

MC/21/1348

Date Received: 10 May 2021
Location: 16 Hollywood Lane Wainscott
Rochester Medway
Proposal: Construction of two 2 bedroom bungalows with access and parking
- resubmission of MC/20/2773
Applicant: Mr Satwinder Lidhran
Agent: Ubique Architects
Mr Laurence Mineham
11 Ashford House
Beaufort Court
Sir Thomas Longley Road
Rochester
ME2 4FA
Ward: Strood Rural Ward
Case Officer: Nick Roberts
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18th August 2021.

Recommendation: Approval subject to:

- A) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
- i. £253.83 per new dwelling towards Designated Habitats Mitigation.

B. And the following 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-01 Rev P7 and PL-02 Rev P5 received 14 July 2021.

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, noise, dust, access for construction traffic into the site 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.

- 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 slab level until details of the provision of 2 electric vehicle charging points 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 112E of National Planning Policy Framework 2021.

- 6 The dwellings shall not be occupied, until the area shown on the submitted layout as vehicle parking 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 2015 (as amended) (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 or garage.

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.

- 7 No dwelling 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 and BNE2 of the Medway Local Plan 2003.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, AA, B, C, D, E and G 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.

- 9 The proposed development shall not be occupied until full details of a hard and soft landscape scheme and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwelling herein approved shall remain in use as a single family 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 to C4 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 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 20 May 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 152 the National Planning Policy Framework 2021.

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 two, two-bedroomed bungalows on the land to the rear of 16 Hollywood Lane with associated access and parking. The proposed bungalows would each measure approx. 7m and 8m in width, between approx. 11.4m and 11.2m in depth and would consist of a predominantly hipped roof design, with a staggered ridge height which would measure approx. 5m at its highest point. The proposed layout for each bungalow would include an entrance hall, open plan lounge/kitchen/dining area, bathroom and two bedrooms (one with en-suite) and would include a private garden area to the rear.

The bungalows would be accessed from Hollywood Lane via the existing driveway serving 16 Hollywood Lane, and the existing garage located to the side of this property would be demolished to allow further vehicular access to four parking spaces to the rear. Three off street parking spaces would also be retained to the front of 16 Hollywood Lane to serve this property.

Site Area/Density

Site Area: 0.16 hectares (0.395 acres)

Site Density: 19 dph (8 dpa)

Relevant Planning History

MC/20/2773

Construction of three x 2 bedroom bungalows with access and parking.

Decision: Withdrawn

Date: 21 January 2021

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. **Southern Water**, **KCC Archaeology**, **The Dickens Protection Society** and **Frindsbury Extra Parish Council** have also been consulted.

There have been **seven** letters of objection raising the following concerns:

- Undesirable backland development
- Development is out of character with surrounding area
- Overdevelopment
- Intensification of access would lead to issues of highway safety.
- Loss of privacy and amenity to surrounding properties
- Increase in traffic/vehicle movements
- Access is not acceptable and adequate turning areas and passing points have not been provided
- Noise and light pollution from vehicles
- Noise and disturbance during construction

The Dickens Protection Society have also objected to the application for the following reasons:

- It would constitute unsuitable backland development
- Access is poor
- Development would be out of character.
- Development would create a poor standard of amenity

Southern Water have advised that a formal application for a connection to the public foul sewer will need to be made by the applicant or developer. They have also confirmed that under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption and CIRIA guidance.

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 2021 (the NPPF) and are considered to conform.

Planning Appraisal

Background

As detailed within the planning history section of this report above, this site has been subject to a previous application for the construction of three 2-bedroom bungalows with associated access and parking under planning reference MC/20/2773. The application was withdrawn due to concerns regarding the extent of development and its layout. This current application seeks to address these previous concerns through a reduction in the number of units and a change to the site layout.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF seeks to pursue development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). The site is located within the urban, residential area of Wainscott and forms part of the existing rear garden of 14 and 16 Hollywood Lane. The development of this site would therefore be classified as backland development. Policy H9 of the Local Plan states that backland development will only be permitted subject to when there is no loss of privacy from overlooking adjoining houses, there is acceptable vehicular access, there is no significant increase in noise or disturbance, existing natural features are retained, there is adequate private amenity space for the existing and proposed dwellings, and the character and amenity of the area as a whole is maintained. Policy H4 of the Local Plan is also relevant which seeks to permit development that would result in the most effective and efficient re-use of urban land and where a 'clear improvement to the local environment' would result. Paragraph 71 of the NPPF also states that development in residential gardens should be resisted where it would cause harm to the local area.

Considering the above policies, the proposed residential development on the land would be acceptable in principle. A further assessment of these matters is detailed in the design, amenity and highways section of this report below.

Design

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass, and paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

This section of Hollywood Lane is characterised predominantly by a mix of detached and semi-detached bungalows and houses, of varying design. The properties to the south are

set towards the front of their respective plots, and the properties to the north, including the application site, sit more centrally within their plots. There are also some smaller bungalows to the rear of the application site which front Greenfields Close, as well as 15a Higham Road, which adjoins the rear of the site, and is another example of backland development which sits behind the principal building line of the properties on Higham Road.

The proposed bungalows would be located to the rear of 14 Hollywood Lane and would be visible from the neighbouring properties and those located on Higham Road and Greenfields Close. The proposal would therefore introduce two new dwellings within relatively close proximity to the rear gardens of the residential properties to the north, and most notably 15a Higham Road and 34 and 35 Greenfields Close. However, when taking into account the height of the proposed dwellings (bungalows) and the combined garden depths, on balance their scale and mass would be considered acceptable, whilst also allowing for sufficient off-street parking and landscaping. In recognising the mixed character of the properties on Hollywood Lane, the design would also enable the proposed dwellings to integrate with the appearance of the existing properties and would be in keeping with the already varied architectural style in the surrounding area.

In addition, and as previously mentioned, it is also important to take into account the presence of 15a Higham Road. This is a two-storey dwelling, with a detached garage in a backland position directly to the rear of the site. Furthermore, the presence of the existing bungalows to the rear (Greenfield Close) is such that the existing pattern of development is not free from built form, and the bungalows proposed would be a comparable density to these. The existing pattern of development therefore demonstrates that there are other dwellings within the immediate surrounding area that have a disjointed relationship to the highway. Consequently, and on balance, it is considered the proposal would make efficient use of the land that would not result in an over-development of the site.

It is also acknowledged that the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years. Whilst this proposal would only result in the creation of two new dwellings, they would be located in the urban area, and would also be of a bungalow design and therefore suitable for occupation by the elderly or those with mobility issues. In this regard, the 2018 subnational population projections indicate a 28% increase in the 65+ population in Medway, which further emphasises the need for accommodation that is suitable for the elderly.

In view of the above the development would be in accordance with Policies H4, H9 and BNE1 of the Local Plan and paragraphs 71, 126 and 130 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 130 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Although the proposed new dwellings would have a visual presence when seen from the rear gardens and rear facing windows of the adjacent properties, when taking into account the height of the proposed dwellings (bungalows) and the combined garden depths it is considered that there would not be any detrimental loss of amenity with regards to outlook, daylight or overshadowing. Whilst the neighbour representation letters received have raised concerns with respect to a loss of privacy, there is no first-floor accommodation proposed, and as such details of any proposed boundary treatments along the northern, eastern and western boundaries of the site have been conditioned to ensure adequate privacy protection is retained. Furthermore, permitted development rights relating to alterations to the roof have also been removed by condition, to prevent upward extensions.

With regards to noise, light and activity levels, the proposed development would result in the provision of a car parking area and associated new vehicular access to the rear of the site which would run adjacent to 18 Hollywood Lane. Therefore, the introduction of vehicular movements associated with the two new dwellings would be likely to be noticeable, especially given that part of the access route is currently a private garden. However, in recognising that the site is in a residential area, within which noise from road traffic is an established feature, and when also taking into account that there would already be vehicle movements associated with the use of the existing driveway and garage serving 16 Hollywood Lane, it is not considered that the effects of the proposal would be so intensive as to significantly diminish the living conditions experienced from the neighbouring properties. In addition, having regard to the layout of the site and the measures shown on the plans, the proposal would also provide an acceptable collection point for refuse.

It is considered appropriate to impose a condition requiring the submission of a Construction Environment Management Plan due to the nature of the proposal and the impact that the construction period could have on the amenities of local residents.

Amenity of Future Occupiers

The proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The the gross internal floor areas (GIA) of each bungalow would measure approx. 70m² and 71m². This would meet the minimum standard for a 2-bedroom, 4-person, one storey dwelling which requires a minimum GIA of 70m². The bedrooms would also meet the

national standards area and width requirements, all habitable rooms would be provided with suitable outlook and adequate storage has also been provided. 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 rear garden for unit 1 is approx. 11m and the depth of the rear garden for unit 2 is approx. 9m when measured from the rear elevation. Therefore, and when considering the width of each plot and the number of bedrooms, this would be considered acceptable. The proposed garden sizes would also be consistent with the properties to the north, most notably those on Greenfields Close. Furthermore, the proposal would also maintain sufficient private amenity space for both 14 and 16 Hollywood Lane.

In these circumstances it is necessary to remove permitted development rights with regards to extensions and outbuildings within the curtilage of the dwellings. This restriction is justified in this case due to the size of the rear gardens and to control further urbanising features. There is also potential for the dwellings to be converted to small HMOs in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents and highway safety. It is therefore recommended that permitted development rights also be removed with regard to the change of use between use class C3 and C4.

Consequently, and in view of the above, the proposal is considered to be in accordance with Policies BNE2 and H9 of the Local Plan and paragraph 130 of the NPPF.

Highways

The application proposes two, two-bedroom dwellings and therefore the adopted Interim Residential Parking Standards require the provision of a minimum of 1.5 parking spaces for each dwelling. The site plan demonstrates that sufficient parking can be accommodated on site for up to four vehicles, whilst also creating three parking spaces to the front for 16 Hollywood Lane. The development would therefore be compliant with these Standards. Although the neighbour representation letters received have raised concerns with regards to the impact from the intensification of the existing access on highway safety, given that this application is for two 2-bedroom bungalows it is not considered that utilising the existing crossover and access to 16 Hollywood Lane would cause a significant or severe impact to the highway network and therefore is acceptable. Furthermore, when entering and exiting the site from Hollywood Lane the access would be wide enough to allow two vehicles to pass each other and consequently vehicles would not need to wait on Hollywood Lane to enter the site.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112E outlines that development should provide electric charging facilities. Therefore, a suitably worded condition has been imposed to fulfil this objective. In view of the above the application is considered to be in accordance with Policies H9, T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

Climate Change and Energy Efficiency

The Planning Agent has submitted a climate change statement which is summarised as follows:

- The Building Regulations part L1A will only be used as a minimum requirement and improvements over and above its standards will be actively sought regarding the fabric, heating system, solar gain and natural shading.
- Glazing will be thermally insulated gas filled with solar control glass to reduce overheating of the dwelling.
- The proposed dwelling is to be constructed using traditional methods and materials with the purpose that it can be built using local suppliers and sources.
- All materials are to be sourced responsibly from suppliers who are environmentally accredited (ISO14001, BES6001 or similar).
- All timber used onsite and in construction shall be sourced from accredited suppliers and sources.
- Materials with an Environmental Product Declaration (EPD) shall be chosen.
- Only blown insulants that have a Global Warming Potential (GWP) of less than 5 will be utilised.
- The area has mains gas and the primary source of heat will be a Class 5 Boiler to BS EN297:1994. A 98% efficient gas combination boiler the heating system using underfloor heating system will be used.
- The SAP calculation will show a Dwelling Emission Rate increase on current Building Regulations of approximately 10%.
- Kingspan or similar PIR insulation will be used under the floor and it is hoped to take advantage of the supplier's new scheme to collect off cuts in suitable bags for reprocessing and re-use to prevent it being put in skips and sent to landfill.
- All potential cold bridge joints and abutments will be constructed to Accredited Construction Details reducing the long term energy losses from the fabric of the building.
- All internal light fittings will be 100% LED lighting throughout.
- External security and space lighting will have day/night and movement sensors, have time cut off and be of 150W maximum with low energy fittings.
- All white goods / appliances to be installed will be A+ rated as a minimum.
- Provision for electric car charging points for both dwellings to encourage transition away from dependency on petrol / diesel.
- Bike storage provision would be incorporated within each dwelling curtilage to promote sustainable transport modes.
- Provide a rainwater harvesting system as part of the development.
- Specification of low-water use fittings and appliances.
- New planting / landscaping will be incorporated to create biodiverse habitats and achieve net gain in biodiversity.

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 £253.83 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 confirmed in writing their agreement to pay this tariff should a resolution to approve be agreed. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF, on the basis that this contribution can be secured before a decision is issued if a resolution to approve the application is made.

Local Finance Considerations

There are no local finance considerations.

Other Matters

The issue of precedent has been raised by interested parties. In this regard, any future proposals for similar development must be considered on its own merits.

Conclusions and Reasons for Approval

It is considered that the scale, mass and design of the dwellings would be in keeping with the existing streetscene and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highways safety. The application is therefore in accordance with Policies BNE1, BNE2, BNE35, H4, H9, S6, T1 and T13 of the Local Plan and the advice set out in paragraphs 71, 111, 112E, 126, 130, 180 and 181 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to the officers' 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/>