

MC/22/0384

Date Received: 14 February 2022
Location: Land at Port Victoria Road, Port Victoria Road
Isle Of Grain ME3 0EN
Proposal: Application for approval of reserved matters being appearance, scale and revised layout and discharge of conditions 9 (finished levels), 10 (archaeology), 17 (CEMP) and 23 (bat sensitive light) pursuant to planning permission MC/20/1973 - Outline application with some matters reserved (appearance and scale) for construction of five dwellings houses with associated estate road, provision of 12 on site car parking spaces, new pavement along the site road frontage and on site reptile habitat and removal of porta cabin to the north.
Applicant: Mr Chas Hall
Agent: MSD ARCHITECTS
Mr Mark Selden
1 Mount Pleasant
Tonbridge
TN12 6AH
Ward: Peninsula 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 24th August 2022.

Recommendation - Approval with Conditions

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

Received 21 April 2022:

1377 RM101A	Site Location Plans & Street Scene
1377 RM102A	Plans & Elevations Plot 2, 4 & 5
1377 RM103A	Plans & Elevations Plot 1 & 3
1377 RM104A	New Signage Map Location
1377 RM105A	Proposed Levels

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

- 2 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Brief Climate Change and Energy efficiency statement. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been

submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

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

Proposal

This is a reserved matters application for appearance and scale with revised layout and discharge of conditions 9 (finished levels), 10 (archaeology), 17 (CEMP) and 23 (bat sensitive light) pursuant to planning permission MC/20/1973 - Outline application with some matters reserved (appearance and scale) for construction of five dwellings houses with associated estate road, provision of 12 on site car parking spaces, new pavement along the site road frontage and on site reptile habitat and removal of portacabin to the north.

The proposal includes a minor change to the approved layout under the outline planning permission MC/20/1973. This is regarding the siting of houses 1 – 3 which are stepped back further in the site due to the position of the Southern Water sewer running through the site and need for a 6m easement.

The proposal also confirms the appearance and scale of the previously approved 5 dwellings. The brick built, part hipped and part gable roof, two storey dwellings would measure approx. 6.5m in width, approx. 10.6m in depth and approx. 4.8m to the eaves height and approx. 8.5m to the ridge. Each property would consist of a hall, kitchen, open plan living room and diner with a W/C at ground floor and four bedrooms and a bathroom at first floor level.

This application also includes the discharge of conditions for: conditions 9 (finished levels), 10 (archaeology), 17 (CEMP) and 23 (bat sensitive light).

During the consideration of this application the scheme was amended, the application showed the ecology area in a different configuration than approved under the outline as originally submitted. This was subsequently restored to as previously approved under the final layout for determination.

Relevant Planning History

MC/20/1973

Outline application with some matters reserved (appearance and scale) for construction of five dwellings houses with associated estate road, provision of 12 on site car parking spaces, new pavement along the site road frontage and on site reptile habitat and removal of porta cabin to the North-
Resubmission of MC/18/1871
Decision: Approved

Decided: 21 December 2020

MC/18/1871

Outline for the erection of 6 dwelling houses comprising of a pair of semi-detached houses associated estate access road, provision for 14 onsite car parking spaces including 2 visitor parking
Decision: Refusal
Decided: 8 July 2020

Representations

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

The Environment Agency, Natural England, Historic England, KCC Archaeology, KCC Biodiversity, RSPB, Kent Wildlife Trust and St James Isle of Grain Parish Council also been consulted.

2 letters of objection have been received from one person raising the following objections:

- Access/Exit located in poor location on dangerous corner.
- Destruction of existing floor and fauna.
- Who will maintain the habitats, landscaping proposed.
- Impact on local facilities and amenities.
- What happens to the below ground structures.

St James Isle of Grain Parish Council have objected raising the following concerns. The address of the application is incorrect and the development is in Chapel Road, the entrance and exit is on a narrow road on a blind bend, the site must be secured by boundary treatment or retention of existing fencing, loss of established flora and fauna, concerns about service vehicles access, who will maintain habitats and landscaping, the porta cabin is subject to a covenant requiring Parish consent before its demolition, no permission for the proposed map within parish land and concerns over its vandalism. An informative will be included within any decision regarding the need to contact the parish council regarding the issues regarding the porta cabin and

Environment Agency have written to indicate they have no comment on the application.

Historic England have written about condition 10. They are satisfied with the archaeological evaluation which forms part of the programme of archaeological works regarding the scheduled monument World War II shelter. The recording of this will contribute to a larger understanding of the heritage of coastal defences in the region. They are happy for the condition to be discharged and encourage that the report is distributed to the Historic Environment Record and uploaded to OASIS. Other archaeological elements should be sought from the County Archaeologist. Any changes to ecological areas may require scheduled ancient monument consent and

builders onsite should be aware that some of the northern areas of the site is a scheduled ancient monument.

KCC Biodiversity have provided various comments. As originally submitted they indicated that further ecological information was required regarding the relocation of the ecological area, however this was subsequently reinstated to as approved. With regards to condition 17 they are satisfied that the CEMP confirms the reptile mitigation will be carried out. With regards to condition 23, no details of bat lighting was provided. It was later confirmed that no lighting will be onsite, which is acceptable, however if this were change details would need to be resubmitted under this condition.

Natural England have provided comments about the construction management plan needs to be followed to avoid impacts on birds and the secure of the financial contribution towards SAMMS. It should be noted this was secured under the s106 of the outline application.

Southern Water (SW) have written to raise no objections to the reserve matters. They have provided a map of records of their services in the area showing an existing public sewer within the development site. The details of the assets must be determined by the applicant in consultation with SW prior to the development layout being finalised. It then provides guidance on separation distances, planting, soakaways and other requirements within the proximity of their equipment. There may also be a public sewer crossing the site. The applicants will be notified of these requirements via an informative.

KCC Archaeology have indicated that with regards to buried archaeology interest they are content that no additional work is required beyond the evaluation stage. However further works on the air raid shelters are required *more than a Level 1 survey and a more detailed recording is required prior to their loss. Due to their identical appearance in form/structure that only one need be taken forward for fuller recording, but all three should be inspected, photographed and any notable features (surviving fixtures, graffiti, etc recorded). For the shelter selected for more detailed recording I would like to see something akin to a level 2.5 survey (so measured (dimensioned) plans, cross-section(s), descriptive record, photographs (internal/external) showing general arrangement and any detailed shots (e.g. access arrangements, fittings (or scars of fittings), graffiti, etc), plus some broad historical background setting the shelters into the context of the war-time defences at Grain.* Additional information has been submitted and follow up comments are still to be 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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the development has already been accepted under the approved outline application and therefore only considerations are to the amended layout of the development and the remaining reserved matters of appearance and scale.

Design

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 is key to achieving well designed places.

There is no objection to the amended layout of the site compared to the outline approval. The houses are also considered to be of a suitable design, size and scale in keeping with the area. The general detail of the materials being brickwork to the elevations, plain roof tiles, grey uPVC doors and windows. Grey gutters and downpipes and coloured render are acceptable. Further conditions requiring more detail of the materials and landscaping are imposed within the outline application and no further conditions are required.

The design and layout of the development is therefore compliant with Policy BNE1 of the Medway Local Plan 2003 and Paragraphs 126 and 130 of the NPPF 2021.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for future occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF relates to the protection of these amenities.

Neighbouring amenity

By virtue of the land levels, siting, size, scale and location of habitable windows within the development, orientation of the site and path of the sun and in relation and distance to neighbouring properties and their habitable room windows there would be no unacceptable impact on neighbouring properties amenities with regards to privacy, outlook, sunlight or daylight as proposed.

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). The four-bedroom, six person dwellings over two storeys would measure approx. 112m² gross internal floor area (GIA) exceeding the requirements set out in the national standard for gross internal floor area (106m²) and room sizes, whilst all rooms would have sufficient outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that private rear gardens for the width of the property should be 10m in depth or 7m when constraints exist. The proposed garden depths vary between approx. 8m and 14m and therefore compliant.

The proposal is considered acceptable in amenity terms and no objection is raised under the provisions of Policies BNE2 and H4 of the Local Plan and paragraph 130 of the NPPF.

Highways

Concerns have been raised within consultation responses regarding the safety of the access onto Port Victoria Road and movement of service vehicles. However, the access arrangements remain unchanged from the outline approval where it was considered that the development would provide a satisfactory access and sightlines onto Port Victoria Road. Further to this, condition 14 of the outline approval seeks the provision of sightlines to the entrance prior to the access coming into use.

With regards to the layout of the site it is considered to be a functional shared space, which provides sufficient parking and space for vehicles to manoeuvre and park within the site. The conditions of the outline approval also secure the provision of electric charging facilities and the retention of the access road and car parking layout and no further conditions are required.

The application is therefore considered in accordance with Policies T1 and T13 of the Local Plan and paragraph 111 and 112E of the NPPF.

Climate Change and Energy Efficiency

The applicant has provided a climate change and energy statement in support of this application which indicates sustainable design principles so orientation of the houses and spacing would allow for passive and active solar features, energy efficiency and water reducing products to be used, it would comply with Part L of the building regulations, biodiversity offsetting to habitats lost, water tanks and grey water systems, and use of air source heat pumps. The development would also provide household information pack so they can operate the heating and lighting system efficiently.

Conditions of the outline application secure the provision of electric charging points and boiler details. A further condition is recommended to be added to this outline approval for a verification condition for the works outlined within submitted statement. Subject to this the application would be considered in accordance with paragraphs 112e and 154 of the NPPF.

Conditions

Condition 9 (Finished levels)

Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

The proposed land levels within drawing number 1337 RM105A dated Feb 2022 are considered acceptable with regards to impacts on the surrounding properties in accordance with Policy BNE2 of the Local Plan and can be discharged.

To fully comply with this condition the application would be required to be carried out in accordance with the approved details.

Condition 10 (Archaeology)

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

The application is supported by an Archaeological Evaluation Report ref 2022/4 (dated January 2022) to discharge this condition. Although the conclusion of the report is agreed regarding the impact to buried archaeology, further surveying of the air raid shelters are required. The applicant has provided plan surveys of the air raid shelters.

Delegated powers are sought to discharge this condition on the basis of the assessment of the submitted additional information based on the response from KCC Archaeology.

Condition 17 (CEMP)

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control; parking, delivery and removal information, 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 residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

A Construction Environmental Management Plan (CEMP) submitted on 21 April 2022 has been submitted to discharge this condition. The CEMP is considered acceptable and indicates how the development would be constructed to minimise the impact on amenities of local residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

The condition can be discharged, however in order to fully comply with this condition, construction works must be carried out in accordance with the approved details.

Condition 23 (Bat Sensitive Lighting)

No development shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and these shall be maintained thereafter in accordance with the approved plan.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

The applicants have confirmed that there would be no external lighting. On this basis there is no objection with regards to the protection and enhancement of the natural environment in accordance with section 15 of the NPPF.

The condition can therefore be discharged. The applicant should be aware if they wish to include external lighting at a later date then the applicant would have to submit an application to discharge this condition again for consideration.

Conclusions and Reasons for Approval

Overall, the details are considered acceptable and there would be no detrimental impacts on the character and appearance of the area, residential amenity or the highway network.

The details submitted in relation to the conditions 9, 17 and 23 are considered acceptable and as a result can be discharged from MC/20/1973. Delegated powers to determine condition 10 are requested based on the response from KCC

Archaeology regarding the acceptability of the additional information being survey works.

The application therefore accords with the provisions of the paragraphs 111, 112, 126, 130 and 154 of the NPPF and Policies BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but has been called in, to be decided by the Planning Committee, due to the objection from the Parish Council.

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/>