

MC/20/1070

Date Received: 11 May 2020

Location: Land To Rear Of 172-176 Maidstone Road Chatham Medway
ME4 6EN

Proposal: Construction of a pair of semi-detached chalet bungalows together
with associated parking

Applicant JP Projects Ltd,
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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 19th August 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: 132.02/02, 132.02/03 (Ground Floor Plan), 132.02/04, 132.02/05, 132.02/06 ,132.02/07, 132.02/09 and 132.02/10 received on 11 May 2020; and 132.02/03 (Section A-A) and 132.02/08 received on 13 July 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, deliveries to the site, noise, dust, lighting and the prevention of the escape of pollutants, 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 and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 165 of the NPPF.

- 5 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.

- 6 No dwelling herein approved 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 and/or building 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 first floor window on the south elevation of House 1 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the south elevation of House 1 without the prior written approval of the Local Planning Authority.

Reason: To regulate and control any such further development in the interests of amenity and protection of privacy for neighbouring properties, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 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, C, D 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.

- 10 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.

- 11 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 height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on nearby residential properties and bats (including reference to the recommendations of the Bat Conservation Trust) and of 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.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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.

- 13 No dwelling herein approved shall be occupied until the area shown on the submitted layout drawing 132.02.02 as vehicle parking space has been provided, surfaced, drained and marked out on site. 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.

- 14 No dwelling herein approved shall be occupied until details of secure private cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 15 No development shall take place above ground floor slab level until details of the provision of one electric vehicle charging points per dwelling have 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.

- 16 No dwelling shall not be occupied until details of ecological enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement measures shall be provided in accordance with the approved details prior to the first occupation of the dwellinghouse and shall thereafter be maintained.

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

- 17 No vegetation clearance or development shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing).

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 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 proposes the construction of a pair of semi-detached chalet bungalows, comprising the following:

- Ground floor: hall and bedroom at the front, W/C to the middle and kitchen/dining/living area at rear.
- First floor: two bedrooms and a bathroom.

Each bungalow would measure approx. 4.7m wide by approx. 13m deep. The properties would have a gabled roof with an approx. 6.9m high ridge running parallel to the front and rear. Each bungalow would have a single dormer at the front and rear. Each property would have an approx. 5m deep front garden and an approx. 6m deep rear garden. The garden to 'House 1' would be the plot width (approx. 6m) but the garden to 'House 2' would extend to the north and would be approx. 15m wide.

At present, there are three parking spaces on the site serving Randall Court. These would be relocated to the north and a further four spaces provided to serve the proposed development.

Site Area/Density

Site Area of proposed development:	0.06ha (0.15 acres)
Site Density of proposed development:	33 dph (13.4 dpa)
Total Site Area:	0.1ha (0.26 acres)
Total Site Density (including Randall Court):	110 dph (44.5 dpa)

Relevant Planning History

Application site

MC/19/3340	Construction of 3 x three storey four bedroom dwellings with associated parking Refused 25 February 2020
MC/14/1581	Construction of a two storey block comprising one 2-bedroomed and two 1-bedroom flats with associated works Approved 11 September 2014
MC/12/2936	Details pursuant to conditions 02, 03 and 06 of the planning permission MC/10/0535 for construction of one 2 storey block comprising four 1-bedroomed flats and associated parking Discharge of Conditions 11 November, 2013

MC/10/0535 Application for a new planning permission to replace an extant planning permission (MC2006/0057) [Construction of a two storey block comprising 4 x one bedroom flats and associated parking
Approved 27 April 2010

MC/06/0057 Construction of one 2 storey block comprising four 1-bedroomed flats and associated parking
Approved 05 April 2007

MC/05/1101 Construction of one 2 storey block comprising four 1-bedroomed flats & associated parking
Refused 29 June 2005

Randall Court

MC/03/1671 Construction of a 3 storey block comprising of 9 one-bedroomed flats and associated parking.
Approved 09 October 2003

Application site and Randall Court

MC/03/0232 Construction of two blocks of six self-contained flats three storeys high and associated car parking
Refused 18 July 2003

2 Randall Road

MC/99/5279 Erection of one dwelling and garage.
Approved 26 August 1999

Representations

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

Nine letters have been received raising the following objections:

- Overlooking/loss of privacy affecting both houses in Maidstone Road and flats in Randall Court.
- Proposal would increase traffic, noise and disturbance.
- Parking to serve the proposed development would result in the loss of existing parking for Randall Court and new parking would be too small.
- Inadequate parking for existing and proposed development.
- Inadequate drainage would result in car park flooding.
- Loss of green area and harmful impact on nature and wildlife.

- Proposal could impact upon security to rear of houses in Maidstone Road.
- Noise and disturbance, and loss of parking during construction.

Southern Water has written with a planning showing the location of public sewers in the vicinity of the site and advising that no work should take place within 3m of a public sewer. The applicant is also advised to contact Southern Water with regard to connecting to a public sewer. An informative is requested.

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 site lies to the rear of numbers 172-176 Maidstone Road to the east, and 2 Randall Road, a chalet bungalow, to the south. It is accessed via a drive from Randall Road, and includes an existing three storey block of 9 flats called Randall Court, together with associated parking, which can accommodate up to 9 cars. To the rear (north) of the site are the rear gardens of 37 Elm Avenue to the west, and 170 Maidstone Road to the east. To the west of Randall Court is another block of flats called Armada Court.

The area to the rear of Maidstone Road, fronting onto Randall Road has been the subject of several applications for development over recent years. Initially there was the development of a block of 12 flats on the corner of Elm Avenue and Randall Road, known as Armada Court. A detached chalet bungalow, 2 Randall Road, was built in the rear garden of Maidstone Road following the grant of planning permission in 1999 (MC/99/5279). Then a three storey block of 9 flats, Randall Court, was built following the grant of planning permission in 2003 (MC/03/1671).

There have been six previous planning applications to develop this land. The most recent and most relevant is an application for 3 x three storey dwellings which was refused on 25 February 2020 for the following reasons:

- 1) *The proposed development, would be dominant and overbearing and would detract from character and appearance of the locality and result in an unacceptable appearance in the street scene contrary to Policies BNE1 and H9 (vi) of the Medway Local Plan 2003 and Paragraphs 124 and 127 of the NPPF 2019.*
- 2) *The proposal would result in the loss of existing car parking spaces serving the adjoining in Randall Court and no provision has been made for the replacement of*

these parking spaces or the allocation of alternative parking of the occupiers of these flats. As such the proposal would be detrimental to the amenities of the occupiers of these flats and contrary to the provisions of Policies BNE2 and T13 of the Medway Local Plan 2003 and Paragraph 109 of the NPPF 2019.

- 3) *The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to paragraphs 175 and 176 of the National Planning Policy Framework and Policy BNE35 of the Medway Local Plan 2003.*

The current application has been submitted in an attempt to address these reasons for refusal.

Principle

The principle of the residential development on this site has been accepted with previous grants of planning permissions.

Policy H4 of the Local Plan contains a presumption in favour of residential development within the urban area, including infilling, providing a clear improvement to the local environment will result. Paragraph 59 of the NPPF seeks to boost the supply of homes. The application should also be considered in the context of the presumption in favour of sustainable development (Paragraph 11). The proposed development would not have its own road frontage and therefore is considered to be backland development. The proposal will, therefore be assessed below against the criteria identified in Policy H9 of the Local Plan.

Design, appearance and street scene

The previous scheme was refused due to its height, at three storeys and approx. 10m high, and the overbearing impact it would have on the bungalow and the street scene, when viewed from Randall Road. The current proposal, by contrast, would be no higher than the existing bungalow and should not, therefore be visible when standing immediately in front.

The area appears to be a rather dis-jointed mix of development with two relatively recent flat blocks and a modern detached bungalow, contrasting with the surrounding predominantly, pre-war development, although immediately opposite on the south side of Randall Road, there are two pairs of semi-detached houses, following the grant of planning permission in 2010.

The proposed development would respect the existing development in terms of scale and mass, but would have its own character with dormers flush with the main walls rather than set back into the roofspace. Being set back, behind the existing bungalow and the same height, the proposed development would not be unduly prominent and would not have an adverse impact on the street scene.

No objection is, therefore raised in terms of design, appearance and the character of the area under Policy BNE1 and Policy H9 (vi) of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

The Technical Housing Standards – Nationally Described Space Standard specifies a minimum gross internal floor area (GIA) of 84 sq. m. for a two storey/three bedroom/four person dwelling with minimum bedroom sizes of 11.5 sq. m. (double) and 7.5 sq. m. (single). The submitted drawings show that each dwelling would have a GIA of approx. 94 sq. m. with bedrooms of 14.2 sq. m., 9.7 sq. m. and 9.2 sq. m. The proposal would, therefore comply with this standard. Each dwelling would have a private rear garden of approx. 6m deep, although House 2 would have additional garden space to the side. In view of the depth of the gardens and the location of the development in relation to other properties, in the event of planning permission being granted a condition would be recommended removing householder permitted development rights.

The nearest property is the chalet bungalow at 2 Randall Road, the rear wall of which is tight to the boundary of the application site. There are no windows in this wall and therefore, there would be no overlooking into that property nor loss of light or loss of outlook. A hall window is proposed at first floor level and in the event of planning permission being granted it is recommended that this window be obscure glazed.

The nearest properties to the east are the houses in Maidstone Road. These houses are at a higher level and have approx. 18m deep gardens. The proposed dwellings would have approx. 6m deep gardens resulting in a gap of 24m between the rear of the proposed bungalows and the rear of the houses in Maidstone Road. Furthermore, whilst the rear of the bungalows would be approx. 24m from the rear of the existing houses, the first floor would be set back approx. 2.5m and the gap at this level would be approx. 26.5m, which is considered to be acceptable.

Concerns have been raised regarding overlooking from the front of the proposed development towards the windows on the east facing elevation of Randall Court. It is acknowledged that there is potential for overlooking in this regard and that the gap is approx. 10m. However, the area in front of the proposed development is a communal access and service area, not private amenity space and no objection is raised in this regard.

The location of the site means there is already comings and goings from existing vehicles using the parking area. Taking this into account and as the proposal is only for two

dwellings, it is considered that the current proposal would not result in an unacceptable increase in noise and disturbance to existing residents. It is recommended that permitted development rights be removed with regard to the ability to convert from C3 dwelling to C4 small HMO to ensure that any such change can be properly considered in terms of the impact on increased activity on neighbouring amenities.

Having regard to the above considerations, no objection is therefore raised in term of amenity under Policies BNE2 and H9 (i) & (iii) of the Local Plan and Paragraph 127f of the NPPF.

Highways

The Council's adopted Vehicle Parking Standards require the provision of two spaces for a 3 bedroom dwelling, resulting in a minimum requirement of 4 spaces to serve the proposed development. There are currently 9 spaces serving Randall Court, 3 of which are on the site of the proposed development. Under the previous scheme, these spaces would have been lost. However, the current proposals shows that these spaces are to be replaced with 3 spaces adjacent to the 4 spaces to serve the proposed development. Each space would meet the minimum standard of 4.8m by 2.4m. No objection is, therefore raised in terms of parking under Policies BNE2 and T13 of the Local Plan and Paragraph 109 of the NPPF.

The existing vehicular access is adequate to serve both the car park to the rear of Randall Court and the proposed development and therefore no objection is raised under Policies H9(ii) and T2 of the Local Plan

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 £250.39 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 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 paid this tariff and completed a pro forma on 14 July 2020. 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.

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. Secured bike storage can be provided within the secured rear private gardens and as such the development offers the opportunity for a sustainable transport solution.

Other Matters

The Environment Agency's Flood Risk Map shows the area as being at high risk of surface water flooding. A condition, is therefore, recommended requiring the submission and approval of details of surface water drainage.

A concern has been raised regarding the potential impact on nature and wildlife. Whilst the site is overgrown, it is considered that there is little potential for wildlife. In the event of planning permission being granted, this could be addressed by an appropriate condition.

Any noise and disturbance, and the impact on existing parking during construction, would be addressed by a condition requiring the submission and approval of a CEMP.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable. The previously raised concerns with regard to the overbearing appearance of the development of development and the loss of parking for the existing flats have been addressed. Subject to appropriate conditions, no objection is raised in terms of neighbour amenity and highways and the

bird mitigation tariff has been paid. No objection is therefore raised under Policies H4, H9, BNE1, BNE2, BNE35, S6, T2 and T13 of the Local Plan and Paragraphs 11, 59, 109, 124, 127, 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/>