

MC/22/1836

Date Received: 22 July 2022
Location: Land Rear Of 56-60 Town Road Cliffe Woods
Rochester Medway
Proposal: Construction of a detached dwelling with associated parking,
cycle storage, boundary treatment and landscaping
Applicant Mr Simon Ford
Agent Mr Paul Fowler
1 Discovery Road
Bearsted
ME15 8HF
Ward: Strood Rural Ward
Case Officer: Sam Pilbeam
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 16th November 2022.

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:

Received 25 July 2022:

22/915/02 Proposed Block Plan

22/915/03 Proposed Plan and Elevations

Cycle Shed Elevations

Fence Elevations

Tree Protection Fencing Details

Tree Planting Details

Landscape Schedule

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

- 3 All materials used externally shall match those set out in the application form received 25 July 2022.

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 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until details of the location and installation of services, utilities and drainage, including soakaways, serving the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme and thereafter maintained.

Reason: To ensure that the development is in line with section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

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

Reason: In the interests of sustainability in accordance with paragraph 112e of the NPPF.

- 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) no development shall be

carried out within Schedule 2, Part 1, Classes A and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 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 dwellinghouse(s) 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.

- 9 The first-floor side windows show on drawing number 22/915/03 (received 25 July 2022) shall be fitted with obscure glass and apart from any top-hung light, which 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.

- 10 The tree protection measures and recommendations shall be implemented in accordance with the Arboricultural Assessment and Method Statement by Cantia Arboricultural Services (dated October 2022) and tree protection plan within the report (CAS/2002/191) received on 17 October 2022.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 11 The dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space/garaging 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 (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/garaging space.

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.

- 12 The boundary treatment shown on drawing number 22/915/02 (received 25th July 2022) shall be completed before the dwelling hereby permitted 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.

- 13 The boundary treatment and landscaping along the north and north-east corner of the site shall be kept at no higher than 900mm above the level of the nearest part of the carriage way for a length of 2.5 metres and thereafter maintained as such. No gate or barrier of any kind shall be erected or installed at a height exceeding 0.9 metres above the level of the nearest part of the carriage way for a length of the access point.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 14 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 25 July 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of 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 erection of a detached four-bedroom chalet bungalow. The proposed bungalow would measure approx. 12m in depth by 8m in width, supporting a gambrel style roof that measures approx. 2.3m to the eaves and 6.8m to the ridge. Providing habitable living space within the roof space via the insertion of a pair of hipped dormers to the north and south of the roofscape, both inset from the eaves, ridge and gable. The dormers would essentially be mirrored, however, the pair fronting the highway would offer slightly less massing and bulk. Fronting Milton Avenue hard surfacing is proposed, facilitating the provision of two car parking spaces and soft landscaping, to the rear, the dwelling would be afforded a garden of approx. 30m in depth.

The dwelling itself would comprise of a living room, study, kitchen/dining room, utility room and w.c. at ground floor level and three bedrooms, one ensuite bedroom and bathroom at first floor level.

Relevant Planning History

MC/20/0399	Construction of a detached chalet bungalow with associated parking and access via Milton Avenue Decision: Approval with conditions Decided: 20 April 2020
MC/19/0394	Construction of a detached chalet bungalow with parking and access via Milton Avenue Decision: Approval with Conditions Decided: 29 July 2019
MC/18/3470	Application for non-material amendment to planning permission MC/17/1845 to alter front to gable end, the rear to a gable end, and new roof line to include barn hips, increase the size of the kitchen to align with rear of living room, new recessed balcony to master bedroom and installation of 3 roof lights to the west elevation Decision: Refusal Decided: 20 December 2018
MC/17/1845	Construction of a detached chalet bungalow with parking and access via Milton Avenue Decision: Approval with conditions Decided: 7 September 2017
MC/07/0501	Construction of single storey rear extension and extension to side of garage and new pitched roof to form attached garage Decision: Approval with conditions Decided: 18 May 2007
MC/04/1909	Construction of conservatory to the rear Decision: Approval with conditions Decided: 30 September 2004

Representations

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

Cliffe and Cliffe Woods Parish Council have raised objection on the basis the application would represent overdevelopment of the plot that would be out of keeping with the streetscene and would result in a negative impact upon highways safety.

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 and are considered to conform.

Planning Appraisal

Background

The application site has been subject to numerous applications, the first of which was made in 1989 to Rochester Borough Council under case reference number ME89/0223. The application was for outline planning permission seeking the erection of a chalet bungalow, the proposal was accepted, however, no subsequent reserved matters application was made within the statutory timeframe.

Following this an application was granted in 2017, case reference number MC/17/1845, for the construction of a detached four-bedroom chalet bungalow, this application was never implemented. However, a non-material amendment application, under case reference number MC/18/3470, was submitted and refused on the basis the proposed alterations would not constitute non-material development but result in material alteration to the proposals initial design, scale and appearance. Subsequently, a full planning application, case reference number MC/19/0394, essentially seeking the alterations refused under the non-material application was submitted and approved. Most recently, an application was made in 2020, under case reference number MC/20/0399, for a detached chalet bungalow, the proposal itself kept the massing, bulk and orientation the same as the formerly approved development, however, differed in the sense of design and detailing, seeking a slightly more a contemporary finish.

Principle

As previously stated, the application site has been subject to numerous applications for the erection of a dwelling house, all of which have been approved. While it is understood the material nature in terms of design and impacts upon amenity has altered over previous applications, no contentions have been raised in regard to land use. Given that the principle of a residential development on the land has been agreed under the previous applications and that there have been no changes to the Local Plan since, it is considered the principle of the application is acceptable. A new National Planning Policy Framework was published in 2021 and the paragraphs (11) related to a development of this nature is still largely in support of sustainable development.

Design

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, likewise, paragraphs 126 and 130 of the NPPF emphasise the importance of good design.

The proposed chalet bungalow would face onto and contribute to the streetscene of Milton Avenue, comprising of a mix of detached, semi-detached and chalet style bungalows of varied character. The adjoining road, Town Road, reflects these characteristics, however, with the addition of two-storey dwellings intermittently mixed within the streetscene. It is considered the architectural style of the dwelling is sympathetic to the character of the area, essentially reflecting that of the encompassing properties. Likewise, the overall massing and bulk, again, is appropriate within both the context of the plot and massing of the encompassing properties. The proposal would sit comfortably within its curtilage, supporting adequate separation distance from the rear gardens and boundary of 58 and 60 Town Road, mirroring this to the east of the site adjoining the access road. Moreover, the proposal would be inset by approx. 8.2m from Milton Avenue, thereby, conforming with the building line of 60 Town Road. Lastly, similar to the encompassing properties of Milton Avenue and Town Road, the proposal would support a large rear garden measuring approx. 36.7m in depth, confirming with the existing pattern of built design within the immediate locality. That being said, in order to comprehensively ensure the dwelling would not compromise the visual amenity of the streetscene, it is recommended that a condition is implemented to secure the details and samples of all materials to be used externally. Subject to the recommend condition, no objections would be raised in regard to Policy BNE1 of the Local Plan 2003 and paragraphs 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 130f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to siting, orientation and distance from habitable rooms and neighbouring amenity space, no objection is raised in terms of loss of outlook, daylight or sunlight. The proposal does seek to implement side windows on either flank of the property, facing 2 Milton Avenue and 58 and 60 Town Road respectively, however, these windows would be serving a bathroom and en-suite and are proposed to be obscure glazed. Consequently, mitigating any impacts in terms of overlooking and loss of privacy; following a favourable decision this will be secured via condition. In regard to the massing of the proposal, while it would be sited to the rear of 56 – 60 Town Road, given the sitting away from the boundary and approx. 20m separation distance from the adjoining residential properties, no objections would be raised in this regard.

Notwithstanding, it is considered that the size of the property as proposed would be acceptable in terms of its relationship to neighbouring properties, however, it is considered necessary to remove permitted development for enlargement which could result in amenity implications on neighbouring occupiers. Consequently, it is recommended that the dwellings permitted development rights for enlargement be removed under Schedule 2, Part 1, Classes A and E. Likewise, in order to control the intensification of residential use of the site it is recommended that the permitted development rights for the conversion of the proposed dwelling into a small HMO are removed; if the property were to be converted to a C4 HMO, it may result in a harmful impact on neighbouring amenity in terms of noise and disturbance from increased activity from individual occupiers and their visitors as well as potential on-street parking issues.

Lastly, due to the residential locality and the potential for impacts on existing residents in the area, a condition securing a Construction Environmental Management Plan (CEMP) should be submitted prior to the commencement of the development. In this instance, a CEMP has been submitted, therefore, all construction works carried out onsite shall be conditioned to be conducted in correspondence with the proposed CEMP.

Future Occupants Amenity

The Technical Housing standards-nationally described space standard March 2015 requires a four-bedroom, five-person two-storey dwelling to have a minimum floor space of 97m². The development would exceed this and provide four comfortable bedrooms and appropriate circulation space for a four-bedroom dwelling. Likewise, the proposal would support generous rear garden space for future occupants to enjoy. The minimum space standards also dictate minimum width and space requirements of the bedrooms, again this would be met by the proposal. Likewise, all bedrooms would be served with an acceptable degree of natural sunlight, daylight and outlook. Finally, guidance in Medway Housing Standards (interim) November 2011 (MHDS), state that rear gardens should measure 10m in depth and 7m width, the proposal would again exceed this recommendation and provides generous rear garden space for the enjoyment of future occupiers.

In view of the above, and subject to the aforementioned conditions, no objection is raised in regard to Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

The site is located in a relatively sustainable location, being in close proximity to local amenities such as shops, leisure and health facilities. However, is still secluded in the sense that is located in Cliffe, which itself falls within the rural hinterland. Consequently, alongside the provision of sustainable transport measures, such as bicycle storage, the proposal also seeks to provide two off street parking bays, subsequently, meeting the requirements of the Council's Interim Residential Parking Standards. The bays themselves are considered acceptable in regard to their access onto Milton Road, providing suitable sightlines, access and egress. As such no objections are raised in this regard.

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 suggested to fulfil this objective.

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 111 and 112e of the NPPF.

Climate Change and Energy Efficiency

It should be noted that the NPPF has put sustainable development as a central core. The applicant has submitted a statement for Climate change which proposes how the dwelling would meet with the Council's Climate Change Emergency statement. A condition requiring the measures to be implemented within the development prior to occupation and a verification certificate submitted are suggested to be appended in accordance with paragraph 154 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £275.88 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.

In this instance the applicant has previously completed the SAMMS agreement and made payment, therefore no objections are raised under paragraphs 180 and 181 of the NPPF or Policies S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

Given the above assessment and reasons, in conclusion, this proposal would comply with Policies BNE1, BNE2, BNE35, T1, T2, T13, S6 and H11 of the Medway Local Plan 2003 and paragraphs 111, 112e, 126, 130, 130f, 154, 180 and 181 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the representation received from Cliffe and Cliffe Woods Parish Council 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/>