

MC/16/1903

Date Received: 29 April, 2016

Location: Land Rear Of 23 Chapel Road Isle Of Grain Rochester ME3 0BQ

Proposal: Construction of 4x three bedroom detached dwellings with associated parking

Applicant: Carter Land and Development

Agent: Mr M Farrell Draft 2 Design Ltd Cortlandt George Street Hailsham BN27 1AE

Ward Peninsula

Case Officer Chris Butler

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 27 July 2016.

Recommendation - Approval subject to:

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act, 1990 (as amended) to secure £1,341.48 (£223.58 per dwelling) towards Designated Habitats Mitigation; and
- B) The following 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:

Drawing Number 1622/01 Rev A received on 29 April 2016; Drawing Number 1622/03 Rev A received on 05 May 2016; and Drawing Number 1622/02 Rev B received on 1st July 2016.

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

- 3 No part of the development shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are 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.

- 4 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. No part of the development shall be occupied until the approved hard landscaping has been provided and all planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Required prior to commencement of development to prevent any irreversible harm to the street scene and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 No part of the development 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 that have been 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.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 7 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 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 to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The access shall not be used until the area of land and any planting or boundary treatment within the vision splays of 2m by 2m at the point where the vehicular access emerges from the site over the public footpath, has been reduced in level, as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the pedestrian footpath. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 9 Prior to occupation of any part of the development hereby approved, details of secure cycle storage to serve these new properties shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details prior to the occupation of the development.

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 T4 of the Medway Local Plan 2003.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A, B, C or E of Part 1 of Schedule 2 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 amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 11 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.

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 full planning permission for the construction of 4x two bedroom detached dwellings with associated parking to the rear of 23 Chapel Road, Grain Village.

The red line site area of the application site currently forms part of the rear garden area to number 23 Chapel Road and measures 0.0681 hectares (ha)/681m². The proposal seeks to divide the site into five plots, with number 23 Chapel Road retaining a plot measuring 19 metres in depth by 14.3 metres in width. The other four plots would front Doggett's Row, which is a curved road. The depth of these plots would vary from 9.6 metres at the shortest measurement to 18.2 metres at the longest measurement. In terms of the width of each plot, these would vary, with three of the plots 1-3 having a width of approximately 10.8 metres and the last plot (plot 4) having a width of approximately 17.2 metres.

Each of the proposed two storey dwellings would have a canopy style porch to the front, west facing, elevation and would measure 8 metres in width by 6 metres in depth. Each dwelling would provide a lounge, entrance hall leading to stairs to the first floor, a dining room, a kitchen, WC and an area of storage under the stairs. At first floor level, leading off the landing are two bedrooms, one with an en-suite, a study and a bathroom. All of the first floor rooms, that face east at the rear of the dwelling would serve non-habitable rooms. Access to the gardens at the rear, east facing elevation, of Plots 1-3 of the development would be via a kitchen door and a set of french doors to the lounge area. Plot 4 proposes a kitchen door the rear, east facing elevation, but the french doors to the lounge area face north towards the side garden of that plot.

In terms of materials proposed, these are vague with reference to interlocking roof tiles, facing brickwork, all to be approved by way of condition details.

In terms of vehicular access and parking, each of the proposed dwellings would have access directly onto Doggett's Road and adequate off-street parking for two cars.

Site Area/Density

Site Area: 0.0681 hectares (0.168 acres)

Site Density: 58.74 dph (23.77 dpa)

Relevant Planning History

None

Representations

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

St James Isle of Grain Parish Council objects to the proposed development on the grounds that:

- There are too many properties on the land;
- Doggett's Row is too narrow for safe access from the proposed properties, particularly as it is a bus route;
- The loss of a continuous strip of pavement would be significant as there is no pavement on the opposite side of Doggett's Row;
- The four proposed properties would be intrusive for the existing neighbouring properties;
- The fourth property (adjacent to High Street) would create a vision black spot for vehicles entering the High Street from Doggett's Row;
- Tandem parking is inefficient and often not utilized – thereby creating additional on-street parking. However, even if it is utilized by residents, it would create traffic issues for buses, cars and pedestrians whilst cars are manoeuvred into and out of the properties;
- The traffic movements from these properties would create additional hazards for pedestrians who use Doggett's Row as the main access to High Street, particularly for young pupils walking to the Primary School and older pupils using the school bus to Hundred of Hoo School.

Dickens Country Protection Society objects on the grounds that the proposal would amount to over-development of the site that would result in dwellings with sub-standard back gardens and inadequate parking.

Six letters from local residents have written **objecting** to this proposal on the following summarised grounds:

- The proposed development would result in an over-development of a back garden;
- Development will be out of keeping with the surrounding area and the location of the development is not suitable for a development of this kind;
- Loss of privacy, caused by direct overlooking;
- Parking and highway concerns, including inadequate parking and the fact that heavy duty vehicles use Doggett's Row, including busses, delivery vehicles and lorries. There is no capacity in Doggett's Row for additional on-street parking and should Planning Permission be granted the highway works will need to meet the required standards and double yellow lines will need to be provided and enforced;
- There is only a pedestrian footpath located on the eastern side of Doggett's Row and the development create a highways danger, especially to pedestrians.

Doggett's Row is used by children to get to school and to others who use this road to get to local shops;

- Concerns regarding drainage capacity within the area. The adjoining road does not currently drain properly and these problems will be exacerbated by adding additional dwellings;
- There are few mature trees within the village and the two trees located in the corner of plot 4 must be protected by planning conditions should consent be granted;
- Position of water supply/stopcock, that supplies adjoining properties, being located within development site;
- Telephone poles and streetlights will need to be moved or lost.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle of Development

This site is located within the urban area, as defined by the Development Plan, which is made up from predominantly two storey semi-detached housing. Policy H11 of the Medway Local Plan 2003 states: "...housing development in the rural area will be restricted to minor development within the confines of the following villages and settlements, as defined on the proposals map..." Grain Villages is specifically listed within this policy as one of the villages where such development would be considered to be acceptable.

In terms of the fact that the site is a rear garden to number 23 Chapel Road, it cannot be argued that this proposal would amount to backland development, as the site fronts onto Doggett's Row. Additionally it cannot be argued that the site results in a tandem form of development and therefore policy H9 of the Local Plan is not considered to be applicable in this instance.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and Paragraphs 17 and 111 of the NPPF support the development of previously developed land provided it is not of high environmental value.

Whilst the site does not fall within the definition of previously developed land, as that definition excludes residential gardens, the Council's own saved adopted policies do not prevent such loss specifically. Indeed, saved policy H11 of the adopted Local Plan, specifically allows the principle of such development within this village environment, as it is specifically identified within the policy as a village where such development is appropriate.

Irrespective of the above, such development still needs to be considered in terms of

its: impact on the character and appearance of the surrounding area and the streetscene in general, impact on residential amenities and impact on highways and pedestrian safety. These matters are discussed further below.

In terms of sustainability, the site is located reasonably close to public transport and there are various local retail outlets and other infrastructure facilities, such as doctor's surgeries and schools, within a reasonable distance to the proposed development site. Bearing these points in mind, the proposed development is considered to be in a sustainable location and subject to the assessment of the detailed matters of the application, including design, appearance, impact on the street-scene, impact on the amenities of adjoining occupiers and the perspective occupiers of this proposed development and highway and pedestrian safety matters, the principle of proposal is considered to be in accordance with Policy H11 of the Medway Local Plan 2003 and Paragraphs 17 and 111 of the NPPF.

In addition, at present, the Council cannot demonstrate a five-year supply (as was concluded by the Planning Inspector under MC/14/0285 - land at Station Road, Rainham). In such circumstances, paragraph 49 of the Framework dictates that relevant policies for the supply of housing should not be considered up-to-date and all housing applications, where a five-year supply of deliverable housing sites cannot be demonstrated, are to be considered in the context of the presumption in favour of sustainable development. In this instance, it is not considered that any adverse impacts of allowing this scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole; or would be contrary to any specific policies in this NPPF. This being the case, this development is considered compliant with paragraph 14 of the NPPF.

Street-scene and Design.

The site is considered to be of a size that is capable of accommodating a development of this nature, within the terms of the NPPF, NPPG and existing adopted Local Planning Policy. The proposal's design and the relationship to the adjoining properties and street-scene is such that it is not considered that there will be any resultant loss of amenity to the character and appearance of the surrounding street-scene or the character of the adjoining area in general. The siting of the development is considered to be acceptable in relation to its proximity to the highway, the adjoining dwellings and the street-scene in general. The design and size of these dwellings are considered to be acceptable in terms of the layout and amenity space provision. The height of the structure is acceptable in relation to the adjoining dwellings and appropriate in this setting.

Residential Amenity

Impact on surrounding residents: The proposal is located in such a position to the adjoining dwellings so as to provide adequate privacy distances between primary facing elevations containing habitable room windows. Due to the orientation of the site, the proposed layout and design, together with the positioning of adjoining properties and existing ground levels, it is not considered that a loss of general amenity, overlooking or overshadowing of the adjoining properties would occur to such a degree as to make the proposed development unacceptable. Any

overshadowing or loss of general amenity that does occur is not considered to be sufficient to warrant a recommendation for refusal.

The development, as revised, is not considered to result in any unacceptable, adverse impact on the amenities of any of the occupiers of the proposed development or adjoining dwellings in general.

Due to the close proximity to other residential properties, it is considered to be prudent to impose a planning condition requiring the submission and written approval of a Construction / Environmental Management Plan (CEMP) to ensure that during the building operation the development is undertaken in an acceptable manner.

Bearing all of this in mind, this development is considered to be acceptable in terms of policies BNE1 and BNE2 of the adopted Local Plan.

Impact on future residents: Whilst housing in urban areas is generally encouraged, particularly the re-use of vacant or derelict land in existing residential areas, the dwelling units need to be of an adequate standard to attract and retain population in urban centres. Adequate amenity standards need to be applied and a housing mix that offers alternatives is required to achieve this. Policy BNE2 of the Local Plan seeks this and in its implementation, the Government's Technical Housing Standards 2015 (THS15) and the Medway Housing Design Standards 2011 (MHDS) are used to demonstrate that proposed new dwellings meet adequate acceptable standards. The table below shows the proposed development, as revised, when assessed for compliance against the Government's THS15:

Plot No.	Type of dwelling unit	Total house size (Area in square metres (m ²)).	THS15 specified house size (m ²).	Bedroom Size (m ²).	THS15 Bedroom Size (m ²).	Bedroom Width in metres (m).	THS15 Bedroom Width in m.
1-4 (Inc)	2B3P	96m ²	70m ²	Bed 1 = 11.6m ² Bed 2 = 9.09m ²	Bed1 - 11.5m ² Bed2 - 7.5m ²	Bed 1 - 3.350m Bed 2 - 2.650m	Bed 1 - 2.75m Bed 2 - 2.15m

A minimum of 70m² is expected for a 2 Bedroom 3 Person dwelling (2B3P). As can be seen from the table above, the proposed floor-space meets the Government's THS15 for dwelling units of the type proposed and the design is considered to comply with the requirements of the THS15. In fact, the size of each dwelling unit would be above these recommended standards and is therefore considered to be acceptable.

Correspondingly, adequate room sizes are met and the storage spaces shown within the dwellings meet the THS15 storage requirements.

In addition to the above, the level of private amenity space to the rear of the proposed dwelling units is considered to comply with the Council's external amenity space standards contained in the MHDS, which are adopted for Development Management purposes. It is considered the amenity offered to future occupiers is acceptable. Whilst the external amenity space meets the requirements of the Council's external

space standards, a reduction below the external amenity space provided would not be acceptable. This being the case, it is considered appropriate to impose a condition, should planning consent be forthcoming, removing Permitted Development (PD) rights to build rear additions or other structures within the rear garden areas. Additionally, whilst the current design does not result in direct overlooking of the adjoining dwelling or their private amenity space, PD rights related to the creation of dormer windows should also be removed in the interests of the residential amenities of adjoining occupiers.

Land Contamination.

A Phase I Desk Study Report in relation to potential land contamination has been submitted with the application. The Council's Environmental Protection Officers have reviewed this report and advise that, on the basis of the information provided, they would agree in principle with its conclusion that a Phase II intrusive investigation of the site is not necessary. However, in support of the statement made in section 7.7 of this report, in relation to dealing with any unforeseen contamination, a contaminated land "watching brief" condition should be imposed should planning consent be forthcoming.

Highways.

The development proposed meets the Council adopted Interim Parking Standards by providing 2 off-street parking spaces per dwelling. No details of bicycle storage provision have been supplied in compliance with the standard, but a planning condition can be imposed, should consent be forthcoming, requiring these details to be submitted and approved prior to the occupation of any of the dwellings.

In terms of the access and egress to and from these plots, each plot has its own access onto Doggett's Row. The access/egress points will have good visibility in both directions and the development is considered to be acceptable in this regard. In terms of pedestrian's being visible when vehicle egress from the parking spaces, due to the height of the hedging, a condition can be imposed requiring the hedge to be reduced in height to no more than 0.9 metres above the adjoining footpath within the visibility splays immediately on each side of these access, measuring some 2m by 2m, as they emerge over the pedestrian footpath thus ensuring an acceptable standard of visibility, enabling pedestrians to be seen above the hedgerow, can be achieved.

This development is considered to be acceptable when assessed against saved policies T1, T2, T4 and T13 of the adopted Local Plan.

S106 matters - 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 £223.58 per dwelling (excluding legal and monitoring officer costs, which separately total £550) should be

collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014.

The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has agreed to pay this tariff and has submitted a Unilateral Undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant

Conclusions and Reasons for Approval

The proposed development would be acceptable in terms of its impact on the character and appearance of the street-scene and the surrounding area in general. Taking all of the above into consideration, the proposed development is considered to be an acceptable in terms of the NPPF, the NPPG and the Council's adopted Development Plan policies. The proposed development is considered to be sympathetically related to the context provided by the setting and the proposal is appropriate with regard to the scale, height, proportion and detailing proposed; consistent with the existing street and would have no adverse impact on the surrounding area, street-scene or the environment generally. The development is acceptable in terms of the Council's adopted Development Plan policies and it is recommended that planning permission be granted accordingly.

The application would normally be determined under delegated powers, but is being reported to Committee due to the level of representations received that raised objection to the proposal contrary to officer recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items

identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>