

MC/17/3539

Date Received: 12 October, 2017

Location: F Morris And Son, Cookham Farm, Hill Road, Borstal, Rochester, ME1 3NN

Proposal: Demolition of existing commercial units and construction of a two storey detached three bedroom dwelling and detached single storey one bedroom annexe

Applicant: Mr Fuller

Agent: Mr T Hawkins Coteq Ltd 187 Edwin Road Rainham Gillingham ME8 0AH

Ward Rochester West

Case Officer Amanda Barnes

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 14 February 2018.**

Recommendation: Approval subject to:

- The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 towards Designated Habitats Mitigation.
- And 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:

001R4 Rev R3, 002R4 Rev R3, 003R4 Rev R3, 004R4 Rev R3, 005R4 Rev R3 received 14 December 2017

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

- 3 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.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the first floor of the western elevation of the main dwelling than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The ensuite window on the first floor rear, eastern, elevation shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. The secondary bedroom window on the first floor east elevation shall have a floor to cill height of not less than 1.7 metres above the internal finished floor level of the room it serves and apart from any top hung fan light shall be non-opening. This work shall be carried out and completed before the rooms are occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 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.

- 7 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 8 to 11 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 11 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.

- 8 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 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.

- 9 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.

- 10 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.

- 11 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 9 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 10.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 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.

- 13 The single storey (one bedroom) annexe hereby permitted forming part of the approved development shall only be occupied ancillary to the main dwelling and shall not be occupied as a separate hereditament.

Reason: To regulate and control the permitted 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**

The application is for the demolition of existing commercial units and construction of a two storey detached three bedroom dwelling and detached single storey one bedroom annexe.

The house would be approx. 13.7m in length and 10.2m in width (at the longest points) with a pitch roof approx. 6.6m to the ridge. The proposed dwelling would occupy an "L" shaped footprint and would be located within the northern area of the site in a similar location to the existing main workshop. It is proposed with a pitched roof which will incorporate a dormer within the northern and southern roof slopes.

The proposed dwelling would accommodate a lounge, a kitchen/diner, utility and WC at ground floor level. At first floor level the property would accommodate three bedrooms (one of which would have an en-suite shower room) and a bathroom.

The annexe would be approx. 10.1m in length and 7.7m in width with a pitch roof approx. 3.5m to the ridge, located within the south-east corner of the site. The planning statement advises that it would be ancillary to the main dwellinghouse and would accommodate a lounge/breakfast area, one bedroom and a bathroom.

The existing vehicular access would be retained to serve the proposed development and there would be room for the parking for at least 3 cars.

There would be a courtyard to the north of the house and a garden to the south.

### **Relevant Planning History**

None relevant

## **Representations**

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

**Three** letters received raising the following issues:

- Concerned about the removal of the asbestos
- Loss of light to the garden, have already suffered a loss of light from the other new houses
- Loss of privacy
- Like assurance that the soil contamination is dealt with
- Concerned about the working hours of the workmen
- Expect access to be kept open down the back alley for the removal of rubbish, there is no mention of it in the plans
- Concerned about the extra traffic, going back and forth to the yard.
- Overlooking from windows into Mount Road gardens
- Query over the height of the proposed development – is it going to be the same height as the current store shed, anything taller than this will further restrict, the sunlight into the south facing gardens of number 6-14 Mount Road.

## **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**

### *Principle of Development Street Scene, Design and Character of the Area*

The application site is located on the south-eastern side of Hill Road. It is located to the rear of residential properties which front Hill Road to the west, Mount Road to the north and St Johns Way to the east. The site is accessed from Hill Road.

The site is irregular in shape and currently accommodates two workshop buildings. The larger of these is located within the northern part of the site. The smaller workshop building is located within the south-east corner of the site. The site also accommodates two further detached buildings which are in use as a store and a garage.

The roads, in closest proximity to the application site, are characterised by residential properties of varied size and architectural style in a mixture of detached, semi-detached and terraced properties including bungalows and two storey dwellings. In addition, the use of materials varies considerably. Within Hill Road, Mount Road and St Johns Way the elevational treatments include various types and colour of render, brick and tile hanging. There is also variation in the type and colour of roofing materials. Furthermore, many of the properties have benefited from extensions and other additions, which further contribute to the mixed character of this locality.

It is considered that as a result of the location of the application site, the development would not be subject to widespread public view. Notwithstanding this, the proposal has been designed to ensure that it respects the broad character of the locality. The height, scale and massing of the proposed residential dwelling would be similar to that of other residential dwellings within the immediate locality.

The design of the proposed dwelling would incorporate a dormer within the northern and southern roofslopes. These would not form dominating or visually intrusive features but would add interest to the appearance of the property.

The design of the proposed annexe would complement that of the main dwelling with a garden area set between the two dwellings.

In the urban area the principle of infilling is generally acceptable providing that a clear improvement in the local environment would result in accordance with Policy H4 of the Local Plan. Paragraph 56 of the NPPF attaches great importance to the design of the built environment and 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.

The existing buildings on this site have a tired appearance and very little architectural merit. Their appearance does little to enhance the character of the area. The replacement of these buildings with a dwelling and annexe that are of a modern design would result in significant improvements to the visual amenity of the site and locality.

Paragraph 9 of the NPPF states that pursuing sustainable development “*involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life*”. This includes “*replacing poor design with better design*”. This requirement would clearly be achieved given the appearance of the existing buildings and the quality of the buildings that would replace them.

It is concluded that the proposal would not harm the character and appearance of the area and thereby complies with paragraphs 9, 56 and 57 of the NPPF and Policies BNE1 and H4 of the Local Plan.

### *Amenity*

The proposed dwelling has been designed to ensure that it would not have a significant or detrimental impact upon the residential amenity of neighbouring properties.

The house would be sited approx. 23m from the rear of the properties in Mount Road and as such it is considered that even though there is a dormer window in the northern elevation that would look towards those neighbours there would be no loss of privacy. The proposed house would be of a similar height to the existing workshop and as such the loss of outlook from the neighbouring properties should be no different to that currently experienced.

The land levels alter significantly with the new houses built in St Johns Way set at a

much higher level than the application site, as such there is a very high retaining wall. There are first floor windows that would look towards the neighbours however they are high level and serve an en-suite and secondary bedroom window and as such are not considered to create a loss of privacy to the neighbours.

There are no windows proposed at first floor in the western elevation and as such there would be no loss of privacy to the houses in Hill Road.

It is considered that as a result of the siting, design and orientation of the proposed dwelling and when compared to the existing buildings on the site it would not unduly impact upon either the light or outlook of neighbouring properties.

The property would comprise a two storey, three bedroom, six person dwelling. The required minimum gross internal floor area for such a unit is 102m<sup>2</sup>. The gross internal floor area of the proposed dwelling exceeds this required standard. In addition the room sizes are generous and as a result of the design of the development there would be adequate levels of privacy, amenity, outlook and security. The annexe would be serve as an ancillary accommodation to the dwelling as such would also provide a satisfactory level of accommodation for its intended use. As such it is considered that the proposal would secure a good standard of amenity for future occupants.

The proposed single storey annexe building would be located to the south of the site and would be of a similar height to the existing garage. It is considered that as a result of the siting, design, height and orientation of the proposed building and when compared to the existing buildings on the site it would not unduly impact upon loss of light, outlook or privacy of neighbouring properties.

Outlook from the annexe windows is limited due to the retaining wall around the building however there will be a good level of daylight into the rooms through the proposed roof lights and as this is an annexe that is ancillary to the main dwellinghouse it is considered acceptable.

The proposed garden for the property is split with a small courtyard to the north and a larger landscaped area to the south set between the main house and annexe, while there will be some overlooking into the garden from the houses in Hill Road there will be a private element in the courtyard and on balance it is considered acceptable.

For the reasons above the proposal is considered acceptable and is in accordance with policy BNE2 of the Local Plan.

### *Contamination*

Due to potential sources of contamination the report submitted with the application recommended an intrusive investigation to be carried out. Due to the previous land use and the results of the report it is recommended that a land contamination condition is attached to any permission, in accordance with Policy BNE23 of the Local Plan.



### *Highways*

It is considered that the generation of traffic would be less than the level of traffic generated by the existing use of the site and as such the proposal would not have a significant impact upon the local highway network.

On site parking is proposed for both dwellings comprising a large area of block paving providing ample parking, no highway objection is therefore raised and in car parking terms the proposal is therefore viewed as being acceptable and in accordance with the overall aims of Policies T1 and T13 of the Local Plan

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officers 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 submitted a unilateral undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Local Finance Considerations*

None relevant to this application

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

The proposal is considered acceptable in principle and in terms of design, amenity, and highway aspects and with regard to all other material planning considerations. It is

therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policies BNE1, BNE2, H4, T1 and T13 of the Local Plan and Paragraphs 9, 56, 57 and 118 of the NPPF.

This application would normally fall to be determined under delegated powers but has been referred to Members for determination due to the number of representations received contrary to officers' recommendation.

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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/>