

MC/19/1044

Date Received: 18 April 2019

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

Proposal: Demolition of the existing buildings and construction of 2no. semi-detached 3-bed dwellings with vehicle crossover and associated parking, amenity space and landscaping

Applicant Poundsaver

Agent Barron Edwards Ltd
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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 24th July 2019.

Recommendation - Approval subject to Section 106

A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:

i) £491.12 towards Wildlife 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-B-P2 and FS-B-P3 received 20 June 2019.

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

- 3 No dwelling 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 (including the surfacing and drainage of the proposed parking area) 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 each dwelling and thereafter retained.

Reason: To enhance biodiversity in accordance with the objectives of paragraph 118 and 175 of the National Planning Policy Framework 2019 and Policy BNE 37 and BNE 39 of the Medway Local Plan 2003.

- 6 Neither dwelling herein approved shall be 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 2019 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 2019 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 2019 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) has been 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 and Policy BNE23 of the Medway Local Plan 2018

- 15 Prior to the first occupation of the dwellings herein approved, a landscape management plan to accompany the landscaping shown on drawing FS-B-P2 (which includes retention of the front hedgerow and additional planting), shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include density of planting and maximum growth rates for height, long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 16 The bathroom windows on the side flank elevations 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. This work shall be completed before the dwelling is occupied and shall be retained 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.

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

Proposal

The proposal is for the erection of a pair of 3 bedroom dwellings with parking to front served by a single crossing from the highway. The three bedroom 4 person dwellings would comprise a kitchen, dining and living area (to an open plan design), w/c; hall and office room at ground floor level and three bedrooms with en suite to one room and bathroom above. The dwellings would have a floor to ridge height of approx.. 7m and together would measure approx. 11.8m wide across the plot. An approx. depth of 9m would be provided for the rear gardens of each dwelling.

A gable design is proposed with gable dormer feature to front and gable end to rear. The properties would be handed and have a hipped roof porch canopy proposed to the front elevation. Each dwelling is proposed to be off set from the side boundary between approx.

1.9 and approx. 3.4m. The frontage parking would comprise two parking spaces for each dwelling complimented by soft landscaping retained and proposed.

Site Area/Density

Site Area: 0.05hectares (49.4 acres)

Site Density: 40 dph (0.04 dpa)

Relevant Planning History

MC/18/1745	Construction of a 4-bedroomed detached dwelling with associated parking, amenity space and landscaping (demolition of existing buildings) Decision Approved Decision 29 November 2018
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 on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

No representations have been received.

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 2019 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' but the principle of a single dwelling on the site has recently been approved. 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 of 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 two dwellings 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.

The proposed development would result in further suburbanisation of the road but 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 emphasise 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 with a mix of front garden boundary treatment. 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 outbuildings 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 dwellings would be positioned to reflect the siting of the dwellings either side of the plot.. The proposed dwellings would be 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 1m, have eaves and ridge heights that reflect those of neighbouring properties and will provide suitable and reasonable sized front and rear gardens. The design approach 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 also retain some landscaping to the site frontage The extent of hardstanding has been revised to soften the impact of frontage parking a condition is recommended in terms of materials to be used. 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 is 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.

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 in terms 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 the proposed boundary treatment..

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. 105 sqm gross internal floor areas (GIA) would exceed the required 84 sqm for a 3 bedroom 4 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 fall between the two at approx.. 9m but would provide suitable sized gardens for family homes. 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 reasons for refusal on a previous application related to the impact on the privacy of prospective occupiers from neighbours windows. 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 for 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 dwellings, and use of the properties as houses in multiple occupancy be removed by conditions.

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.

Contamination

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. An appropriate condition is recommended 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 per dwelling 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 (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 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 Approval

The proposed development is acceptable in principle. Whilst the proposed dwellings 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.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination as members have considered the recent previous applications

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/>