

MC/23/0405

Date Received: 17 February 2023
Location: 37 Cranmere Court Strood
Rochester Medway
Proposal: Construction of a 2 storey detached dwelling together with two parking bays and refuse storage - resubmission MC/22/2194.
Applicant

Agent Architecture Design
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Ward: Strood North and Frindsbury Ward
Case Officer: Stephie Theedom
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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 7th June 2023.

Recommendation – Approval with Conditions

- 3 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received on 17th February 2023
Location Plan
Propose Block Plan (11) 05
Ground Floor Plan 1102
1103 Front and Rear Elevations
1104 Side Elevations

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

- 3 All materials used externally shall match those of the adjacent properties within Cranmere Court.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) the dwellinghouse herein approved shall remain in use as a dwellinghouse falling within Class C3 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.

- 5 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 6 to 8 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 9 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/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 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:
 - human health.
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land.

- groundwaters and surface waters.
- ecological systems.
- 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/or 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 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/or 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 (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 commencement; of the development.

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

- 9 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 6; and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 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 first occupation of the development.

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.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A, B 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 and BNE2 of the Medway Local Plan 2003.

- 12 No development shall take place above ground floor slab level until details of the provision of 3 electric vehicle charging points (1 for the existing property and 2 for the proposed) 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 112E of National Planning Policy Framework.

- 13 Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council.

Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 - 19:00 Monday to Friday daily, 08:00 - 13:00 Saturdays. No works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 14 Prior to the commencement of development details of a scheme to protect the occupiers of the proposed dwelling from rail related noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of protection shall be implemented prior to first occupation of the dwelling hereby approved and shall thereafter be retained.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application is for the subdivision of the garden of 37 Cranmere Court to facilitate the construction a new 2 storey three bed detached dwelling. The access to the property will be via the existing parking court north of the site. Two new parking spaces will be provided for the new dwelling.

Relevant Planning History

MC/22/2194	Construction of a 3 storey detached dwelling together with two parking bays and alteration of existing parking bay position to 37 Cranmere Court Refused 16 November 2022
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Representations

The application has been advertised on site and by individual neighbour letters. KCC Archaeological, Network Rail and Southern Water have also been consulted.

Ten letters have been received raising concerns in relation to:

- There will not be an improvement to the area.

- There will be a negative impact on the cul de sac.
- Safety and security concerns.
- Noise from the railway line cannot be mitigated.
- Construction disturbance (HGV, noise, dust).
- Potential Access issues to No.38 and 42.
- Parking issues already.
- Increased traffic in already congested area.
- Housing development in close proximity being built out, and no need for further housing.
- Air quality.
- Location of proposed parking bays in relation to cul de sac parking.
- Loss of Privacy.
- Out of character.
- Loss of light.
- Loss of tree and landscaping.
- Local traffic and increase in congestion.
- Poor Quality of the appearance of the proposed building.
- Question Boundary treatment.
- Impact on right of way.
- Surface water and flood risk.
- Vehicle and pedestrian safety.
- Landowner ownership issues.

Network Rail has written confirming that the applicant/developer should contact them prior to commencing development on site. *This has been brought to the attention of the applicant.*

Southern Water has advised that they will require formal notice to connect to the public foul sewer and if a sustainable urban drainage system is proposed this may require adoption from the water authority.

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

Background

The application is a re submission of the previously refused application (MC/22/2194) relating to the construction of a 3-storey detached dwelling together with two parking bays and alteration of existing parking bay position to 37 Cranmere Court. The application was refused on the following ground:

The proposed detached dwelling by reason of its design, scale and orientation which would result in a development that fails to provide a clear positive improvement to its environment, appearing contrived and cramped within the plot. The proposal would also fail to maintain the open character of the area, by reason of its orientation. The proposal as such would not provide a positive clear improvement to the local environment and would not relate appropriately to the established pattern of development in the area, contrary to Policies H4 and BNE1 of the Medway Local Plan 2003, and paragraphs 126 and 130 of the NPPF.

Principle

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

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

In this case, the site is in a sustainable location, in an urban area. Policy H4 of the Local Plan allows for residential infilling in principle providing that a clear improvement in the local environment will result. The principle of a dwelling in this location is acceptable where the site is located within a residential area. In land use terms, the development would comply with the objectives of Paragraphs 11 of the NPPF and Policy H4 (ii) of the Local Plan.

Therefore, there are no principal objections subject to compliance with all other relevant development plan policies.

Design

The previous 2022 application (MC/22/2194) for a detached dwelling was refused by reason that its design, scale and orientation would result in a development that fails to provide a clear positive improvement to its environment, appearing contrived and cramped within the plot. The proposal would also fail to maintain the open character of the area, by reason of its orientation.

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design in development in improving local areas 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 proposed dwelling is considered more uniform in massing and scale by the reduction of its width and height and thereby its prominence in the street scene. The new design is more sympathetic to the character in the immediate and wider locality.

The use of good quality fenestration and addition of a canopy help to create interest in the principal elevation and better blend with the surrounding character.

The development no longer seeks to remove elements of the existing grass verge and shrubs within the close. The proposal would introduce a parking area to the side of the dwelling that would provide off street parking, which would reflect the character of the wider street scene. Subject to good quality materials and a permeable means of construction no objection would be raised on the parking area.

As such the proposal would provide a positive clear improvement to the local environment and would reflect to the established pattern of development in the area, contrary to Policies H4 and BNE1 of the Local Plan, and paragraphs 126 and 130 of the NPPF.

Amenity

Paragraph 130(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

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 the potential occupants of the development itself.

Neighbouring Amenity

The proposed dwelling is located within the side garden of No.37 and adjacent to the neighbouring property at No.38 reducing the existing separation distance from 20m to 11m. from side flank to front elevation/side garden. The proposed development has been designed to ensure all windows face to the front or rear of the property where overlooking is already present.

The proposed dwelling is slightly set back from the building line of No.37 and 38. Therefore, there would be no significant loss of sunlight or daylight due to the location and orientation of the property and distance to neighbouring households. As such the proposal complies with Policy BNE2 of the Local Plan.

It is considered that the location of the property as proposed would not be unacceptable in terms of its impact on neighbouring amenity. However, it is necessary to remove permitted development for enlargement under Classes A and E of the GPDO which could result in amenity implications on neighbouring occupiers and also remove permitted development rights for conversion to small HMO to control the intensification of residential use on the site. Appropriate conditions are recommended.

Impact on existing property

The proposed dwelling would not have an impact in terms of loss of sunlight to the existing house given its location and orientation. No objection is raised in terms of daylight, outlook, or privacy impact on this household.

Given that the site is within a mainly residential area where development most likely will have an impact on amenity through construction, a construction environmental management plan condition is recommended.

Amenity of future occupiers

It is also necessary to consider whether adequate habitable space would be provided for the future occupier of the proposed dwelling house in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The table below shows the minimum gross internal floor area expected against the proposed dwelling floor areas.

	Number of Bedrooms	Number of bed spaces	3 storey dwellings
Standard	3b	5p	99
Proposed	3b	5p	114

The proposed dwelling is considered acceptable in relation to the minimum gross internal area, bedroom sizes and storage in accordance with the national space standards.

The subdivision of the rear garden would provide the new dwelling with a garden that has a depth of approx. 6.3m and a maximum width of approx. 11m. Medway's housing design standards (2011) states "Houses should have a private garden with a minimum length of 7m. 10m will normally be expected". The site is constrained by the parking area to the front and the railway line to the rear therefore a depth of 7m would be considered acceptable in this case. The proposed depth is marginally under the 7m but has width of 11m providing a similar private garden space to the surrounding dwellings. Therefore, it is considered that there is sufficient garden space retained, no objections have been raised in regard to private amenity space.

The development would also provide sufficient garden space for the existing dwelling.

As such, the living conditions for potential occupants of the site are considered acceptable. There are no objections with regard to Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Noise

The residential premises and associated gardens have a railway line to the south of the site. The railway line way is located at ground height with no additional acoustic screening to the site from passing the rail traffic other than the existing boundary fence. It is therefore appropriate to recommend a condition requiring details of how rail generated noise will be mitigated to protect the amenities of prospective occupiers.

Highways

The existing dwelling will retain its 2 parking spaces to the front. The proposed property will have 2 parking spaces to the side. This provision complies with Medway's interim parking standards.

The NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities. An appropriate condition is recommended to secure electric vehicle charging for both the existing and proposed dwellings.

The application is acceptable in respect of the transport and parking policies T1, T2 and T13 of the Local Plan and paragraph 111 and 112e of NPPF.

Contamination

A Phase 1 Environmental Assessment (Ref 21-070/P1, dated 18/7/22) has been submitted with the application.

The assessment includes a site walkover, review of historical data, conceptual site model and preliminary risk assessment. The assessment concludes that the sites represent a very low to low environmental risk and that a Phase II intrusive investigation of the site is required.

Appropriate conditions are therefore recommended and subject to these the application is acceptable in relation to the Policy BNE23.

Climate Change and Energy Efficiency

The NPPF has put sustainable development as a central core. The applicant has submitted a statement for Climate change which proposes the following measures to address energy efficiency and climate change:

- Building material will be sourced from local supply chain.
- Compliance with current building regulations including high level of insulation.
- Measures to maximise water efficiency and recycling.
- Surface water to soakaway.
- Electric Vehicle charging for the two additional parking spaces.

An appropriate condition is recommended to secure all the measures proposed including the submission of a verification report.

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 £275.88 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 previous application has made this payment and as it has not been refunded it has been carried over to this application, as such no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reasons for approval

It is considered that the re-submitted scheme satisfactorily addresses the concerns raised with the previous application and that the proposed dwelling is well designed, in keeping with the street scene, protecting amenity and providing parking in accordance with Medway standards. The proposed development therefore accords with the objectives of Policies BNE1, BNE2, H4, T1, T13 and S6 of the Medway Local Plan 2003 and paragraphs 11, 111, 126, 130 and 130f of the NPPF and is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the extent of representation received contrary to the recommendation.

Background Papers

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>