

MC/19/2535

Date Received: 25 September 2019

Location: 120 Maidstone Road Chatham Medway ME4 6DQ

Proposal: Construction of a four bedroomed detached dwelling with associated parking - demolition of existing detached garage to rear

Applicant Mr Tawanda Mudavanhu

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Ward: Chatham Central Ward

Case Officer: Dylan Campbell

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th February 2020.

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: 3206-001 REV C, 3206-002 REV A and 3206-004 REV A received on 20 December 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 lounge and hall windows on the ground floor north and south facing side elevations and the bathroom and hall window on the first floor north and south facing side elevations 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 completed before the room it serves is occupied and shall be retained 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) 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.

- 6 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 in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 No development 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. The construction works shall be undertaken in accordance with this approved plan.

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

- 8 The dwelling herein approved shall not be occupied until the area shown on the submitted layout (drawing number 3206-001 REV C) received on 20 December 2019, as vehicle parking spaces have 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.

- 9 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 10 No development shall take place until the scheme for the protection of the retained tree (T1) within Revision 1 of Tree Survey Arboricultural Impact Assessment, Arboricultural Method Statement Ref: CC/2004 AR4178 and drawing number TPP-CC/2004 AR4178 REV 1 received on 18 December 2019 has been implemented and shall be retained throughout the construction phase of the development.

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 BN43 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 planning permission for the construction of a detached three-storey (two-storey from rear), 4-bedroom dwelling.

The proposed dwelling would be approx. 6.5m in width, 9.7m in depth, 9.5m in height to the ridge and 8m to the eaves (measured from the front). The dwelling would be set off from the north and south boundaries with nos. 118 and 122 Maidstone Road by approx. 1m (each).

The dwelling would have small rendered two-storey projection to the front forming a 2-storey bay to serve a kitchen and bedroom. The dwelling would be contemporary in design, similar to the approved scheme at the adjacent plot (MC/16/2653) which is currently under construction, comprising a mono pitched roof, and use of similar materials. The basement floor (King Edward Road street level) would consist of a kitchen, utility room, W/C, hall, and storage; the ground floor (level with rear garden of properties fronting Maidstone Road) would consist of 1 bedroom, hall and lounge with access to the rear garden; and the first floor would consist of 3 bedrooms (1 with en suite) and bathroom. The dwelling would also benefit from two off-road parking spaces to front and a private garden to rear. The works would require the lowering of the site levels and removal of an existing boundary wall fronting King Edward Road.

Site Area/Density

Site Area: 0.0247 hectares (0.061 acres)

Site Density: 40 dph (16 dpa)

Representations

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

Rochester Airport has also been consulted.

18 letters have been received raising the following objections:

- Parking and access issues
- Loss of trees
- Removal of wall
- Inadequate drainage
- Proposal dominant and out of character and appearance with area
- Loss of daylight and overshadowing
- Loss of privacy
- Loss of green space
- Impact on conservation area
- Impact of development during the construction phase
- Adverse impact on wildlife and protected species

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

Principle

The application site lies within an urban, residential area, located to the rear of 120 Maidstone Road, Chatham, fronting Kind Edward Road. Policy H4 of the Local Plan supports infill development in urban areas where there would be a clear improvement to the local environment. Policy H9 states that backland development will be permitted when there is no loss of privacy from overlooking adjoining houses/ back gardens, there is acceptable vehicular access, no significant increase in noise or disturbance, existing natural features retained, adequate private amenity space for existing and proposed dwellings and the character and amenity of the area is maintained. Additionally paragraph 70 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area.

The proposal would result in the provision of a dwelling house in an urban area and within a sustainable location. The proposal would not result in an unacceptable backland development and would be in keeping with similar developments adjacent to the site.

Subject to compliance with detailed matters which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

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. Policy BNE14 of the Local Plan states that development within a Conservation Area, or affecting their setting should achieve a high quality design which will preserve or enhance the historic or architectural character and appearance of the area.

The application site is situated within the Maidstone Road Chatham Conservation Area (CA) and would be formed from part of the large rear garden of 120 Maidstone Road. The subject site would front King Edward Road to the west, which does not fall within the CA. Due to the land level changes, size and scale of dwellings along Maidstone Road, the proposal would not be visible from the CA.

The proposal is contemporary in design and appearance, influenced by recent developments to the north of the site, which comprise two pairs of semi-detached three storey dwellings currently under construction (MC/16/2653), one pair of semi-detached three storey dwellings (MC/14/0270) and a terrace of 5 three storey dwellings (MC/04/2839). In terms of siting, height and design, the proposal is considered to be appropriate and in keeping with these neighbouring developments and would not cause harm to the character or appearance of the Conservation Area when viewed from Maidstone Road.

The proposal would make use of the existing access onto King Edward Road and would only require the removal of part of the wall on the northwest corner to allow for

adequate width for off road parking and vision splays. The majority of the wall, which is considered to contribute to the character of the area, would be retained. The existing tree to the south of the site which is also considered to contribute to the amenity of the area, would be retained and protected throughout the construction period.

It is considered that the proposal would respect the character and appearance of the existing and emerging streetscene, and in accordance with Policies BNE1 and BNE14 of the Local Plan and paragraphs 124 and 127 of the NPPF.

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

Due to the relationship of the proposed dwelling with surrounding neighbours, the orientation of the site and the path of the sun, there would be no detrimental impact on neighbour's amenities in terms of loss of privacy, outlook, daylight or sunlight. The property would result in a degree of mutual overlooking for the occupiers of the dwellings approved under planning permission MC/16/2653 but would not result in any detrimental impact in terms of privacy as there would already be mutual overlooking within the streetscene. There would be some overlooking to the private amenity space and rear elevations of the existing dwelling, 120 Maidstone Road and 122 Maidstone Road, however it is considered that due to the distance between the dwellings being more than 20m, the land level changes and existing mutual overlooking from dwellings along Maidstone Road, it would not result in any detrimental impact in terms of loss of privacy. Concerns were also raised with regard to a loss of privacy to dwellings on King Edward Road, however as the proposed dwelling would be sited approx. 20m from the front elevation of the nearest existing dwelling on the opposite side of King Edward Road, no concerns would be raised with regard to loss of privacy.

In considering the potential for future development under permitted development rights, it is recommended that enlargement to the dwelling under Classes A and E be removed in the interest of the amenity and preserving the character of the area.

It is also necessary to restrict the use of the dwelling to single-family occupancy in the interest of amenity. As such, a condition removing permitted development right for change of use from Class C3 to C4 (Small HMO) is recommended.

Due to the proximity of the proposal to neighbouring dwellings it is recommended that a Construction Environmental Management Plan, is secured by condition to mitigate noise and disturbance to nearby residents during the construction process.

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 proposed approx. 152m² gross internal floor areas (GIA) would exceed the minimum standard for a 4 bedroom, 7 person over three storey minimum GIA of 121m². All double and single bedrooms meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed garden exceed these depths being between approx. 12m deep from the rear of the dwelling.

It is considered that the proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways and Climate Change

The plans include the provision of two off-road parking spaces to serve the proposed dwelling in accordance with the adopted Interim Residential Parking Standards. It is proposed that the dwelling would have a single access onto King Edward Road. There would also be a degree of soft landscaping retained to front in the form of tree planting. It is not considered that this would result in any adverse impact to the highway. It is noted however that no electric vehicle charging points are proposed. The NPPF 2019 has put sustainable development as a central core and paragraph 110E outlines that development should provide for electric vehicle charging. Therefore, a suitably worded condition would be required to fulfil this objective. A condition would also be required to ensure the parking areas are provided prior to occupation and retained thereafter. It is considered that the proposal is in accordance with Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110E 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 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 paid this tariff and completed a SAMMs Bird Mitigation Contribution Agreement form. No objection is therefore raised with regard to Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Trees

The proposal includes a tree survey (Revision 1 of Tree Survey Arboricultural Impact Assessment Arboricultural Method Statement Ref: CC/2004 AR4178) received on 18 December 2019. The survey details a scheme for the protection of the tree to be retained (T1) during the construction period of the proposed development. These details are considered to be acceptable and therefore a condition would be attached to any forthcoming planning permission stating that the scheme of protection should be implemented before commencement of development. The proposal is in accordance with Policy BNE43 of the Local Plan and paragraph 170 of the NPPF.

Conclusions and Reasons for Approval

It is considered that the proposal would respect the character and appearance of the King Edward Road streetscene and would not cause harm to the Maidstone Road Conservation Area. The proposal would not have a detrimental impact on neighbouring residential amenities, parking or highway safety. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE14, BNE35, BNE43, H4, H9, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 70, 109, 110E, 124, 127, 127f, 170, 175 and 176 of the NPPF.

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