

MC/12/0334

Date Received: 9 February, 2012

Location: Bridgeside, Warwick Crescent, Rochester, ME1 3LE

Proposal: Outline application with some matters reserved (landscaping) for construction of a terrace of twelve 2-bedroom houses

Applicant: Crown Coast Limited

Agent: Mr G Bunce Primefolio Ltd. 24 Ashford Road Maidstone Kent ME14 5BH

Ward Rochester West

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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 11 July, 2012.**

**Recommendation - Approval subject to:**

A. The applicant's entering into an agreement under S106 of the Town & Country Planning Act 1990 to secure:

- I. £26,956.00 towards education
- II. £2,100.00 towards waste services
- III. £1499.40 towards the Great Lines Heritage Park
- IV. £15,000 towards the upgrade of the public right of way

B. And the imposition of the following conditions:

- 1 Approval of the details of the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 12-02-location received on 9 February 2012, 12-02-02 received on 6 March 2012 and 12-02-01 D received 6 June 2012.

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

- 5 No development shall commence until details of all external materials including roofing materials, facing bricks and/or other cladding materials, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied and shall thereafter be retained. Development shall be carried out 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.

- 7 Applications for the approval of reserved matters in relation to landscaping submitted pursuant to condition 1 shall include full details of external lighting and both hard and soft landscape works. These details shall include the exact position, colour, intensity and spillage of the lighting; all paving and external hard surfacing; minor artefacts and structures. 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 implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE5, BNE6 and BNE8 of

the Medway Local Plan 2003.

- 8 No development shall commence until details of the measures for the protection of the root systems of those trees to be retained as shown as trees T1, T2, T3, T4 and T5 on drawing number 12-02-01 D have been submitted to and approved in writing by the Local Planning Authority. The root protection measures shall be implemented on site before construction commences and shall remain in place until development is complete.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 No development shall commence until details of the refuse storage arrangements for the development, including provision for the storage of recyclable materials, has been submitted to and approved in writing by the Local Planning Authority. Details of the refuse storage shall include elevations, plans and materials. No unit shall be occupied until the refuse storage arrangements have been implemented in accordance with the approved details and the refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 10 No unit herein approved shall be occupied until the area shown on the plan (drawing number 12-02-01 D3 received on 6 June 2012) for access and parking purposes has been provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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.

- 11 No development shall commence until details of the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 The improvements to the access as shown on drawing number 12-02-01 D

shall be implemented and made available for use prior to the first occupation of the development herein approved.

Reason: To ensure adequate access arrangements in accordance with Policy T2 of the Medway Local Plan 2003.

- 13 No development shall commence until details of the design and appearance of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall be retained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to the conditions of visual amenity in the locality and to ensure the facility is secure in accordance with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 14 The development shall be implemented in accordance with the noise mitigation measures as set out the document 'Acoustic Report: (Addendum)' by CST Environmental & Acoustic Consultants and dated April 2004 and shall be retained thereafter.

Reason: To ensure the development is without prejudice to the conditions of occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 The finished internal ground floor levels shall be no less than 6.47m Ordnance Datum Newlyn for living accommodation and no less than 6.77m Ordnance Datum Newlyn for sleeping accommodation. There shall be no residential accommodation (habitable or otherwise) provided below that level.

Reason: To safeguard the amenities of the occupants of the proposed flats in the event of tidal flooding in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 During the construction phase, no works of construction shall take place other than within the hours Monday - Friday 08:00 - 18:30 hours, Saturdays 08:00 - 16:00 hours and not at all Sundays or National Holidays.

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

- 17 No development shall commence until a construction environmental management plan (CEMP) that describes measures to control noise, dust and lighting impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be followed throughout the construction of the development.

Reason: To safeguard the amenities of the occupants of any properties nearby in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 No development shall commence until details of wheel washing facilities to be made available on site have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be placed on site prior to the commencement of development and shall be retained on site for the duration of the construction period. The wheel washing facilities shall be utilised for all vehicles used in the construction where necessary to prevent mud being taken onto the public highway

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency.

- 19 There shall be no deliveries of materials or heavy equipment/machinery or heavy goods vehicles accessing or exiting the site between the hours 08:30 - 09:30 and 15:00 - 16:00 Monday - Fridays during school term time unless otherwise first agreed in writing by the Local Planning Authority.

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

- 20 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 21 to 24 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 24 has been complied with in relation to that contamination.

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.

- 21 An 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 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,
- archeological 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: 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.

- 22 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: 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.

- 23 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 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.

- 24 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 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, 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 22 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 23.

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.

- 25 No development shall take place until details and cross sections showing existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to accord with Policy BNE1 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 outline planning permission for the construction of a terrace of twelve 2-bedroom houses. Matters of access, appearance, layout and scale are to be considered as part of this application. Landscaping is reserved for future consideration should planning permission be granted.

The submitted layout shows the terrace located with the frontage facing the northwest onto the River Medway and set back from the river's edge by approx. 17m to 27.5m. The footprint shows a varied building line to the front and rear of the terrace. All properties would have a footprint of approx. 12m x 3.6m. The height of the terrace to the ridge would vary between approx. 6.6m to 8.6m. The design of the terrace shows four projecting gable features to the front and four to the rear and a lowering of the height of the development between the two central gable features to give the impression of two separate terraces.

Accommodation for each unit would include:

Ground Floor

Kitchen

Lounge/dining room

WC

First Floor

Double bedroom

Single bedroom

Bathroom

Two storage cupboards

18 parking spaces are shown located to the front and side of the terrace. Vehicular and pedestrian access would be derived from Warwick Crescent via the existing private drive. This drive is to be upgraded with the formation of four passing bays.

**Site Area/Density**

Site area: 0.28 hectares (0.69 acres)

Site density: 42 dph (17 dpa)

**Relevant Planning History**

Bridgeside

MC/12/0919	Application for approval of reserved matters (landscaping) pursuant to outline consent MC/09/0520 for outline application for the construction of three blocks comprising of fifteen 2 bedroomed flats with associated parking and access. Currently under consideration
MC/11/1743	Application for approval of reserved matters (landscaping) pursuant to outline consent MC/09/0520 for outline application for the construction of three blocks comprising of fifteen 2 bedroomed flats with associated parking and access. Refused, 26 September 2011
MC/11/1637	Construction of a floating pedestrian jetty Approved, 26 October 2011
MC/09/1247	Construction of a floating jetty Refused, 26 October 2010
MC/09/0520	Outline application for construction of three blocks comprising of fifteen 2-bedroomed flats with associated parking and access (Resubmission of MC2008/1810) Approved, 07 April 2010
MC/08/1810	Outline application for construction of three blocks comprising of



fifteen 2-bedroomed flats with associated parking; access and floating jetty  
Refused, 04 February 2009

MC/03/1050 Construction of four 4-bedroomed houses with garages and associated moorings, improvements to access.  
Approved, 8 October 2003

MC/02/0036 Demolition of the existing house and construction of 4 detached houses with garages together with the erection of landing bays and moorings  
Approved, 17 October 2002

### Safety Bay House

MC/11/2135 Application for approval of reserved matters (landscaping) pursuant to outline consent MC/2008/0223 for outline application for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings.  
Refused, 23 November 2011  
Currently at appeal

MC/08/1879 Application for approval of reserved matters (layout, scale and external appearance) pursuant to outline permission MC2008/0223 for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Approved, 18 February 2009

MC/08/0223 Outline application for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Approved, 2 October 2008

MC/06/2210 Outline application for construction of a 4/5 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Refused, 13 December 2007

MC/03/2386 Construction of 7 x five bedroom detached houses with detached garages and new moorings for 7 boats (demolition of existing building and removal of existing mooring)  
Approved, 25 August 2004

MC/03/0845 Demolition of the existing dwelling and the erection of Five 5 bedroom houses with integral double garages  
Withdrawn

## **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 (EA), Natural England (NE), Kent Wildlife Trust (KWT), Primary Care Trust (PCT), Kent Police, The Open Spaces Society, Medway Ports Authority, Southern Gas Networks, EDF Energy, Southern Water Services Limited and Medway Fire Service have also been consulted

**3 letters** have been received raising the following concerns and comments:

- Better option than the flats
- Inadequate access
- Increased pressure for school places

**Natural England** has made the following comments:

- Support recommendations in the tree survey and ecology report.
- No objection.

**Southern Water** has made the following comments:

- The exact position of the foul sewer must be determined on site
- No development or new tree planting should be located within 3 metres either side of the centre line of the foul sewer.
- A formal application should be made to Southern Water for connection to the sewer. A condition is suggested regarding formal connection.

**Southern Gas Networks** has made the following comments:

- No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3m of the intermediate pressure system. The position of the mains should be confirmed using hand dug trial holes.

**Peel Ports** have made the following comments:

- No objection

**Kent Police** have made the following comments:

- The low level lighting may not be adequate for the location. A robust and efficient lighting scheme is required
- Self policing opportunities have been reduced due to the straight terrace
- Adverse impact on highway
- Low parking provision
- Clear public/private space, use of suitable boundary treatment, adequate lighting, landscaping and clear sight lines will be necessary to reduce

- opportunity for unauthorised access, creation of desire lines or crime
- Recessed doors should be avoided
- It is recommended to locate utility meters externally
- Sound management and maintenance routines will need to be implemented

**Environment Agency** has made the following comments:

- No objection
- Recommend conditions

### **Development Plan Policies**

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.  
National Planning Policy Framework 2012

### **Planning Appraisal**

#### *Principles of Development*

Paragraph 49 of the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable residential development. The site is within the built up area of Borstal as defined on the proposals map accompanying the Local Plan and the principle of residential development on the land has been accepted as demonstrated by the previous grants of planning permission. The principle of the submitted application is therefore considered to accord with the provisions of the NPPF, Policies SP3, H1, KTG1 and KTG4 of the South East Plan 2009 and Policy H4 of the Medway Local Plan 2003 subject to further assessment against other material considerations.

#### *Street Scene and Design*

Paragraph 56 of the NPPF promotes sustainable development and high quality design. The application is in outline form with all matters to be considered at this stage, except landscaping. The application proposes a two-storey terraced development with four projecting gables on the front (river facing) and rear elevations.

This part of the village, like other parts of Borstal, has developed in a piecemeal fashion. Borstal is essentially a linear village (Borstal Road/Wouldham Road) with a number of developments located off of this main road. Apart from Shorts Way, which links to The Esplanade, the developments on the north-west side of Borstal Road take the form of cul-de-sac developments (Manor Lane and Warwick Crescent). The character of the immediately surrounding area (Warwick Crescent and the roads off it) is that of 1950's/1960's semi-detached and terraced houses. The adjoining development to the north-east (Farmdale Avenue) consists of detached and semi-detached houses and bungalows (1950's/1960's). At the end of Warwick Crescent is the Pilgrim Community School.

The application site is relatively isolated and hidden from the public highway. It is

currently unused and overgrown and is accessed by an unmade track from Warwick Crescent. There is a change in levels across the site of approx. 2m S-N and approx. 1m W-E. In its immediate context it is visible from the rear of houses in Brambletree Crescent, Kennard Close and the property at Bridgeside.

Although there is no street scene to relate to, a public footpath crosses the site along the river frontage and any development would be clearly visible to walkers using that footpath. The site is also visible from the Medway Bridge (M2), which includes a pedestrian footbridge and cycle way connecting to Medway Valley Park on the opposite side of the river. The site is visible from within Medway Valley Park itself.

The main impact of the proposed development in terms of character and appearance will be how it is viewed from the river and the riverside opposite. Here, it will be seen against the backdrop of the remainder of Borstal, which would include any development on the immediately adjoining sites at Safety Bay House and Medway Bridge Marina. However, this bank of the river already contains a variety of development types, as is evidenced by the development along Rochester Esplanade. The terrace of properties would therefore not appear out of character with the surrounding area. The design of the terrace is such that there appears to be a break in the roof line and the position of the gables also 'break up' and add verticality to the linear nature of the terrace so that it doesn't form a solid and consistent wall of built development with horizontal rhythms. The siting of the development within close proximity to the river and the land rising up beyond, results in the development being viewed against a green backdrop when viewed from Medway Valley Park.

The site would also be visible and prominent from the public right of way running along the riverbank. The treatment of the frontage area between the flats and river would therefore be important. The submitted application shows parking, vehicle turning facilities and landscaping to the front. The landscaping is a reserved matter and so will be considered at a later stage. However, it is important to note here that the landscaping should be carefully selected and reflect the character of the area in terms of the river frontage location.

The submitted application doesn't provide a detailed schedule of proposed materials. However, it has been specified that the terrace would be brick built with boarding on the gables and slate style roof tiles. Whilst the stated approach to the materials is considered acceptable, it is recommended that should planning permission be forthcoming, a condition be attached to require details and samples of the materials to be submitted.

Finally, it is stated that low level lighting is proposed for the driveway but no specific details have been submitted. Again it is recommended that should planning permission be forthcoming, a condition be attached to require details of the lighting to be submitted as part of the landscaping reserved matter application.

The proposal is considered acceptable in design terms and would be in accordance with the NPPF, Policies BE1 and KTG1 of the South East Plan 2009, Policies BNE1, BNE5 and BNE8 of the Medway Local Plan 2003 and Policies CS2 and CS15 of the Medway Draft Core Strategy 2012.

### *Effect upon trees*

This site is subject to a Tree Preservation Order (TPO). The submitted site layout plan shows the trees to be retained. This plan is similar to that submitted for the previous applications. It is considered that although there would be some loss of trees, the general tree cover would be retained and it is clear that there is a commitment to retain as many trees as practicable on the site. Should planning permission be forthcoming, it is recommended that a condition be attached to secure tree protection measures during construction. With the use of the suggested condition, the application is considered to be acceptable and in accordance with Policy BNE43 of the Medway Local Plan 2003.

### *Amenity Considerations*

In relation to the amenities of the future occupiers, the proposal has been considered against the Medway Housing Design Standards (interim) (MHDS) that were adopted as a material consideration in November 2011.

The table below shows how the scheme compares with the standards:

Number of bedrooms	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living/ Dining/ Kitchen  Good practice Minimum floorspace	Proposed Living/ Dining Kitchen floorspace	MHDS Bedroom  Good practice Minimum floorspace	Proposed Bedroom floorspace
2b3p	77sqm	77sqm	25sqm	33sqm	Single 8sqm Double 12sqm	Single 9sqm Double 12sqm

In addition to meeting the floorspace requirements, the rooms also comply with the relevant minimum widths prescribed in the MHDS document as well as the minimum depth of 10m for private open space.

Turning to the issue of the amenities of neighbours, the nearest property to the proposed development is the existing bungalow at Bridgeside, which would, at its closest point be approx. 19 metres from the rear of the proposed development (the northeast corner). The existing property at Bridgeside is also set at an angle to the proposed development, which would be located to the north. As such, it is considered that the proposal would not result in a detrimental impact on the amenities of adjoining neighbours in terms of daylight, sunlight, privacy or outlook.

The other amenity issue is the potential noise. Paragraph 123 of the NPPF states that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. In terms of activity and traffic generation, it is considered that the proposal would not result in an unacceptable level of noise and disturbance for occupiers of existing properties particularly when taking account of the existing noise generated by the elevated M2 motorway that is within close proximity to the site.

In relation to the M2 motorway, a noise impact assessment was submitted as part of the application. This demonstrates that the site is within noise exposure category (NEC) B during the day and night. At this level the applicant should demonstrate that adequate mitigation measures are included in the proposal or an appropriate condition is imposed. The applicant has demonstrated that with high specification glazing reasonable and good internal noise levels can be achieved in living rooms and bedrooms with windows closed. The assessment recommends a format of construction that would ensure that the internal noise levels would conform to the reasonable and good design ranges. To ensure that this is achieved within the development it is recommended that should planning permission be forthcoming a condition be attached requiring the acoustic mitigation measures.

The proposed development is not considered to have a detrimental impact on the amenities of the occupiers of existing properties and for the future occupiers of the development. The proposal is considered to be in accordance with the provisions of the NPPF, Policy NRM10 of the South East Plan 2009 and Policies BNE2 and BNE3 of the Medway Local Plan 2003.

### *Highways*

The application site includes the existing access track from Warwick Crescent. This track was also included within the application site for the flats at Safety Bay House. The submitted drawing shows four passing bays to be constructed on the north-east side of the track, behind the houses in Kennard Close. The issue revolves around increased traffic generation by virtue of this proposal and the development next door at Safety Bay House. Whilst the visibility distance would be below normal standard, having regard to previous planning permissions it was not considered that a justifiable objection could be raised to the proposed development under Policy T2 of the Medway Local Plan 2003.

The proposed development of 12 houses is likely to generate more traffic movements than the consented scheme for 15 flats (MC/09/0520). The TRICS database indicates that an additional 16 movements per day could be expected. During the peak periods however, including the school peak, no more than 3 additional movements are predicted. It is considered that this additional traffic will not have a detrimental impact on conditions of highway safety and capacity. The proposed private access remains as previously approved with the exception of some minor widening where it meets Warwick Crescent in order to facilitate large vehicle access. It is recommended that planning conditions be attached to any forthcoming planning permission to ensure improvements to the access are made prior to occupation of the development.

In relation to parking, the development proposes 18 spaces to serve the development which accords with the Council's parking standards for 2 bedroomed houses (1.5 spaces per dwelling). Six of the parking bays are proposed to be unallocated which will allow for variations in car ownership and visitor parking. As such the proposal is considered to be in accordance with Policy T4 of the South East Plan 2009, Policies T1 and T13 of the Medway Local Plan 2003 and Policy CS24 of the Medway Draft Core Strategy 2012.

#### *Effect on public footpath*

Paragraph 75 of the NPPF, Policy C6 of the South East Plan 2009 and Policies L10 and L11 of the Medway Local Plan 2003 require that development shall take into account public rights of way and that they should be safeguarded wherever possible. A public footpath (RR14) abuts the river and runs across the whole river frontage to the site. The applicant has agreed that should planning permission be forthcoming, a contribution be secured through a legal agreement under s106 towards the upgrading of the public right of way (PROW). With the inclusion of such an obligation it is considered that the proposal would be in accordance with the provisions of the NPPF, Policy C6 of the South East Plan 2009 and Policies L10 and L11 of the Medway Local Plan 2003.

#### *Flood Risk*

The EA have confirmed that the site is outside of Flood Zone 3 and that a formal flood risk assessment (FRA) is not required. Given the location of the site, no objection is raised in terms of flood risk under the provisions of paragraph 100 of the NPPF, Policy KTG6 of the South East Plan 2009, Policy CF15 of the Medway Local Plan 2003 and CS5 of the Medway Draft Core Strategy 2012. Notwithstanding, when the application for Safety Bay House was considered, a condition was attached to the planning permission to the effect that finished floor levels for living are a minimum of 300mm above 6.17m OD and sleeping accommodation 600mm above 6.17m OD. To ensure consistency, it is recommended that the same condition be applied to the current proposal should consent be granted.

#### *Contaminated Land*

Paragraph 121 of the NPPF and Policy BNE23 of the Medway Local Plan 2003 seek to ensure that development sites are adequately investigated for contamination and that appropriate remediation (where necessary) is implemented to minimise the risk to human health.

Given that the site is not currently maintained and that it is accessible by the public, there is the possibility that flytipping has occurred. It is therefore recommended that should planning permission be forthcoming, conditions be attached to secure an up-to-date investigation into contamination on the site and any necessary remediation measures. With the inclusion of the suggested conditions, the proposal is considered to be in accordance with the NPPF and Policy BNE23 of the Medway Local Plan 2003.

### *Local Finance Considerations*

New residential development can create additional demand for local services. Policy S6 of the Medway Local Plan 2003 states that conditions and legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development, considering the impact of the population increase arising as a result of the development within the locality.

- (i). £26,956.00 towards education
- (ii). £2,100.00 towards waste services
- (iii). £1499.40 towards the Great Lines Heritage Park
- (iv) £15,000 towards the upgrade of the public right of way

The applicants' have confirmed they consider the financial requests acceptable. As such if the application were deemed acceptable there would be a requirement for the applicant to enter into a Section 106 legal agreement to secure the provision of financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Medway Local Plan 2003 and Policy CS35 of the Medway Draft Core Strategy 2012.

### **Conclusions and Reasons for Recommendation**

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities and parking. The development is considered acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions and the terms of a section 106 as set out above. The proposal accords with the provisions of NPPF, Policies SP3, H1, BE1, NRM10, T4, C6, KTG1, KTG4 and KTG6 of the South East Plan 2009, Policies S6, H4, BNE1, BNE2, BNE3, BNE5, BNE8, BNE23, BNE43, T1, T2, T13, CF15, L10 and L11 of the Medway Local Plan 2003 and Policies CS2, CS5, CS15, CS24 and CS35 of the Medway Draft Core Strategy 2012.

The application would normally be determined under delegated powers but is being reported to Committee due to the extent of representation received expressing views contrary to the recommendation.



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## **Background Papers**

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.