making better and more efficient use of land in the urban area. The layout and design of the development is considered acceptable and without harm to the amenity of the surrounding residents or the future occupiers. The proposal is therefore in accordance with Paragraphs 11, 59, 109, 127, 175 and 176 of the NPPF and Policies S6, BNE1, BNE2, BNE8, BNE35 and T1 of the Local Plan.

The application would normally be determined under delegated powers but is being referred to the Planning Committee as the previous application for housing on the site was determined at planning committee.

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/>