

MC/16/5140

Date Received: 22 December, 2016

Location: Land Adjacent To 1 Parsonage Cottages The Street Upper Stoke Rochester KENT

Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of two 4-bedroomed semi-detached dwellings with associated access

Applicant: The Church Commissioners for England

Agent: Mrs Mcdade Deloitte Real Estate Deloitte LLP Athene Place 66 Shoe Lane London EC4A 3BQ

Ward Peninsula

Case Officer Karen Cronin

Contact Number 01634 331700

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**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 with Conditions**

- 1 Approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 Plans and particulars of the reserved matters referred to in Condition 1 shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be

carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 01.2

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

- 5 The plans and particulars submitted in accordance with Condition 1 above shall include:

a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations to existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within a reasonable distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

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.

- 6 No development shall commence until a Construction Environmental Management Plan that describes measures to control the noise, dust, lighting impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all

construction works shall be undertaken in accordance with this approved plan.

Reason: Required prior to commencement of development to ensure no detrimental harm to the amenities of surrounding residents during the construction period in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 2 to 4 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 5 has been complied with in relation to that contamination.

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.

- 9 A desk top study, 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 site, 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;

(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: 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 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: 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.

- 11 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 bringing into use of the development.

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.

- 12 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 10 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 11.

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**

Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of two 4-bedroomed semi-detached dwellings with associated access.

### **Site Area/Density**

Site Area: 0.086 hectares

Site Density: 23 dph

### **Relevant Planning History**

No relevant planning history

### **Representations**

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

The **Parish Council, Integrated Transport, Environmental Protection and KCC Ecology** have also been consulted.

**Stoke Parish Council** has made the following comments:

No objection but would like to see as much of the green area as possible retained as grass in keeping with the village area.

**Environmental Protection** has made the following comments:

The historic maps for the area show buildings were on the site between 1896 and 1922, the use of these buildings is unknown, and therefore it is possible for the land to be contaminated. The site is also in close proximity to residential properties so there is potential for noise and dust to have an impact on these properties.

Recommend conditions relating to a Construction Environmental Management Plan and Contamination.

**Integrated Transport** has raised no objection.

**KCC Ecology** has made the following comments:

They are satisfied with the likely absence of protected species within the development site and recommend mitigation measures and measures to enhance biodiversity suggested in the report are implemented.

7 letters have been received raising the following objections:

- Highways safety concerns - access on a sharp bend, poor visibility, risk to pedestrians, motorists and farm traffic, close to bus stop
- Loss of on street parking
- Hinder access to Manor House Drive
- Unsuitable site for family homes
- No pavements for pedestrians
- Noise and pollution during construction
- Harm to wildlife
- Issues with shared water supply
- Increased surface water run off
- Unnecessary removal of trees
- Not in keeping with the village location
- Overdevelopment of the site
- Impact on Grade II listed buildings
- Design and building materials would have a detrimental impact
- Not enough garden or parking provided
- Loss of privacy and overlooking to neighbouring properties
- Loss of green space

## **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 2012 and are considered to conform.

## **Planning Appraisal**

### *Background*

Pre-application advice was sought by the applicant in February 2016 where the principle of the development of the site for residential purpose was accepted subject to consideration of ecology, trees, access and contamination.

### *Principle*

This site is allocated with the Local Plan Proposals Map as an area for Residential Development in Rural Settlements under Policy H11 of the Local Plan. Policy H11 allows for minor housing development within the confines of allocated villages and settlements, therefore the use of this site for two new dwellings is acceptable in principle.

### *Design*

There have been objections to the proposed design of the dwellings as not being in keeping with their countryside location. At this time the application is outline only to establish the principle of the development with appearance, layout and scale of the buildings and landscaping as reserved matters to be agreed at a later date, therefore the design of the scheme cannot be assessed at this time. The finer details of the appearance, landscaping, layout and scale will be agreed under a reserved matters application. It is considered that the illustrative layout plan submitted demonstrates that it is possible to achieve an acceptable layout and design for the number of units proposed. In principle therefore the development could comply with Policy BNE1 of the Local Plan.

### *Amenity*

There are two main amenity considerations; the impact on the amenities of neighbouring properties and the standard of amenity which would be experienced by occupants of the site itself.

### Impact on neighbours

There are neighbouring properties that could be affected by the proposal. To the north of the site is Court Lodge Farm, a detached, Grade II listed, two storey dwelling with dormers and living accommodation in the roof space. There is one window at first floor level in the south elevation that could potentially view into the site and vice versa, however the dwelling itself is located a sufficient distance for this not to be harmful. To the immediate east of the site are No 1 and 2 Parsonage Cottages, a pair of semi-detached dwellings. No. 1 Parsonage Cottages directly adjoins the site and has a window at first floor level in the west elevation that could view into the site. The indicative layout would suggest oblique views of the rear gardens of this property which is not uncommon in residential areas, even in a village location, and no overlooking into private rooms would occur. The orientation would maintain privacy of the neighbouring properties. The path that the sun travels across the application site means that there would be no significant reduction in terms of daylight/sunlight or overshadowing to adjacent neighbouring land. There would be sufficient separation distance between the windows of the proposed dwelling and the neighbouring properties not to cause loss of light.

Overall the proposal is not considered to have an unacceptable impact on neighbouring occupiers in terms of reduction in daylight, sunlight, loss of outlook and privacy, and, as such the proposal accords with Policy BNE2 of the Medway Local Plan 2003.

### Impact for future residents

At this stage the appearance, layout and scale of the buildings has yet to be determined, however it appears that it is possible to meet the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015 and as such the objectives of Policy BNE2 of the Medway Local Plan 2003. It will be necessary to show that compliance with these standards can be achieved in the subsequent reserved matters application.

There is likely to be limited overlooking and sufficient privacy maintained for future occupiers of the proposed dwellings. The proposal would provide good family sized accommodations and living environments for the future occupants.

Overall the proposal is considered to have an acceptable accommodation and living environment for the future occupier of the proposed dwelling in terms of space standards, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003.

### *Access and Parking*

This is the only aspect of the application that is detailed at this outline stage. It is proposed to construct a new access to the south-east corner of the site, adjacent to the existing access for Parsonage Cottages. The submitted plan (drawing 01.2) shows the access arrangement for the proposal. It is noted that no speed survey data has been submitted by the applicant however the road has a designated speed limit of 30mph. The proposed access shows a visibility splay of 43 metres in both directions, meeting with the requirements set out in the Manual for Streets for residential access, however this does require the removal of trees along the north-west boundary of the site that currently obstruct visibility. Records show there have been no accidents within the immediate vicinity of the site. On this basis, the access arrangements are considered acceptable and in accordance with Policy T2 of the Local Plan.

At this stage the appearance, layout and scale of the buildings has yet to be determined, however it appears that it is possible to meet the Medway Residential Parking Standards in accordance with Policy T13 of the Local Plan.

### *Ecology*

A Habitat Survey has been submitted with this application in accordance with Natural England standing advice that requires survey reports for development projects that could affect protected species. As there are mature trees on site there may be protected species on site. Policy BNE39 states that development will not be permitted if statutorily protected species and/or their habitat will be harmed. The Habitat Survey found no protected species or nesting birds on site.

### *Trees*

An Arboricultural Survey and Arboricultural Impact Assessment and Arboricultural Method statement have been submitted with this application. There are 12 mature trees on site. The site is not subject to a Tree Preservation Order and is not within the



Conservation Area, as such there is no requirement to gain consent from the Local Planning Authority to remove trees. At this stage the landscaping has yet to be determined but it proposed to remove 9 trees.

Policy BNE43 seeks to retain trees, woodlands, hedgerows and other landscape features that provide a valuable contribution to local character, therefore the removal of most of the trees on site would not accord with the Local Plan but the landscaping details will be subject to reserved matters application and the full details of the trees to be retained would be agreed at that stage.

### *Contamination*

It is noted from the submitted report that there is potential for contamination at part of the proposed site due to historical land use and there are recommendations for further investigations at the site. Although, the last known use of the site was as allotments so it is unlikely that there will be an issue with contamination. However, to ensure this a contaminated land condition is recommended.

### *Flooding*

There have been objections on the basis of surface water run-off and flooding, however the site falls outside of the flood zone areas as identified in the Environment Agency Flood Map, as such there is no requirement to consider the application against Policy CF13 of the Local Plan and no requirement for a flood risk assessment or formal sustainable urban drainage systems to be provided.

### *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's 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 applicants have agreed to pay this tariff and have/are in the process of submitted/submitted a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *Local Finance Considerations*

There are no local finance considerations

#### **Conclusions and Reasons for Approval**

This application seeks outline planning permission with the principle of the development and access being determined at this stage. There is no overriding objection in principle to development on the site. It is considered that the detailed impact with regard to appearance, layout and scale of the buildings and landscaping can be adequately addressed under subsequent reserved matters submissions. Approval is therefore recommended in accordance with Policies H11, BNE1, BNE2, BNE35, BNE39, T2 and T13 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the number of objections to the application.

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#### **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/>