

MC/21/0386

Date Received: 10 February 2021
Location: Land Adjacent 89 Hollywood Lane Wainscott
Rochester Medway
Proposal: Construction of a detached 3x bedroom dwelling
Applicant Roadhouse Building & Civil Engineering Ltd
Mr G Light
Agent Batcheller Monkhouse
Kirsty Castle
1 London Road
Tunbridge Wells
TN1 1DH
Ward: Strood Rural 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 28th April 2021.

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: PL/642/01 received on 10 February 2021 and PL/64201/C (Sunlight tracking) received on 15 March 2021.

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 No development shall take place above ground floor slab level until details of the provision of one electric vehicle charging points 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 the NPPF.

- 5 Prior to the occupation of the dwelling herein approved, full details of both hard and soft landscape works for the area to the front of the dwelling, and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 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, 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.

- 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) 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.

- 8 The dwelling herein approved shall not be occupied until the area shown on the submitted layout drawing number PL/642/01/C as vehicle parking space has 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.

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 The 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 approved ecological enhancement measures shall be provided and thereafter be maintained.

Reason: Required before occupation to ensure any impact on protected species are mitigated and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 10 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.

- 11 Plant and machinery used for site preparation construction shall only be operated within the application site and between 08:00 hours and 18:00 hours Mondays to Fridays and between 08:00 hours and 13:00 hours Saturdays with no working Sundays and Bank Holidays.

Bonfires or incineration of any material shall not be permitted at any time on the application site or adjoining land.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Reason: To safeguard the amenities of local residents during the construction period and with regard to Policy BNE2 of the Medway Local Plan 2003.

Recommendation

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

Proposal

This application is for a new detached three bedroom dwelling in the side garden of 89 Hollywood Lane, which is the right-hand (south-west) of a pair of semi-detached houses build during the 1950/1960s.

The plot measures, approx. 7.8m at the front, narrowing to 6.6m before widening to 7.7m, then narrowing to 6.1m at the rear. The plot has a depth of 45m.

It is proposed to build a detached dwelling to the side of the existing dwelling. The proposed house would measure approx. 5.5m wide by 11m deep, and occupy the same building line as 89 Hollywood Lane, but would be set back behind the front of 91 Hollywood Lane. It would project approx. 1m further to the rear than the existing dwelling, which has been extended at ground floor level, and approx. 3m further than the rear of 91 Hollywood Lane.

It would be built tight to the boundary with 89 Hollywood Lane, although there is a 1m wide walkway to the side of the attached garage. There would be gap of between 1m and 1.8m to the south-west boundary to 91 Hollywood Lane.

A hard surfaced area is shown to the front which could accommodate 2 cars.

Site Area/Density

Site Area: 0.03 hectare (0.07 acre)

Site Density: 31.9 dph (12.9 dpa)

Relevant Planning History

None identified

Representations

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

Frindsbury Extra Parish Council has written objecting on the grounds that the lack of parking will result in on street parking which would be dangerous and obstruct vehicles.

7 letters have been received from local residents raising the following objections:

- Proposed dwelling is too narrow and would be out of character with other dwellings.
- Two storey dwelling would project much further to the rear than other properties.
- Loss of light to rear kitchen window of neighbouring property.
- Loss of light to side window of neighbouring property.
- The existing dwelling at 89 Hollywood Lane would result in a poor level of amenity for proposed dwelling,
- Loss of trees that are home to nesting birds.
- Proposal would add to on street parking.
- Construction vehicles would obstruct highway.
- The amenity land at the front between the main road and the service road must not be used for the storage of materials.

Cllr Williams has written objecting for the following reasons:

- The proposed dwelling would be too narrow and out of character contrary to Policy BNE1 of the Local Plan.
- The proposal would result in a loss of amenity to neighbouring properties contrary to Policy BNE2 of the Local Plan.
- Proposal would add to drainage problems in the area.

Southern Water has written with a plan showing public foul sewers in the locality and making the following comments:

- A formal application for connection to a public foul sewer will need to be made by the applicant or the developer.
- There are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from this development would be required not involving disposal to a public foul sewer. This would be addressed under the Building Regulations.
- The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources. The applicant would need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome.
- It is possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works, an investigation will be required to ascertain its ownership before any further works commence on site.

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 2012 and are considered to conform.

Planning Appraisal

Principle

The application is located within a residential part of Wainscott and within the urban area as identified on the Proposals Map to the Local Plan. The proposed development, therefore, falls to be assessed under Policy H4, which supports the principle of residential development, including the residential infilling providing that a clear improvement in the local environment will result). Paragraph 11 of the NPPF contains a presumption in favour of sustainable development. Paragraph 59 seeks to boost the supply of homes. Having regard to the current five-year housing land supply situation and the Housing Delivery Test results for 2019/2020, the presumption in favour of sustainable development applies in this case.

The principle of the proposed development is, therefore, considered to be acceptable and in accordance with Policy H4 of the Local Plan and paragraph 11 of the NPPF.

Design and appearance

The site is located with a section of Hollywood Lane, which is separated from the main road by a wooded amenity strip. The development along this section of Hollywood Lane, between Jarett Avenue and Povey Avenue, comprises 1950s/1960s semi-detached houses with fairly wide frontages. The application property and the neighbouring property (89 and 91 Hollywood Lane), appear to have particularly wide plots, compared to other properties in this section of Hollywood Lane which left a significant gap between the two houses. However, that gap has been reduced by the construction of a two-storey side extension to 91. Similar two storey side extensions have been built at several other properties in this section of Hollywood Lane, including 83, 85 and 87 immediately to the north-east, and 93 and 95 immediately to the south-west. Out of 28 properties, 15 appear to have been extended to the side.

Policy BNE1 of the Local Plan states that *development should be appropriate in relation to the character appearance and functioning of the built and natural environment by:*

- (i) *being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and*
- (ii) *respecting the scale appearance and location of buildings, spaces and the visual amenity of the surrounding area.*

Paragraph 127c of the NPPF states that *developments should be sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation and change.*

The issues with this application in terms of design and appearance are the size of the proposed dwelling in relation to the existing and neighbouring dwellings, and the loss of the gap between 89 and 91 Hollywood Lane.

So far as size is concerned, It is acknowledge that at 5.5m wide, the proposed dwelling would be narrower than existing dwelling which is 6m wide, excluding the attached single storey garage. However, as many of the properties in this section of Hollywood Lane have been extended, there are a variety of widths. The neighbouring property to the south-west, 91 Hollywood Lane is 10m wide. Furthermore, whilst this section of Hollywood Lane comprises a group of houses all built at the same time and originally to the same design, with various alterations and extensions the character has evolved and Hollywood Lane generally comprises a wide variety of house types and sizes.

In terms of the loss of the gap, it would appear that these houses were well spaced out, when first built and a fairly wide gap was left between 89 and 91 which resulted in these properties having larger gardens than others in the street. However, this gap has already been reduced by the construction of a large extension to the neighbouring property, as have several other gaps between properties in this section of Hollywood Lane. It is considered that in terms of appearance, the loss of this gap to provide a new dwelling would have no more impact than the loss of other gaps to create two storey extensions.

In terms of scale height, appearance and general detailing, the proposed dwelling has been designed to respect the surrounding development with a hipped roof which would be in character with other properties in the area.

So far as the street scene is concerned, whilst the proposed development would be seen from the road immediately in front and from neighbouring properties, it would not be hidden from the main road, by the tree screen along the amenity strip.

Having regard to the above considerations, it is considered that the proposed development would be acceptable in terms of its design and appearance, and effect on the character of the street scene and the area in general, and that on balance, the scheme would be acceptable and in accordance with Policies BNE1 and H4(ii) of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

Key considerations for this application are the impacts of the new dwelling on neighbouring amenity and the potential occupiers of the dwelling itself. Paragraph 127 of the NPPF and Policy BNE2 of the Medway Local Plan 2003 seek to protect the amenities of surrounding residents as well as considering the amenities of the future occupiers of development.

Occupier Amenity

The DCLG's 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 a floor area of 11.5 sq. m. for a double bedroom and 7.5 sq. m. for a single bedroom. The submitted drawings show that the proposed dwelling would have a GIA of approx. 97 sq. m. and bedrooms of 13 sq. m., 10 sq. m. and 7. sq. m. The proposal would, therefore, comply with these standards.

The properties along this section of Hollywood Lane, have very long rear gardens. 89, has a 30m garden, allowing for a ground floor extension, 91 has a 32m long garden, and the proposed dwelling would have a 29m long garden. No objection is therefore, raised in terms of occupier amenity.

Neighbour Amenity

In terms of neighbour amenity, the considerations are the impact of the proposed development on the two neighbouring properties 91 and 89 Hollywood Lane, in terms of light, privacy and outlook.

91 is set forward of 89 but has a single storey extension to the rear, which projects as far as the main wall of 89. The submitted drawings show that the proposed dwelling would project approx. 2.5m further than the no 89, as extended, and a gap of 1.9m between the flank wall of that property and the flank wall of the proposed dwelling. The application drawing shows that the proposed dwelling would extend to just beyond the 45 degree line, if measured from the corner of the neighbouring dwelling. There are two ground floor windows in the rear elevation – a kitchen window that would be 4.7m from the flank wall of the proposed extension and a living room window that would be 9.3m away. So far as these windows are concerned, the proposed dwelling would fall well within the 45 degree line. Furthermore, the application site is approx. 1.5m lower than 91 Hollywood Lane, and there is vegetation along the boundary which provides some screening. The proposed dwelling would, therefore, hardly be noticeable from the rear of 91 Hollywood Lane. It would be visible from first floor windows but would not result in any significant loss of light.

There is a high ground floor window on the side elevation to 91 serving a utility room, which is a non-habitable room. There is a 1.8m high wall on the boundary which limits light to that window. There would be a gap of approx. 3m between the flank wall of the proposed dwelling and the window and having regard to the existing wall it is not considered that the light loss to that window would be significant.

No windows are proposed in the south-west flank wall of the proposed dwelling and there would, therefore be no loss of privacy to 91. The sunlight tracking drawing shows that, there could be some loss of sunlight to part of the rear of the building early in the morning, However, the rear should be in sunlight by 10:00 am (GMT).

So far as 89 Hollywood Lane is concerned, the proposed dwelling would project approx. 1m further than the rear of the existing property, as extended, and as such could result in some loss of light during late afternoon/early evening. However, this would not be significant. There would be a gap of approx. 1.4m between the flank wall of the proposed dwelling and the attached garage and a gap of 4m to the main dwelling. A bathroom window is proposed on the side elevation, which would be obscure glazed.

Taking into account impact on both occupier and neighbour amenities, the proposed development is considered to be acceptable and in accordance with Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

In these circumstances it is necessary to remove permitted development rights with regards to extensions and roof extensions within the curtilage of the dwelling. This restriction is justified in the interest of neighbouring amenity. There is also potential for the dwelling to be converted to a small HMO in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents with respect to increased vehicle movement and noise. It is therefore recommended that permitted development rights also be removed with regard to the change of use between use class C3 and C4.

Highways

A hard surfaced area is shown at the front of the proposed dwelling and on later drawings 2 parking spaces have been marked out, which would comply with the Councils adopted parking standards for a three-bedroom dwelling. It is, however, recommended that a condition be imposed requiring a plan to be submitted showing these to spaces, laid out on site, with the remainder of the front landscaped, to prevent the entire frontage being hard surfaced and occupied by vehicles. A condition is also recommended requiring the provision of an electric vehicle charging point. It is not considered that the new crossover would cause a significant or severe impact to highway network and therefore is acceptable. The application is, therefore considered to be acceptable in highway terms and would comply with Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110E of the NPPF.

Drainage

Southern Water's plan shows a foul sewer running along the rear front of the properties in this section of Hollywood Lane. All properties are shown as being connected to this foul sewer apart from 87 and 89 Hollywood Lane.

The applicant has submitted a drainage plan and a drainage strategy. This shows that surface water will be drained to a soakaway and foul water will be connected to a foul drain at the rear.

The applicant has been advised that Southern Water require them to connect to the public sewer. Drainage would normally be addressed under the Building Regulations and in the event of the application being approved an informative would be attached to the planning

permission advising the applicant to contact Southern Water regarding connection to a public foul sewer.

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 (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 applicant has paid this tariff and completed a pro forma on 31 March 2021. 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

It is submitted that the proposed development would utilise sustainable construction methods and be designed with a high thermal and energy performance. Energy efficient light fittings, white goods and fixtures with water efficient fixtures and fitting will be used. The building design will be formulated to achieve high thermal performance which aspires to reach the highest standard of insulation. The provision of an electric car charging point will be addressed by a planning condition.

The site is within close proximity of amenities with three primary schools and local convenience schools within walking distance, and on a bus route with links to secondary schools, Strood and Chatham town centres, and Strood railway station. There are also local recreational facilities nearby. 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.

In terms of sustainability, the proposal would comply with Policy BNE4 of the Local Plan and paragraph 8 of the NPPF.

Other matters

The proposed development could give rise to issues relating to noise and dust generated during the construction phase. Due to the size of the development, it would not be appropriate to impose a full CEMP condition. However, due to the proximity of the site to other residential and condition is recommended to control hours of work and dust.

There are no trees of significance on the site, that would need to be removed to carry out the development. There are, however, some small garden trees/shrubs, that may contain nesting birds and a condition is recommended to ensure that measures are put in place for ecology enhancement on site.

Local finance considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

Having regard to the presumption in favour of sustainable development, the principle of the proposed development is considered to be acceptable, and in accordance with Policy H4 of the Medway Local Plan 2003 and paragraph 11 of the NPPF.

The proposal is considered to be acceptable in terms of design and appearance, amenity, highways and sustainability/climate change and would comply with Policies BNE1, BNE2, BNE4, H4(ii), T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 8, 109, 110E, 124 and 127 of the NPPF. The bird mitigation tariff has been paid. No objection is therefore raised under paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

The application is recommended for approval.

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 and the representation from Councillor Williams.

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/>