

MC/16/0365

Date Received: 26 January, 2016

Location: Medway Filling Station 71 Rochester Road Cuxton Rochester
ME2 1AE

Proposal: Demolition of existing building and construction of 4x pairs of four
bedroomed semi detached houses with shared central layout
with parking provisions

Applicant: Mr D Fuller

Agent: Mr C Stone The Studio 8 The Canters Thundersley Benfleet
SS7 3DJ

Ward Cuxton & Halling

Case Officer Doug Coleman

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 15 March 2017.

Recommendation - Approval subject to;

- A. The applicant entering into a Section 106 agreement to secure off site highway works; 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:

1582 received on 26 January 2016; 1582 07A received on 1 December 2016; and 1582 8, 1582 10, 1582 11, 1582 12, 1582 13, 1582 14, 1582 15, 1582 16, 1582 17, 1582 18 received on 1 February 2017.

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

- 3 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions 4 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 7 has been complied with in relation to that contamination.

Reason: Required before commencement of the development 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.

- 4 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the land, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, having regard amongst other things to the previous use of the site as a petrol filling station and the presence of underground storage tanks on the site;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of the development 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.

- 5 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before the commencement of development 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.

- 6 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings herein approved.

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.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 5 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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.

- 8 Prior to the commencement of any work on the demolition of the existing buildings and the construction of the proposed 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; hours of delivery and removal of materials from the site; dust control measures during demolition and construction; lighting; 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 the commencement of the development in order to minimise the impact of the demolition and construction periods on the amenities of local residents, and the free flow and safety of road users, and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 9 Prior to the commencement of any works for the removal of any material from the site, including soil and other material resulting from changes in levels, details of the type or types of material and the method of disposal shall be submitted to and approved in writing by the Local Planning Authority. Disposal shall only be to an approved site.

Reason: Require before commencement of the works to ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policies BNE2 and BNE23 of the Medway Local Plan 2003.

- 10 Prior to the bringing on the site of any infill materials, details of the type or types of materials to be used in association with the development and/or chemical analysis of any subsoil/topsoil imported onto the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policies BNE2 and BNE23 of the Medway Local Plan 2003.

- 11 No development above slab level shall take place 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 before any building is occupied and shall thereafter be retained. 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.

- 12 No development above slab level shall take place until details and samples of all materials to be used externally for the construction of the houses 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.

- 13 Prior to any development above slab level, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the amenity of the future occupiers is protected.

- 14 No development above slab level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following 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 Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 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.

- 15 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 Classes A, B, C, D and 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.

- 16 No building shall be occupied, until the area shown on the submitted layout as vehicle parking spaces for the buildings 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 spaces.

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.

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

Proposal

Demolition of existing building and construction of 4 x pairs of four bedrooled semi detached houses with shared central layout with parking provisions.

The site is located on the south-east side of Rochester Road and measures approx. 65m wide by 30m deep. The front part of the site was previously used as a petrol filling station but that use ceased around 1990 and it has been used for car sales since. To the rear of the car sales area the land drops steeply to the railway line; this land is included within the application site and would form part of the private garden areas serving the proposed houses.

The proposal is to construct four pairs of semi-detached houses on the land. Each house would comprise a kitchen/diner at the front and a lounge at the rear on the ground floors; three bedrooms and a bathroom on the first floor; and a bedroom with en-suite bathroom in the roof space. A large dormer window on the rear elevation would serve the bedroom in the roof space. The proposed houses would have a rendered finish with a brick plinth and a red tiled hipped roof. The submitted drawings show approx. 7m deep private gardens to the rear.

The prevailing ground level on the forecourt varies from around 21.4m OD at the north-eastern end to around 18.9m OD at the north-western end. The land to the rear falls away by up to 2.5m. In order to reduce the impact of the proposed development,

the scheme has been amended to show that the site will be dug out to reduce the ground level by up to 1.35m. The proposed dwelling at the north-eastern end of the site (Dwelling 1), with a base level of 20.05 OD would be approx. 1.35m below the existing ground level. The reduction in levels would fall so that Dwellings 4, 5 & 6 are at the existing ground level or up to 0.15m lower. The two houses at the south-western end (Dwellings 7 & 8), at 18.37m OD would be about 1m below the existing ground level.

In terms of the street scene, the excavation would mean that the slab level of Dwellings 1 & 2, at 20.05 OD, would be lower than the slab level of the neighbouring bungalow, at 20.58 OD. However the ridge of the proposed houses, at 29.04 OD would be approx. 3m higher than the ridge of the bungalow. At the south-western end of the site, the ridge of Dwellings 7 & 8, at 27.36 OD would be over 5m higher than the ridge of the neighbouring property.

Site Area/Density

Site Area: 0.14 hectare (0,34 acre)

Site Density: 57 dph (23.1 dpa)

Relevant Planning History

ME/92/0030	Portable building on car sales site Approved with Conditions 17/03/1992
ME/90/0814	Use of part of the filling station site for, the sale of motor vehicles Refused 20/11/1990 Appeal Decided 13/05/1991

Representations

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

Cuxton Parish Council has written raising the following objections:

- Insufficient parking for the number of bedrooms in each house;
- Line of site for vehicles accessing the driveways;
- Slow moving vehicles reversing off the driveways onto A228 could present a considerable risk;
- Concerns about drainage and contamination should be addressed.

The **Dickens Country Protection Society** objects on the grounds of over development and closeness to Rochester Road.

4 letters (3 from the same household) have been received raising the following objections:

- Overdevelopment of site;

- Proposal would obstruct traffic;
- Development would be out of character;
- Inadequate parking;
- Loss of privacy to neighbouring dwellings;
- Drawings are inaccurate;
- Drainage is inadequate;
- Concerns about historical problems at site and request for a site meeting.

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

The site forms part of a continuous built up frontage along Rochester Road with houses/bungalows on either side and on the opposite, north-west, Rochester Road. Whilst the frontage comprises continuous development, the built confines of Cuxton, as defined on the Proposals Map in the Medway Local Plan 2003, ends at the adjoining property to the north-east (69 Rochester Road). Although there is a continuous built-up frontage, the village boundaries were drawn tightly to create a gap between the settlements of Cuxton and North Halling.

The site is, therefore, outside any defined settlement and the proposal falls to be assessed against the criteria in Policy BNE25 of the Medway Local Plan 2003. In this regard, the proposal would relate to the redevelopment of existing developed land and would comply with the principles of sustainable development of the NPPF and Policy BNE25(v) of the Medway Local Plan.

The site is located within the Strategic Gap, as identified under Policy BNE31 of the Local Plan, the purposes of which is to maintain the separation of Medway from Maidstone and the Medway Gap. The pre-amble to Policy BNE31 states that (Paragraph 3.4.98) the Strategic Gap extends eastwards from the Metropolitan Green Belt to maintain the separation between Halling, North Halling, Cuxton and Strood on the west bank of the River Medway. Policy BNE31 states that within the Strategic Gap, development will only be permitted when it does not:

*"(i) Result in a significant expansion of the built confines of existing settlements: or
(ii) Significantly degrade the open character or separating function of the strategic gap".*

Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

The site is situated outside the built confines, however having regard to the fact that this is a brownfield land which currently forms part of a continuous built up frontage, no objection is raised to the principle of the redevelopment of the land under Policy BNE25 of the Local Plan or Paragraph 55 of the NPPF. In addition, the proposal would not result in a significant expansion of the built confines of an existing settlement, would not degrade the open character or separating function of the strategic gap, and would result in the removal of a non-conforming use. Accordingly, no objection is raised under Policies BNE25 and BNE31 of the Local Plan and Paragraph 55 of the NPPF.

The proposed redevelopment of the land for residential purpose in a sustainable location is also considered to be acceptable and would contribute positively to the Council's housing stock.

Design and appearance

Policy BNE25 also states that development in the countryside will only be permitted if it maintains, and wherever possible enhance, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames.

The current use presents an unattractive appearance to the street scene and the proposal is for four pairs of semi-detached houses approximately 2 ½ storeys in height, it is considered that this proposal would create a development that would enhance the appearance of the site and this section of Rochester Road.

Policy BNE1 of the Local Plan states that *the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by:*

- (i) being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and*
- (ii) respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and*
- (iii) where appropriate, providing well structured, practical and attractive areas of open space*

The proposed development would contrast with the neighbouring development, which comprises predominantly bungalows, which due to the varied land levels are below street level. The applicant has sought to address this by reducing the prevailing ground levels within the site. As such, the proposed houses would be slightly higher than the neighbouring properties however, their impact would not be significant in terms of their relationship to the street scene and/or neighbouring land. Therefore, the provision of a development comprising 2 ½ storey buildings would complement the existing pattern of development in the area and would not cause significant harm to the character or appearance of the street scene or area in general.

Given the current unsightly nature of the site, the proposed development would represent a significant improvement and in turn would enhance the appearance of the site and area. Consequently, the proposal is acceptable and accordingly, no objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and

Paragraph 38 of the NPPF.

Occupier amenity

The DCLG's Nationally Described Space Standard specifies a minimum GIA of between 121 sq. m. for a three storey/four bedroom/seven persons dwelling. The standard also specifies a minimum bedroom floor area of 11.5 sq. m. (double) and 7.5 sq. m. (single). Each of the dwellings would have a GIA of 121 sq. m. The bedrooms would range between 9.25 sq. m, for a single bedroom, and 15 to 15.5 sq. m, for double bedrooms. One of the bedrooms would have an en-suite bathroom.

Each house would have a private rear garden varying in depth from 7.1m - 7.3m and varying in area from 64 sq. m to 80 sq. m.

Having regard to the above considerations, no objection is raised in terms of the amenity of the future occupiers of the proposed dwellings under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Neighbour Amenity

There are bungalows either side of the proposed development, although there are no windows proposed on the side elevations of the proposed houses and therefore, there would be no direct overlooking to these neighbouring properties from the houses on the east or west side of the development.

The bungalow to the north-east, 65 Rochester Road, has a detached garage to the side and the flank wall of the bungalow would be approx. 9.5m from the flank wall of the east end house. Due to the variation in land levels between the site, the neighbouring property and the highway, the proposed house would rise to approx. 9m above the ground level, but any adverse impact would be offset by this separation distance. As such, any overshadowing or reduction in daylight/sunlight to this neighbouring land would be minimal.

The property to the south-west, 73 Rochester Road, would be approx. 6m from the flank wall of the end house. Due to the orientation of the site, in relation to that property, there would be no significant reduction in daylight or sunlight to the property.

In terms of noise and disturbance, the proposal is for residential dwellings on the land. The current use of the land as a car sale or formally as a filling station would have generated significant noise and disturbances given their nature of usage. As such, the proposal would have less impact in terms of noise or disturbance when compared the current or previous use of the site and in this regard would be an improvement in terms of neighbour amenity. Accordingly, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Highways

The adopted Vehicle Parking Standards require the provision of two parking spaces per dwellings with three or more bedrooms, plus 0.25 spaces per dwelling for visitor parking. The submitted drawings show two tandem spaces per dwelling, located to the

side of each dwelling. The provision of two spaces would comply with the standards and no objection is therefore raised in terms of parking under Policy T13 of the Local Plan.

The site has a curved frontage resulting in a wide pavement. Two small lay-by bays have been created for vehicles to park in front of the site for the current car sales business. The submitted drawings indicate that these bays would be removed and the footpath re-instated to its full width. However, five cross-overs would be provided to serve the parking spaces for the dwellings. These highway works would require separate consent under the Highways Act 1980. A section 106 agreement is recommended to ensure that these works are carried out before any of the proposed dwellings are occupied. Subject to this agreement, no objection is raised under Policy T2 of the Local Plan.

In terms of traffic generation, the proposal is likely to generate less traffic than the existing use and therefore no objection is raised under Policy T1 of the Local Plan.

Other Matters

The desk study has been submitted with the application, which recommends an intrusive investigation to cover a number of potential contaminated areas. In view of previous uses of the site as a petrol filling station and subsequent use for car sales, plus its location over a principal aquifer, together with the sensitivity of the proposed end use, further investigations will be necessary and conditions to this effect are recommended. Subject to these conditions, no objection is raised in terms of contamination under Policy BNE23 of the Local Plan and Paragraph 121 of the NPPF.

Due to the proximity of the site to the railway line at the rear and the heavily traffic A228 Rochester Road to the front, a condition is recommended requiring the submission and approval of an acoustic assessment to determine the impact of noise from transport related sources on the amenities of the occupiers of the proposed development. Subject to this condition, no objections is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 123 of the NPPF.

A condition is also recommended requiring the submission and approval of a Construction Environmental Management Plan (CEMP).

The site is outside the 6km radius on any Special Protection Area and therefore, no bird mitigation contribution is sought and in this regard, no objection is raised under Policies S6 and BNE35 of the Local Plan and Paragraphs 109 and 118 of the NPPF.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

Although the site is outside the village boundaries and within the Strategic Gap, it forms part of a continuously built up frontage and is a previously developed

(brownfield) land. Accordingly, no objection is raised to the principle of the development under Policies BNE25 and BNE31 of the Local Plan and Paragraph 55 of the NPPF. No objection is raised in terms of design and appearance, occupier amenity, neighbour amenity, highways and parking and, subject to appropriate conditions, contamination and noise. No bird mitigation contributions are sought in this instance. The application would, therefore, comply with Policies S6, BNE1, BNE2, BNE23, BNE35, T1, T2 and T13 of the Local Plan and Paragraphs 17, 38, 109, 118, 121 and 123 of the NPPF and is recommended for approval.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to the Officers' 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/>