

MC/23/1935

Date Received: 30 August 2023
Location: 42 Chattenden Lane Chattenden, Rochester Medway
Proposal: Construction of a terrace of four x 3 bedroom dwelling houses with associated landscaping and parking - demolition of existing property (Resubmission of MC/21/1935).
Applicant Allied Venture Property Assets Ltd.
Mr Olu Alabi
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Ward: Hoo St Werburgh & High Halstow
Case Officer: Madeline Mead
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 22nd November 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 30 August 2023:

Site location plan
2021/06/01 - Proposed block plan
2021/06/02 - Proposed floor plan
2021/06/03 Rev E - Proposed elevations

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; parking, delivery and removal information, 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, the countryside, wildlife and habitat and with regard to BNE2 of the Medway Local Plan 2003

- 4 No development shall take place above slab level until details of the provision of electric vehicle charging points (1 per dwelling) 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. Prior to occupation of the dwellings, 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 112(e) of National Planning Policy Framework 2023.

- 5 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 No dwelling shall be occupied, until the area shown on the submitted layout as vehicle parking space 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 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 Policy T13 of the Medway Local Plan 2003

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the statement of measures to tackle climate change (dated 03/09/2023) received 4 September 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 the National Planning Policy Framework 2023.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

- 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, within the land forward of the front elevation of the dwellinghouses, shall be carried out within Schedule 2, Part 1, Class F 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 retaining soft landscaping for 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) 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.

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

Proposal

This application is for the construction of a terrace comprising of four 3-bedroom two-storey dwellings. The existing dwelling would be demolished.

The terrace would be approx. 18.47m in width, approx. 12.56m in depth, approx. 6m to the eaves and approx. 9.17m to the ridge. The terrace would appear traditional in design and like neighbouring properties. It would consist of a dual-pitched roof with two-storey gable end protections to front and rear and would comprise facing brickwork and render.

The ground floor of each dwelling would comprise a living room, dining room, kitchen and W/C; and the first floor would comprise two double bedrooms (one with en-suite), a single bedroom and family bathroom. Each dwelling would benefit from a rear garden measuring approx. 16.2m in depth, cycle storage, two off-road parking spaces with an element of soft landscaping.

Site Area/Density

Site Area: 0.0847 hectares (0.21 acres)

Site Density: 47 dph (19 dpa)

Relevant Planning History

MC/21/1935 Application for approval of reserved matters being access, appearance, landscaping, layout and scale pursuant to planning permission MC/19/1002 - Outline application with all matters reserved for the construction of a new terrace comprising of four x 3 bedroom dwelling houses (demolition of existing property).

Decision: Approval with Conditions

Decided: 1 September 2021

MC/19/1002 Outline application with all matters reserved for the construction of a new terrace comprising of four x 3-bedroom dwelling houses (demolition of existing property).

Decision: Approval with Conditions

Decided: 1 July 2019

Representations

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

No letters of representation have been received.

Southern Water, Hoo St. Werburgh Parish Council and Lower Medway Internal Drainage Board have also been consulted.

Hoo St Werburgh and Chattenden Parish Council objects to the planning application for the following reasons:

- Overdevelopment of the site.
- Insufficient parking.
- Cars reversing onto Chattenden Lane would be a highway hazard.

The Environment Agency have advised that they have no comments to make on this planning application as it falls outside of their remit as a statutory planning consultee.

Southern Water have advised that they require a formal application for a connection to the public foul sewer to be made by the applicant or developer. They have also advised that a private foul sewer is within the development site and that it is possible that a sewer now deemed to be public could be crossing the development site.

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 2023 and are considered to conform.

Planning Appraisal

Principle

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

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

The site is within the built confines of Chattenden as defined on the proposal maps to the Local Plan. Policy H11 of the Local Plan states that housing development in the rural area will be restricted to minor development within the confines of the defined villages. In this instance the proposal is for the demolition of a large detached property and detached garage and replacement with a terrace of 4 properties set within a street comprising of a mix of residential properties either side and opposite. As such the proposal represents infill development. In addition, the principle of development has already been established by the granting of the previous permission on this site under

MC/19/1002 which this application effectively seeks to re-submit (in principle). The principle of development therefore accords with Policy H11 of the Local Plan and paragraphs 11 and 60 of the NPPF.

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 and mass and should respect the visual amenity of the surrounding area.

The surrounding area of Chattenden Lane is of a varied character and plot sizes. The scale of properties within the area is predominantly two-storey along with some bungalows which have extended roof spaces for accommodation, contributing to the mixed character and appearance of the area. The application site is located towards the centre of Chattenden Lane. The proposal would create a new terrace with new vehicular accesses from Chattenden Lane which would serve each dwelling.

The proposed dwellings are relatively traditional in design and appearance, comprising four 3-bedroom dwellings of two storeys in height. It is considered that the design of the dwellings creates a balanced interpretation of the surrounding built form where there are examples of terraced dwellings and gable end front projections throughout the street scene. In terms of siting and scale, the proposal is appropriate given the size of the application site. The site layout would provide for generous parking areas with landscaping and large rear gardens.

The proposed dwellings are of a suitable size and scale with a design that would be in keeping with the mixed character of the area. Conditions are recommended for details of external materials and boundary treatments to be submitted. The proposal is in accordance with Policy BNE1 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 dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

The terrace would be bounded by residential dwellings to the north and south. The proposal would be set off the boundary with the dwelling to the south by approx. 1m; and there is a private road separating the site and the neighbouring dwelling to the north creating a separation distance from the boundary of the existing dwelling of approx. 6.6m. Due to the relationship of the proposed dwellings and existing dwellings, the orientation of the site and the path of the sun and location of proposed windows there would be no detrimental impact on neighbouring residential amenities in terms of a loss of privacy, daylight, sunlight or outlook or an overbearing impact.

Due to the orientation of the terrace, there would be some mutual overlooking of rear gardens. Outlook from rear elevation windows would be directed down the future occupier's own garden with some overlooking of neighbours. This would be expected in a row of housing of more than one-story and no concerns would be raised. Given the separation distances from the proposed terrace and the front elevation windows of the dwellings along the western side of Chattenden Lane and Goldfinch Grove to the east, no concerns would be raised with regard to a loss of privacy and overlooking.

The construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore a condition is recommended requiring the submission of a Construction Environmental Management Plan.

Future Occupier Amenities

The proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The terrace would provide four, 3-bedroom 4-person dwellings over two floors with a GIA of approx. 89.3m². The national standard states that a 3-bedroom 4-person dwelling over two floors must have a minimum GIA of 84m². All bedrooms would meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed gardens would be over approx. 16m deep.

With regard to refuse storage, it is deemed that there is adequate storage space for refuse within the curtilage of the proposed dwellinghouses.

In order to ensure the dwelling remains in single family occupancy, a condition removing the permitted development rights for the dwelling to be used as a small HMO is recommended. This condition is necessary in the interest of amenity and due to the site not being in a predominantly mixed use character area.

It is considered that with the recommended conditions imposed, the proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 130 (f) of the NPPF.

Highways

Policies T1, T2 and T13 of the Local Plan relate to the impact of development on highways safety, access and the provision of vehicle parking spaces. Paragraph 111 of the NPPF outlines that development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe; and paragraph 112(e) relates to electric vehicle charging points.

In terms of impact to the highways and the proposed accesses, given that this application is for four dwellings only, no objection would be raised regarding increased traffic movements, and the new accesses would not cause a significant or severe impact to the highway network and therefore is acceptable. Regarding parking, the

adopted Interim Residential Parking Standards require the provision of a minimum of two parking spaces for a 3+ bedroom property, the site plan indicates that sufficient parking can be accommodated on site for the new residential units, in accordance with the above-mentioned parking standards. Therefore, no concerns would be raised regarding highways safety or parking.

It should be noted that the NPPF has put sustainable development as a central core and Paragraph 112(e) outlines that development should provide electric charging facilities, therefore a suitably worded condition is recommended to fulfil this objective.

The application is considered acceptable in respect of the transport and parking Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112(e) of NPPF.

Climate Change and Energy Efficiency

A statement of measures to tackle climate change has been submitted with the application. The statement details how the building would be constructed and the measures that would be put in place for each flat to address climate change and energy efficiency.

A condition is recommended for an energy efficiency and climate change verification report to be submitted.

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 applicants have completed the SAMM's agreement form and paid the contribution for mitigation under planning application number MC/19/1002 and therefore the proposal complies Policies S6 and BNE35 of the Local Medway Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reasons for Approval

The proposed dwellings would respect the character and appearance of the street scene and provide adequate level of future occupier amenity. The proposal would not result in a detrimental impact to neighbouring residential amenities or highways safety. The proposal is in accordance with Policies BNE1, BNE2, BNE35, H11, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 11, 60, 111, 112, 126, 130, 180 and 181 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to an objection to the development from Hoo St Werburgh and Chattenden Parish Council.

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/>