

MC/18/1745

Date Received: 12 June 2018

Location: Land Adjacent To Fenn House Farm Fenn Street St Mary Hoo
Rochester

Proposal: Construction of a 4-bedroomed detached dwelling with associated parking, amenity space and landscaping (demolition of existing buildings)

Applicant Poundsaver

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Ward: Peninsula Ward

Case Officer: Paul Ives

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 21st November 2018.

Recommendation Approval subject to:

A The completion of a SAMMs agreement under Section 106 of the Town and Country Planning Act 1990 to secure £239.61 per new dwelling towards Designated Habitats Mitigation.

B 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:

Drawing numbers FS-18- P2 Rev 1, P3 Rev 1 and P4 Rev 1 received 10 August 20.

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

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

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

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

- 5 Prior to the occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details shall be implemented prior to occupation of the dwelling and thereafter retained.

Reason: To enhance biodiversity in accordance with the objectives of paragraph 118 and 175 of the National Planning Policy Framework 2018 and Policy BNE 37 and BNE 39 of the Medway Local Plan 2003.

- 6 The dwelling herein approved shall be not occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in the form of a permeable means of construction. 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 is likely to lead to hazardous on-street parking and excess flooding of the highway and in accordance with paragraph 163 of the National Planning Policy Framework 2018 and Policies T1 and T13 of the Medway Local Plan 2003.

- 7 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 Schedule 2, Part 1; Classes A, B, C and E 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 visual and neighbouring amenity in accordance with paragraph 217(f) of the National Planning Policy Framework 2018 and Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 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) the dwellinghouse herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to protect the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and to manage such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 No development shall take place until a Construction Environmental Management Plan (CEMP) is 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 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: In the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and Policy BNE2 of the Medway Local Plan 2018

- 10 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 11 to 13 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 14 has been complied with in relation to that contamination.

Reason: In the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and Policy BNE23 of the Medway Local Plan 2018

- 11 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 works taking place on site. The desk study, 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,
- archeological 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: In the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and Policy BNE23 of the Medway Local Plan 2018

- 12 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: In the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and Policy BNE23 of the Medway Local Plan 2018

- 13 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: In the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and Policy BNE23 of the Medway Local Plan 2018

- 14 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 12 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 13.

Reason: In the interests of amenity protection in accordance with the objectives of paragraph 217(f) of the National Planning Policy Framework 2018 and Policy BNE23 of the Medway Local Plan 2018

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

Proposal

This planning application relates to the erection of a two storey detached dwelling with gable and half hipped roof design, removal of existing single storey garage buildings. Roof lights are proposed to the front and rear.

The development would have a floor to ridge height of approx. 6.5 m; a width of approx. 10.2 m and a depth of approx. 14m. The ridge height would be approx. 1.8m lower than the adjacent two-storey dwelling to the east.

The proposed dwelling would be of a staggered layout with bedroom, living room, w/c, cupboard and large kitchen/dining room at ground floor level and three bedrooms and one bathroom above. One of the bedrooms would be served by an en-suite bathroom.

The site would share an existing access with a neighbouring plot to the south west off Fenn Street. The development would provide for two dedicated parking spaces and a turning area within the front garden (which may accommodate additional vehicles) complemented by soft landscaping.

As the site has the point of vehicular access from the highway shared with the neighbour, notice was served on the adjoining owner.

Site Area/Density

Site Area: 0.05 hectares (49.4 acres)

Site Density: 20 dph (0.02 dpa)

Relevant Planning History

Land Adjacent South View, Sharnal Street, High Halstow, Rochester

MC/17/4131 Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of a detached two-storey dwellinghouse with associated detached garage, parking facilities and hard/soft landscaping.
Approved 13 April 2018

Application site

MC/13/2951 Construction of a detached four bedroom dwelling with access

and associated parking (Resubmission of MC/13/1192)
Refused 9 January 2014

- MC/13/1192 Construction of a detached four-bedroom dwelling house with an attached single garage with utility room to the side.
Withdrawn by Applicant
28 August, 2013
- MC/09/2635 Demolition of existing building and erection of a pair of semi-detached 3 bedroom houses with associated parking
Refused 01 April 2010
- MC/00/1633 Outline application for the construction of a pair of Semi-detached houses.
Refused 17 January 2001
Dismissed at appeal 10 October 2001

Representations

The application has been advertised by way of site notice and neighbour notification letters sent to the owners / occupiers of neighbouring properties.

One letter received objecting on the following grounds:

- Loss of light
- Adverse impact on highway safety
- The site is prone to flooding with no mains drainage
- There are enough houses being built within Hoo

Three letters of support (two from one household)

- The site looks an eyesore has done for years with houses either side and an infill development would benefit the neighbourhood generally.
- There is a significant shortage of housing for families in the locality
- The design is sympathetic to the location and streetscene
- There are no privacy issues

St Mary Hoo Parish Council advises that they have considered this application in conjunction with the Council's Local Plan Countryside Protection Policies BNE25 and BNE33.

The proposed development has previously been refused four times by the Planning Committee, once on appeal. This is a rural area which is not suitable for adding development in open countryside. The Parish Council's policy is that development is likely to encourage infill applications at other rural sites and any spare land in the area.

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 2018 and are considered to conform.

Planning Appraisal

Principle

The site lies outside of the built confines of a village/rural settlement as defined in the Proposals Map. The location in planning terms is rural in nature and is subject to the policies that generally seek to restrict development in rural locations. Due to the nature of this rural location and the overarching planning aim to preserve the countryside, there are very clear policy constraints to additional dwellings in the countryside.

Policy BNE25 and H11 of the Medway Local Plan 2003, are particularly relevant, in that they seek to restrict new development for the protection the countryside. Policy BNE 33 is also relevant as the site falls on the boundary of a Special Landscaped area.

However, in considering most relevant material considerations, the Council acknowledges that it does not currently possess a 5 year land supply for housing. Due to this lack of supply, paragraph 11(d) of the NPPF is engaged, where relevant housing supply policies should not be considered up-to-date

Paragraphs 10 and 11(d) of the NPPF assert a presumption in favour of sustainable development in decision-taking, and if a 5 year housing land supply cannot be demonstrated and policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

The test of sustainability is linked to the social, economic and environment assessment of the development (paragraph 8). The proposal would introduce a new dwelling that would contribute, albeit on a minor scale, to housing provision in the Medway area. In addition, the proposal would provide employment through the construction process and support local services by its occupation. The site also comprises a disused parcel of land of poor quality with the presence of buildings in a poor state of repair. The site has no significant landscape value and the proposal would enhance the appearance of the site.

Paragraphs 77, 78 and 79 of the NPPF set out considerations in relation to proposals for rural housing.

Paragraph 77 states that proposals for rural housing should be supported where they reflect local needs and in particular bring forward affordable housing to meet those local

needs. The applicants have not put forward a case on providing affordable housing for local people.

Paragraph 78 is about promoting sustainable development in rural areas and housing will be encouraged where it enhances or maintains the vitality of rural communities.

While paragraph 78 primarily relates to proposals within or adjacent to villages to support services in those villages (or neighbouring villages) and this proposal is not within a settlement, consideration should be given to support for local services. In this respect the site is served by Bradfield's Garage for everyday 'top up goods' and The Fenn Bell Public House is also within walking distance of the site. The provision of a dwelling would support these services which in turn would be a local amenity for future residents use.

Paragraph 79 states that planning decisions should avoid isolated homes in the countryside unless certain criteria apply – primarily relating to exceptional design, local rural worker need or enhancing immediate setting. While the applicants are not contending that the proposed design is of exceptional quality, the proposal is not for an isolated dwelling being an "infill" and will enhance what is a very untidy site.

Members are also reminded of a recent decision made by Planning Committee to support the erection of a dwelling on land adjacent to South View, Sharnal Street where there would be a similar distance from the Bradfield's Garage which provides local amenities also (reference MC/17/4131) and which was a similar "infill" proposal.

The applicant has drawn attention to recent decisions made by the Local Planning Authority which they consider are supporting similar schemes where outside the settlement but acceptable in terms of location, character, design, density, amenity and access. However, other than the one case at Sharnal Street referred to above, the other decisions referred to are not comparable and the circumstances of those decisions in terms of proposals and relationships to existing settlements are materially different.

Notwithstanding that, while the proposed development would result in further suburbanisation of the road, it is considered that in principle where the weight of the NPPF is given full consideration, a residential development here would not cause sufficient harm to the wider character and functioning of the countryside to outweigh the presumption in favour of this sustainable development and therefore on balance the principle of development on this site is now acceptable.

Design

Paragraphs 79, 124, 127 of the NPPF emphasises the importance of good quality design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The street scene along this section of the road comprises a mix of house types and styles of no particular merit. To the west is a post war bungalow and to the east a row of early

C20 two storey semi-detached housing. The site comprises an expanse of land with the siting of a couple of detached outbuilding in poor condition set to the back of the site with direct access from the public highway. The site is used for the parking of some vehicles but is underused. The proposed detached dwelling would be positioned to reflect the gradual movement of buildings closer to the highway either side of the plot. The proposed property is considered large but of a suitable layout, size and scale for the size of the plot. The buildings would be off set from the boundaries by at least 2.5m, having reflective eaves and ridge heights to the neighbouring properties and providing a suitable sized front and rear garden. The design is slightly more modern than the older surrounding properties but is sensitive to its location with the extent of roof form, and combined use of gable and half hipped roof form. The proposal would enhance the appearance of the site and current mixed street scene with the landscaping proposed which would be a choice of the occupants. Given the sensitivity of this rural setting and to ensure a development of good quality, details of all materials to be used on the buildings would be recommended to be secured by condition. The principle of yellow stock brick, grey weather boarding and grey slate tiles is acceptable.

Subject to the above recommended conditions, the proposal is considered to be acceptable and would accord with paragraphs 124 and 127 of the NPPF and Policies BNE1, BNE25 and BNE33 of the Medway Local Plan 2003.

Impact on residential amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 127(f) of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

Neighbouring Residential Amenity

By virtue of the siting and the relationship between the proposed dwellings and neighbours habitable windows, path of the sun, orientation of the site and the demolition of the whole garage block it is considered there would not be any detrimental impact on neighbouring amenities of outlook, daylight or sunlight. With regard to privacy, the proposed windows would not cause any more significant harm than the existing situation of overlooking between plots and at ground floor level would be mitigated by boundary treatment. The proposed roof lights to the side are proposed to be high level within the roof space of the kitchen area at ground floor level.

Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The approx. 143 sqm gross internal floor areas (GIA) would exceed the required 106 sqm for a four bedroom 6 person dwelling over two storeys. All double bedrooms meet the national standards area and width requirements and all habitable rooms would also be

provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be at least 10m in depth and 7m when constraints exist. The proposed development would exceed this requirement. The proposal would also be a similar distance to the highway as neighbouring dwellings in terms of noise generated from the nearby highway.

One of the previous reasons for refusal related to impact on privacy of prospective occupiers of the proposed dwelling. In consideration of the siting of the development and the restricted views from neighbouring windows across the proposed plot, the development is considered to overcome this concern.

Due to the close proximity to neighbouring properties, there is potential for noise and dust from the construction phase of the project to have a negative impact on the nearby residents. A condition is recommended to request a Construction and Environmental Management Plan.

In addition, to protect amenities, it is also recommended that permitted development rights controlling alterations and extensions to the dwelling, and use of the property as a house in multiple occupancy be removed by condition.

Consequently, no objections are raised in terms of the amenities of both the future occupiers and neighbour amenities under paragraph 127(f) and 180 of the NPPF and Policy BNE2 of the Local Plan.

Environmental Protection

The environmental health issues raised by the application are contamination, noise and dust. The former use of the site could have given rise to contamination. Policy BNE23 requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Accordingly, it will be necessary for the applicant to undertake the necessary site examination through the submission of details to meet the terms of the recommended planning condition.

With the planning conditions recommended, the proposal would accord with the objectives of paragraph 178,179 and 180 of the NPPF and Policy BNE23 of the Local Plan.

Wildlife impact

The site contains predominantly bare ground with sparse vegetation with low potential for protected species. The application does however provide an opportunity to incorporate features beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. This may be managed by planning condition in accordance with the objectives of paragraphs 118 and 175 of the NPPF and Policy BNE37 and BNE39 of the local Plan.

Highways

The proposal would provide two parking spaces served by a turning area within the front garden. The parking provision would be in accordance with the Council's residential parking standards. Subject to this being of a permeable surface secured, no objection is raised where the existing access would be utilised direct from the highway. The proposal is considered acceptable from a parking and highway safety perspective and no objection is raised to the development under the provisions set out under paragraph 105 108 163 and 180 of the NPPF and Policies T1, T13 and BNE2 of the Medway Local Plan 2003.

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 £239.61 per dwelling 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 paid this tariff in the form of a SAMMs agreement. No objection raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None relevant.

Conclusions and Reasons for this Recommendation

The proposed development is acceptable in principle. While the proposed dwelling would increase the urbanisation of this cluster of properties, it is an infill site and would remove

existing poor quality buildings and improve the overall appearance of the site. Its impact on the wider countryside would be very limited. There would be no detrimental impact on neighbouring amenity, parking or highways safety and, therefore the proposal accords with relevant Paragraphs of the National Planning Policy Framework 2018 and Policies BNE1, BNE2, BNE23, BNE25, BNE37, BNE39, BNE43, S6, T1 and T13 of the Medway Local Plan 2003.

This application would normally be determined under delegated powers however has been referred to the Planning Committee for determination due to the representation received from the St Mary Hoo Parish Council expressing a view contrary to 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://publicaccess1.medway.gov.uk/online-applications/>