

MC/21/2917

Date Received: 7 October 2021

Location: Land Adjacent to West Bere Grain Road  
Isle Of Grain Rochester

Proposal: Part retrospective application for the construction of two 4 bedroom detached chalet bungalows with off street parking and construction of 4 bedroom detached chalet bungalow with off street parking

Applicant Mr Andrew Punter

Agent Architecnique Architects  
Mr Jonathan Cook 8 Beatty Cottages  
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ME3 9PE

Ward: Peninsula Ward

Case Officer: Dylan Campbell

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6th April 2022.**

**Recommendation - Approval with Conditions**

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

Received 1 December 2021:

021-057/104 REV A - Elevations as Proposed

021-057/105 REV A - Ground Floor Plan as Proposed

021-057/106 REV A - First Floor Plan as Proposed

021-057/107 REV A - Roof Plan as Proposed

Received 6 December 2021:

021-057/101 REV B - Block Plan as Proposed

021-057/103 REV B - Site Plan as Proposed

021-057/108 REV B - Proposed Street Elevation

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

- 2 All materials used externally shall match those outlined in the Materials List received 14 March 2022.

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.

- 3 No development shall take place above slab level until details of the provision of 1 electric vehicle charging point per dwelling has 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of the NPPF.

- 4 The dwellings shall not be occupied, until the area shown on the submitted layout as vehicle parking spaces for proposed dwellings have been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 5 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected, as well as details of areas of both hard and soft landscaping to be provided, has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the dwelling is first 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.

- 6 The development herein approved shall incorporate the sustainable technologies described in Climate Change and Energy Efficiency Statement (dated 11 November 2021) received 1 December 2021. The development shall not be brought into use until a signed verification report has submitted to and approved in writing by the Local Planning Authority to confirm that the sustainable technologies have been implemented.

Reason: In the interests of climate change and sustainability in accordance with paragraph 154 of the NPPF.

- 7 Prior to occupation of any dwelling hereby approved, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This should include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes and native planting. The enhancements must be incorporated into the site prior to the occupation of the dwelling and thereafter retained.

Reason: To safeguard the ecology within the site in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 8 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, any shielding, light intensity, colour and spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on bats (including reference to the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on roosting, foraging and commuting bats and with regard to Policy BNE39 of the Medway Local Plan 2003.

- 9 The dwelling in the southernmost area of the site shall not be constructed, and the two dwellings constructed shall not be occupied until conditions 10 to 12 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: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 A site investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The 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:
  - o human health
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.  
adjoining land,  
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 as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

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

- 13 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 11 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 12.

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.

- 14 To safeguard the future occupants from the potential presence of ground gas, appropriate gas protection measures shall be installed in the proposed development. The details and timetable for implementation shall be submitted to and approved by the Local Planning Authority prior to installation and appropriately maintained thereafter.

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.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, AA 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 design and amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 16 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 dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 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.

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

## **Proposal**

This application seeks permission for the construction of three 4-bedroom chalet bungalows with associated access, off-road parking, and landscaping.

Each bungalow would measure approx. 12.4m in length (including projection to front), 9.4m in width, 2.7m to the eaves, and 5.7m to the ridge. The dwellings would also include a single storey pitched roof front projection and pitched roof dormers to rear.

The ground floor of each dwelling would comprise two double bedrooms, study, bathroom, kitchen and living room; and the first floor would comprise two single bedrooms (one with a store cupboard and one with an en-suite shower room).

## Site Area/Density

*Site Area:* 0.1275 hectares (0.315 acres)

*Site Density:* 23 dph (9 dpa)

## Relevant Planning History

MC/21/1015	Development of vacant site into two 4 bedroom detached chalet bungalows with off street parking Decision: Approval with Conditions Decided: 9 July 2021
MC/20/3168	Outline planning application with all matters reserved for the construction of two 3-bedroom bungalows with access parking and landscaping Decision: Approval with Conditions Decided: 10 March 2021

## Representations

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

National Grid, KCC Archaeology, Southern Water and Isle of Grain Parish Council have also been consulted.

**Four** letters have been received supporting the application:

- Good use of land
- In keeping with the village
- Good construction practices
- Well-constructed

**Isle of Grain Parish Council** object to the proposal and consider the proposal to be an overdevelopment of the site, insufficient off-road parking spaces, access and vision splays, on street parking.

**Southern Water** state that the EA should be consulted by the applicants regarding a septic tank. Additionally, should any sewer be found during construction works, an investigation of ownership of the sewer will be required.

**National Grid** have been consulted due to the location of the proposed development in relation to high voltage overhead power cables however no response has 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 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The principle of residential development on this site was established under the previously approved outline application MC/20/3168 and the following planning application MC/21/1015. This application seeks permission for the relocation of the two previously approved bungalows and an additional third bungalow. As outlined in the previous Officer report subject to further considerations as detailed in report below the presumption in favour of sustainable development applies and the proposal is in accordance with Policies S1, S2, BNE25, BNE39 and H11 of the Local Plan and paragraphs 8, 10, 11, 79, 174, 179 and 180 of the NPPF.

### *Design, Scale and Layout*

Paragraphs 126 and 130 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.

The site was previously a paddock to the southwest of the Village of Grain, which is currently under development. This area of Grain Road comprises a row of 6 dwellings, being 4 detached two-storey dwellings and a bungalow to the northeast of the application site and another bungalow approx. 50m to the southwest. The proposed dwellings would be visible from Grain Road and nearby surrounding fields.

The proposal would comprise three small-scale 4-bedroom chalet bungalows similar in style and scale to the neighbouring bungalows. They would be sited to provide adequate garden space and the elevations demonstrate that two bungalows could sit comfortably within the street scene. Although the proposed dormers to rear are relatively large, they are set in well within the roof space of the dwellings, back from the eaves and side elevations. Additionally, the pitch roof design helps reduce the



visual bulk and dominance when viewed from the rear, and would not be visible from the street scene

It is considered that the proposed bungalows would respect the character and appearance of surrounding dwellings and would not appear cramped within the application site. The proposal is in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *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. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

The proposed dwellings are shown on the plans to sit comfortably within the site with minimum adequate rear garden space and set back from the highway to provide parking to front. Due to the relationship and design of the proposed dwellings with surrounding neighbours, the orientation of the site and the path of the sun, there would be no detrimental impact on neighbour's amenities in terms of loss of outlook, daylight, or sunlight.

If planning permission was forthcoming, due to the relatively restricted garden depths, it is considered that permitted development rights relating to enlargement and outbuildings be removed under Classes A, AA and E of the schedule 2, part 1 of the Town and Country Planning (General Permitted Development) Order 2015, in the interest of existing and neighbouring amenity in accordance with Policy BNE2 of the Local Plan.

Given the size of the proposed properties and the ability to subdivide ground floor rooms to create additional bedrooms, along with the residential character of the area; there is potential for the property to be converted to a small HMO in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. Therefore, if planning permission was forthcoming, it is recommended that permitted development rights be removed regarding the change of use between use class C3 and C4.

Due to the proximity of the proposal to neighbouring dwellings it is recommended that a Construction Environmental Management Plan is secured by condition to mitigate noise and disturbance to nearby residents during the construction process.

### Amenity of Future Occupiers

The proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). Each dwelling would measure approx. 134m<sup>2</sup> gross internal floor areas (GIA) which would exceed the minimum standard for a 4-bedroom, 6-person over two floors minimum GIA of 106m<sup>2</sup>. All bedrooms would meet the national standards area

and width requirements and all habitable rooms would be provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed gardens meets these depths being approx. 7m deep, similar to neighbouring dwellings. It is considered that the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

The plans include the provision of 2 off-road parking spaces to serve the proposed dwellings in accordance with the adopted Interim Residential Parking Standards. There would also be a degree of soft landscaping retained to front of the dwellings and details of landscaping would be conditioned for submission and approval in writing by the LPA. It is not considered that this would result in any adverse highways impacts. It is noted however that no electric vehicle charging points are proposed, the NPPF has put sustainable development as a central core and Paragraph 112e outlines that development should provide electric charging facilities, therefore a suitably worded condition would be required to fulfil this objective. A condition would also be required to ensure the parking areas are provided prior to occupation and retained thereafter. It is considered that the proposal is in accordance with Policies T1, T2 and T13 of the Local Plan and paragraph 111 and 112E of the NPPF.

### *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 £253.83 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 the tariff and have submitted the SAMMS Mitigation Contribution Agreement under the previously approved application (MC/20/3168) for two bungalows and they have paid this tariff and have submitted the SAMMS Mitigation Contribution Agreement for the third bungalow under the current application. Both permissions cannot be implemented resulting in more than three dwellings due to the location of the dwellings and site constraints, therefore no objection is raised under paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Contamination*

The application is supported by a Phase 1 Desk Study Ref: 3849-201221-CM (dated December 2020). The report consists of a site walkover, review of historical maps, conceptual site model and qualitative risk assessment. Due to the site's location to former landfill sites, the report recommends a phase 2 intrusive investigation is carried out, including an investigation into the presence of ground gas and groundwater monitoring. Therefore, a Ground Gas Risk Assessment has been carried out. The results of the gas monitoring are representative of a Characteristic Situation of 'CS1' and NHBC 'Green' classification, based on 'worst-case' Gas Screening Values calculated using the data from the 3 rounds of monitoring. Only very low concentrations of hazardous gases were recorded (methane was not recorded above the instrument detection limit), while gas flow rates were negligible. It is therefore considered that there is no significant gas risk to the site with respect to the residential development and no gas protection measures are required.

The report states that a monitoring regime of 3 x gas monitoring rounds over a period of 3 weeks was agreed with the developer. However, this is not in line with the generally accepted requirement for a minimum of 6x gas monitoring rounds, over a period of 3 months. Additionally, it is noted that 3 standpipes were installed at the location of the already constructed pair of dwellings. However, none appear to have been installed in the land parcel that shall form the plot for the additional proposed dwelling. The submitted report only addresses the gas part of the recommendations from the desk top study, (and not adequately due to the insufficient monitoring). The applicant still needs to address the other recommendations, such as the condition of shallow groundwater and the other points raised. However, groundwater issues are for the Environment Agency to comment on.

In situations where insufficient ground gas monitoring is carried out, it may be acceptable to, alternatively, agree to the installation of enhanced gas protection measures. In such cases, details of the proposed measures should be submitted in writing to the Local Planning Authority for approval, prior to implementation. Should the applicant choose to install gas protection measures, instead of additional monitoring, then this would need to protect against worst case scenario, and they would need to submit their proposal in writing for approval prior to installation, and this would be secured by condition. In these circumstances, the original recommended contaminated land conditions which include investigation and remediation still remains applicable and would be included in any forthcoming planning permission.

Subject to these conditions, no concerns are raised regarding Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

### *Ecology*

Paragraph 8 of the NPPF relates to sustainable development, paragraphs 174 and 179 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment in terms of, and amongst other matters, minimising impacts on and providing net gains for biodiversity; and paragraph 180 of the NPPF provides guidance regarding habitats and biodiversity when determining planning applications. Policy BNE39 of the Local Plan outlines that development would not be permitted if statutorily protected species and/or their habitat will be harmed and that conditions would be attached to ensure that protected species and/or their habitats are safeguarded and maintained.

This application is supported by a Preliminary Ecological Appraisal Ref: 4415E/20 (dated 14 October 2020) and is considered that, whilst the site boundaries have potential to be used by protected species, most of the site is unsuitable as it contains short grassland. Therefore, no further surveys would be required to determine this planning application.

### Bats

The proposed development will result in an increase in lighting and therefore the proposals would have a negative impact on foraging/commuting bats. It is advised that any lighting scheme must be designed to be sensitive towards bats and minimise light spill. Any forthcoming planning permission would require a condition relating to the submission and approval in writing by the LPA of a lighting strategy, which should follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

### Ecological Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity”. The site plans indicate that a hedgerow will be erected along the site boundaries, but more could be done to enhance the site for biodiversity. Therefore, any forthcoming planning permission would require a condition related to the submission and approval in writing by the LPA of a detailed ecological enhancement plan.

### *Climate Change and Energy Efficiency*

The proposal is supported by a Climate Change and Energy Efficiency Statement (dated 11 November 2021) to highlight the sustainable design principles and technologies which are proposed to be implemented as part of this development.

- Comply with all building regulations
- Sustainable and locally sourced materials from environmentally accredited suppliers
- 100% LED lighting throughout the scheme
- adoption of water butts and water efficiency and recycling methods
- promote the use of public transport and bicycle use
- use of ground/air source heat pumps or 98% efficient gas combination boilers
- New Resident/Occupier Information Pack
- Biodiversity Net gains

Any forthcoming permission would include a condition requiring the implementation of the sustainable technologies and signed verification report. No objections would therefore be raised regarding paragraph 154 of the NPPF.

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

The proposal is considered to be acceptable. It is therefore recommended that the proposal be approved subject to conditions. The proposal is in accordance with the Policies H11, S1, S2, S6, BNE1, BNE2, BNE23, BNE25, BNE35, BNE39, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 8, 10, 11, 79, 126, 130, 111, 112E, 154, 174, 179 180, 181, 183.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the objection received from the Isle of Grain Parish Council expressing a view contrary to officer’s recommendation for approval with conditions.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website  
<https://publicaccess1.medway.gov.uk/online-applications/>