

MC/20/3293

Date Received: 23 December 2020
Location: 18 Broom Hill Road and Land To Rear Strood
Rochester ME2 3LE
Proposal: Variation of condition 4 of planning permission MC/19/1708 to enable minor material amendments to raise ground levels of lowest part of site by 0.9m to create a more level development and to improve on FFL in relation to flood levels. Introduce a small sleeper retaining wall as a boarder to gardens to increase garden sizes. Minor adjustments layouts and roof heights for all dwellings. Slight increase to building footprint to make Houses 2-5, 4 beds. Slight increase to building footprints of House 6-8 to make them 3 beds. Shifting House 1 to the South and alteration to make a 4 bed, moving parking space 3 and 4 to correlate better with House 2 and to give space for visitor parking spaces. Adjustment to site entrance to locate parking spaces allocated for no 18 next to no 18 and to improve size of House 8 garden.
Applicant Freshbloom Ltd
Agent Insight Architects
Agent Tina McFadzean The Joiners Shop
The Historic Dockyard
Chatham
ME4 4TZ
Ward: Strood North Ward
Case Officer: Tom Stubbs
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 23rd June 2021.

Recommendation - Approval with Conditions

- 1 Approval of the details of the 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 Plans and particulars of the reserved matters referred to in Condition 1 above 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 of the Town and Country Planning Act 1990.

- 3 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.

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

Drawing numbers: 003 Rev P8 and 004 Rev P9 received on 11 May 2021.

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

- 5 Details submitted pursuant to Condition 1 above shall include:

- a) A plan showing the location of all existing trees on site or on land adjacent to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.

- b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.

- c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

- d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within a distance within the root protection of any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.

e) 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: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 6 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 take place until conditions 7 and 10 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 10 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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:

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

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 No development shall take place until 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 has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. 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: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 8 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 9.

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 Prior to the commencement of the development hereby permitted, details of the types of infill material(s) to be used in association with the development and chemical analysis of any subsoil topsoil imported onto the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved detail.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 13 Prior to the commencement of development (and vegetation clearance), the bat mitigation strategy, as detailed in the Bat Hibernation Survey report and in the letter from the ecologist dated 20 September 2019, along with the lighting design strategy and measures to enhance the site for bats shall be implemented in full and shall be thereafter retained. The bat mitigation zone shall be kept available

for such use and no permanent development shall be carried out within this zone, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking or re-enacting that Order). The final landscaping is to be confirmed within the landscaping reserved matters condition and retained within the approved details.

The mitigation strategy must be implemented as approved unless varied by a European Protected Species (EPS) license issued by Natural England.

Reason: In order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 14 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operative's vehicles, deliveries to the site, noise, dust and lighting, the effect on wildlife and habitats arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 15 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 16 Prior to occupation of any part of the development herein approved, a signed verification report carried out by a qualified drainage engineer (or equivalent)

must be submitted to and approved in writing by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed.

- 17 Applications for the approval of reserved matters in relation to landscaping shall include full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (refuse receptacles, planters, tree grilles) Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The final hard and soft landscaping of the bat mitigation zone shall also be detailed. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE6, BNE37 and BNE39 of the Medway Local Plan 2003.

- 18 Application for the approval of reserved matters in relation to appearance, shall include details and samples of all materials to be used externally, to be 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.

- 19 No development shall take place above ground floor slab level until details of the provision of 8 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of the NPPF.

- 20 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 details shall also include the boundary treatment to the bat mitigation zone. The boundary treatment shall be completed in accordance with the approved details before any dwelling 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 and protective species, in accordance with Policies BNE1, BNE35 and BNE37 of the Medway Local Plan 2003.

- 21 Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements indicated on drawing number: 003 Rev P4 for the dwellings (including provision for the storage of recyclable materials) and the waste collection area adjacent the site entrance shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for those dwellings are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 Within 3 months of the commencement of development, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement measures contained within the approved plan shall be implemented and thereafter retained.

Reason: In order to enhance biodiversity in accordance with Policies BNE37 and BNE38 of the Medway Local Plan 2003.

- 23 Prior to occupation of any of the residential dwelling herein approved, details of mitigation in relation to air quality emissions shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall include:-

- o All gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh

All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure compliance in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 24 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) all dwelling houses herein approved shall remain in use as a dwelling house 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 control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 25 No dwelling shall be occupied until the access changes, access path, area shown on the submitted layout as vehicle parking and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 and turning space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and turning and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 southern flank elevations of House 2 without the prior written approval of the Local Planning Authority.

Reason: To regulate and control any such further development in the interests of the protection of wildlife, in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 27 Details of the windows design to protect neighbour's privacy shall be included in the appearance reserve matters application and should be retained as approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 southern first floor flank elevations of House 7 without the prior written approval of the Local Planning Authority.

Reason: To regulate and control any such further development in the interests of amenity and protection of privacy for neighbouring properties, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 28 Details of the windows design to protect neighbour's privacy shall be included in the appearance reserve matters application and should be retained as approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 southern first floor flank elevations of House 7 without the prior written approval of the Local Planning Authority.

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.

- 29 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, Class[es] A 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 Policies BNE1

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

Proposal

This application seeks the variation of condition 4 of outline planning permission MC/19/1708 to enable minor material amendments to raise ground levels of lowest part of site by 0.9m to create a more level development and to improve on FFL in relation to flood levels. Introduce a small sleeper retaining wall as a boarder to gardens to increase garden sizes. Minor adjustments to improve layout of houses and slight increase of ridge heights to improve ceiling heights on top floor of properties. Slight increase to building footprint to make Houses 2-5, 4 beds. Slight increase to building footprints of House 6-8 to make them 3 beds. Shifting House 1 to the South to give better relief to Bat mitigation zone and to align better with allocated parking area, moving parking space 3 and 4 to correlate better with House 2 and to give space for visitor parking spaces. Adjustment to site entrance to locate parking spaces allocated for no 18 next to no 18 and to improve size of House 8 garden.

The changes included within this application are:-

- Additional excavation into the cliffs/sluffing and land level changes raising the site by a maximum of 0.9m.
- Access and parking layout amended, but number of parking spaces not altered.
- Changes to properties layout, size scale and design:-

House 1 – Relocated a further approx. 2.5m south from the bat mitigation area. Approx. 0.6m wider, 0.4m deeper, 0.7m to eaves and approx. 0.1m to the ridge. Gross internal floor area (GIA) increased from 110m² to 134m².

Terrace Houses 2-5 have increased in width by approx. 2.4m wide in total, approx. 0.4m in depth, approx. 0.4m to the eaves and approx. 0.5m to the ridge. Now four beds but turned the living room on first floor to a bedroom. GIAs now 138/144m² instead of 117/122m².

Chalet bungalow 6-7 increased in combined width by approx. 1.2m aided by the proposed excavations, approx. 0.5m in depth, 0.6m to the eaves and approx. 0.4m to the ridge. Increased to 3 bed GIAs now 100m² instead of 79m².

Chalet bungalow 8 increased in width by approx. 0.4m aided by the proposed excavations, approx. 1.7m in depth mainly from the introduction of a single storey projection to the front, 0.4m to the eaves and approx. 0.1m to the ridge. Increased to 3 bed GIAs now 107m² instead of 79m².

Relevant Planning History

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| MC/19/1708 | Outline application with some matters reserved (appearance and landscaping) for construction of 8 houses and widening of existing vehicular entrance and drive - demolition of existing garages Decision: Approved subject to conditions Date: 7 February 2020 |
| MC/17/2921 | Outline application with some matters reserved (appearance and landscaping) for construction of nine dwellings with associated widening of existing vehicular access and hardstanding Decision: Withdrawn Date: 4 July 2018 |

Representation

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Archaeology and KCC Biodiversity have also been consulted.

One letter of objection has been received from the public regarding the loss of trees and concerns of the increase in height of properties. The impact on parking for additional bedrooms.

KCC Biodiversity had concern regarding the initially submitted plans which changed the shape of the bat mitigation zone. The applicants subsequently amended it back to how it was previously approved, and no objection was raised subject to the previously approved conditions.

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 principle of residential development has been established and this amendment does not result in any change in that initial assessment with regards to Policies H4 and H9 and of the Local Plan and paragraph 11, 117 and 118 of the NPPF subject to the detail considerations below.

However, as the application does make changes to the house sizes and site layout full consideration of matters of means of access, layout and scale as per the original outline application are required.

Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good 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.

Concerns from the public were raised regarding the increase in size of properties and loss of trees. The development would not be highly visible from the surrounding street scene due to the land level differences and location of most of the development within the old quarry. The land level rises will therefore not result in the development to be

significantly visible from public vantage points, similarly the proposed excavation of sluffing would result in additional space within the quarry and no objection is raised.

The layout, size and scale of the mix of house types and parking spaces have been amended with some properties being repositioned and higher in height than previously approved. However, during the course of the application, the applicant has reduced the heights and repositioned house 1 so the proposed amended layout would not be as dominant to the existing dwelling (no. 20 Broomhill Road). Consequently, the proposed amendments are of a nature that is considered to be acceptable and reflecting the mixed character of the area.

The site plan also shows the indicative areas of landscaping are achievable. With regards to the indicative appearance, it is considered that the design/fenestration of the properties was more preferential in the original approved scheme than in this submission and therefore further consideration of appearance of the properties will be required with any future reserved matters applications. However, full details of landscaping and appearance would be subject to a reserve matters application.

The development is considered acceptable with regard to the character of the site and area. The proposal would be in accordance with Policies BNE1, H4 and H9 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity of which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF relates to the protection of these amenities.

Neighbouring amenity

By virtue of the siting within the quarry, the size and scale of the properties and the relationship to neighbouring properties and their windows, the orientation of the site and path of the sun, there would be no detrimental impact on neighbouring occupiers in terms of loss of outlook, sunlight and daylight from the proposed changes.

With regards to privacy conditions 27 and 28 of the original consent were imposed to prevent windows or windows fitted with obscure glazing to be on the side of houses 7 and 8 to protect the privacy of the occupiers of no. 20 Broomhill Road. This amendment seeks windows to habitable rooms at first floor. There would be a potential for additional overlooking. The agent has indicated that this could be resolved by oriel window or other glazing solution which would provide sufficient outlook to the future occupiers and prevent overlooking of no. 20 Broomhill Road. This is considered acceptable and therefore these conditions (27 and 28) would be amended, and the final design of the window would be confirmed at the reserve matters stage.

The proposal due to the additional land level changes could add additional disturbance as a result of construction activity and consequently this would be controlled by condition requiring a Construction Environmental Management Plan.

Occupier amenity

With regard to the amenities of future occupants of the development itself, the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard).

All dwellings would meet the national standards in regard to gross internal floor area (GIA) as laid out within the plans. All bedroom's widths and areas for single and double bedrooms are also compliant with the national standards. The habitable rooms within all the flats would be provided with satisfactory outlook. The properties are spaced far enough to not have a negative impact on each other privacy.

Each property would be provided with refuse storage but would need to present rubbish at the side of the entrance on collection day which would prevent the need for a bin lorry to enter the site. A condition regarding the provision of the refuse areas at each property, would be required.

In addition, given the sizes of the plots and in order for the Council to control future additions to the properties, a condition removing permitted development rights for alterations and enlargement under Classes A and E of the GDPO is recommended. A condition removing permitted development right for small HMO is also recommended.

Subject to the suggested conditions, no objections are raised in terms of the amenities of both the future occupants and neighbour amenities under Policies BNE2, H4 and H9 of the Local Plan and paragraph 127(f) of the NPPF.

Highways

The application proposes 16 parking spaces and 2 visitor spaces for the eight houses and two parking spaces for the retained dwelling (18 Broom Hill) which is in accordance with the Medway Council's Interim Residential Parking Standards for properties of this size. An appropriate condition is recommended to secure and protect this provision and an additional condition to ensure that each dwelling has an electric car charging points per dwelling as per paragraph 110e of the NPPF.

The proposal amends access and parking layout. There is no objection with regards to highways safety from these changes. A concern has been raised regarding on the impact on parking in the area due to the extended dropped kerb, however as the scheme meets the standards and the extent of dropped kerb required would not be significant to warrant refusal of permission on its own.

Subject to the abovementioned conditions, the proposal is considered to be acceptable in respect of the transport and parking, in line with Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110E of NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF requires new development to take account of the impact on air quality.

Although the development is not in an Air Quality Management Area (AQMA), however it is in close proximity to the Central Medway AQMA. In accordance with the Medway Air Quality Planning Guidance (2016) development will be required to provide standard air quality mitigation in the form of the installation of electric vehicle charging points and Low NOx gas fired boilers. This would need to be secured by conditions if the application were considered for approval.

Subject to conditions, no objection is raised to the proposal under Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF.

Flooding/SUDS

The original application was supported by information regarding the flood risk of the area and the applicant has confirm that SUDs will be used. Permeable paving is good and supported by the Council, but confirmation would be required on the route of discharge for surface water. As long as there are no groundwater or contamination conditions which would preclude the use of infiltration, infiltration techniques may be acceptable subject to further infiltration and geotechnical testing. Soakage testing would also need to be undertaken.

It should be noted that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. There will need to be a plan of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance.

At a detailed design stage, the Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. Micro Drainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios. Urban creep, whereby the permeable surfaces are converted to impermeable over time should be considered as part of the design calculations. In this instance it is recommended that an additional 10% impermeability is included.

There is no objection to the proposed land level changes subject to the reimposing of the SUDS and maintenance conditions, in accordance with paragraph 165 of the NPPF.

Ecology

The original application was supported by a Phase 1 Habitat Survey, Hibernation Bat Survey and Bat Mitigation Letter. The information indicates that bat activity is present within the caves onsite and they recommend an enclosed area of hard landscaping to the front as a bat mitigation zone. It should be hard landscaped as maintenance of vegetation can cause disruption and also blocking of the entrances. The report also indicates to restrict light in this area. The report also indicates changes to the cave entrances. The details would need to be secured by condition.

The applicants have amended the scheme so the original bat mitigation zone set out in front of caves and sluffing is retained as previously approved, however the indicative landscaping is not ideal, and the reserved matters landscaping scheme would ensure that the hard landscaped area includes a fence behind the hedge to prevent access. A further condition would be required to remove windows within the flank elevation of house 2 as this can cause a light source to the entrance of the caves.

The proposed amended layout has changed around the bat mitigation zone. A letter was submitted recommending the caves to be blocked up. However, this would not be necessary where there is a condition to ensure the protection of bats, or the bat mitigation zone is controlled by condition.

Subject to condition no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

An Archaeological Desk-Based Assessment ref NGR:TQ7295269600 dated 18 August 2017 was submitted in support of the original application. The site was developed as a chalk pit in the post medieval period, and it is possible that the site contains industrial archaeological remains associated with the pit which is shown on the Strood Title Map (1844) and was still in operation at the time of the first edition Ordnance Survey map (1869) on which limekilns are shown. It is possible that buried remains of these limekilns as well as remains associated with two cottages also shown on the site on the Title Map may survive. It is therefore necessary to re-impose a suitably worded condition for a programme of archaeological work. The assessment fails to take into account of the two caves on the site and should be archaeologically recorded as part of the required conditioned works.

Subject to conditions, the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 189 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The original application was supported by a desk study report which was considered acceptable and due to previous potentially contamination use, it is recommended an intrusive investigation would be required. The site also lies over a water source protection zone 1.

This application seeks to raise the land levels and additional condition is required to ensure a suitable type of infill material and subsoils are used.

Subject to conditions, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

Trees

The original application is supported by a tree report which indicates the scheme would result in the removal of three Category B trees, 18 trees/1 group of trees and 2 hedges in category C and 1 Category U tree. The application site is not within a conservation area and the trees are not protected or in a conservation area. The report provides protection measure to protect the retained trees but final details of the design levels and construction methods of the reduced dig surfaced area to be agreed. However, as landscaping is a reserved matter, the final tree protection measures and retained trees would be included within the reserved matters application which should include replacement tree planting were possible.

Subject to conditions the development is considered acceptable in regard to Policy BNE43 of the Local Plan and paragraph 170 of the NPPF.

Climate Change

The applicant has indicated that all materials will meet the requirements of the latest building regulations and in particular Part L (Energy Use). Their intension is to install solar thermal panels on the south or west facing pitched roofs. The proposal is for 4m² per house which is the recommended level of installation for the heating and hot water requirements of the average household. Photovoltaic panel installations will also be incorporated for electricity generation.

Energy consumption will be reduced through energy saving devices. Fixed light fittings will be designated energy efficient fittings. Energy efficient goods. All kitchens to have white goods including fridge, freezers, washing machines, dishwashers and tumble dryers to be 'A+++' rated as far as possible, while taps, fittings and WCs to be low water

consuming and electric car points are also conditioned as part of this application. A verification condition would be required to confirm these have been undertaken.

Bird Mitigation

The applicants submitted a SAMM Mitigation Contribution Agreement form and paid the contribution under the previous application. A Habitat Regulations Assessment has been undertaken as part of the previous application. As this proposal does not increase the number of dwellings no further action is required and no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Other matters

A variation of condition application is such that when granted approval, in effect, a new planning permission is granted. It is therefore necessary to re-impose the conditions set out in the original permission under MC/19/1708 including the amendment to conditions 4, 27 and 28 as per the recommendations set out in this report.

Upon the planning officers site visit it had become apparent that works of clearance of the site had commenced. The applicant has been informed informally that works should cease on site. The applicant would be advised by way of an informative that the works should not commence again until the reserved matters application has been submitted and determined, and pre-commencement conditions of both applications are submitted and discharged.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered to be a minor material amendment and acceptable in terms of principle, design, amenity, noise, air quality and highways aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to appropriate conditions. The proposal accords with the provisions of Policies H4, H9, BNE1, BNE2, BNE21, BNE24, BNE35, BNE37, BNE43, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 109, 110e, 117, 118, 124, 127, 165, 170, 175, 176, 181 and 189 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee for determination due to the original application (ref: MC/19/1708 subject of this variation application) being determined by Members and in the interest of consistency.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>