

MC/20/0216

Date Received: 28 January 2020

Location: The Prince Of Wales 90 Cecil Road Rochester Medway

Proposal: Construction of a detached 4 bedroom 3 storey dwelling on land that was formerly a beer garden with associated parking

Applicant Mr Paul Orchard

Agent Mr Terry Hill 8 South Gables
Haydon Bridge
Hexham
NE47 6EQ

Ward: Rochester East Ward

Case Officer: Tom Stubbs

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 22nd July 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 PO-010 Rev A received on 29 May 2020 and drawing numbers PO-004 Rev B, PO-005 Rev B and PO-006 Rev B received on 29 June 2020.

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

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

- 4 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.

- 5 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point (1 per dwelling) 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.

- 6 The dwelling shall not 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 the 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.

- 7 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 2018 (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 these reserved parking spaces.

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

- 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) the dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only 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 planning permission for the construction of a detached four bedroom three storey dwelling on land that was formerly a beer garden with associated parking

The proposed two storey gable roof dwelling would be located within the previous beer garden of the converted Prince of Wales Pub. The dwelling would have rooflights and a rear dormer to facilitate a room within the roof and a single storey orangery with raised rooflights. The dwelling would measure approx. 5.6m in width, approx. 13m in maximum depth at ground floor (approx. 10m above) and approx. 5m to the eaves and 8.6m to the ridge. The property would have a small paved front garden with two tandem parking spaces to the side of the property between the converted pub.

The property would have a round floor toilet/shower room, office and open plan kitchen/living/dinner area extending into the orangery. The first floor would have three bedrooms and a bathroom and a fourth bedroom with en suite would be located within the roof.

Site Area/Density

Site Area: 0.1609 hectares (0.3976 acres)

Site Density: 6.215 dph (2.515 dpa)

Relevant Planning History

MC/19/2562
Change of use of the ground floor of former public house (Class A4) to a HMO (Class C4) with 4 rooms, separate toilets, shower room and bathroom, kitchen and lounge/dining area together with the construction of two detached sheds to the rear for cycle and waste separate toilets, shower room and bathroom as well as a kitchen and lounge/dinning area.
Decision: Approved with conditions
Decided: 29 November 2019

MC/18/2573
Change of use of the ground floor of former public house (Class A4) to a HMO (Class C4) with 4 rooms, separate toilets, shower room and bathroom, kitchen and lounge/dining area together with the construction of two detached sheds to the rear for cycle and waste storage
Decision: Refused
Decided: 19 November 2018

Representations

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

No letters of representation have been received from the public.

Southern Water have written to indicate that a connection to foul water sewer will be required by the applicant and that there are no public surface water sewers in the area. There may also a sewer now deemed to be public crossing the site. An informative will be issued to bring these issues to the attention of the applicant.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

The application site lies within an urban residential area and previously formed the beer garden of adjacent former public house. This public house has been granted permission to become a HMO which has been implemented, the application site did not form the redline of the approved application and the HMO was approved without parking provision.

Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to a clear improvement in the local environment. Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. While paragraphs 117 and 118 encourage making efficient use of land and encourage development on brown field sites, but seek to safeguard and improve the environment and ensuring safe and healthy living conditions. There is no objection in principle to the residential development on site subject to compliance with the detailed matters of these policies which are set out in the assessment 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 street scene of this section of Cecil Road consists predominately of two storey terraced properties, with bay window features with a uniform building line with short front gardens, there are some examples of dormers to the rear to provide rooms in the roof. The application has been amended during the process of the application so it is no longer set back within the site and the redline enlarged to reconfigure the parking layout. The dwelling is considered to be of an appropriate size and scale and have features such as the bay window which would mean it would appear in keeping with the street scene.

The proposal is considered to be in accordance with Policies BNE1 and H4 of the Local Plan and Paragraphs 124 and 127 of the NPPF subject to appropriately worded materials and boundary treatment conditions.

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 127 (f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

With regards to privacy the scheme would have habitable windows within the front, rear and flank elevations of the proposed dwelling. The flank windows are secondary and it is considered if this application were recommended for approval these windows should be conditioned to be obscure glazed to protect neighbours privacy, however due to their secondary nature would not be detrimental to the future occupiers.

With regards to outlook, sunlight and daylight, by virtue of the siting, size and scale of the development, orientation of the site and path of the sun and relation to neighbours properties, their rear gardens and the windows in those properties (including the ground floor habitable bedrooms and living room within the ground floor side elevation of the HMO within the former pub) there would be no significantly detrimental impact on neighbouring properties.

Due to the close proximity to a number of neighbouring properties, there is a potential impact from noise and dust during construction, and accordingly if the application is considered for approval a condition is recommended for a Construction Environment Management Plan (CEMP).

Furthermore given the size of the proposed dwelling in terms of the number of bedrooms, it is recommended that permitted development rights be removed relating to the change of use from a C3 dwellinghouse to a C4 small HMO should the application be considered for approval.

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) and would exceed the required gross internal floor (GIA) areas at 145m² for a 4 bedroom 6 person dwelling over three storeys. All double and single bedrooms meet the national standard for area and widths. It is noted that due to the layout proposed, the ground floor office could be used as a bedroom by future occupiers, however if this were to occur it would meet the national standards as a single bedroom and meet the GIA for a 5 bedroom 7 person dwelling. All habitable rooms would also be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should 10m in depth and 7m when constraints exist. The proposed depth of the gardens would measure approx. 10m in accordance with this standard.

Subject to the recommended conditions, no objections are raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 and H4 of the Local Plan and paragraph 127f of the NPPF.

Highways

The dwelling would provide two off road parking spaces which is in accordance with the Medway Council's Interim Residential Parking Standards for properties of this size. Appropriate conditions are recommended to secure and protect this provision. A further condition is recommended for the provision of electric car charging points. There is no highway safety concerns regarding the new access or loss of on street parking as it is currently covered by double yellow lines.

Subject to the abovementioned conditions, the application is considered to be acceptable in respect of the transport and parking policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110 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 £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 (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 Mitigation Contribution Agreement form. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest

overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Low NOx boilers and electric car points will also be provided, while all hard standings will be self-draining. Subject to survey the intention is to put solar panels on the south facing roof.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities, all within walking distance to the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage is shown to be provided. As such the development offers the opportunity for a sustainable transport solution.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, H4, BNE1, BNE2, BNE35 T1, T2 and T13 of the Local Plan and the advice in paragraphs 11, 109, 110, 117, 118, 124, 127, 175 and 176 of the NPPF. Accordingly, the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due the request of Councillor Murray who considered the proposal to be too large for the site.

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/>