

MC/23/0726

Date Received: 24 March 2023

Location: 34 Trevale Road Rochester Medway ME1 3PA

Proposal: Subdivision of the plot and construction of 2-bedroom detached dwelling, with associated access and garden amenity area. Widening of the existing dropped kerb and provision of two additional parking spaces for the existing dwelling - Demolition of the existing garage.

Applicant Mr M. Read

Agent Andrew Wells Planning & Design
Mr Andrew Wells Hollywood House
76 Hollywood Lane
Wainscott
Rochester
ME3 8AR

Ward: Rochester West & Borstal

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 5th July 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 14 June 2023:

PL/516/10 REV A - Proposed Mixed Plans

PL/516/11 REV A - Site Plan

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 at 34 Trevale Road.

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; 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 of development in order to minimise the impact of the construction period on the amenities of local residents and 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 four electric vehicle charging points (2 for existing property and 2 for proposed property) 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 prior to first occupation of the proposed dwelling 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 The dwelling herein approved shall not be occupied until the area shown on the submitted layout (drawing number PL/516/10 REV A) received 13 June 2023, 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.

- 7 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 29 March 2023. 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.

- 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 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.

- 9 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.

- 10 The boundary treatment shown on drawing number PL/516/10 REV A (received 13 June 2023) shall be completed before the dwelling hereby permitted is first 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.

- 11 The boundary treatment and landscaping along the south-eastern 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.

- 12 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 approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the subdivision of the existing plot, demolition of the existing garage and erection of a two-bedroom detached dwelling. The dwelling would measure approx. 7m in depth, by 6.4m in width and 7.6m in height, supporting a mansard style roof design. Comprised of a kitchen/diner, living room and W.C at ground floor level; and one bedroom, bathroom and ensuite bedroom at first floor level.

The proposal would also introduce an extension of the existing dropped kerb in order to facilitate two additional parking spaces to the front of the proposed dwelling; soft landscaping to the eastern perimeter alongside new boundary treatments; and associated private amenity space to the rear.

Relevant Planning History

MC/18/2200

Subdivision of the plot, demolition of the detached residential garage and construction of 2-bedroom detached dwelling with associated access and garden amenity area, together with the widening of the existing dropped kerb and provision of two additional parking spaces for the existing dwelling.
Decision: Approval with conditions
Decided: 1 October 2018

Representations

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

Seven letters of objection were received on the grounds of:

- Increased pressure on existing highway's function
- Improper access and egress onto the highway
- Increased intensity of housing density
- Overdevelopment of the plot
- "Garden grabbing"
- Detriment to the existing local character
- Net loss in biodiversity
- Impact upon migratory birds within the North Kent Marshes Special Protection Area
- Increased overlooking
- Possibility of contamination
- Impact of the boundary treatments on the visibility splays
- Loss of light
- Impacts of the construction process
- Concerns relating to formerly approved scheme under case reference number MC/18/2200

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 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background and Principle

The application site is subject to historic planning permission for an identical development approved in 2018, under case reference number MC/18/2200. Whilst it is acknowledged that this permission has lapsed, many of the material matters in the assessment of the current proposal remain unchanged from that previous application consideration. Particularly, given there have been no changes in the Local Plan and changes to the NPPF retain their focus on emphasising that design is of critical concern when striving for sustainable development. However, with the nuance that the development should clearly function and contribute to the existing character of the area; minimal changes in regard to amenity and highway's function are of relevance in this instance.

Given the current application does not differ significantly from the previous permission, the rationale for the granting of that planning permission is a material consideration that is afforded signification weight.

Subsequently, given the scheme is identical and since the granting of said permission there have been no significant changes to Local Plan since, it is considered the principle of the application is acceptable. Moreover, while a new National Planning Policy Framework was published in 2021, paragraph 11 relating to a development of this nature, is still largely in support of sustainable development. Consequently, no objections would be raised in regard to the land use principle.

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.

In this instance, the proposed dwelling would face onto and contribute to the street scene of Trevale Road: itself characterised by semi-detached two storey dwellinghouses with parking to the front and proportionate rear amenity space. The properties are of similar architectural design and materials with their key consistent feature being the mansard roof design that is carried throughout the road.

The proposal itself would essentially match the architectural design of the surrounding properties along Trevale Road, albeit the property is not detached.

In addition to this, given the location of the property on a corner plot the proposals positioning and sitting must be relative to the convergence of two separate building lines: that established by 44a to 34 Trevale Road and the return of the close 32 Trevale Road north towards 2 Trevale Road. While the proposal would conform to the former building line, the latter would be broken, with the side elevation of the proposed dwellinghouse sitting forward of 32 Trevale Road by approx. 3.5m. However, the building line of no. 32 is impacted by a large area of hardstanding to the west of the property, resulting in an approx. 24m buffer between the rear of the proposed dwelling and side of no. 32. Moreover, the proposal would retain an approx. 2.3m inset from the public footpath; maintaining the openness of the corner plot. Consequently, although the property would sit forward of the building line established by no.32 it is not considered this would result in significant harm to the visual amenity of the street scene, given the separation distance of the properties and inset from the corner plot.

The design of the development is considered appropriate and acceptable in street scene terms. Accordingly, proposal would be in compliance with Policies BNE1 and H4 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

By reason of the location, alongside the relationship with the adjoining properties, no objections would be raised in regard to loss of light or that the development would result in overbearing impact upon adjoining properties. Likewise, given the position of the proposal relative to the tracking of the sun, no objections would be raised on account of overshadowing.

In regard to overlooking and loss of privacy, the proposal would face onto the front garden and side elevation of 32 Trevale Road, and rear garden of 34 Trevale Road. To address the former, given the separation distance and obscure angle of the views afforded by the proposed first floor windows, it is not considered the proposal would result in unacceptable harm. Moreover, any views afforded of no. 32 would be mainly directed towards the front garden which is subject to existing public overlooking and is not in use a private amenity space. To address the latter, it is noted the proposed dwelling would introduce a degree of overlooking but that would not introduce a form of mutual overlooking that does not already exist.

Future Occupants

The proposed dwelling has been considered against Technical Housing Standards – Nationally Described Space Standard 2015. The gross internal floor areas (GIA) to meet the minimum standard of a two-bedroom, three-person, two-storey dwelling requires a minimum GIA of 70m². The proposal measures a total of 77m² therefore, would exceed this criterion. Moreover, the minimum space standards also dictate minimum width and floor space requirements for bedrooms. Again, all bedrooms would meet these standards exceeding the both the minimum width and space requirements accordingly. Consequently, no objections would be raised in this regard.

Furthermore, as guidance, Medway Housing Standards (interim) November 2011 (MHDS) sets out the minimum requirements garden space should measure: 10m in depth and 7m when constraints exist. The proposal would afford a garden that measures approx. 5m in depth, which is smaller than that of both the MHDS and surrounding dwellinghouses. However, the proposed garden is afforded additional space along the eastern flank of the property, with this element of the garden measuring approx. 11.5m in depth. In this instance, drawing number PL/516/10 REV A illustrates that there is space for a shed, and patio area to the rear with sufficient surplus space for play and daily living, alongside the implementation of bin storage to the front mitigating against its encroachment into the rear garden.

Overall, given the width of the proposed garden space, addition of the garden along the eastern flank wall and depiction of the gardens use by the applicant, it is not considered the smaller size and scale of the garden would result in harm to the enjoyment of the dwelling for future occupiers in accordance with Policy BNE2 of the Local Plan, therefore, no objections are raised in this regard.

While no objections would be raised to the proposed garden size, it is recommended that permitted development rights for the enlargement to both the existing and new dwelling are removed under Classes A, B and E. This will give the council the power

to control future extensions ensuring they do not result in prejudice to the character and amenity of the locality.

Additionally, there is potential for the property to be converted to a small HMO in the future, which due to the predominantly residential character of the area being in single household occupation and lack available off-road parking, may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Subject to the recommended conditions, the proposed development would comply with Policies H4 and BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

Highways

Both the host dwelling and proposed unit would be supported by the provision of two off-road parking spaces, which would accord with the adopted Interim Residential Parking Standards. Moreover, it is not considered the addition of a single dwelling would result in an unacceptable increase in pressure on highway function or traffic generation. Consequently, no objections are raised in this regard.

The proposed vehicular access would be through an extended crossover onto Trevale Road, which is as per the previously approved access under MC/18/2200. However, it is recognised that the site does sit on a corner plot where the bend in the road does limit forward visibility, as such, conditions are recommended to ensure any landscaping or boundary treatment to the south-east of the property, will be limited to no higher than 0.9m in height; as to ensure the development does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Local Plan.

Additionally, 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 is recommended. A condition is also recommended to ensure the parking areas are provided prior to occupation and retained thereafter.

Subject to the proposed conditions, 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. A condition is recommended requiring the implementation of the 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.

Contamination

Due to the demolition of an existing garage and the possibility of unreported incidents that may have caused contamination of the underlying soils, a condition relating to any potential contamination is recommended. Subject to that the proposal is in accordance with Policy BNE23 of the Local Plan.

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 £314.05 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

It is considered that the proposal would respect the character and appearance of the existing street scene and would provide satisfactory living accommodation for future occupants. Additionally, it is considered that the proposal would not impact neighbouring residential amenities or highways safety. Subsequently, the proposal would be in accordance with Policies BNE1, BNE2, BNE23, BNE35, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 11, 111, 112(e), 126, 130, 130(f), 154, 180 and 181 of the NPPF and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>