

MC/23/0138

Date Received: 20 January 2023
Location: Land To The Rear Of 30-38 Iden Road
Wainscott Rochester
Proposal: Construction of a terrace of 3 dwellings with associated access and parking.
Applicant K.E.W.S. Homes Ltd
Mr W Hawkins
Agent Woodstock Associates
Mr Keith Plumb
53 Woodstock Road
Sittingbourne
ME10 4HJ
Ward: Strood Rural Ward
Case Officer: Amanda Barnes
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 2nd August 2023.

Recommendation - Approval with Conditions

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

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

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

Received 10 May 2023
KE/08/P001B - No Title

Received 14 March 2023
KE/08/P001A - Location and Block Plan Proposed
KE/08/P001A - Proposed Elevations

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

- 3 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 4 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the any 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.

- 5 No development above slab level shall be carried out until, full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority. The 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, and ecological enhancements.

The development shall be implemented in accordance with the approved details prior to first occupation of any dwelling or in accordance with a timescale that has been agreed in writing by the Local Planning Authority prior to first occupation 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 and restoration in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 The parking spaces shown on the approved plans shall be surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these spaces shall be kept available for such use for each property and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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 these reserved parking spaces .

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and increased parking competition on the highway and to accord with Policies BNE2 and T13 of the Medway Local Plan 2003.

- 7 No development shall take place above ground floor 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.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2021.

- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall always thereafter be kept available for the parking of cycles in association with the development.

Reason: To ensure that the development is provided with adequate cycle parking facilities to encourage the use of alternative modes of transport in accordance with Policy T4 of the Medway Local Plan 2003.

- 9 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 including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement in the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: In the interests of residential amenity and in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 11 Notwithstanding the submitted drawings, prior to occupation of any part of the development, details of the refuse storage area to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be implemented in accordance with the approved details before any part of the development is occupied and shall thereafter be retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 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.
- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
 - ii. A timetable for its implementation (including phased implementation).
 - iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
 - iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

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

- 13 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 14 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended no development within Schedule 2, Part 1, Classes AA, D, E and F shall be carried out without the permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control such development in the interests of 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) all 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.

- 17 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the 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 application is for the construction of a terrace of 3 dwellings with associated access and parking.

The houses will all comprise of a kitchen, WC and living room on the ground floor, with two single bedrooms and a family bathroom on the first floor and a double bedroom, on the second floor.

Eight parking spaces have been proposed.

The rear gardens will be approx. 9m in depth and between 5 and 6.7m in width.

The houses will be approx. 5.1m to eaves and 8.6m in height to the ridge, 5m in width and 9m in depth.

The site has vehicular access onto Iden Road from an existing drive which serves some a communal garaging area. The application advises that full rights of access to the garaging will be unaffected and will be maintained at all times.

Relevant Planning History

MC/01/1086 Outline application for construction of bungalow with garage
Approved 20.02.2002.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Frindsbury Extra Parish Council have also been notified.

A Petition with 25 signatures has been received objecting to the development for various reasons including flooding, drainage traffic and noise issues.

11 letters have been received objecting for the following reasons:

- Existing drainage is not sufficient to deal with waste and adding three more houses will make this situation.
- The land proposed is higher than neighbouring gardens this will result in surface water flooding.
- The site is subject to ground subsidence.
- Access and egress difficulties will be exacerbated and access for emergency vehicles will be difficult.
- Iden Road is a busy road and with merging traffic from the proposed dwellings there would be an increased risk of accidents. This is a single-track access so if two vehicles were to meet one party could be forced to reverse blind onto Iden Road.
- There is also not enough space on this access to allow for access to pedestrians with a safe walkway/path to said dwellings.
- If residents have work vans where will they be able to park?
- The proposed wall will make access more difficult to the existing garages.
- Overdevelopment and out of character with area.
- Overlooking/Loss of privacy.
- Loss of sunlight.
- Light pollution.
- Nature - habitats will be disturbed.
- Noise and disturbance.
- Concern over access to rear of property.
- Concerns over safety of structure of wall and location of electric charging points.
- Schools are oversubscribed.

- Will add to the parking pressure.
- No evidence of Radon testing.
- There is no anti-social behaviour.
- Concern about vermin due to location of refuse stores.

Frindsbury Extra Parish Council object to this planning application due to overdevelopment of the site. The proposed development does not meet the criteria to policy H9 of the 2003 local plan. Development will be overbearing and create a loss of amenity. Restricted access to the site, and concerns over the access to emergency vehicles and concerns with regard to the access to the existing garages.

Dickens Country Protection Society have commented that if the site is to be developed at this density that it should be for affordable housing.

Following the receipt of further information, the following comments have been received:

Frindsbury Extra Parish Council – have advised that the new information does not alter their comments.

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 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

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 paragraphs 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.

The site is set within the urban area of Frindsbury as defined on the proposals map to the Local Plan. Policy H4 of the Local Plan, states that within the urban area, residential development will be permitted on land within residential areas provided that a clear improvement in the local environment will result. Paragraphs 11 and 60 of the NPPF seek to boost housing supply but is subject to assessment against other material considerations as to whether a clear improvement to the environment will result. Paragraph 117 of the NPPF promotes the effective use of land to meet

housing needs.

Policy H9 of the Local Plan (Backland and Tandem Development) sets out that backland development will be permitted only when it does not constitute piecemeal development that would threaten the comprehensive development of a wider area. Backland development will be permitted when:

- (i) there is no loss of privacy from overlooking adjoining houses and/or their back gardens; and
- (ii) there is acceptable vehicular access; and
- (iii) there is no significant increase in noise or disturbance to adjacent residents from traffic using the access; and
- (iv) existing natural features, such as trees, which contribute to the amenity of the area are retained or conserved; and
- (v) there is adequate private amenity space for the existing and proposed dwellings; and
- (vi) the character and amenity of the area as a whole is maintained.

This application is for the siting of 3 new homes on an existing backland garage site where the access is already established. The site is generally of a hard surfaced nature with concrete aprons. The area where the housing is to be located is unused and the applicant has advised that it has been cleared from time to time to keep it under control and dispose of fly tipping which has been a problem in the past. The character of the wider area is residential comprising of bungalows and two-storey houses.

Paragraph 69 of the NPPF identifies the important contribution that small sites can make towards meeting the housing requirements of an area. Local Planning Authorities are encouraged to support the development of windfall sites through their decisions.

The redevelopment of the site as proposed would add to the housing stock in the area by providing 3 modern constructed family homes with a good level of internal and external amenity space whilst reflecting the established character and appearance of the locality.

The houses are located within the urban area and within walking distance to schools, shops a medical centre and public transport and the site is therefore considered to be in a sustainable location.

As such no objection is therefore raised to the principle of houses in this area subject to matters of design, amenity and highways which will be explored below.

Design

Paragraphs 126 and 130 of the NPPF emphasise 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.

In design terms the properties would not be readily visible from Iden Road. The

houses are two-storey and are of a traditional design such that they would fit within the housing stock in the wider area.

The area is composed of a large expanse of hardstanding with an area of overgrown land, and as such it is not considered that the new houses would remove any notable features.

The proposal is considered to be in accordance with the provisions of Policies H9 and BNE1 of the Local Plan and Paragraphs 126 and 130 of the NPPF.

Amenity Considerations

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

The proposed 3b5p houses would provide a good standard of accommodation and would meet the technical housing standards - nationally described space standard dated March 2015 (the national standard) at approx. 90sqm (minimum 90sqm). Each property benefits from a rear garden between approx. 50 and 60sqm which is considered acceptable.

While the proposal will have the potential to create noise associated with the comings and goings to the properties either side of the access on Iden Road, it is considered that due to the current use of the land for the parking of vehicles the addition of 3 new homes would not create noise and disturbance likely to be so significant to warrant refusal.

Due to the locality of the development, there is the potential for nuisances to be caused to nearby residents during the construction therefore a condition for a Construction Environmental Management Plan is recommended on any approval.

The houses would be set in excess of 28m to the rear of the houses in Iden Road and as such would not create any new issues with regard to loss of outlook, daylight, sunlight or privacy.

The houses would be set approx. 18.5 from the flank wall of the houses in Grasmere Grove and as such it is considered that there would be little impact with regard to loss of outlook or daylight. As the site is set to the south there would be the potential for some loss of sunlight, however this would be marginal due to the distances involved. There would be some overlooking to the rear garden of No.34 Grasmere Grove, however as this neighbour has a garden width in excess of 10m it is considered this is acceptable.

The proposal is therefore acceptable in amenity terms and would comply with Policies H9 or BNE2 of the Local Plan and paragraph 130f of the NPPF.

Contamination

Based on the Phase I Environmental Assessment – Desk Study and Walkover Survey (Meadow Environmental Consulting dated 21 February 2023) no further investigation and remediation is required based on the report. However, as the site was historically a brickworks and as the proposal is for residential development a watching brief condition is recommended. Subject to this condition, the application is considered to be in accordance with Policy BNE23 of the Local Plan.

Flooding

It is noted that the application site is situated within Flood Zone one. However it is in a significant surface water flow path and therefore any application should ensure that this is not increased. An appropriate condition is recommended. Subject to this condition, the application is considered to be in accordance with paragraph 167 of the NPPF.

Highways

The site is accessed from an existing access used for the garages. Improvements are proposed to the access to provide a separate footway thereby addressing concerns with regard to pedestrian access. The site can accommodate the turning manoeuvres of a fire tender.

The Medway Council Residential Parking Standards state that three 3-bedroom dwellings require a minimum of 6 car parking spaces (2 each). The applicant has provided 8 spaces (2 per dwelling and 2 visitor) and therefore complies with this standard.

It is considered that the limited additional trips associated with the proposals will not have a significant and unacceptable impact on the local highway network.

Due to the constraints of the development, including the road being private, refuse vehicles would not service the development. The 3 dwellings would need to present waste between 28-30 Iden Road and as such a condition is recommended to show the location of refuse bin and recycling provision.

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.

No objection is raised in respect of the Policies T1, T2, T3 and T13 of the Local Plan or paragraphs 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 £314.05 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 by way of mitigation for the adverse effects of the development. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has paid the SAMMS Mitigation Contribution Agreement therefore no objection is therefore raised under Policies S6 and BNE35 of Local Plan.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. There was therefore a need under the Conservation of Habitats and Species Regulations 2017 for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Climate Change and Energy Efficiency

The applicant has advised that the houses will be built to and exceed the recently upgraded Building Regulations Part L that deals with energy efficiency. A high standard of sustainable design and construction will be incorporated into the design of the houses. In order to reduce CO2 emissions, high performance insulation will be specified.

Through increased thickness of the insulation employed and highly rated windows the U-Values for the thermal elements of the buildings will exceed the Building Regulations Part L standards.

All lighting will be low energy LED fittings throughout with an efficacy greater than 80 Lumens/circuit Watt.

In line photo-voltaic solar panels will be provided on the south elevation.

The area of windows to the living rooms and bedrooms will also improve levels of natural daylighting but retain these to acceptable sizes as these are the weakest link in the thermal envelope.

It is proposed to provide a high-quality natural species landscaping scheme as part of the development which will include new specimen trees and shrub planting.

New indigenous species of trees and shrubs suitable for wildlife habitat will be incorporated with further biodiversity enhancements such as bird / bat boxes and 'hedgehog highways' cut into new fences. These enhancements will provide a biodiversity net gain to the existing site.

To minimise internal water consumption, considerable thought will be given to the flow rates of the fixtures and fittings prior to purchase. The information below shows targets which will be implemented on site. The flow rates and capacities will be achieved through the use of flow restrictors and water efficient appliances.

WC's Full Flush - Average flushing volume 6 litres.

WC's Part Flush Average flushing volume 4 litres.

Kitchen Taps Flow Rate 7 litres/minute.

Basin / bath taps Flow Rate 6 litres/minute.

Bath Capacity to overflow 190 litres.

Shower Flow Rate 10 litres/minute.

Rainwater re-cycling is a possibility at this site subject to cost, however water butts will be provided for garden watering.

During the building process contractors will manage recycling and waste. Emphasis will be placed on re-use of materials where possible and recycling.

By careful site management and material ordering it is possible to reduce waste from the start and avoid unnecessary waste being sent to landfill. Wherever possible all materials will be locally sourced, this will help minimise the environmental impact of transport to the site. For all materials used in the scheme, consideration will be given in respect of the responsible sourcing certification level they achieve.

Efforts will be made to ensure all timber used in the project is locally sourced. All timber specified will be sourced in line with the UK governments timber procurement policy and be specified from sustainable sources such as FSC- or PEFC-certified whenever possible.

Where possible any existing materials will be reused.

Each property will be provided with multiple kitchen waste bins for food waste, general waste and recycling. Externally the above three bins in a larger capacity will be provided for weekly collection.

Each house will have a shed for cycle storage measuring 2m x1.5m with a padlocked door.

One parking space to each house will be provided with an electric vehicle charging point.

There are no air quality measures that will offer an improvement to the existing vacant site however the DER and TER values of the SAP energy rating will ensure that carbon emissions will be kept to an absolute minimum.

New residents / occupiers of the new houses will be provided with a welcome pack, this will outline the local public transport options along with local cycle and pedestrian routes. It will also provide information on the most energy efficient manner in which to operate the central heating system.

A condition is recommended to ensure the above measures are adhered to. Subject to this condition the development is considered to be in accordance with paragraph 154 of the NPPF.

Local Finance Considerations

There are no local finance considerations due to the extent of works proposed.

Conclusions and Reasons for Approval

The principle of the development is considered to be acceptable. The design and layout of the scheme is considered to fit within this urban area without causing demonstrable harm to the character of the local area, amenity or issues with regard to the highway network and as such is in accordance with Local Plan Policies and the NPPF.

The proposal would normally be determined under officers delegated powers, however due to the number of representations received expressing a view contrary to the recommendation the case is being referred to the Planning Committee for determination.

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/>