

MC/22/2337

Date Received: 29 September 2022

Location: 42 Main Road Hoo St Werburgh
Rochester Medway

Proposal: Construction of a 2-bedroom detached chalet bungalow with attached garage accessed off Coombe Road - Resubmission of MC/22/0038

Applicant Agent Mrs Jill Burton
Rayner Davies Architects
Mr Neil Davies
Suite A
Quayside House
Quayside
Chatham Maritime
Chatham
ME4 4QZ

Ward: Peninsula Ward

Case Officer: Chantelle Farrant-Smith

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 8th February 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 29 September 2022:

2975 (02) 001 REV A - Proposed Site and Block Plan

2975 (02) 200 REV A - Plot Ratio Plan

2975 (20) 005 REV A - Proposed Site Plan

Received 22 December 2022:

2975 (20) 020 - Sectional Comparison

2975 (20) 001 REV C - Proposed Ground and First Floor

2975 (20) 002 REV C - Proposed South and West Elevations

2975 (20) 003 REV C - Proposed North and East Elevations

2975 (02) 006 REV C - Proposed Coombe Road Street scene

2975 (20) 007 REV C - Proposed Main Road Street scene

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

- 3 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; measures to control noise affecting nearby residents; 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: Required before commencement in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 4 Unless otherwise agreed in writing by the Local Planning Authority, all materials used externally shall match those as set out on the Application Form received 29 September 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.

- 5 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.

- 6 The dwelling herein approved shall not be occupied, until the area shown on the submitted block plan as a vehicle parking space and garaging 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 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 development shall take place above 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 in working order.

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

- 8 The windows on the first-floor east elevation (serving en suite and study) 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 dwelling 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 Design and Access Statement (under Climate Change) received 26 September 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 NPPF.

- 10 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

Proposal

The application seeks planning permission for the construction of a two-bedroom detached chalet bungalow with attached garage accessed off Coombe Road.

The proposed dwelling would measure approx. 16.5m in width (including the garage), approx. 11m in depth (inclusive of the covered access to the rear) and approx. 6m in height at the highest ridge (approx. 4.5m to the eaves).

The dwelling would be arranged as open plan living/kitchen/dining area, a guest room, utility room and W/C at ground level with a master suite with dressing and en-suite and a study within the roof space.

Externally a private/garden is provided to the front (southwestern area) of the site with additional parking to the front of the garage with access from Coombe Road.

Relevant Planning History

MC/22/0038	Construction of a 2-bedroom detached chalet bungalow with attached garage accessed off Coombe Road. Decision: Refused Decided: 6 May 2022
MC/16/2057	Outline application with all matters reserved for the construction of a two-bedroom bungalow Decision: Approval with Conditions Decided: 11 July 2016

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Hoo Parish Council have also been consulted.

3 letters (from 2 neighbours) have been received raising the following objections:

- Parking
- Highways Safety

Hoo Parish Council has also been consulted, no response has been received.

Southern Water has submitted a standard response.

The applicants will be advised by way of an informative on the planning decision.

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. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

The proposal is described as a detached chalet bungalow and is a resubmission of a previously refused scheme. The previous application was refused on its scale, mass and height, together with the negative competition that it creates with the adjacent host property of No. 42 Main Road.

This application would reduce the height of the development by approx. 1.5m on the 'main ridge' and approx. 1.8m on the 'lower ridge' as described. The proposed dwelling would sit approx. 1.2m lower than the host property when viewed from Main Road and would reduce the overall bulk of the development previously refused. Whilst the footprint of the proposal would remain of similar scale, the reduction in height and massing would mitigate previous concerns of dominance and competition with No. 42 Main Road.

It is also considered that the ratio of habitable space within the ground floor against that within the loft space would be considered a more suitable description of a 'chalet bungalow' than that previously refused.

Principle

The application site lies within an urban, residential area. Policy H4 of the Local Plan states that residential development in the form of infilling in such area is acceptable providing that a clear improvement in the local environment will result. Furthermore, paragraph 11 of the NPPF, which states that decisions should also apply a presumption in favour of sustainable development, balancing the impacts of the development alongside its economic, social and environmental merits; confirming decisions should be granted unless material considerations indicate otherwise. Paragraph 71 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area. Given that the history of the site where a residential development on this garden land has been established by the grant of outline permissions in 2005 and again in 2016, there would be no justifiable reason for a refusal on this ground. It should also be noted that the most recent application in 2022 was not refused on principle ground, only on design.

As such, taking into consideration the above, the principle of a residential development is considered acceptable, in accordance with Policy H4 of the Local Plan and paragraph 71 of the NPPF.

Design

The site currently serves as amenity space for No. 42 Main Road and sits on a corner plot at the junction of Main Road and Coombe Road. The surrounding area comprises of mixed style housing including detached bungalows and two storey houses set within varying plot sizes. The building line differs on both sides of Main Road however this section of Main Road retains a similar building line.

The proposal dwelling when viewed from Coombe Road would relate in scale and massing to the neighbouring bungalow of No. 2 Coombe Road. The proposed dwelling will be set back from the boundary fronting coombe road by approx. 3.9m and approx. 4.3m fronting Main Road. The proposed dwelling would be screened by the existing boundary treatment measuring 2.3m at the lowest point on Coombe Road and up to 2.4m fronting Main Road. The materials proposed would match that of the host dwelling at No. 42 Main Road which is considered to be appropriate.

As such, taking into account the reduction in massing and scale, together with the proposed design alterations would result in a development that relates well with the surrounding character and street scene. As such, no objection is raised, and the proposal is considered to be in accordance with Policy BNE1 and paragraphs 126 and 130 of the NPPF.

Amenity

Paragraph 130(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring amenity

In respect of outlook, the property to the north is set on a higher gradient to the application site. The proposed building is also set lower within the grounds and as such, there would be no adverse impact to the outlook of the occupiers of No. 2 Coombe Road.

There are neighbouring properties to the north and east (being the host dwelling) of the site. The taller element of the dwelling would be approx. 9.5m from the neighbouring dwelling (to the north) at 2 Coombe Road, and it is not expected that the proposal given this distance would cause harm by reduction in the amount of daylight or sunlight currently enjoyed by the occupiers of that property.

The window that serves the bedroom is located on the western elevation and would overlook the garden of the proposed dwelling. There are two windows on the east elevation above ground level that serve the study and an ensuite for the master bedroom, both these windows are shown to be obscured to mitigate overlook into neighbouring properties. Should the application be approved, a suitably worded condition would be attached to obscure these windows.

Subject to the above condition, it is considered the proposal would not cause significant harm to neighbouring amenity in terms of loss of privacy, daylight and sunlight.

Amenity of Future Occupiers

It is also necessary to consider whether satisfactory environment would be provided for the future occupier of the proposed dwelling house in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The table below shows the minimum gross internal floor area expected against the proposed dwelling.

	Number of Bedrooms	Number of bed spaces	2 storey dwellings
Standard	2	3p	70m2
Proposed	2	3p	125m2 (approx.)

The proposal would provide sufficient garden space for the proposed dwelling. As such, no concerns are raised in relation to occupant amenity.

It is noted that the window that serves the study within the roof space is obscured. Taking into consideration the floor to ceiling height being reduced, together with the gross internal floor space it is considered that this room cannot be classified as a bedroom as such the requirement for adequate outlook would not be required. Furthermore, the study is also served by a rooflight which would facilitate additional light into the room. As such it is considered that the proposed development would not cause harm to future occupant amenity.

Given the location and orientation of the proposed dwelling facing two highways, it is not considered appropriate to remove permitted development rights as it is likely that any proposed extensions would require planning permission due to the location and orientation of the dwelling. Permitted development rights for small HMO is, however, recommended to be removed by condition in the interest of amenity.

A construction statement would be requested to ensure that the development does not cause harm to amenity during the construction process.

As such, subject conditions, there are no objections with regard to amenity in compliance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

The two objections received relate solely to highways concerns and parking provisions of the proposal.

The application is for a dwelling with accommodation for 2 bedrooms. The Council's Interim Parking Standard require the provision of a minimum of 1 parking space for a 2-bedroom property. The proposal makes provision for a garage and additional parking to the front within the site. Whilst garages are not considered to account for parking provision to meet parking standard, it is considered that for a house of this size, this provision would be adequate. The existing dwelling would retain two car parking spaces fronting Main Road. The Council's Highway Officer has raised no objection to the parking provision.

In terms of access, a new access would be created on Coombe Road for new dwelling. This is not dissimilar to that approved under the previous outline permissions for the site. The new access would be sited away from the junction and as such would maintain safe distances for ingress and egress.

It should be noted that the NPPF 2021 has put sustainable development as a central core and paragraph 112E outlines that development should provide electric charging facilities, therefore this would be secured by condition.

In conclusion, there is no objection to the development on parking or highway safety ground, and subject to condition, the application is considered to be acceptable in compliance with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

Climate Change and Energy Efficiency

A climate change statement has been submitted (within the design and access statement) stating that the intention is to build the new dwelling in accordance with future homes standards. The measures include rainwater harvesting, locally sourced materials, integrated mechanical ventilation with heat recovery, electric car charging points, further measures are specified. Should the application be approved, a suitably worded condition would be attached to fulfil this objective.

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

The proposed development would result in a dwelling that respects the character of the area and would not cause harm to neighbouring amenity, highways safety or its function. The proposal would be in accordance with Policies BNE1, BNE2, H4, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 71, 111, 112E, 126, 130, 130f, 180 and 181 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination for consistency purposes due to the previous application being determined at 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/>