

MC/22/2361

Date Received: 3 October 2022
Location: To The Rear of 124 Maidstone Road
Chatham Medway
Proposal: Construction of two semi-detached dwelling houses with associated parking and landscaping and vehicle access
Applicant Time 4 U Ltd
Mr Tawanda Mudavanhu
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Ward: Chatham Central 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 11th January 2023.

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 3 October 2022:

3425-001 REV A - Site Plan
3425-004 - Sections

Received 16 December 2022:

3425-001 REV A - Elevations
3425-002 REV B - Floor Plans Elevations

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

- 3 All materials used externally shall match those of the adjacent property No. 24 King Edward Road (allowed on appeal under Planning Ref MC/19/2535).

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 until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place above ground floor slab level until details of the provision of two 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 6 No development shall take place (except demolition and excavation) until details of landscaping, together with a maintenance schedule and timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. All works shall then be carried out in accordance with the approved details.

Reason: 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.

- 7 The dwelling herein approved shall not be occupied until the area shown on the submitted layout (drawing number 3425-001 REV A) received on 3 October 2022, as vehicle parking spaces have 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 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.

- 8 The lounge windows on the ground floor north and south facing side elevations and the bathroom and ensuite window on the first floor north and south facing side elevations 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.

- 9 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy Efficiency Statement (dated October 2021). 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 the National Planning Policy Framework 2021.

- 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) 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.

- 11 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 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.

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 two three-storey, three-bedroom dwellinghouses. The proposed units would be semi-detached, with each unit measuring approx. 9m in depth by approx. 5m in width supporting a mono-pitched roof. By virtue of the land level changes within the plot, the proposal would appear as a three-storey dwelling when fronting King Edward Road measuring approx. 7.8m in height and two-storey, measuring approx. 6.5m in height, to the rear facing the properties along Maidstone Road.

Each unit would be essentially identical – the mirror opposite – supporting a kitchen/dining room, utility room and w.c at ground floor level; lounge and bedroom at first floor level; and bedroom, ensuite bedroom and toilet at second floor level. To the rear both units would support an approx. 11m deep garden and to the front two off-street parking spaces together with elements of soft landscaping.

Relevant Planning History Along King Edward Road

MC/21/2965	Construction of a 4-bedroom detached dwelling with associated parking. Decision: Approval with conditions Decided: 6 May 2022
MC/19/2535	Construction of a four bed roomed detached dwelling with associated parking - demolition of existing detached garage to rear Decision: Refusal Decided: 10 February 2020 Appeal Decision: Appeal Allowed Appeal Decided: 11 August 2020
MC/16/2653	Construction of two pairs of semi-detached three bed roomed dwellings with integral garages and associated parking and new tree planting - demolition of existing wall Decision: Approval with conditions Decided: 12 October 2017
MC/14/0270	Demolition of garage block and construction of two 3-bedroomed town houses with associated parking - resubmission of MC/13/1314 Decision: Approval with conditions Decided: 17 July 2014
MC/04/2839	Construction of terrace of 5 3-bed houses with associated parking (demolition of existing garages) Decision: Refusal

Decided: 11 November 2005
Allowed on appeal on 20 October 2006

Representations

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

Four letters of objection have been submitted on the grounds of:

- Loss of trees
- Construction disruptions
- Implications of the construction on stability
- Implications to increase the risk of flooding
- Out of character and proportion with the street scene
- Loss of light and outlook
- Overbearing
- Impacts on ecology and biodiversity
- Lack of amenity for future occupants
- Inadequate parking and further deterioration of highways function and safety
- Impacts of the adjoining Conservation Area

Southern Water have also commented, stating the applicant will be required to submit express consent with themselves to address foul sewerage connections.

***Note:** each of the letters of objection submitted to the council raise concerns in relation to the previously approved schemes. More specifically, relating to the disruptions caused via construction and proposals not being built in accordance with the approved plans. However, each application is considered upon their own individual merits and consequently, the concerned application at hand cannot be prejudiced on the basis of contentions relating to non-conformity with approved plans within separate, and previous approvals upon the adjoining plots.*

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 itself has not been subject to previous applications, however, the land to the north has been subject to numerous applications since 2004. In chronological order, the first application was made under case reference number MC/04/2839, located to the northern most point of the King Edward Road, seeking to

demolish a set of detached garages and erect a terrace of five three-bedroom dwellings. The application was approved with conditions. Ten years later, a similar application was submitted under case reference number MC/14/0270, adjoining the previous site, for the demolition of a garage and erection of two three-bedroom dwellinghouses. This application was taken to planning committee and subsequently approved following the officer's recommendation. Shortly after, again adjoining the previous site, an application was approved under case reference number MC/16/2653 for a set of semi-detached three-bedroom dwellinghouses, like the former application this too was taken to Planning Committee and approved in line with the officer's recommendation. The following application, adjoining the boundary of the aforementioned, differs slightly. The proposal for a four-bedroom detached dwellinghouse, case reference number MC/19/2535, was taken to committee with the recommendation for approval, however, overturned on the grounds the proposal would constitute overdevelopment and result in the loss of high amenity value street trees. Following the decision to overturn the officer's recommendation the applicant appealed the decision, which was subsequently allowed by the inspector. Lastly, the most recent development, was submitted under case reference number MC/21/2965, this application, similar to those before it, was taken to Planning Committee with the recommendation for approval and subsequently approved. This application also secured a section 106 for the replacement of two high value amenity street trees opposite the site.

Whilst each application is assessed on its individual merits, the similarities between the development sites in conjunction with the close geographical proximity present a strong and undeniable material consideration that needs to be taken into account and given significant material weighting when reviewing the proposed application.

Principle

The application falls within the within an urban area of Chatham, more specifically to the rear of the predominantly residential street scene of 124 Maidstone Road and fronting King Edward Road. As such, is subject to Policy H4 of the Local Plan, advocating for infill development in urban areas whereby a clear improvement to the local environment would ensue. Furthermore, due to the development of the rear garden of 124 Maidstone Road, Policy H9 of the Local Plan is of consideration, stating that backland development will be permitted should the proposed scheme demonstrate that it would not result in a loss of privacy; overlooking from adjoining houses and back gardens; provides adequate vehicular access; does not result in unacceptable increases in noise and disturbance or disrupt existing natural features; provides adequate private amenity space for existing and proposed dwellings; and respects the character of the locality. This is further emphasised by paragraph 71 of the NPPF, asserting that the development of, and within, residential gardens should be resisted where harm to the local area would ensue, however, in doing so, recognises the importance of windfall sites and their sustainable delivery.

The proposal itself would result in the provision of two dwellinghouses within an urban area of Chatham, that, by nature of its siting, would be classified as a sustainable location. The site is located within approx. 10 minutes walking distance to: a local bus

stop on Maidstone Road; local school (approx. 170m from the site); local amenities in the form of shops; green spaces and recreational grounds; and Chatham Train station – providing high speed links into London and along the east coast. Likewise, the development would reflect that of the numerous previously approved applications – as previously discussed within this report – adjacent to the site, which are a valid material consideration, particularly given the appeal that was upheld under case reference number MC/19/2535. As such, given the sustainable location and existing land use within the street scene, no objections would be raised in principle to the proposed development. Subject to compliance with detailed matters – design, amenity and highways – which are assessed below.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale, mass and should respect the visual amenity of the surrounding area. Furthermore, due to the site siting within the Maidstone Road Chatham Conservation Area (CA) Policy BNE14 of the Local Plan is of significance; seeking to ensure that development within a Conservation Area or affecting their setting should achieve a high-quality design which will preserve or enhance the historic or architectural character and appearance of the area.

The application site itself is located to the rear of Maidstone Road, within the rear garden of 124 Maidstone Road, which its located within the CA, however, fronts onto and contributes to the street scene of King Edward Road which does not fall with the CA. Due to this orientation, setup, and land level changes alongside the size and scale of the dwellings fronting Maidstone Road, the proposal would not be highly visible from the CA.

Notwithstanding, the proposed dwellings are of a contemporary architectural design and appearance, reflecting the design of recent developments to the north of the site. Themselves comprising of a detached three-storey four-bedroom dwelling (MC/21/2965); a detached three storey dwelling (MC/19/2535); two pairs of semi-detached three storey dwellings (MC/16/2653); one pair of semi-detached three storey dwellings (MC/14/0270); and a terrace of 5 three storey dwellings (MC/04/2839). In terms of siting, height and design, the proposal is considered appropriate and in keeping with these neighbouring developments and would not cause harm to the character or appearance of the CA when viewed from Maidstone Road. To ensure that the proposed dwelling would conform with the contemporary built form opposite King Edward Road, a condition is recommended to require the external materials of the proposed dwelling to match that of the recently completed and under construction dwellings aforementioned.

Consequently, it is considered that the proposal would respect the character and appearance of the existing, and emerging street scene, as well as the wider Conservation Area, thereby, would be in accordance with Policies BNE1 and BNE14 of the Local Plan 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

Due to the relationship of the proposed dwelling in conjunction with the encompassing properties and orientation of the site relative to the tracking of the sun, there would be no detrimental impact on neighbour's amenities in terms of loss of privacy, outlook, daylight or sunlight. The property would result in a degree of mutual overlooking for the occupiers of the dwelling constructed under MC/21/2965, land to the rear of 122 Maidstone Road, but would not result in any detrimental impact in terms of privacy as there is already mutual overlooking within the street scene. There would be some overlooking to the private amenity space and rear elevations of the existing dwellings, 122 and 124 Maidstone Road. However, given the distance between the dwellings – exceeding 20m –, the land level changes and mutual overlooking from the existing dwellings along Maidstone Road, it is not considered to result in any detrimental impacts with respect to loss of privacy. Concerns were also raised in letters of representation with regard to a loss of privacy to dwellings on King Edward Road, however, as the proposed dwellinghouses would be sited approx. 20m from the front elevation of the nearest existing properties on King Edward Road, no concerns would be raised with regard to loss of privacy.

In considering the potential for future development under permitted development rights, it is recommended that enlargement to the dwelling under Classes A and E be removed in the interest of the amenity and preserving the character of the area, in accordance with Policy BNE2 of the Local Plan.

It is also necessary to restrict the use of the dwelling to single-family occupancy in the interest of amenity given the potential impact with regard to increased activity levels from individual occupiers and potential parking problems. As such, a condition removing the permitted development right for change of use from Class C3 to C4 (Small HMO) is recommended in the interests of protecting neighbouring residential.

Lastly, due to the proximity of the proposal to neighbouring dwellings it is recommended that a Construction Environmental Management Plan, is secured by condition to mitigate noise and disturbance to nearby residents during the construction process.

Amenity of Future Occupiers

The proposed units have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). A three-bedroom, five-person, three-storey dwelling, requires a minimum GIA of 99m², the proposed units would exceed this standard measuring approx. 110m² internally. Likewise, the two double bedrooms and one single bedroom would meet the national

standards with regards to size and width, whilst also providing each room with suitable outlook and natural light.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. Again, the depth of both the proposed gardens exceeds this guidance measuring approx. approx. 11m deep from the rear of the dwelling.

Consequently, the proposal would be in accordance with Policy BNE2 of the Local Plan and Paragraph 130f of the NPPF.

Highways

Each of the proposed units would be supported by the provision of two off-road parking spaces, therefore, would accord with the adopted Interim Residential Parking Standards. It is proposed that the dwellings would have a single access onto King Edward Road. There would also be a degree of soft landscaping retained to front in the form of tree planting. It is not considered that this would result in any adverse impact to the highway safety or highway's function. However, it is noted that no electric vehicle charging points are proposed. The NPPF has put sustainable development at its core, demonstrated by paragraph 112e which outlines that development should provide for electric vehicle charging. Therefore, a suitably worded condition would be required to fulfil this objective. The proposed condition would also be required to ensure the parking areas are provided prior to occupation and retained thereafter.

Subject to the proposed condition, it is considered that the proposal would be in accordance with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112e of the NPPF.

Climate Change and Energy Efficiency

An energy statement is contained with the submitted Design and Access Statement alongside the proposal. Any forthcoming permission would include a condition requiring the implementation of the above energy efficiencies and the submission and approval in writing by the LPA of a signed verification report. No objections would therefore be raised regarding paragraph 154 of the NPPF.

Trees

Concerns were raised within submitted letters of representation as to the potential loss of trees on site. The proposal does not seek to remove any trees, but rather, the trees show on drawing number 3425-001 REV A (Proposed Site and Block Plan) correspond to the case reference number MC/21/2966 and were addressed accordingly within said case. However, within the scope of this application there are no considerations with regard to loss of trees.

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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Approval

Given the above assessment and reasons, in conclusion, this proposal would comply with Policies BNE1, BNE2, BNE14, H4, H9, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 71, 111, 126, 130, 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 number of representations received expressing a view contrary to officer's recommendation for approval and history of previous applications along King Edward Road being reported to Planning Committee.

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/>