PLANNING APPLICATIONS FOR 31ST JANUARY 2007

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 Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.

1 MC2005/0427

Date Received: 1st March 2005

Location: Rochester Police Station, Cazeneuve Street, Rochester, Kent, ME1 1XT

Proposal: Outline application for the demolition of existing police station and construction of 65 dwellings comprising maisonettes, flats and townhouses

Applicant: Kent Police C/O Agent

Agent: Mr E Przyjemski David Hicken Associates Southgate House High Banks Loose Maidstone Kent ME15 0EQ

Ward: Rochester East

Recommendation - Approval subject to:-

A) The completion of an agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:-

1. A financial contribution towards the improvement and maintenance of the equipped play area at Jackson's Recreation Ground; the informal open space at Vine Gardens; and formal sports provision at Jackson's Recreation Ground based on the following formula: the number of people in occupation of the development (calculated on the basis of 1.33 persons per 1 bedroom dwelling, 2.44 persons per 2 bedroom dwelling and 3.59 persons per 3 bedroom dwelling) multiplied by £137 per person related to Outdoor Equipped Play Areas, £99 per person in relation to informal open space provision and £440 per person in relation to formal sports provision.
2. 25% of the development providing affordable housing, in accordance with the terms set out in the committee report.
3. £5,000 towards improvements to the bus stop on East Row.
4. £5,000 towards improving links from the site to National Cycle Route 1.
5. £9,000 towards the kerb re-alignment at the junction of Cazeneuve. Street and East Row and Cazeneuve Street and Gravel Walk.

B) the imposition of the following planning conditions;-

(as amended by plans received on 1st March 2005, 15th March 2005, 18 November 2005 and 9 June 2006)

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

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.

3 The development to which this permission relates must be begun no later than the expiration of two 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.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1, Classes A-H (Inclusive) and Part 2 Classes A and C of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

5 Underground ducts shall be installed by the developer before any part of any of the buildings herein approved are occupied to enable telephone, electricity and any other communal services to be connected without recourse to the erection of overhead distribution poles and overhead lines. Notwithstanding the provision of the Towns and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no distribution pole or overhead line shall be erected on the site except with the prior written approval of the Local Planning Authority.

6 The parking and garaging shown on the approved drawings shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

7 Prior to the commencement of the development a scheme for protecting the proposed development from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority and all of the works which form part of the approved scheme shall be completed before part of the development is occupied. The approved scheme as installed shall thereafter be maintained.

8 Prior to the commencement of the development, a site investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation, together with a risk assessment by a competent person and details of any measures necessary to contain, treat or remove any contamination as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved measures shall be fully implemented and a completion report, issued by the competent person referred to above stating that the remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Local Planning Authority prior to the occupation of the development permitted.

9 The Prior to the commencement of the development full details of the means of foul sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The subsequently approved details of foul sewerage disposal must be constructed/installed in

accordance with the approved details prior to occupation of any of the approved units and thereafter maintained.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of this report.

Site Description

The site is located within central Rochester and is currently occupied by the existing Police Station, which is a large bulky, flat roof building which dates back to the 1960's. It extends to 6 stories at the highest point, with other lower level elements surrounding it, and is largely constructed from concrete, with some brick elements.

The police station is surrounded on all four sides by roads – Cazeneuve Street along the eastern boundary, King Street along the southern, Union Street along the west and East Row along the north.

To the west of the site on Union Street is a public car park, then a veterans club and a row of three storey houses which run round the corner of the road where it meets East Row. Behind the car park and veterans club are a row of terraced houses, which back towards the site and are at a slightly higher level again than Union Street.

To the north of the site on East Row is a 2m high wall which runs along part of the boundary opposite the police station, which then runs into a 2 storey building (known as Sentry Cash and Carry) with a three/four storey tower at the junction of East Row with Victoria Street. The police station where it fronts East Row is set well back from the road edge with a wide pavement sweeping round the corner of East Row and Union Street. There is also a bus stop along this side of the site.

To the east of the site is the junction of Cazeneuve Street, Gravel Walk and Victoria Street. There is also a wide pavement round the edge of the police station at this junction, with concrete bollards marking the road edge. There is a layby in front of the police station along Cazeneuve Street. Opposite the site here are three storey flat roof flats along with a small parade of shops. There are some single storey buildings by Gravel Walk, but three storey buildings along Victoria Street. Set back along Gravel Walk is Darwin House which is a new four storey flat development, and other three and four storey flats. There is a new development being built on the corner of Cazeneuve Street with King Street, and opposite this is the ATS commercial building.

To the south of the site is the play ground and school buildings of St Margaret's at Troy Town primary school. High mesh fencing encloses the playground, and the school is single/two storey in height and set well back from the road edge.

There is a substantial change in levels across the site with the land rising from east to west (Cazeneuve St to Union St).

Proposal

This is an outline application for the demolition of the existing police station and the redevelopment of the site for 65 units comprising maisonettes, one and two bed flats and town houses. Matters of siting and access only are to be considered at this stage. Given that a specific number of units have been applied for indicative plans have also been submitted which show the siting and design of a 65 unit development on this site.

There would be four access points into the site. Two would be bcated along Cazeneuve Street, which would be to provide a one way in, one way out system for the basement car park. Both access points would have a raised table traffic calming measure and would have security gates. Either side of each of these access points would be pedestrian access points into both the courtyard area and the basement car park.

The third and fourth access points would be from King Street and Union Street, which would be for emergency vehicles and those parking in the disabled bays only (refuse vehicles would collect from the highway).

The buildings would be sited in a perimeter block so that there would be frontage development on all four sides, with the rear elevations facing into the centre.

The existing bus layby on East Row would be retained, as would the parking layby on Cazeneuve Street. The proposed siting then shows the development butting up to the footpath on all sides. The footpath widths are shown to vary slightly, from a minimum of 2m, to the widest point of 5m along East Row.

The indicative mix of accommodation shown is:

7 x 4bed town house
7 x 3bed town house
10 x 2bed maisonettes
10 x 3bed flats
25 x 2bed flats
6 x 1bed flats

The indicative design shown is a modern scheme, with the development being a mixture of three and four stories in height.

Site Area/Density

Site area: 0.58 hectares (1.43 acres)
Site density: 112 dph (45 dpa)

Relevant Planning History

84/702	Proposed site for power driven air attack siren. Approved 5 October 1984
MC2001/2042	Installation of 7.5m monopole tower with 3 antennas, 4 dishes and equipment cabin. Refused 20 February 2002

MC2002/0833 Application for prior approval under Part 24 of the Town and Country (General Permitted Development) Order 1995 (as amended) for the installation of six pole mounted antenna, four microwave dishes, equipment cabin and ancillary equipment.
Refused 7 June 2002
Allowed at Appeal 25 February 2003

Representations

This application has been advertised in the press, two site notices have been posted at the site. Kent and Medway Fire Safety Service, Southern Water, English Heritage, Police Architectural Liaison Officer, Transc, Seeboard, and PCT have been consulted on the application along with the owners/occupiers of 35-83 (odds) Maidstone Road; 2-6 (evens) Union Street; 2-10 (evens) East Row; Rochester Veterans Club; St Peters and St Margaret's C of E Primary School; 6-8 John Street; Automania, Foord Street; 2-30 (evens) Gravel Walk; 1-11 (odds) and 25 Cazeneuve Street; Flats 1-5 (consec) Weavers Court, Cazeneuve Street; 13-19 (odds) King Street; 82 King Street; 19-25 Victoria Street; 1-14 (consec) St Peter's Path; 8 Darwin Court, Gravel Road; and Gainsborough House, Gravel Road.

One letter of objection has been received raising the following points:
- Not happy with the style of the proposed dwellings, in particular the cladding/fascia
- Development would not be in keeping with the 'Georgian style' buildings in the area
- The site is bordered on two sides by the Conservation Area and therefore materials should be yellow brick or similar to match others in the area
- Refer to 'blot on landscape' of new development on Star Hill to demonstrate what sort of impact it would have
- Balconies on the town houses will result in a loss of privacy for residents in Maidstone Road
- Favour planting of trees along Union Street to help in this respect

A petition has also been received containing 66 signatures stating that the undersigned wish to see the council work with the developers to prevent an unsightly development with no community facilities in Rochester, and that the development should respect the surrounding conservation area, and contain a community centre for local residents.

The Police Architectural liaison officer has raised no objection in principle to the proposal, which he states should be a beneficial use of the land and create a sustainable development. He does however make two points in relation to the scheme, firstly suggesting a setback of the dwellings from surrounding footpaths by 1m to afford privacy, and to define public and private area' and secondly querying the need for four vehicular access points, although he acknowledges that this concern could be overcome by good management practices.

Southern Water has written to advise that following initial investigations there is inadequate capacity in the local network to provide foul sewage disposal or surface water disposal to service the proposed development.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SP1 Conserving and Enhancing Kent's environment and ensuring a sustainable pattern of development.

Policy SS1	Spatial priorities for development and investment in Kent and the role of the settlement hierarchy.
Policy SS4	Priority for previously developed land and a sequential approach to the location of development
Policy ME1	Medway
Policy QL1	Quality of Development and Design
Policy QL6	Conservation Areas
Policy QL8	Buildings of architectural or historic importance
Policy QL12	Provision for New Community Services and Infrastructure
Policy HP4	Housing: quality and density of development
Policy HP6	Range and mix of housing provision
Policy HP7	Affordable Housing Provision
Policy TP19	Vehicle Parking Standards
Policy NR5	Pollution impacts
Policy NR6	Development sensitive to pollution

Medway Local Plan 2003

Policy S6	Planning Obligations
Policy BNE1	General Principles for Built Development
Policy BNE2	Amenity Protection
Policy BNE3	Noise Standards
Policy BNE8	Security and Personal Safety
Policy BNE12	Conservation Areas
Policy BNE18	Setting of Listed Buildings
Policy BNE23	Contaminated Land
Policy H3	Affordable Housing
Policy H4	Housing in Urban Areas
Policy H5	High Density Housing
Policy H10	Housing Mix
Policy L4	Provision of Open Space in New Residential Developments
Policy T1	Impact of Development
Policy T2	Access to the Highway
Policy T3	Provision for Pedestrians
Policy T13	Vehicle Parking Standards

Medway Core Strategy Development Plan (Submission Document) August 2006

Policy CS01	Sustainable Development
Policy CS02	Overall Spatial Strategy
Policy CS03	Quality and Sustainable Design

Medway Housing and Mixed Use Development Plan (Submission Document) August 2006

Policy HMU04	Housing Design and Density

Planning Appraisal

Principle of Development

The site lies within the urban area of Rochester, as defined in the adopted Local Plan. Policy H4 allows for residential development within such areas including the use of vacant or

derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use. Kent Police have recently constructed and opened a new headquarters building at Chatham Maritime, therefore this police station and those in Rainham and Chatham are no longer required. The proposed re-development of the site for a residential use would therefore comply with the requirements of Policy H4 and is considered to be acceptable in principle.

Street Scene and Design

The existing police station has no architectural merit, which does little to enhance the overall appearance of this part of Rochester. It is therefore considered that in terms of street scene and overall appearance of the area its replacement with an alternative development is to be encouraged. Given that this application is in outline form only, with only siting and access to be determined, it is considered not to be relevant to comment on the indicative designs submitted by the applicant in support of their application. This would be dealt with at the reserved matters stage.

However, in relation to the siting of the buildings, it is considered that the use of a perimeter block, as proposed, would provide a much better layout of development than the current building does. The siting shown would allow for each street to be addressed with frontage development and ensure there would be no rear or side elevations backing onto public spaces which can often detract from the appearance of an area, the adjoining conservation areas or the setting of any adjoining listed buildings.

The frontage style development will also allow for there to be good natural surveillance onto the surrounding roads, which will ensure a feeling of security and safety for those using the footpaths.

Adequate footpaths are shown to be provided around the development, extending to wider more open areas in some locations. Although the units would front directly onto the footpaths, this is a traditional form and layout of development, which can be seen in the immediate area, and it is considered unnecessary to require the building to have a further set back for an area of private space in front of each unit, as suggested by the Police architectural liaison officer.

The layout submitted shows adequate space within the courtyard created by the perimeter block, to allow for the houses to have small individual gardens, and for small areas of communal space for the flats. Part of this area is to be reinforced grass or grasscrete to enable appropriate access for emergency vehicles. (This is discussed later under the 'Other matters' section.)

In order to accommodate 65 units with the siting of the buildings shown, the indicative designs show a development which would be a mixture of three and four storey's in height. The existing police station is a large and bulky building that extends up to 6 stories in height. Immediately surrounding the site are developments that are three stories in height (on Cazeneuve Street, Union Street, those that back towards the site on Maidstone Road, and in Victoria Street) along with four storey developments further back along Gravel Walk and on the corner of Victoria Street and East Row. It is therefore considered that a mixed three and four storey development would be appropriate for this site and would blend in with the heights of the surrounding developments.

The density of development on this site would be 112 dwellings per hectare, which is above the Governments former guidance given in PPG3, which suggests densities in the range of 30-50 dwellings per hectare. However, this guidance also advises that in town centre locations and area of good accessibility, higher densities are appropriate. Indeed the Governments emerging guidance, Planning Policy Statement 3: Housing (PPS3) which will come into being on the 1 April 2007 does not seek to restrict density. Indeed PPS3 encourages local Authorities to set out density ranges through the Local Development Framework (LDF) but stresses that they should not be below 30 per hectare unless good justification can be put forward. Indeed this emerging document states that: *"The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment"*.

The Council's currently adopted local plan positively supports higher density development in Town Centre locations and in areas that are sustainable in terms of their location relevant to public transport, etc. This site is located within the heart of Rochester, within walking distance of a wide variety of shops and facilities on the High Street, employment opportunities and good public transport links, including a bus stop immediately outside the site. It is therefore considered that the proposed density of development makes a good use of this urban site and is acceptable in terms of principles and siting when considered against emerging Government guidance and adopted Development Plan policy, especially policies H4 and H5 of the Local Plan. The proposed development would make the best use of an urban brownfield site.

The indicative housing mix shown is a mixture of 2, 3 and 4 bed units, comprising flats, maisonettes and houses. It is considered that this provides a broad range of house types and sizes which meets the requirements of Policy H10.

It is therefore considered that the proposed development is acceptable in terms of the siting, layout, density, housing mix, relationship to the adjoining conservation area, the setting of adjoining listed buildings, the surrounding streetscene and security and would therefore comply with Policies BNE1, BNE12, BNE18, H4, H5, H10 and BNE8 of the Medway Local Plan.

Neighbour Amenities

Until the detailed design of the development is submitted as a reserved matter it is not possible to comment in detail about the impact the development will have on surrounding residential properties in terms of loss of privacy or outlook. However, in general terms it is considered that the provision of a residential use in an existing residential area is appropriate and would not generally cause concerns for existing residents. The proposed development would not back onto any other existing property, given the perimeter block layout, and the front elevations are all separated from development surrounding the site by the surrounding four roads and adjoining pavements. It is therefore considered that the scheme would not cause concerns for neighbour amenities, and would in general terms accord with Policy BNE2 of the Medway Local Plan.

Highways

Access is also for determination at this stage, and the description of the proposal above explains that two access points are to be provided along Cazeneuve Street (one in and one

out) for access to the underground car park. Amended plans have been received which altered the access arrangements to this layout and also included raised speed tables at both the entry and exit points to provide a traffic calming facility here. The other two access points on King Street and Union Street would be for emergency vehicles and disabled drivers only. The access arrangements shown are considered to be acceptable and would accord with Policy T1 of the local Plan.

Pedestrian access into the site is also provided at these four vehicular points, in secure areas which would not conflict with traffic movements.

The development would provide parking in the basement of the development, and the indicative layout shows capacity to provide 56 parking spaces, and 14 garages (allocated for the houses), giving a total of 70 spaces underground. In addition the basement would provide cycle storage for 40 bikes. At surface level in the courtyard 4 disabled spaces are shown. This would give a total parking provision of 74 spaces, which equates to 1.13 spaces per unit. Given the town centre location of the site, and the proximity of it to public transport facilities it is considered that this parking provision would be acceptable and in accordance with the Council's adopted parking standards and policy T13 of the Local Plan.

The change of use of the site from the police station to a residential use, gives rise to the need for improvements to the surrounding highway network in relation to improving facilities for pedestrians, cyclists and those using public transport. As such it has been agreed with the developer that they will pay for improvements to the bus stop on East Row to provide a raised kerb for ease of access; a contribution towards improving links from the site to National Cycle Route 1; and a contribution towards the kerb realignment on the corners of Cazeneuve Street and East Row and Cazeneuve Street and Gravel Walk, to allow safer pedestrian crossing of this busy junction. These matters will be secured through a Section 106 agreement.

It is therefore considered that the proposed development would accord with Policies T1, T2, T3 and T13 of the Local Plan.

Other Matters

S106 contributions

In addition to the S106 requirements referred to above, a need has been identified for contributions towards open space facilities given that provision is not being made on site. Although an area of grassed space is shown on the indicative layout plan, a large percentage of this would actually be reinforced in order to allow for access to emergency vehicles. As such it is considered that this is not an acceptable provision of on site informal open space, and a contribution towards the Vine Gardens area is considered to be justified. Given that an equipped play area would also not be provided on site contributions are sought towards the improvement of the existing facility at Jackson's Recreation Ground, which is within close proximity to the site and in constant need of refurbishment and maintenance due to over-use, as well as contributions towards the formal sports provision provided at Jackson's Recreation Ground. Due to the mixed nature of the development shown on the plans this will need to be done on a formula basis so the contribution can be calculated based on the mix and number of prospective occupiers which could potentially change at the reserved matters stage. The applicant's have confirmed their agreement to this approach.

Although a request was made by the Medway PCT for contributions towards healthcare facilities in the area, no figure has been provided to the Local Planning Authority for the amount of funding they require, or any detailed justification given for where the money would be spent. It is therefore considered that it is not possible to secure any funding in relation to this.

The scheme is therefore considered to be in accordance with Policies S6 and L4 of the Local Plan.

Affordable Housing

The development proposes 65 units, which exceeds the threshold for which affordable housing is sought in a development, in accordance with Policy H3 of the Local Plan. As such any approval of this scheme will need to be subject to the Section 106 agreement securing 25% of the development as affordable housing. The applicants have agreed with the Housing Strategy & Development Service that on allocation preference will be given to Key Workers such as the Police staff, if there is insufficient take from this group they will be available to any groups identified by the Council as being in housing need, in-line with the Councils standard approach.

The scheme is therefore considered to accord with Policy H3 of the Local Plan.

Noise and Contamination

At officers request the applicants have submitted an acoustic survey in relation to the possibility of noise disturbance for future occupiers of the development due to road traffic noise, particularly along East Row. The findings showed that the majority of the site falls within noise category (NEC) B during the day and night, with the exception of part of the site closest to East Row which fell within noise category (NEC) C during both the day and night. The acoustic assessment included a proposed scheme of mitigation which is considered would be acceptable, therefore this matter could be covered by condition, so that the detailed design submitted at the reserved matters stage is required to be designed to take into account this scheme of mitigation.

Given the existing use of the site as a police station with facilities for police vehicles, it is considered that there is potential for the site to have suffered some contamination. A condition requiring an assessment of the site to be undertaken to establish if there is any contamination, and a scheme for mitigation against any that is found there is therefore proposed.

Subject to these conditions the proposed development is considered to accord with Policies BNE3 and BNE23 of the Local Plan.

Community Facility

The petition received makes reference to the fact that local residents would like the scheme to include a community centre. At present there is no scheme in place for any community facility to be constructed in this locality, and without any specific project against which to seek contributions from the developer, it will not be possible to justify seeking any additional funds for this purpose in accordance with the tests of Circular 05/05 relating to planning obligations.

Southern Water Comments

Although comments have been received from Southern Water stating that there is inadequate capacity for foul sewage or surface water disposal from the site, this is not a reason for the Local Planning Authority to refuse the application. It is for the developer to agree an acceptable solution with Southern Water, and they have been made aware of the concerns raised by Southern Water.

Conclusions and Reasons for Approval

Bearing in mind all of the above, this outline application, which includes siting and means of access open to be considered at this stage, is considered to be acceptable in terms of principle, the impact of the siting and means of access on the streetscene, the adjoining conservation areas and the setting of the adjoining listed buildings. Additionally, the development is considered to be acceptable in terms of access and parking arrangement and in terms of securing improvements to the highway, affordable housing provision and open space etc. Bearing in mind all of the above considerations this outline proposal is considered to be acceptable in terms of the Councils adopted Development Plan policies and emerging guidance and is recommended accordingly.

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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2 MC2005/2252

Date Received: 16th November 2005

Location: BP Oil UK Limited, Isle of Grain Terminal, Rochester, Kent. ME3 OAY

Proposal: Wind turbine development, incorporating seven 126.5 metres high wind turbines (each turbine to have hub height of 80 metres) & ancillary development comprising a 70 metres high meteorological mast, switchroom & associated works

Applicant: BP Alternative Energy International Ltd. Chertsey Road Sunbury On Thames Middlesex TW16 7LN

Agent: Ms J Everard Haskoning UK Ltd 4 Deans Yard Westminster London SW1P 3NL

Ward: Peninsula

Recommendation - Approval subject to:-

A) The applicant entering into an agreement/undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £38,500 towards the undertaking of conservation activities.

B) The receipt of written confirmation from or on behalf of London Southend Airport that the applicant has entered into a remediation works agreement with them; and

C) The imposition of the following conditions:

(as amended by letter, emails, plans and documents received on 18th May 2006, 8th June 2006. 12th June 2006, 23rd June 2006, 28th June 2006, 18th July 2006, 21st July 2006, 3rd August 2006, 14th August 2006, 11th October 2006 and 4th December 2006)

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

2 The wind farm hereby approved including all wind turbines and the met tower shall be removed from the site before the expiry of 28 years from the date of this permission in accordance with a scheme of works (including the timing of such works) which has first been agreed in writing by the Local Planning Authority, such a scheme to have been submitted at least six months before the expiry of the 28 years.

3 Any wind turbine that fails to produce electricity for a continuous period of six months shall be dismantled and removed from the site in accordance with a scheme of works (including the timing of such works) which has first been agreed in writing by the Local Planning Authority, such removal to take place within six months of the end of the initial six month period.

4 The development shall be caried out in accordance with drawing no. 9R4141/PA/002 Rev A received 8 June 2006 and any micro-siting changes to this (including following geotechnical investigations) shall be approved in writing by the Local Planning Authority before they are undertaken.

5 The development shall be carried out in accordance with drawings 9R4141/PA/003 and 9R4141/PA/005 received on 16 November 2005 and any changes to this (following final selection of turbine models) shall be submitted to and approved in writing by the Local Planning Authority before they are implemented.

6 The noise level emitted from the wind turbine generators shall not exceed 37 dB LA90, 10min when measured in a free field position at the nearest noise sensitive premises.

7 Prior to the commencement of the development hereby approved a code of practice covering hours of work, noise (including the method timing of any piling works), dust and air quality for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with this approved code of practice.

8 Unless otherwise first agreed in writing by the Local Planning Authority all turbine components and associated equipment which are of a size that would require an abnormal load delivery if travelling on the public highway (in the order of ten loads per turbine as detailed in the Environmental Statement) shall be delivered to the site by sea via Thamesport, Grain. If any alternative to this method of delivery is so agreed by the Local Planning Authority then prior to the commencement of the development hereby approved an abnormal loads strategy detailing the method and timing of all transportation involving the movement of abnormal loads on the public highway shall be submitted to and approved in writing by the Local Planning Authority. All such transportation shall take place in accordance with this approved strategy.

9 Prior to the commencement of the development hereby approved details of the construction compound locations (including areas for the storage for materials and equipment and for construction workers facilities), of any new internal site tracks needed for the construction period, other than those detailed on figure 1.2 in the Environmental Statement, and of any additional hardstandings needed for the turbine erection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

10 The development hereby approved shall not be commenced until:

(a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced; and

(b) a site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations

(Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected; and
- refinement of the Conceptual Model; and
- the development of a Method Statement detailing the remediation requirements; and

(c) the site investigation has been undertaken in accordance with the details approved by the Local Planning Authority and a risk assessment undertaken; and

(d) a Method Statement detailing the remediation requirements using the information obtained from the site investigation has been submitted to approved in writing by the Local Planning Authority.

11 The development of the site hereby approved shall be carried out in accordance with the Method Statement approved pursuant to condition 10 above.

12 If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the Method Statement approved pursuant to condition 10 above. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

13 Upon completion of the remediation and prior to the bringing into operation of the turbines detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

14 Only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic shall be permitted as infill material on the site.

15 The development hereby approved shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. Any piling shall be undertaken in accordance with these approved details.

16 Prior to the commencement of development a programme of construction activities and their timing shall be submitted to and approved in writing by the Local Planning Authority. This programme shall include the timing of the most disturbing/particularly noisy activities including a provision to ensure that any necessary piling is undertaken outside the wintering season for the birds using the

surrounding area. All construction on site shall take place in accordance with this agreed programme unless any variation is first agreed in writing by the Local Planning Authority.

17 Post construction bird monitoring shall be undertaken in accordance with the Methodology for Post-Construction Bird Monitoring detailed in the applicants' letter dated 28 June 2006 addressed to English Nature (now known as Natural England), as clarified by the email from the applicant dated 6 July 2006 (confirming 3 years monitoring with a possible further 2 years depending on findings). The results of any review which recommend that the monitoring be reduced from the maximum period of 5 years shall be submitted and approved in writing by the Local Planning Authority prior to the cessation or reduction of such monitoring.

18 Prior to the commencement of the development hereby approved a reptile mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the capture and exclusion of reptiles from the proposed works area, the erection of exclusion fencing to prevent reptiles entering the works area during construction and the removal of vegetation in other areas affected by the development under the supervision of watching brief, together with details of the timing of such works in order to avoid harm to over-wintering animals. Development on site shall take place in full accordance with this approved mitigation scheme unless any variation is first agreed in writing by the Local Planning Authority.

19 Prior to the commencement of the development hereby approved a water vole survey shall be undertaken and the results of which, including, if required a scheme of mitigation works shall be submitted to and approved in writing by the Local Planning Authority. If applicable the mitigation works on site shall be undertaken in accordance with this approved scheme.

20 No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority.

21 Prior to the erection of any turbines on the site a programme of non-destructive testing of all turbine rotor blades to be used on the site shall be undertaken in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The testing results shall subsequently be submitted to the Local Planning Authority and only the turbine rotor blade type/specification which has proved acceptable in such testing shall be used on the site, this acceptability having been first confirmed in writing by the Local Planning Authority.

22 Prior to the commencement of development a programme of rotor inspection and maintenance for the turbines shall be submitted to and approved in writing by the Local Planning Authority. The approved programme shall be implemented at all times that the turbines are present on the site.

23 The wind turbines shall be externally finished in an off-white matt finish, the final details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their erection, and they shall be retained as such at all times

thereafter. The structures shall not contain any symbols, signs, logos or other lettering/markings that would be visible from outside the application site and they shall not be illuminated unless any variation has been first submitted to and then agreed in writing by the Local Planning Authority.

24 The wind turbine blades shall all rotate in the same direction, clockwise or anti-clockwise.

25 Prior to the commencement of development a scheme for the investigation and alleviation of any electromagnetic interference to television and radio reception which may be caused by the wind farm hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The alleviation measures shall be implemented in accordance with the approved details if interference is found to occur when the turbines have been erected and shall where required by thereafter retained.

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

Site Description

The main part of the site is the BP Oil UK Ltd Fuel Terminal which encompasses fuel storage tanks, jetties and related infrastructure. One of the seven masts is located on adjoining land on part of the Thamesport site which is currently unused.

To the north the site is bounded by the main road on to the Isle of Grain. Beyond this to the northwest is the LNG terminal and to the northeast is formerly developed industrial land. Thamesport and a gas fired power station lie to the east of the site. The River Medway is to the south and adjacent to the western boundary is the salt marsh and intertidal mudflats of Colemouth Creek. The closest village to the site is Grain just over 2km to the east, with Stoke and Allhallows 2.5 and 3km to the northwest. A public footpath starts just to the northwest of the site and runs along the coast towards Stoke and beyond.

Proposal

It is proposed to develop a wind farm comprising of seven turbines, a meteorological mast and a 33kV switch room together with interconnecting cables. The application originally proposed ten turbines but two (turbines 5 and 6) have been removed at the request of Natural England (formerly English Nature) and one has been removed (turbine 9) due to concerns about its potential conflict with operations at Thamesport.

Each wind turbine comprises of a steel tower with a nacelle at the top. The nacelle encloses the generator and gearbox and supports the hub to which a 3-blade rotor is attached. The nacelle direction and blade axis angle are automatically adjusted according to the prevailing wind conditions and the start up and shut down of the turbines is determined by wind speed (they start at a wind speed of 4 m/s and cut out at no more than 25m/s). The hub is proposed to be 80m above ground level and the rotors are each 46.5m in length. At peak height the turbines would therefore be 126.5m high.

Each turbine would have a rated capacity power output of up to 3 megawatts (MW) depending on the precise model selected. This means that the wind farm would have a

maximum generating capacity of 10.5 to 21 MW depending on the model selected, enough to supply electricity to between 5,845 and 11,725 homes or 5.9 to 11.8% of homes in the Medway Council area. The location of the turbines has been selected to require the minimum separation distances under the prevailing wind direction to ensure maximum output from the turbines.

The proposals also include a meteorological tower which would be a steel mast up to 80m tall, guyed at intervals to four points up to 40m away.

The proposed turbines were originally proposed to be connected to the regional power distribution grid via cabling and a 33kV switch room. However following the reduction in size of the proposed wind farm the applicant has confirmed that they will now be connecting into the grid via an 11kV connection. This will ultimately tie into an existing substation and so the originally proposed new switchroom (neither option A or B) will no longer be needed. There would be no overhead lines associated with the development.

The total on-site construction period was initially envisaged to be approximately 6 months although this is likely to be reduced due to the reduction in the number of turbines from ten to seven. Some additional tracks would be constructed to provide access to the turbine locations, the foundations (a surface area of approximately 20m by 20m each) would be constructed of reinforced concrete and the turbines would be assembled and erected using suitable cranes. The turbine components, comprising of tower sections, nacelles and blades would arrive by sea, either to directly adjacent to the site at Thamesport and/or to Chatham Port from which they would need to be transported to the site by road, using special vehicles which can transport long and heavy loads.

The operational life of the turbines is expected to be 25 years although some newer turbines are anticipated to have working lives beyond this. The turbines would be subject to a bi-annual scheduled service and maintenance program. Unscheduled maintenance may also be needed to replace components or optimise performance. It is stated that all operations would be carried out in accordance with the relevant environmental, health and safety requirements as well as good working practices. On final cessation of the operation of the wind farm the turbines would be dismantled and the ground surface reinstated commensurate with the environmental conditions prevailing at the time and the intended future use of the site. The below ground structures and cabling would be left in place.

The planning application is accompanied by an Environmental Impact Assessment in the form of an Environmental Statement (ES). This details investigations and findings of the following matters - nature conservation designations; ecology; ornithology; landscape and visual character; archaeology; geology, hydrology and water resources; land quality; land use and local community; traffic and access; noise and vibration; dust and air quality; and electromagnetic interference and airspace. These matters will be examined in the assessment section below.

Representations

Consultations have been undertaken with Allhallows Parish Council; Grain Parish Council; Stoke Parish Council; Castle Point Borough Council; Southend-on Sea Borough Council; Swale Borough Council; the Aerodrome Standards Department, Aviation House, Gatwick; AFI Medway Airsports; the Aircraft Owners and Pilots Association, British Light Aviation Centre; the Archaeological Officer, Kent County Council; the British Microlight Aircraft Association (BMAA); Cable and Wireless; the Countryside Commission; EDF Energy; Natural

England (formerly known as Natural England); the Environment Agency; the Government Office for the South East; English Heritage; Essex Microlight Club; the Health & Safety Executive; Kent Ornithological Society; Kent Wildfowling and Conservation Association (KWCA); Kent Wildlife Trust; London Southend Airport; Medway Airsports Club; Medway Microlights; Medway Ports Authority; MoD Defence Estates; National Air Traffic Services (NATS); Network Rail; OFCOM Wind Farm Site Clearances; Port of London Authority; Rochester Airport; the Royal Society for the Protection of Birds (RSPB); the South East of England Regional Assembly (SEERA); Southern Gas Networks; and Southern Water Services Limited.

The application has been advertised in the press and by site notices. Neighbour notification letters have also been sent to the following properties – Winpac (UK) Ltd; Cory Bros; CP Ships; Evergreen (UK) Ltd; Freightliner Ltd; Interfreight Shipping Agencies Ltd; Medway Power Station; Foster Yeoman Ltd; Securicor Omega Container Logistics; DHL; Day Aggregates; Maritime Container Services; Rivermaye Cottage; and Stoke Cruising Club.

The **Aircraft Owners and Pilots Association** confirm that they have no view on the application in view of the distance from Rochester Airport. However they refer to the need to consult Medway Microlights at Stoke Airfield (this has been done).

The **Past President of the Aircraft Owners and Pilots Association** objects to the application as the turbines will interfere with the safety of flight operations for Medway Microlights, with particular hazards when there is low cloud, failing light and when flying into a low sun.

The **Archaeological Officer, Kent County Council** confirms that a desk-based study identifies a background archaeological potential to the site but no specific sites within the development land take. Based on his general understanding of their archaeology of the area he considers that it is very likely that the alluvial deposits in the area contain a good potential for encountering prehistoric to medieval remains together with evidence of post medieval reclamation of the marshlands and remains relating to the environmental and sedimentological history of this area of the Medway in the alluvial sequence. He recognises that the extent of the impact of the construction of the former refinery and depot is likely to have been severe in places although there is some indication that the area may have been subjected to land raising and reclamation rather than major excavations. He says that the submissions attempt to discount the potential survival of remains over the majority of the site (except the northwest corner) based on the previous development layout but that further assessment of the geotechnical data is needed to discount these areas.

The potential impact of construction is likely to arise from the construction of the 20m by 20m foundation pads for the turbines. Cabling in trenches may have an impact on parts of the site. Mitigation of the effects on buried archaeological remains can be secured by a condition. This should require a programme of work which has been agreed beforehand as mitigation solely through the implementation of a watching brief in the northwest corner of the development site is likely to be inadequate. With regard to the amended plans his comments remain basically unchanged although it is acknowledged that there will be a reduced impact on archaeology arising from the removal of some of the turbines.

The Chief Executive of the **British Microlight Aircraft Association** considers that the ES is misleading in saying that the wind farm would not restrict the use of Stoke airfield with a minor adverse impact with respect to local flight paths. They believe that this statement relies solely on guidance given in CAP 428 Safety Standards at Unlicenced Aerodromes which recommends no obstacles greater than 150ft above the average runway elevation

within 2000m of the runway mid-point. They acknowledge that the turbines will be at least 2750m away but this does not address the issue of turbulence from the turbines.

They have obtained advice from Ecotricity who confirm that turbines are spaced so that turbulence and wake effects resulting from one turbine do not significantly impact on the next turbine downwind. They use a minimum downwind separation distance of 5 times the blade diameter. At this distance the airflow characteristics have returned to approximately 95% of their original status, rising to 98% at 7 times diameter and 99.9% at 10 times diameter. In the current case the blade diameters are 93m so turbulence will be experienced at distances less than 930m. The circuit patterns for Stoke Airfield, which is used for the training of student pilots as well as for flying by qualified pilots, involve flight much closer than 930m to the proposed turbines and flying microlight aircraft in turbulent air is potentially lethal. They confirm that the airport owner considers that the adverse impact on flying activities will be major and may mean that the airfield will be totally unsuitable for flying or flying training when the wind is from the east because of turbulence from the turbines in sectors of the flight circuit. They ask that greater consideration be given to the effect of turbulence and do not support the view that the proposal would not restrict the use of Stoke airfield.

Cable & Wireless originally objected to the application due to the potential impact on a radio link but this objection was withdrawn on receipt of new data.

Castle Point Borough Council confirm that they have no comments/objections to the application, including in respect of the further information submitted.

The **Civil Aviation Authority (CAA)** confirm that the development may impact on aviation operations associated with Southend Airport and Stoke Airfield and recommend liaison with them and with National Air Traffic Services (NATS) Ltd. They note that there might be a need to install aviation obstruction lighting to some or all of the associated wind turbines (although this is only mandatory for structures of a height of 150m or more if relevant parties raise concern about possible navigational hazards from structures of a lesser height such lighting may be required) and that there is a requirement in the UK for all structures over 300ft high to be charted on aviation maps (if approval for such structures is given details need to be passed to the Defence Geographic Centre). They say that the Environmental Statement fails to document whether consultation with affected parties took place and if they agreed the scale of impact (it is given as a 'minor adverse impact'). They have concern that the severity and probability of impact has been understated in some areas and advise that it is essential that the affected parties are consulted (aerodrome safeguarding responsibility rests with the aerodrome operator/licensee and the CAA provides a regulatory viewpoint as required). They also suggest possible consultation with the British Microlight Aircraft Association who oversee microlight activity throughout the UK.

Further views from the CAA have been received following a site meeting at Stoke Airfield with the owner/operator. The CAA confirm that the safeguarding of the operation of Stoke Airfield is the responsibility of the airfield operator (it is an unlicenced airfield), the views of the operator being critical as he is the local expert. That said they advise that the development does not appear to cause a physical safeguarding issue as it would be sufficiently removed from Stoke Airfield and there is no impact on systems such as radar, navigation aids or communication facilities in relation to the airfield. The only issue is therefore the impact of the wind turbines in creating turbulence. Whilst this may affect any flight within the immediate vicinity the specific concern is in relation to Stoke Airfield.

Any physical structure of sufficient dimensions is likely to create turbulence and wind turbines are not unique in this respect. However at Stoke the turbine development to the east of the airfield may cause an area of turbulence that could affect the flying of microlights within their

current circuit pattern. The expertise of the local flying instructors is key to determining how this could affect these operations however they comment that:

- The proposed development is unlikely to affect the airfield operation when winds dictate the use of Runway 24.
- Any turbulence impact may occur when runway 06 is in use and the winds have an easterly or southeasterly component.
- From wind data supplied by BP, and which is attached, prevailing winds are southwesterly. This should be confirmed with the airfield as accurately reflecting their weather records.
- To accord with local environmental considerations when operating on runway 06, right hand circuits have to be flown which will result in traffic having to fly across a zone down wind of the proposed turbine development.
- The degree of turbulence that may be caused cannot easily be predicted, nor can how it will disperse, but this will depend on wind speeds and actual direction.
- Whilst more experienced pilots may be able to handle the effects of turbulence, trainee and qualified but less experienced pilots are likely to be adversely affected. Furthermore, because of their limited experience, the less experienced pilots are more likely to fly extended circuit patterns, which could take them closer to areas where the effects of the proposed turbines could be greater.
- Due to the need to maintain safety, the flying instructors using their expertise and judgement would have to determine whether the conditions were safe for flying training when operating from Runway 06 due to the possible effects of the proposed turbines.
- There is no apparent mitigation for these effects and if the flying school deemed conditions unsafe then operations would have to be suspended until conditions improved.
- It should be noted that flying will already be lost during each year due to weather, visibility etc and that the possible impact of the wind turbines would add to this. Data on the annual number of days already lost would no doubt be available from the airport.
- The location of the airfield adjacent to the power lines is an operating hazard already managed by the operator and it is not an aspect which affects or is affected by the proposed development.
- It should be noted that by the nature of their design and construction, microlights could be more susceptible to adverse flying conditions than conventional fixed wing aircraft.

They confirm that at present they do not think that the area can be defined as a “Congested Area” in relation to air regulations but that if the development takes place this may need to be re-assessed. In summary they conclude that it would appear that in certain conditions the proposed development could impact on the ability of the airfield to operate but that the full extent of this can only be determined by the airport operator in the light of his experience and taking into account the prevailing conditions.

The **Countryside Agency** does not object to the proposal but lodges concern on the lack of viewpoints in the Environmental Statement from the Kent Downs Area of Outstanding Natural Beauty. As indicated in the report the development will be visible from the northern edge of the AONB and it will have a low to negligible effect. However as no viewpoint with photomontage are included it is not possible to understand how the views from the northern edge will be affected.

They would also like to know if discussions with the local community have been undertaken and say that many examples show that residents' conflict with commercial wind energy schemes could be improved with a proper community involvement process.

CSS Spectrum Management Services Ltd confirm that they have been forwarded a copy of our consultation letter by Ofcom. They have examined the application in relation to UHF Scanning Telemetry systems used by Southern Water and advise that they have no objections in this respect.

Defence Estates, Safeguarding – Wind Energy has no objections to the application. If the development goes ahead they require specified information to give to military aircrew who will endeavour to avoid direct overflight of the site and note that construction workers, particularly those working at height, should be aware that essential military low flying training may be conducted in the vicinity of the site.

English Heritage do not have any comments on the application, including in respect of the further information submitted.

Natural England, formerly known as English Nature originally advised that it would not be possible to conclude that there would not be an adverse effect on integrity of the Medway Estuary and Marshes SPA. Although they considered that the proposed development would not have damaging implications for the designated invertebrates and plants that form part of the interest of the SSSI's and Ramsar Sites, they considered that further information was needed on protected reptile species using the development area. In addition they considered that there could be implications for the populations of birds using this area. Both the Medway Estuary and Marshes and the Thames Estuary and Marshes are SPA's, i.e. designated for their bird populations which could be threatened by the development

Potentially wind farms pose a threat to SPA bird populations due to direct mortality if birds strike the turbines, with consequent impact on populations of these species, and displacement of birds from areas used as nesting, feeding or roosting habitat either during the construction of the wind farm, or during its operation. In these circumstances they advise that an Appropriate Assessment is required under Regulation 48(1) of the Conservation (Natural Habitats &c) Regulations 1994.

In brief their chief concern was the potential for the displacement of waterfowl, advising that on the precautionary principle there should be a 600m buffer between the wind turbines and the Medway Estuary and Marshes SPA in order to prevent disturbance to the SPA bird populations. They did not think there is a risk of an adverse effect on the Thames Estuary and Marshes SPA but required further consideration to assess the effect on the South Thames Estuary and Marshes SSSI.

However, following extensive discussions Natural England now confirm that the amendment of the application (the removal of turbines 5 and 6 and repositioning of turbines 7 and 8) has enabled them to withdraw their original objection, subject to conditions, and they advise that an appropriate assessment could conclude no adverse effect on the wintering bird populations.

Since the original objection from Natural England the applicant has provided additional data on reptiles at the site and the proposed mitigation the requirements for these species have now been met.

Turning to the birds, which form part of the interest of the Sites of Special Scientific Interest and Special Protection Area's, the amendments to the application considerably reduce the

impact of the development. In considering this they have assumed that medium and small sized waders could be disturbed by a distance of up to 350m, but they have factored in an assumption that in an industrial setting with many of the birds separated by a water course (Colemouth Creek) from the turbines, the birds will habituate to the additional disturbance. 600m was used as a buffer area for Brent goose but the removal of turbines 5 and 6 removed the main feeding areas for this species to more than 600m.

They seek conditions to secure the undertaking of construction work outside of the period when wintering birds are likely to be present on site and a programme of monitoring the development, agreed with Natural England, for up to 5 year's post construction to determine whether or not the birds behave as predicted in order to inform future applications for wind farms affecting similar species.

The **Environment Agency** confirm that they have no objection to the application subject to the imposition of conditions regarding a water vole survey, contamination and remediation measures, the use of clean material only for any infill and details of piling. They welcome the comprehensive ecological and ornithological surveys that have been conducted. They advise that the proposed water vole mitigation measures are acceptable but that they would like to be consulted on a site by site basis once the initial water vole surveys have been carried out as the Environment Agency is the lead body for this species. At this stage full mitigation measures will need to be drawn up reflecting the status of the water vole population on the site and in relation to the works that will be taking place.

They confirm that they would wish to see further details of any cabling close to or through the flood defences and that any works to the River, its banks or within 15m of the flood wall would require their land drainage consent. They also draw attention to the assessment and remediation of potential contamination and to the need to take due care to protect surface water quality.

The **Health & Safety Executive and the Environment Agency, acting jointly as the Competent Authority (CA)** for enforcement of the Control of Major Accident Hazards (COMAH) Regulations 1999 (as amended) have received risk assessments from the applicants. The CA provide background information and details on the BP Oil UK Ltd Isle of Grain Terminal including reference to the terminal function, dangerous substances, storage arrangements, environmental implications and safety report.

Following discussions with and submissions by the applicant the CA has commented in detail on the updated risk assessment provided by the applicant:

1. BP appointed an independent consultant to carry out a quantified risk assessment to show that the risks presented by the wind turbines are lower than existing risks posed at the site. The company states that they have been conservative in their risk estimates. The CA are obliged to take risk assessment figures presented by duty holders at face value and their report presents summary risk estimates and conclusions from their consultants work.

2. Wind farm technology is not risk free and there is reported incident history from blade failure, ice throw and occasional tower toppling events. Large atmospheric storage tanks should not be considered robust against impact events. Taking an even handed approach, wind turbine technology has been and will be the subject of continuing development. The company has obtained data available from the turbine supplier, which they argue is more fully representative of the turbines that they plan to install at

the Isle of Grain, to inform their risk picture.

3. It is fair to say that both HSE and the EA do not rest easy with BP's decision to place a wind farm at a major hazard installation. Risk assessment is not a precise science and quantified risk assessment is subject to a degree of uncertainty. HSE and the EA do not give permission to duty holders and BP does not require permission from the CA to progress their plans. The company have revised their risk assessment to take account of the removal of certain turbines that were within topple distance of tanks.

4. The company do not need the permission of the CA to progress their plans. However they will be required to account for the risk picture of the point of operation of the storage installation and wind farm, by updating their COMAH report and demonstrating all necessary measures to reduce risk as low as is reasonably practicable. It is therefore important that they take into account the issues raised in under Blade Construction below.

5. Fire frequency - from the risk assessment it can be estimated that a fire within a turbine will occur about once within a 20 year operating history. The company gives an overview of the technology they propose to control this hazard, which appears reasonable. A further refinement would be to consider automatic initiation of the fire suppression system if the operator does not intervene within a period of time.

6. Overspeed protection - the company plans two independent and diverse systems. At face value their approach seems reasonable.

7. Topple distance - the position of Turbine 1 is within topple distance of the B2001 that passes 85 meters away. The company argues that the risk of turbine topple is low (impact frequency is estimated to be of the order of about one in a million years), but we do advise a precautionary approach towards locating this turbine and that the company adhere to normally accepted practice, which is to place turbine blades at a minimum of topple distance plus 10% from targets such as tanks, occupied buildings and roadways.

8. Driver distraction - driver distraction remains an issue to be considered by the planning authority, as the company states that the road has some 750 container truck movements per day on a small road with what appears (from visual evidence) to have significant accident history. The position of Turbine 1 appears to be opposite a road junction.

9. Blade construction - partial or complete rotor blade disintegration poses the largest hazard, as plant hardware has not been engineered for impact. The company argue that they have been conservative in their approach, assigning full and partial rotor blade failure rate together to be used as full rotor blade failure rate. This is a realistic approach, despite the fact that some data exists that suggests that this failure rate could be further reduced. Whole rotor blades have significant weight (estimated to be 1 metric tonne) and it is suggested that blades and blade fragments could have significant momentum (mass x velocity). Tanks are not robust and damage could cause catastrophic failure or spigot flow over the bund wall, leading to a wider release over the site. Using the company's suggested approach, for six turbines blade disintegration is estimated to occur about 1 in 555 years, which is a relatively high failure rate for a major hazard installation. This is reduced by the probability of impact to sensitive targets e.g. tanks, pipework and occupied buildings. It is the probability of

impact that reduces risk of major accidents to low levels.

The company estimates the total target damage frequencies using their estimates for probability of damage. Adding together the damage frequencies, this gives an estimate of damage occurring about once in 300,000 years. Allowing for more conservative damage probabilities would increase this frequency to perhaps within the range of 1 in 30,000 to 150,000 years.

Due to the uncertainty in risk assessment the HSE expects duty holders to adopt good practice irrespective of risk-based estimates. It is therefore suggested that any planning permission be granted on the basis that all turbine rotor blades be subjected to a programme of non-destructive testing prior to operation according to a regime agreed with the HSE/EA, and that an agreed programme of rotor inspection and maintenance be agreed with a Mechanical Engineering Specialist Inspector.

10. Ice throw - the company plans to place detectors on each turbine to detect the conditions at which ice formation can take place. This will be linked to an automatic protection system. This seems a reasonable approach.

The H&SE have confirmed that they have no comment on the further information to the Environmental Statement. However they have confirmed that further investigation and a meeting regarding the non destructive testing of blades has taken place although further research is still necessary.

Hutchinson Ports (UK) Limited/Marine Transport Services Limited (Thamesport) confirm that they have no objection in principle to the proposals. However they were initially concerned that the issue of electromagnetic interference was not properly considered by the Environmental Statement as it failed to identify the Thamesport operations as being an affected communications source. Thamesport is a highly automated industrial site with large elements of plant and equipment operating remotely using wireless communication links. The entire container handling operation is dependent on these communication links and interference of signals causes the port to effectively shut down.

Following the identification of this concern studies have been undertaken by the applicant in order to address it. Thamesport have since confirmed that they were not willing to grant the applicants' the necessary legal rights to enable turbine 9 to be erected as it would cause limitations on their operational expansion and the future configuration of the main container handling areas (this turbine has now been deleted from the planning application). Following further tests they are currently evaluating the findings on the potential radiocommunications impact of the development and are actively considering the opportunity to install turbine 10 on Thamesport land (this is the only turbine which is proposed on land which is not owned by the applicant, therefore the applicants will need to reach agreement with them as landowners in order to install it). They have no objection to the other turbines on BP land.

JRC confirm that they manage a Telmetry and Telecontrol radio link operated by **National Grid (Gas)** from property adjacent to the proposed development and that they analyse proposals for wind farms for the UK Fuel & Power Industry in order to assess their potential to cause interference to 460MHz point to multi-point telemetry and telecontrol radio systems operated by utility companies in support of their regulatory operational requirements. They have confirmed that National Grid (Gas) have no objection to the amended application.

Kent Wildfowling & Conservation Association (KWCA) object to the application. They

consider that the EIA is flawed. The KWCA are freeholders of adjacent land, not users, and are the largest landowner in the Medway Estuary with 1,300 acres of land. They also manage 263 acres of land at Rose Court Farm on the Isle of Grain and the whole of the crown foreshore on the Isle of Grain, some 4 miles. They consider that the KWCA was ignored by the authors of the EIA, that the impact on them was not analysed properly and that no evidence was presented to show there would be 'no direct adverse impact'.

Following discussions with the KWCA including a boat trip to see the application site from their viewpoints further submissions have been made. The planned development is very close to KWCA land and they consider that it will create overbearing and intrusive sightlines to the east of their property at Stoke Saltings. In their view this will have a considerable adverse impact on the amenity value of their land for their members, undoubtedly leading to a reduction in members' usage of the area with a subsequent reduction in fee-paying members and a consequential loss of income. They consider that this will result in a crucial adverse impact on conservation in the area as their medium term capacity to carry out conservation work within the Medway and adjacent SPA's will be reduced. This would include projects which have been devised to improve the conservation status of the SPA and to aid public access and interpretation of this very important wildlife area. Their programme of conservation work, *'KWCA Conservation Project Plan – 2007-2010*' is provided. They say that this programme would allow public access to KWCA land, interpretation of the land and its nature conservation value and the setting up of a membership organisation within which members of the public could take an active role in nature conservation. They also say that a number of important initiatives of wider community benefit are also included in the programme, many of which will have a positive impact on sustainable communities being developed within the Thames gateway. They therefore feel that if the application is to be approved, appropriate mitigation is offered to allow this programme of works to continue.

London Southend Airport originally objected to the application on the grounds of adverse impact on their radar system/operations. However they now advise that following extensive discussions they have agreed in principle that the provision of a remediation works agreement will facilitate the withdrawal of their holding objection once all parties have agreed the wording thus allowing this agreement to be signed/sealed (this means that the applicants are agreeing to enter into a financial bond for each turbine which would be payable if the turbine(s) had an impact on the primary radar of this Airport when built). The agreement is currently with lawyers.

The owner/operator of **Medway Microlights** and **Stoke Airfield**, their base, considers that the wind farm would be a danger to aircraft and he has made many submissions to this effect including in response to the various additional submissions by the applicant with regard to this matter. The proximity of the turbines and their height would render one of the runways useless leaving just a single runway which would restrict Stoke's usefulness as an airfield (originally it was estimated that over 75% of training and test flying use would be eliminated). They consider that turbulence from the turbines would make any flying within the turbulent area unsafe and that such large obstacles spread over a large area of part of their flying circuit would endanger aircraft, pilot and passenger especially in low cloud conditions. This would result in their livelihood going (the airfield and microlight factory/workshop is their livelihood, one being dependent upon the other) as well as that of the flying instructors which would also stop students from obtaining their pilots licence as well as roughly 2,500 plus movements by aircraft per year (the area is a jump off point for most aircraft to cross the Medway to the east and south). A danger area would probably be needed on air charts to exclude aircraft activity in the area and the airfield would be redundant for flying activities. They add that there would be a danger to bird life in the area.

Following a site visit to Stoke Airfield with a representative from the CAA the owner/operator confirms that he considers that runway 06 will be lost as a result of the proposed wind farm, loosing approximately 50% of their flyable days. This will result in the loss of an active flying school including sales of aircraft, an active flying club, the flying instructors due to lack of flying time, some parked aircraft from the airfield, visiting aircraft, his CAA approved test site and his factory airfield, as well as a major invested value in the airfield and aircraft factory. He says that wind direction can change two or three times a day which will adversely impact on the reliability of the airfield for use.

They draw attention to various other wind farms and the owner raises concern that the applicants' have failed to give him guarantees regarding the likely impact on his airfield and business. He does not consider that the reports undertaken by third parties on behalf of the applicant can be relied upon as accurate as they are funded by the developer. He says that some microlight pilots have overflown the off-shore wind farm at Whitstable and that this has demonstrated the problems of turbulence. He has offered flights to the applicant and Council officers.

The owner says that the relocation of Stoke Airfield and Medway Microlights must come into the equation of the application as Stoke is used extensively for training pilots and for test flying aircraft in connection with the CAA and Medway Microlights Company Exposition and airfields are difficult to come by. Relocation would be a massive and expensive task as the factory and airfield rely on each other, planning permission would have to be obtained and there would be some loss of business – this should be borne by the developer and/or the Council. In effect if the wind farm is approved he says that he will be left with an all but useless flying site and flying school/factory which has taken some thirty years to build up.

Medway Ports Authority confirm that they are taking advice on all aspects of the proposal especially in the light of the effects of the Kentish Flats wind farm development and other off-shore developments of this nature.

NATS (National Air Traffic Services) En Route Ltd confirm that the development has been examined from a technical safeguarding aspect and it does not conflict with their safeguarding criteria. They therefore have no safeguarding objection to the proposal.

National Grid confirm that they have a pipeline in the vicinity of the site and that the proposed turbines are outside the safety distance for this pipeline (1.5 times the mast height away from a pipeline carrying a hazardous substance, as stipulated by the HSE).

Network Rail have no comments on the application.

OFCOM has found that some fixed microwave links may be affected by the proposed turbines and says that the operator should have clearance from the licensed link operators (those identified as potentially affected have been individually consulted and any comments received are included in this report).

The **Port of London Authority** have no comments on the application including in respect of the further information submitted and on the changes to the scheme.

The **Royal Society for the Protection of Birds (RSPB)** confirm that the amended scheme (removing turbines 5 and 6 and moving turbines 7 and 8) will significantly reduce the impacts of the scheme on the important bird populations in the area compared to the original scheme,

enabling the RSPB to withdraw its original objection to the development.

They confirm that their concerns with the original wind farm proposal centred around potential impacts on the bird populations of the Medway Estuary and Marshes Special Protection Area (SPA). The survey data collected by BP demonstrated that birds for which the SPA is designated did not fly through the proposed wind farm site in numbers or at a height that would present a risk of population impact due to collision. However, the survey data did show that the area of Colemouth Creek adjacent to the proposed wind farm site is important for a number of wintering species for which the SPA is designated, principally avocet, black-tailed godwit, dark-bellied brent goose, grey plover, redshank and dunlin. Wader and geese species have been shown in some cases to be susceptible to disturbance by wind farms, such that a reduction in bird use close to turbines and up to 600m away has been seen. The RSPB is satisfied that the revisions to the scheme reduce the area of SPA that would potentially be rendered less suitable to birds due to disturbance.

The largest disturbance distances have been seen for geese and large waders. Using a buffer of 600m around the fields to the north west of the wind farm site that are used by feeding brent geese, the removal of turbines 5 and 6 will avoid any disturbance impact on these birds.

For the smaller wader species, a smaller disturbance distance may been seen, but nevertheless each of the turbines situated near to the sea wall (turbines 5, 6, 7 and 8) has the potential to disturb birds feeding on the SPA mudflat in the Colemouth Creek area. The removal of turbines 5 and 6, and the setting back of 7 and 8, reduces the area of SPA, and hence the number of birds, potentially affected by disturbance. In addition, the RSPB is of the view that the presence of Colemouth Creek is likely to act as a natural barrier between birds feeding to the west of the Creek and using saltmarsh islands as a high tide roost, so that they are less susceptible to disturbance. This leaves just the area of mudflat to the east of Colemouth Creek and near to turbines 7 and 8 that may be subject to a high level of displacement of birds. However, this area is small enough, and the bird survey data provided by BP shows that the number of birds impacted is small enough, in the RSPB's view, not to result in an adverse effect on the integrity of the SPA.

They note that the removal of turbine 9 (as a result of the applicants discussions with Thamesport) may further reduce the potential of the scheme for impact on important bird populations using the SPA, although the risk of this turbine causing disturbance to important birds was lower than the other turbines on the sea wall as it is further from the SPA. The risk from turbine 10, whose feasibility is still under discussion, is also lower.

Due to the industrial nature of the Medway, it may be that birds will habituate to the presence of turbines more readily than might be seen in a more rural location. The RSPB suggests that Medway Council impose a condition of any consent for bird monitoring to be undertaken to test this theory. Post-construction monitoring should take place for 3 years, with a possible further two years depending on the findings. Methodologies chosen and data requirements should be agreed with the council beforehand. A condition restricting construction to outside the wintering season (ie avoiding the months of September to March inclusive) is also recommended.

The **South East England Regional Assembly** has been consulted but has not responded to date.

Southend-on Sea Borough Council raise no objections to the application, including to the

further information and changes to the scheme.

Southern Water do not wish to comment on the application, including the further information submitted.

St James Isle of Grain Parish Council originally confirmed that they supported the application in principle but comment that:

- one of the turbines is located very close to the road and should be moved further back;
- piling should be restricted to Monday to Friday, up to 12 noon only on Saturday and no piling on Sunday;
- Members were disappointed to note that the applicant feels unable to use the river and rail access for delivery of components;
- Members expressed severe concerns about the use of the highway for the delivery of the rotor blades and tower sections as this would involve 8 abnormal loads per turbine on an already overstretched section of highway and they were also concerned about damage caused to the highway by the passage of such loads.

In response to the amended plans and additional details they raise the following comments:

- notwithstanding the reduction in the number of turbines they are concerned that the one nearest the highway is retained despite their request for its removal
- the topple distance for the turbine is 126.5m plus 10% but it is only 8m from the highway
- a Section 106 agreement should be required for local highway improvements or a community project
- how is icing on the leading edge of the blades dealt with as there is an inherent danger when falling ice is propelled by centrifugal force?
- concern that the development would have a detrimental effect on the safety, flight path, performance and viability of the established business of Medway Microlights at Middle Stoke.

Stoke Parish Council raise no objection to the proposal.

The **Chairman of Stoke Parish Council** says that he has been contacted by the proprietor of Stoke Airfield who says that the turbines will have an adverse effect on flying operations at the airfield and that in his opinion the airfield would have to close. The Chairman is concerned that if this happens it will have a detrimental effect on the village of Stoke due to loss of business to the retail outlets and the loss of employment to some of the residents.

Swale Borough Council raises no objections to the application, included to the scheme as amended.

Three have raised concern regarding the proximity of turbine 10 to their mast at Thamesport, requesting that the location of turbine 10 is moved north or northwest. They also say that their mast is likely to have to move as a result of development work at its current location at Thamesport and that the alternative site (which is unlikely to be workable at any other location due to microwave links to the Isle of Sheppey and as cranes and containers block lines of sight to another mast) is likely to be even more adversely affected by this turbine.

8 individual representations, 5 from addresses in Essex (1 being from the Chairman of Essex Microlight Club), 1 from Middlesex, 1 from Broadstairs and 1 with address not given, have been received, together with **1 further letter** from an Assistant Flying Instructor working for AFI Medway Airsports, the flying school based at Stoke Airfield, in summary raising the following concerns:

- Serious infringement on Stoke flying club and the bird reserves in the area, both of which bring people and trade to the area;
- Damage to bird populations;
- Danger to aircraft using Stoke Airfield due to turbulence, a very high risk of fatal accidents;
- The flying school at Stoke trains pilots who must fly a number of hours solo, the turbulence will place them at great risk and if the local circuit becomes too hazardous the flying school will have to close;
- The Civil Aviation Authority should fully appraise the safety factor and give a clean bill of conformity before any planning permission is issued;
- Activities at Stoke Airfield bring people in and employ local people and include a factory which would have to close if the airfield became unusable, taking more jobs, loss of money to the local economy;
- The airfield is one of the liveliest and friendliest microlight airfields in the country and microlighting is one of the few ways of flying that is affordable, loss would be against the 'Sport for All' culture;
- There are very few microlight training airfields available and relatively few airfields in the local area;
- Cannot understand the need to close off the countryside when there is a perfectly reasonable alternative a few miles out to sea;
- Members are urged to visit the airfield and fly the local circuit to get a true picture
- The size of the turbines should be reduced and there should be a maximum of 4 – they have recognised benefits but the impact on local residents, businesses, air traffic and visitors will be unacceptable
- Any permission should include a condition requiring the developers to find an alternative location for the airfield, relocate the hangers and provide funding.

8 further individual representations have been received following consultations on the further information, 3 from 2 addresses in Allhallows, 1 from Birchington,1 from Chislehurst, 4 from Essex, 1 from London, 1 from Surrey, 1 from Salisbury and 1 from the West Midlands (many of these are visitors to Stoke Airfield), in summary raising the following objections:

- Devastating impact on the environment, any advantages gained will be vastly outweighed by this
- Suspect that it is not a viable generating proposal but a sop to environmental lobbies, why is needed when a large off-shore wind farm in the Thames Estuary has recently approved?
- Notoriously inefficient, provide meagre power usually a night when requirements are low and cause huge amounts of CO2 pollution during manufacture and erection
- Severe distress and disturbance to animals and birds that inhabit the marshes
- Grain has already been overdeveloped and what areas are left should be for wildlife
- Does the land need to be de-contaminated?
- The turbines will dominate the skyline, overshadowing all the existing

development at Grain, blot on the landscape

- Noise from the turbines will affect local residents including the villages of Grain, Stoke and Allhallows
- The local airfield will become inoperable for the type of aircraft flown there, causing the loss of the microlight business and closure of the airfield due to turbulence, danger to microlight pilots and danger from the tall structures, tit is likely to be a very short time before there would be an accident and it would be against the interests of microlight aviation and aviation in general
- One objector operates a microlight flying school in Essex. He says that he would be loathed to send his students to Stoke whenever the wind would indicate use of the easterly runway; the figures regarding airflow disturbance are based on the effect on other large wind turbines not on microlights, only anecdotal evidence exists regarding such effects; the letter by Aeolus Aviation in support of the application fails to take in to account the effects on ability to fly accurately near the existing obstacles in the wake vortex of a wind farm; in reality the number of days which flying could safely take place would be limited; loss of jobs and of a valuable and rare resource for affordable sport flying in the southeast
- One objector says that he has examined the effects of turbulence on light aircraft such as microlights as part of his career (a scientist at the MoD working for many years in experimental aircraft flight test) and private interests. He says that the siting of turbines within 500m of the Stoke Airfield circuit is far too close for safety and will cause a very significant safety hazard to light aircraft operating downwind of the wind farm, turbulence at this distance likely to be severe enough to overturn a microlight or at least severely disrupt its flight path and endanger occupants.
- No consideration has been given to the measures to be taken at the end of the useful life of turbines, including data to support the estimated working lifespan.

In addition **Bob Marshall-Andrews QC, MP for Medway** has requested that Mr Draper's strongly held concerns be given due weight when the Council considers the application (Mr Draper is the owner and operator of Medway Microlights/Stoke Airfield).

Development Plan Policies

Planning Policy Statement 22: Renewable Energy (PPS22) and its Companion Guide (2004) give national policy guidance on renewable energy. They say that the increased development of renewable energy resources is vital to facilitate the delivery of the Government's commitments on both climate change and renewable energy. One of the key principles that planning authorities should adhere to in their approach to planning for renewable energy is that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.

Development Plans:

Regional Planning Guidance for the South East (RPG 9), Chapter 10 (Energy Efficiency and Renewable Energy) as amended 2004

Policy INF6	(Regional Renewable Energy Targets)
Policy INF7	(Sub-Regional Targets)

Policy INF8	(Location of Renewable Energy Development)
Policy INF9	(Development Criteria)

Kent & Medway Structure Plan 2006

Policy SP1	(Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development)
Policy SS8	(Development in the Countryside)
Policy EN1	(Protecting Kent's Countryside)
Policy EN2	(Protecting Kent's Coast and Estuaries)
Policy EN3	(Protection and Enhancement of Countryside Character)
Policy EN4	(Areas of Outstanding Natural Beauty and the Heritage Coast)
Policy EN5	(Special Landscape Areas)
Policy EN6	(International and National Wildlife Designations)
Policy EN7	(County and Local Wildlife Designations)
Policy EN8	(Protection, Conservation and Enhancement of Biodiversity)
Policy EN9	(Trees, Woodland and Hedgerows)
Policy EN12	(River Corridors)
Policy QL1	(Quality of Development and Design)
Policy QL6	(Conservation Areas)
Policy QL7	(Archaeological Sites)
Policy QL8	(Buildings of Architectural or Historic Importance)
Policy QL9	(Historic Landscape Features)
Policy EP2	(Employment Land Provision)
Policy EP4	(Locations of Strategic Importance for Business, Industrial or Distribution Uses)
Policy EP7	(Development of Employment Uses in Rural Areas)
Policy TP12	(Development and Access to the Primary/Secondary Road Network)
Policy TP15	(Development Traffic and Heavy Goods Vehicles)
Policy TP19	(Vehicle Parking Standards)
Policy NR2	(Energy Generation)
Policy NR3	(Renewable and Sustainable Energy Production)
Policy NR10	(Development and Flood Risk)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S6	(Planning Obligations)
Policy S13	(Isle of Grain)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE5	(Lighting)
Policy BNE12	(Conservation Areas)
Policy BNE18	(Setting of Listed Buildings)
Policy BNE20	(Scheduled Ancient Monuments)
Policy BNE21	(Archaeological Sites)
Policy BNE23	(Contaminated Land)
Policy BNE25	(Development in the Countryside)
Policy BNE32	(Areas of Outstanding Natural Beauty)
Policy BNE33	(Special Landscape Areas)

Policy BNE35	(International and National Nature Conservation Sites)
Policy BNE36	(Strategic and Local Nature Conservation Sites)
Policy BNE37	(Wildlife Habitats)
Policy BNE39	(Protected Species)
Policy BNE43	(Trees on Development Sites)
Policy BNE45	(Undeveloped Coast)
Policy BNE46	(Developed Coast)
Policy ED1	(Existing Employment Areas)
Policy ED3	(Other Employment Sites)
Policy ED5	(Proposed Employment Areas)
Policy ED8	(Industrial Uses Not in a Use Class)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)
Policy CF10	(Overhead Power Supplies)
Policy CF11	(Renewable Energy)
Policy CF13	(Tidal Flood Risk Areas)

Draft Documents:

Medway Local Development Framework Core Strategy Submissions Stage 2006

Policy CS20	(Climate Change & Ecological Footprint Stabilisation)

Draft South East Plan

Policy EN3	(Regional Renewable Energy Targets)
Policy EN4	(Sub-Regional Targets)
Policy EN5	(Location of Renewable Energy Development)
Policy EN6	(Development Criteria)

Planning Appraisal

The main planning issues raised by this application are as follows:

- Planning policy for renewable energy
- The principle of establishing a wind farm in this location
- Landscape character and visual appearance
- Wildlife and ecology
- Amenity including shadow flicker
- Noise and vibration
- Contamination
- The historic environment including archaeology
- Electromagnetic interference
- Airspace
- Access and traffic
- Health and safety
- Decommissioning.

Planning policy for renewable energy

National planning policy guidance on renewable energy including wind energy is given in Planning Policy Statement 22:Renewable Energy (PPS 22). This says that the development of renewable energy will make a vital contribution to the Governments energy policy aims. The Energy White Paper published in February 2003 aims to cut the UK's carbon dioxide emissions by 60% by 2050 with real progress by 2020, and the Government has set a target to generate 10% of UK electricity from renewable energy sources by 2010. One of the key principles stated in PPS22 is that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, `are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.

Policies within Regional Planning Policy Guidance for the South East (RPG 9) set regional and sub-regional targets for renewable energy and also give guidance regarding the location of renewable energy development. Renewable energy development should be located and designed to minimise adverse impacts on landscape, wildlife and amenity and out side of urban areas priority should be given to development in less sensitive parts of the countryside and coast, including on previously-developed land and in major transport areas. This guidance is taken forwarded in the draft South East Plan which has been submitted to Government and was subject of consultation earlier this year.

The proposed wind farm would have an output of between 10.5 and 21 MW depending on the precise model selected. The land based renewable energy target for Kent is 111 MW at 2010 and 154 MW at 2016 therefore even at the lower level of output the development would make a significant contribution towards meeting targets for renewable energy production in the sub-region.

Kent & Medway Structure Plan 2006 (the Structure Plan) Policy NR3: Renewable and Sustainable Energy Production says (in part) that development necessary for the production of energy from renewable sources will be supported where there would be no overriding conflict with environmental interests. It also says that Local Development Documents will include criteria for their location together with renewable energy production targets in support of the sub regional targets for individual energy sources. Policy NR2 gives guidance for the assessment of all forms of energy generation including the need to assess the impact of proposals on the landscape, nature conservation and the built environment, the contribution it would make to meeting energy needs of local communities and the perspective life of plants and restoration measures proposed.

Policy CF11 of the Medway Local Plan 2003 (the Local Plan) says that renewable energy schemes for the generation and consumption of electricity will be permitted when the location, scale and design of the apparatus is not detrimental to nature conservation or landscape concerns and present no significant loss of residential or countryside amenity.

Policy CS20 of the Medway Local Development Framework Core Strategy Submissions Stage 2006 (the Medway LDF) includes reference to the reduction of carbon emissions by expanding renewable energy generation. It says that renewable energy facilities should be located to minimise adverse impacts on landscape, townscape, historic assets and wildlife but that as a general principle the development of renewable energy will be supported.

In summary in principle planning policy and guidance is supportive of proposals for renewable energy production. PPS22 highlights that such proposals have wider environmental and economic benefits and says that these should be given significant weight in determining planning applications for such development. The proposed wind farm would make a significant contribution towards meeting targets for renewable energy production in the sub-region, however consideration must be given to other relevant material planning issues before a final decision can be made.

Principle of establishing a wind farm in this location

Six of the seven turbines are located within the Isle of Grain strategy area and the Isle of Grain/Thamesport existing employment area as defined by the Local Plan. The seventh, turbine 4, is located within the BP Isle if Grain Terminal site but within an undesignated (rural) area. To the west of these areas the land forms part of the North Kent Marshes Special Landscape Area (SLA), Ramsar Site and Site of Special Scientific Interest (SSSI), with a mix of developed and undeveloped coast. The impact on the coastal environment and on wildlife will be considered in a separate section below.

PPS22 says that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and where environmental, economic and social impacts can be addressed satisfactorily. In this context there is no overriding conflict in allocated land use terms with the development of a wind farm in the proposed location. It is not considered that the development would significantly prejudice the Local Plan aims of the very much larger Isle of Grain strategy area which is designated for further industrial development. In addition although one of the turbines would be outside of this area, in effect on land designated as rural, it would be within the existing BP Terminal site rather than on greenfield rural land.

In land use terms alone there is therefore no overriding objection to the development of the proposed wind farm in this location, including with regard to the advice given in Policies SS8 and EN1 of the Structure Plan and Policies S13, BNE25 and ED1 of the Local Plan.

It is noted that the application submissions included a limited evaluation of the alternative sites considered for a wind farm. Only BP sites were considered and all except the current site were discounted due to their proximity to local housing or as they were in the process of being sold. BP therefore concluded that their Isle of Grain fuel terminal was the only viable BP-owned site in their south of England brownfield/industrial portfolio suitable for progression as a wind farm.

Landscape character and visual appearance

The proposed development is located on a low-lying flat site which is part of the Greater Thames Estuary national character area. This character area comprises of predominantly low lying flat landscape with extensive areas of open space dominated by the sky although the coastal fringes and marshes include existing major developments such as power stations, ports and industrial related activity.

To the west and just to the north of the site the land is designated as the North Kent Marshes Special Landscape Area (SLA). To the south across the River Medway is a SLA which lies within the Swale Borough Council administrative area. Much of the coastline to the west of the site is designated as undeveloped coast in the Medway Local Plan. The Kent Downs Area of Outstanding Natural Beauty (AONB) is located to the west and south of the M2, a

minimum of approximately 12km from the site.

The Environmental Statement (ES) submitted as part of the application has taken a study area of a 20km radius around the site in order to undertake a landscape and visual assessment of the proposed wind farm. The methodology used to make the assessment included an initial computer-generated theoretical Zone of Visual Influence (ZVI) study to assist in identifying potential viewpoints and indicate the potential visibility of the wind farm, the preparation of computer generated wireframes showing the wind farm from representative viewpoints and the production of photomontages showing the anticipated view from various points. The Councils' Senior Landscape and Urban Design Officer has confirmed that he considers that the landscape and visual assessment section of the Environmental Statement is generally comprehensive and thorough and follows recommended assessment methodology.

The ES describes the landscape quality and value of the site as low and the landscape sensitivity (the extent to which a landscape can accept change without significant adverse effects on its character) as low to medium. The site itself is flat and low lying and is only visible from its immediate surroundings. Nearby there are a number of cylindrical storage tanks (at both the BP and LNG sites), cranes at Thamesport (98m high when upright) and 245m high chimney at Grain Power Station, with a further high chimney at Kingsnorth away to the southwest.

The ZVI study shows that in theory the proposed turbines would be visible from within approximately 50% of the study area, a 20km radius from the site. Visibility would be markedly reduced towards some areas in the north (Southend-on-Sea), west (towards Gravesend), southwest (Strood, Rochester, Chatham and Gillingham) and east (Minster and Leysdown-on Sea) due to intervening landform and settlement. In reality factors such as vegetation, built form and localised subtleties in vegetation also means that actual visibility would be significantly less than that indicated on the ZVI plans.

Wireframe (computer generated visual representation) and photomontage studies have been undertaken from a number of viewpoints including from the B2001 on the western side of Grain village, from the eastern side of Allhallows, from by Upnor Castle and from the quayside at Gillingham Marina. These help to demonstrate that the most significant visual effects are limited to the immediate vicinity of the site (approximately 2-5km) such as the western edge of Grain village. However there is a relatively rapid decrease in the significance of the visual effect of the turbines with the distance travelled from them, particularly as the turbines would sit within and be viewed as part of an existing industrialised landscape (including chimneys, cranes, storage tanks and pylons) when viewed from the surrounding area. In the context of these surroundings the effect on the wider landscape character is considered to be minor.

The proposed wind farm would add a new feature to the existing range of development in the landscape. Although it would have a significant visual impact from its immediate surroundings it would be located in an area which already contains major industrial development such as power stations, storage tanks, and Thamesport with its cranes. In this context the addition of the wind farm is not necessarily considered to be a detrimental change in terms of the quality of the landscape or local views towards the site. Indeed some may view it as having a positive visual impact. Although visual impact is subjective from person to person it is noted that British Wind Energy Association (BWEA) studies say that most people find turbines an interesting feature of the landscape. In addition studies conducted across the country since the early 1990's near existing wind farms have consistently found that most

people are in favour of wind energy, with support increasing among those living closer to the wind farms.

It is noted that very few concerns have been raised regarding the potential visual impact of the proposed wind farm. Prior to the submission of the application the applicant undertook consultations with the local community, including a local exhibition, and consultations have also been undertaken as part of the planning application process. The main expression of concern in this respect is from the Kent Wildfowling & Conservation Association (KWCA). They say that they are the largest landowner in the Medway Estuary and their land includes Stoke Saltings, their flagship site, which is immediately to the west of the proposed wind farm. They consider that the wind farm will appear overbearing and intrusive from this area, resulting in a considerable adverse impact on the amenity value of their land for their members. This impact on amenity will be considered in more detail below. However although it is agreed that the wind farm will have a significant impact on views from nearby Stoke Saltings (the turbines will appear at fairly close range in the foreground compared to other nearby industrial development from this location) it is not considered that this would be necessarily harmful once local land users such as the KWCA have become accustomed to their presence. As noted above, although the turbines will have an obvious physical presence from such relatively close range viewpoints, this does not necessarily create a detrimental visual impact.

It is noted that the Countryside Agency has not objected to the application but has lodged concern over the lack of illustrative viewpoints from the Kent Downs AONB. However as explained in the further submissions to the ES a cross-section of representative viewpoint assessments have been undertaken and as the impact on the AONB is judged to be low to negligible a further specific viewpoint from the AONB is not considered essential in this case.

A cumulative ZVI study has been undertaken to address the visual impact of the current application in addition to the impact of any other wind farms in the vicinity. The Kentish Flats Wind Farm is located 10km off-shore to the north of Whitstable and Herne Bay, approximately 30km to the east of the current application site. This nearby wind farm comprises of 30 turbines with 70m high nacelle and a maximum height to blade tip of 115m. The study has found that in theory these wind farms may be simultaneously visible from some areas, principally from the coastline, the sea, the Thames and the Swale and from some areas to the east of Sittingbourne and to the northeast of Southend-on Sea as well as the north and east coastline of the Isle of Grain and Allhallows. In reality factors such as vegetation and localised landforms are likely to reduce the likelihood of simultaneous views further and even when they could both be seen the distance between the two wind farms will help to minimise the cumulative effect. Weather conditions will also have a significant bearing of the visibility of turbines, particularly the off-shore turbines and views of both wind farms from across the water on the northern side of the Thames Estuary. Overall the cumulative impact of the two wind farms together is judged to be negligible.

In summary the visual impact of the proposed wind farm, including the impact on the character of the landscape and the cumulative impact, is considered acceptable. Although there will be a significant impact in the immediate vicinity of the site this rapidly decreases further away where the wind farm will be seen in the context of the existing industrial complex and may even make a positive contribution to it. As highlighted by PPS22 significant weight should be given to the wider environmental and economic benefits of renewable energy proposals and in this context any visual concerns are considered acceptable. The development is therefore considered acceptable with regard to the advice given in Policies EN3, EN4 and EN5, of the Structure Plan and Policies BNE32 and BNE33 of the Local Plan.

Wildlife and ecology

There are a number of areas of international, national and local nature conservation interest close to the application site. Special Protection Areas (SPA) are internationally important sites for supporting significant populations of rare and vulnerable birds and regularly occurring migratory species and Ramsar sites are wetlands of international importance which support at least 20,000 waterfowl.

The Medway Estuary and Marshes is designated as a SPA, Ramsar site and Site of Special Scientific Interest (SSSI) and comprises of an extensive mosaic of tidal channels, islands of salt march and peninsulas of grazing marsh. In the summer it supports breeding waders and terns and in the winter large assemblages of waterfowl (regularly over 65,000). It is also important during the spring and autumn migration especially for waders and provides a complex habitat including some rare plant species. The boundary of this area is the western boundary of the BP Fuel Terminal site boundary. The Thames Estuary and Marshes SPA and Ramsar Site and the South Thames Estuary and Marshes SSSI comprises of intertidal mudflats, salt marsh and grazing marsh habitats. It supports important assemblages of wintering wildfowl (regularly over 33,000) and is an important staging post during spring and autumn migration. It is also important for breeding birds and includes nationally scarce plants and 100 species of nationally scarce invertebrates. Part of this site lies to the north of the A228 Grain Road, approximately 0.5km from the BP Fuel Terminal. The Grain Pit County Wildlife site is situated next to and immediately north of Grain village, approximately 2.2km to the north-east of the site.

The proposed wind farm could pose a threat to bird populations in two main ways – direct mortality if birds strike the turbines (with a consequent impact on populations of the affected species) and the displacement of birds from areas used as nesting, feeding or roosting habitat. In the current case neither Natural England nor the RSPB have raised any overriding concerns regarding potential bird strike. Collision risk computer modelling based on 12 months of survey data indicates that the risk for the majority of species is very low or non-existent, particularly with regard to the SPA populations of waterfowl. Theoretical numbers predicted by the model would lead to an increase of less than 0.1% in the background mortality rate, even for the most susceptible species, and in context this risk is far less than other anthropogenic causes of mortality such as power lines and traffic. The main concerns regarding the impact on birds have therefore focused on their potential displacement.

Both Natural England and the RSPB initially objected to the application on the grounds of the potential impact on the bird populations of the Medway Estuary and Marshes SPA. In brief they were concerned that Colemouth Creek just to the west of the application site is important for a number of wintering species for which the SPA is designated and that wader and geese have been found to be susceptible to disturbance by wind farms in close proximity. The application initially included bird survey data for a 12 month period but following discussions with these bodies further survey work, interpretive work and evidence from experiences in similar settings was subsequently submitted. After further discussions, including reference to precautionary buffer distances around turbines but also factoring in the specific site circumstances (such as the industrial setting and the location of water courses), the application was then amended in an attempt to overcome the concerns – turbines 5 and 6 (the northernmost two close to the sea wall) have been deleted and turbines 7 and 8 (also close to the sea wall but further south closer to the main river channel) were moved slightly further inland (turbine 9 has also been deleted but this was for other reasons, following the applicants' discussions with Thamesport).

Natural England and the RSPB have both confirmed that these amendments have enabled them to withdraw their initial objections to the scheme. The deletion of two turbines and the setting back of two others has reduced the area of the SPA, and hence the number of birds, potentially affected by disturbance such that the number of birds now likely to be affected will not result in an adverse effect on the integrity of the SPA. However they seek planning conditions regarding the timing of construction work and a programme of post construction monitoring to determine whether or not birds behave as predicted to help inform suture similar applications.

It is noted that the proposed development has also been subject of an appropriate assessment under Regulation 48 of the Conservation (Natural Habitats &c.) Regulations. This detailed assessment is necessary because the development would be likely to have a significant effect on a European site (ie on an SPA) and is not directly connected with the management of the site. After detailed consideration of the proposed project and in accordance with advice from Natural England this assessment concluded that there would be no adverse effect upon the integrity of the Medway Estuary and Marshes SPA and Ramsar site, or on any other such internationally protected sites subject to the conditions regarding the timing of construction activities and the undertaking of post construction bird monitoring.

With regard to ecology the proposed wind farm is located outside (although close to) of any designated conservation sites. There will therefore be no impact on the ecological value of such designated sites. However an ecological assessment including a site specific survey has been undertaken in order to provide information on the application site itself. The main area of habitat that would be directly affected by the construction of the wind farm would be semi-improved neutral grassland, with smaller areas of marshy grassland. Short sections of some normally dry ditches would also be disturbed by the installation of cables and access tracks. The ES includes mitigation measures that would be implemented in an attempt to minimise the potential impacts on these habitats and to ensure that there is no net loss of the two nationally scarce plant species recorded at the site, annual beard-grass and golden samphire.

With regard to the impact on reptiles the ES originally envisaged the undertaking of survey work following any grant of planning permission. However in accordance with government advice Natural England confirmed that this was unacceptable as the presence of any such protected species should be known before a decision is made in order that the impacts on it can be properly considered. A detailed reptile survey has therefore been undertaken. A typically low density population of common lizard was found as well as low numbers of grass snakes. The survey works enabled the preparation of a more detailed mitigation plan and Natural England have confirmed that they are now satisfied with the proposals in this respect.

Water voles are known to be present on the site and mitigation measures are also to be adopted to ensure that they are not harmed during construction and that damage and disturbance to habitat is minimized within any water-courses or drainage channels which provide suitable habitat. No impact on badges or bats is envisaged due to lack of suitable habitat or records of them. A negligible impact on invertebrate populations is anticipated.

In summary the impact of the revised scheme on wildlife and ecology is now considered acceptable including with regard to the advice given in Policies EN6, EN7 and EN8 of the Structure Plan and Policies BNE35, BNE36, BNE37 and BNE39 of the Local Plan.

Amenity including shadow flicker

Due to the position of the proposed wind farm, in an established industrial area, the nearest residential properties and settlements are some distance away. Grain is approximately 2km to the east, across mainly employment land, with Middle and Lower Stoke and Allhallows 2.5km and 3km away to the west and northwest, mainly across rural land and the coast. In these circumstances the main impact on local residents is likely to be the visual impact and this has already been assessed above. Any noise and traffic effects will be assessed below.

One other potential impact on amenity is shadow flicker. In certain circumstances the sun passes behind the rotors of a wind turbine. This casts a shadow which will flicker when the blades rotate. It only occurs within buildings where the flicker appears through a narrow window opening and any single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year. Only properties within 130 degrees either side of north relative to the turbines can be affected at this latitude in the UK and flicker effects have been proven to occur only within ten rotor diameters of a turbine (ie up to 930m from the currently proposed turbines). In the current case the nearest dwelling is approximately 1.5km from the nearest turbine therefore shadow flicker should not affect any local dwellings. It is not proposed to illuminate the turbines at night. The flicker from turbines does not occur at a frequency which would affect photo-sensitive epileptics. In summary there is therefore no objection to the scheme in respect of potential shadow flicker.

As well as the impact on local residents there are other land users in the immediate vicinity of the proposed wind farm whose amenities may be affected. It is not considered that the wind farm would harm the amenities of other industrial or commercial land users nearby. In addition the wind farm is not considered to be unduly harmful to the amenities of users of local footpaths, indeed some may see the turbines as an attractive addition to the landscape. However concern regarding impact on amenity has been expressed by the Kent Wildfowling & Conservation Association (KWCA).

Stoke Saltings, immediately to the west of the proposed wind farm, is the flagship site of the KWCA. Wildfowling is primarily a solitary activity and members shoot on the saltings by a permit system, with maximum numbers and the rotation of shooting locations to allow rest periods. Together with their wildfowling activities the KWCA also undertake a variety of nature conservation works. The KWCA are concerned that the physical presence of the turbines close to the Saltings will result in an overbearing and intrusive visual impact, detrimental to the amenities of their members who use this area. They are concerned that the wind farm would therefore result in a reduction of their members usage of the area, with a consequent loss of income through permit and possibly membership fees. In turn this would have a knock on effect on their ability to undertake conservation works, including projects which have been devised to improve the conservation status of the SPA and to aid public access and interpretation of it.

It is recognised that the proposed wind farm is likely to have some impact on the amenities of wildfowlers, although as recognised by the wildfowlers themselves this impact is likely to diminish with time as members become used to the presence of wind turbines.

Following discussions with the applicant, BP has agreed to support the conservation activities undertaken by the KWCA, thereby enhancing the wider environmental benefits of the proposed wind farm. To this effect BP have confirmed that they are willing to enter into a Section 106 Agreement which would secure the payment of up to £38,500 towards proposed works to provide of a mud scrape for birds on the southern shore of the Medway Estuary and

Marshes SPA at Funton, a new bird watching facility, public access and interpretation and parking. This would be subject to the condition that Natural England give confirmation of their agreement to the proposed works (they have already confirmed that in principle the proposed works appear to be positive measures).

In summary it is not considered that the proposed wind farm will result in any harmful loss of amenity to users of the surrounding area in the long term, including with regard to shadow flicker, although it is recognised that in the short term there may be a loss of amenity to the current relative solitude enjoyed by local wildfowlers. BP have agreed to give financial support towards the conservation activities in the vicinity of the site. In conclusion, and with regard to the advice in PPS22 that significant weight should be given to the wider environmental and economic benefits of renewable energy proposals, the impact of the development on amenity is therefore considered acceptable including with regard to the advice given in Policy BNE2 of the Local Plan.

Noise and vibration

The applicant has undertaken a noise and vibration assessment to examine the potential impact of the wind farm during both its construction and operation. This includes the use of ETSU-R-97 guidance (a report on 'The Assessment and Rating of Noise from Wind Farms' for the DTI), as recommended by PPS22.

During the construction period the main sources of noise will be from piling and from the increased vehicle movements to and from the site. A background noise survey was undertaken at Harvest Cottages, the closest residential property which would be approximately 1.5km from the nearest turbine. A Council Environmental Protection Officer has confirmed that calculations demonstrate that noise from general construction activities will have no impact and that noise from piling would have a negligible impact on this nearest dwelling.

With regard to increased traffic it is noted that the route to the site along the A228 passes close to some residential properties. Originally, when 10 turbines were proposed, it was anticipated that there would be an average of 5 additional HGV deliveries per day (10 movements) during the six month construction period, except on the 10 days when concrete is poured for the foundations when there would be about 50 deliveries (100 movements) per day. The number of turbines has now been reduced from 10 to 7 resulting in a proportional decrease in the number of traffic movements, however the applicant has advised that the number of movements per day may stay similar to as originally envisaged, but with a shorter overall construction period. In any case, current traffic levels using the A228 are in the order of 2750 vehicles per day, of which 2200 are HGV's. In this context the impact of the additional traffic movements for the fairly short temporary construction period of the wind farm is considered to be negligible.

Both piling and additional traffic may have a vibration impact. However due to the separation distance between the turbines and the nearest dwellings and as the temporary traffic increase is fairly minor compared to existing traffic levels it is concluded that potential vibration impacts during construction will be negligible.

In summary it is not considered that the construction period will result in harm to residential amenity by reason of noise or vibration. However in order to ensure that any such impacts are minimised a condition to require the agreement of a code of practice during construction is recommended should permission be granted.

Noise from the operation of wind farms is usually either aerodynamic (connected to the movement of the wind and the blades) or mechanical (from the mechanical parts of the turbine hub). Although mechanical noise used to be a fairly regular source of complaint with older turbines technology has moved on and the design of modern turbines means that little or no mechanical noise is now emitted. Due to the distance of the turbines form the nearest dwellings mechanical noise will have no impact in the current case.

With regard to aerodynamic noise an assessment using ETSU-R-97 has shown that the noise from the turbines would not exceed the measured daytime noise levels at the nearest residential properties, Harvest Cottages. The predicted night-time noise levels are higher than the existing measured night time background levels at these properties, however, they are still below the minimum night time criterion level specified in ETSU-R-97. In these circumstances a Council Environmental Protection Officer has confirmed that there should be no detriment to residential amenity from noise due to the operation of the wind farm, including from low frequency noise, infrasound or tonality. If permission is granted it is recommended that a condition be imposed to ensure that this continues to be the case.

With regard to the advice given in the Companion Guide to PPS22 it is not considered that there would be any adverse impact from vibration due to the operation of the wind farm.

In summary any noise and vibration impacts of the wind farm are considered acceptable including with regard to the advice given in Policy BNE3 of the Local Plan.

Contamination

The ES includes a study of geology, hydrology and water resources and includes reference to the impact of the foundations and piling which will be needed for the turbines (the foundations are likely to consist of an insert ring embedded within about 600m3 of steel reinforced concrete over piles installed to a depth of 30m or more). It concludes that there should be a negligible impact on these aspects as activities will comply with BP's health, safety and environmental requirements as well as the relevant Environment Agency Pollution Prevention Guidelines.

The site was formerly used as part of an oil refinery and so is likely to have been contaminated. The construction of the turbines has the potential to create pathways for contaminants to affect sensitive receptors. Further investigation together with details of any necessary remediation measures will therefore be necessary if development is to go ahead. Both the Environment Agency and Council Environmental Protection Officers have confirmed that they have no objection to the proposed development subject to conditions including regarding these contamination and remediation measures, the use of clean material only for any infill and to prior approval of details of piling. The development is therefore considered acceptable with regard to the advice given in Policy BNE23 of the Local Plan.

It is noted that the ES includes an assessment of the impact of the development on dust and air quality. It is concluded that these aspects will have a negligible impact during construction, with no impact during operation. It is noted that it is estimated that the wind farm will pay back the energy used in its manufacture within 3-5 months. With a life span of 20-25 years it will obviously produce far more energy than the energy consumed to manufacture and maintain it, resulting in a beneficial impact in reducing the amount of carbon emission that would otherwise be produced by fossil fuel based technologies.

The historic environment including archaeology

The ES includes an assessment of the impact of the proposed wind farm on Scheduled Ancient Monuments, Historic Parks and Gardens, Listed Buildings and Conservation Areas. The closest of these are the Scheduled Ancient Monument approximately 2.7km northeast of the site (Coastal Artillery Defences on the Isle of Grain), the Officers Terrace at Chatham Dockyard, listed buildings in Grain village and a conservation area at Sheerness Dockyard. The ES concludes that there will be no more than a minor impact on such features. Although there is likely to be some visibility of the wind farm from some of these historic features due its setting in the context of the existing industrial landscape this will not cause unacceptable harm to them of their settings. English Heritage have confirmed that they have no objections to the development and it is considered acceptable with regard to the guidance given in Policies QL6, QL7, QL8 AND QL9 of the Structure Plan and Policies BNE12, BNE18 and BNE20 of the Local Plan.

With regard to archaeology the applicant has undertaken consultations with English Heritage and the County Archaeologist and has made a desk-based archaeological assessment. The ES says that the majority of the site was previously used for industrial purposes so the potential for new archaeological finds is limited. However as the area in the northwest corner of the site has had little disturbance in the past the applicants' propose an archaeological watching brief for this part of the site.

The County Archaeologist considers that further assessment of geotechnical data is needed to discount the need for an archaeological watching brief over the greater part of the site, including as he considers it very likely that the alluvial deposits in the area contain good potential for encountering prehistoric to medieval remains as found to the south at Kingsnorth. He notes that the construction of the former refinery is likely to have had a severe impact in places but that there is some indication that the area may have been subjected to land raising and reclamation rather than major excavations. He says that there is a potential impact from the construction of the foundations for the turbines and from the trenches for the cabling and therefore recommends a condition to secure a programme of archaeological work.

In summary it is considered that the condition suggested by the County Archaeologist would suitably mitigate any adverse impact of the development on archaeology. The development is therefore considered acceptable with regard to the advice given in Policy QL7 of the Structure Plan and Policy BNE21 of the Local Plan.

Electromagnetic interference (non-aviation matters)

A wind farm can interfere with electromagnetic transmissions in two ways, by emitting an electromagnetic signal itself and by interfering with other electromagnetic signals. On the first of these wind turbines contain electrical machines producing power and they will therefore also produce electromagnetic radiation. This is at a very low level and presents no greater risk to human health than most domestic appliances. Any electrical machine can cause electrical interference to other electrical devices and there is no difference between a wind turbine and any other electrical machine in this respect. However the Companion Guide to PPS22 advises that the electromagnetic signals produced by wind turbines will very rarely be a problem.

With regard to potential interference with other signals this can occur in two ways, by blocking or deflecting line of sight radio or microwave links, or by the scattering of

transmission signals. The applicants have investigated the potential for the rotating blades to cause interference with electromagnetic signals, particularly telecommunications, radar, television and radio, as part of the ES.

With regard to television interference studies by Pager Power Aviation Studies on behalf of the applicant have found that there is a possibility that reception at properties within Grain village from the Blue Bell Hill transmitter may be affected. The Companion Guide to PPG22 advises that experience has shown that when television and radio reception interference occurs it is of a predictable nature and can generally be alleviated by the installation or modification of a local repeater station or cable connection. The applicant has confirmed that he is committed to work with residents if a reception problem does occur, suggesting potential solutions such as re-tuning, signal boosters and the provision of satellite television. If permission is granted it is recommended that the investigation and alleviation of any interference to television and radio reception is required by a planning condition.

Other communications links have also been considered and the relevant parties have been consulted. The only outstanding concern is from Three. They are concerned regarding the proximity of turbine 10 to their telecommunications mast at Thamesport. They are aware that their site may have to move due to developments at Thamesport but say that there are very limited options available in order to achieve line of sight to their site in Sheppey, including because of cranes and containers. It is noted that the temporary planning permission MC2005/2094 for Hutchinson 3G (the installation of a radio base station comprising of a 28m high temporary telecommunications tower, three antennas, one 600mm diameter dish antenna, radio equipment housing and ancillary development) at Thamesport expired on 20 June 2006 and that no further application has been submitted. In these circumstances, as there is no valid planning permission for their telecommunications equipment in this location, it is considered that it would be unreasonable to refuse planning permission due to this potential concern or to require the relocation of this turbine (its position has been chosen with regard to the many other issues raised by turbine siting in this area as well as the desire to maximise the wind potential due to turbine spacing), particularly taking into account the advice given in PPS22 that significant weight should be given to the wider environmental and economic benefits of renewable energy proposals.

It is noted that Thamesport did have some initial concerns regarding the impact of the wind farm on their radio systems, including their automated container handling systems. The applicants undertook comparative tests at other sites with representatives from Thamesport and in the light of these findings Thamesport have given further consideration as to whether or not they will allow the installation of turbine 10, which would be on land owned by Thamesport. No further representations have been made on this matter but ultimately Thamesport have control as landowners (the turbine cannot be erected unless they agree). On a separate matter Thamesport did advise BP that they were not willing to grant the necessary legal rights to enable turbine 9 to be erected due to identifiable limitations on the operational expansion and future configuration of their main handling areas and this turbine has been withdrawn from the application.

In summary the impact of the proposed wind farm with regard to electromagnetic interference (non-aviation matters) is therefore considered acceptable subject to a condition to secure the alleviation of any resultant interference to television and radio reception.

Airspace

Wind turbines may have an impact on two aspects of air traffic movement and safety. Firstly

they may interfere with the proper operation of radar and secondly they may cause a risk of collision or hazards to low flying aircraft.

With regard to the first of these matters NATS En Route Limited (NERL) have confirmed that they have no safeguarding objection to the proposal (ie in respect of en route air traffic management and associated systems only).

A Radar Impact Assessment was carried out on behalf of the applicants in order to examine the impact of the proposed development on airports within 40km of the site which are known to have radar. Investigations found that the tips of the turbine blades would be visible to the radar at London Southend Airport. The operators of this Airport originally objected to the application on the basis of the potential adverse impact on their radar systems and operations. However following detailed discussions they are willing to withdraw this objection subject to the applicant entering into a bonding agreement. In effect this bonding agreement means that the applicant will pay for any remediation works found to be necessary due to any impact of the turbines on the primary radar of the Airport once the wind farm is built. An agreement to this effect, which is made between the applicant and the Airport, is currently with the Airports' solicitors although it is envisaged that it will signed very soon. On this basis, subject to the signing of this agreement, the impact of the proposed wind farm on radar is considered acceptable.

Defence Estates, the Port of London Authority, Medway Port Authority and Rochester Airfield have all been consulted on the application and none have raised objections on the grounds of adverse impacts on their operations.

However strong objections to the proposed wind farm have been raised by the owner and operator of Stoke Airfield. The Past President of the Aircraft Owners and Pilots Association, the British Microlight Aircraft Association and a number of individuals have also raised concerns regarding the potential impact on Stoke Airfield and its operations. Stoke Airfield is the home of Medway Microlights. Microlights are manufactured in the light industrial unit adjacent to the airfield and the airfield is used for their test flying. The airfield is also used for training microlight pilots as well as by experienced pilots. Planning permission was recently granted for the retention of 13 polytunnel shelters and a portable building (MC2006/1527), the polytunnels being used for the storage of microlights adjacent to the runway. There are currently approximately 30 microlights based at the site. The main permanent planning permission for microlight manufacture and for the take-off and landing of microlight aircraft was granted in 1989 (ME/87/198) although prior to this time there were a number of temporary permissions and flying had been limited to within permitted development rights.

Stoke Airfield, an unlicensed aerodrome, is located approximately 3km to the west of the proposed wind farm site, the intervening land mainly consisting of Stoke Saltings. The airfield lies roughly parallel to the railway to the northwest, with 200ft high pylons immediately beyond that. It has a single length of grassed runway which lies southwest to northeast and can be used from either direction dependant on wind conditions. The prevailing wind is from the southwest and as aircraft should take off and land into wind the majority at Stoke do so on what is known as runway 24 (ie towards the southwest). Take off and landings in the other direction are referred to as being on runway 06. Aircraft typically fly circuits both after take off and before landing at an airfield, including to enable safe return in the event of an engine problem, to allow pre-landing checks, to give a view of the airfield layout and current usage and for training purposes. At Stoke the circuit is flown in the area between the airfield and the proposed wind farm, including due to the presence of the overhead power lines and the settlements of Stoke to other side of the runway.

The owner/operator of Stoke Airfield/Medway Microlights has made a number of submissions of objection to the proposed development and some discussions have taken place with him. In summary his main concern is that the wind farm would in effect close runway 06 which he says is used on approximately 50% of flyable days. This runway would normally be used if the wind was blowing from the direction of the proposed turbines towards Stoke Airfield and he is strongly concerned that this would create turbulence from the wind turbines, particularly the rotation of their blades, in the area of the airfields circuit and towards the airfield itself. He considers that this would make flying unsafe in these circumstances and that this would result in the demise of his and his employees livelihood (the airfield and factory are dependant on each other), including the flying school. This is because potential flying time would be dramatically reduced with a knock on adverse effect on instructors/students, the ability to undertake test flights, loss of aircraft parked at the airfield and loss of visiting aircraft. He considers that the airfield would become unreliable as a facility including as wind direction can change two or three times a day. Several representations have pointed out that there are relatively few places where you can train to become a microlight pilot, this being one of the most accessible/affordable ways to enter flying.

Following discussions with the airfield owner/operator a site visit was undertaken with a representative from the Civil Aviation Authority (CAA). The CAA make it clear that whilst they provide advice the final decision on the impact of a development must remain with the planning authority. They also stress the importance of the view of the airfield as the responsibility for safeguarding its operation lies with it, its operator being the local expert. The CAA confirmed that the proposed wind farm does not appear to cause a physical safeguarding issue as the turbines would some distance from the airfield and that there would be no impact on systems such as radar, navigation aids or communication facilities in relation to the airfield. Therefore the only remaining issue, and the one which forms the basis of Stoke Airfield/Medway Microlights objection, is the impact of the turbines in creating turbulence.

Following the site meeting the CAA confirmed that in their view the proposed wind farm is unlikely to affect airfield operation when runway 24 is in use and that any turbulence may occur when runway 06 is in use. Prevailing winds in the northern hemisphere are from the southwest and runway 24 would be in use in these conditions. The CAA confirm that when runway 06 is in use aircraft would have to fly across a zone downwind of the proposed wind farm but that the degree of turbulence which may be caused by this is not easily predicted (it will depend on wind speeds and actual direction). They say that whilst experienced pilots may be able to handle the effects of turbulence, others, including trainees, are likely to be adversely affected. In addition less experienced pilots may also fly extended circuits, taking them closer to the turbines and the areas of greatest effect. They say that there is no apparent mitigation for these effects. Flying instructors would have to use their expertise and judgement to determine whether or not conditions were safe and when they deemed them unsafe would have to suspend operations until conditions improved. In addition they note that microlights could be more susceptible to adverse flying conditions than conventional fixed wing aircraft due to the nature of their design and construction. In summary the CAA conclude that in certain conditions the proposed wind farm could impact on the ability of the airfield to operate but that the full extent of this can only be determined by the airport operator in the light of their experience and taking into account prevailing conditions.

In light of this response further views were sought from the airport operator. He says that runway 06 is used on approximately 50% of flying days and that an average of approximately 200 days are currently flyable. However it is noted than in his original objection to the

application he had suggested than runway 24 would be closed eliminating 75% plus of use for training and test flying. It appears that the proposed wind farm would be likely to have *some* adverse impact on Stoke Airfield, however it is difficult for the Local Planning Authority (LPA) to try and accurately quantify the extent and knock-on effect of such impact. In these circumstances it was decided to instruct an independent expert to undertake a further assessment of this matter.

Peter Kember, an Aviation Planning Consultant to Kember Loudon Williams Ltd, was therefore instructed by the LPA for this purpose. His report notes that Stoke Airfield is an established, lawful airfield which caters for a wide range of microlight aircraft including pilot training. Medway Microlights, which is based at the site, also manufactures, flight tests, sells and maintains microlight aircraft, with staffing levels varying between 9 and 12 people. His report confirms that the majority of take offs and landings at Stoke Airfield currently use runway 24 as the prevailing wind is from the south-west. He notes the importance of the circuit of an airfield and says that in his view such circuits can only be flown to the east of Stoke Airfield (as currently flown) due to the obstacle of the overhead power lines to the other side (west) of the runway. He confirms that the flying of circuits is practised by all pilots throughout their flying career and that for most pilots a smooth landing depends upon an accurate circuit having been flown, although since Stoke is used for pilot training there are likely to be wide variations in the track-keeping of aircraft using the circuit. He notes that there are important national and other policies to maximise energy production from renewable sources including wind turbines but that these policies are not without constraints and in the current case the general need for wind power must be balanced against the importance of public safety, local amenity and the safeguarding of local employment.

Mr Kember finds that because of the height and close proximity of the proposed turbines they represent a serious hazard to the safety of aircraft using Stoke Airfield, in particular to aircraft taking off to the northeast (using runway 06) and to aircraft in the circuit, whether using runway 06 or 24. He says that in conditions of poor visibility or when the sun is low in the sky there would be a real possibility of a collision with one or more of the proposed turbines and that the distance of a few hundred metres or so from the circuit is too close for wind turbines of the size and height proposed. This danger would be increased when pilot training is being undertaken. Mr Kember also refers to the mainly anecdotal reports that wind turbines can affect the flow of air downstream from them because of turbulence, noting that in certain situations light aircraft can suffer severe turbulence that threatens its proper control. He notes that whilst he and other pilots have experienced this phenomena when flying close to wind turbine sites there is little if any published research data on this subject which would permit an authoritative conclusion in this respect. Nevertheless he says that the possibility of turbulence endangering the safety of a microlight should not be underestimated and that perceived threat to public safety is a relevant and material planning consideration.

In conclusion Mr Kember says that at a few hundred metres or so from the optimised circuit for Stoke Airfield the proposed development represents a serious threat to public safety, particularly as student pilots will not possess the skills necessary to accurately fly the circuit. He notes that it is not feasible to redesign the circuit to avoid such impact and that the BP site is too small to effect any worthwhile improvements by re-siting some of the turbines. He therefore concludes that in his view planning permission could and should be refused on grounds of the potential danger to public safety.

A copy of this report was sent to both the applicant and the owner/operator of Stoke Airfield. The applicant has subsequently provided two separate overviews of the report (in addition to their previous submissions on this matter), these being by Pager Power Limited and Aeolus

Aviation Consultancy Ltd. Although both companies were commissioned by BP they clearly state that they have been asked to provide their own, independent assessment of the likely impact of the proposed wind farm on operations at Stoke Airfield and on the report by Mr Kember.

The Pager Power Ltd report notes that microlight flying at Stoke takes place in accordance with Visual Flight Rules, meaning that no flying takes place at night or in visibility of less than 1,500m. Indeed the airport owner/operator had previously confirmed that they do not usually fly if they cannot see the large chimneys at both Grain and Kingsnorth Power Stations (these are over 3km and 5km away from the middle of the runway respectively). In these circumstances it is said that the proposed turbines would be visible to pilots at a reasonable distance even in the most marginal of permitted visual flight rules conditions, although it is noted that instructors would insist on very good weather conditions before sending a student on first or early solo flights. Pager Power Ltd also confirm that Stoke Airfield is an unlicenced aerodrome and that due to obstacles and other features surrounding it (pylons, railway and footpath) it is highly unlikely that it could ever achieve licenced status. However they go on to assess the impact of the wind farm if the Airfield was licenced, concluding that none of the more stringent obstacle limitation criteria for licenced airfields would be infringed by the proposed wind turbines. They also conclude that no guidelines in the CAA's CAP 428 – Safety Standards at Unlicenced Aerodromes would be infringed.

Their report goes on to examine the report by Mr Kember which was undertaken under instruction from the LPA. It begins by comparing the 'preferred circuit' referred to by Mr Kember with the circuit described on the Stoke Airfield/Medway Microlights website and the RAF's Minor Aerodromes Flight Information Publication, finding that Mr Kembers 'preferred circuit' is approximately 1km closer to the nearest turbine than the published circuits. This means that instead of the circuit being 'about 750m' from the circuit it would be approximately 1700m away. Further it is asserted that although Mr Kember says that student pilots are unlikely to achieve anything better than about 400m accuracy and in some cases much less, the accuracy of track keeping when flying visually depends on the availability of visual references. It is noted that students must achieve very much better than 400m accuracy as they approach the runway to land and the runway is a good visual reference which enables this. Similarly it is stated that the wind turbines will provide very good visual references which will enhance a students accuracy of the circuit. The Pager Power Ltd report raises further detailed concerns regarding Mr Kembers assessment including regarding the recommendations of CAP428 (Safety Standards at Unlicenced Aerodromes) and of the Rules of the Air. The claim that turbines can be difficult to see in bright sunshine is disputed on the grounds that unless the pilot is looking into the sun whilst viewing the turbines (which is unlikely as the sun would usually be above and the turbines below the aircraft) the off-white colour of turbines reflects sunlight well, especially when viewed from above against the ground. They also say that in their view students who avoid the pylons wires close to the runway will have no difficulty in avoiding the proposed wind turbines. They note that the solo flight of a pilot for the first time would not be authorised in anything significantly below ideal conditions, in which case there would be virtually no risk of an accidental collision with the turbines and also that in their view there would be no more or less possibility of collision with a turbine than with any tall structure that a pilot may fly close to when en route, including as any pilot flying over the wind farm/industrial site should be flying very much higher than the turbines.

Pager Power Ltd also examine the subject of turbulence. They refer to CAP 764, the CAA Policy and Guidelines on Wind Turbines. This recognises that wind turbines are generally large structures which can inevitably cause turbulence (as can any large structure). However

it says that although there may be some local variations as a result, given the requirements for minimum separation and avoidance of obstacles turbulence in relation to wind turbine developments is not seen as requiring any additional consideration than that which would normally be given. Nevertheless they say that it should be assessed on a case by case basis taking into account the proximity of the development and the type of aviation activity conducted. Pager Power Ltd say that the turbines meet CAA guidance for minimum separation and avoidance of obstacles, that even if turbulence could affect flying from Stoke Airfield this would only occur when the wind was from an easterly or south-easterly direction which is uncommon and that wake effects could only be possible when aircraft were flying close to the turbines, the published circuit for aircraft being over 1,700m from a turbine. Finally they say that even if an aircraft did fly close enough to a turbine for wake issues to be significant the minimum height that would be flown is 500ft, significantly above the turbine blade height (maximum 415ft) and so likely to be above any significant wake effect.

In Mr Kembers report he refers to his personal experience of severe turbulence at Truro Aerodrome which is located close to a wind farm site in Cornwall. The owner/operator of Stoke Airfield has also referred to experience of turbulence from microlight pilots flying close to the off-shore wind farm near Whitstable. The author of the Power Pager Ltd report provides anecdotal evidence of a lack of turbulence when flying close to a German wind farm. He asserts that it would be easy for a pilot to experience turbulence whilst in sight of wind turbines and to incorrectly associate the two occurrences and also that a reasonable explanation for the absence of substantial evidence in this respect is that turbulence from wind turbines is not significant to aviation as if it was studies of the effects would surely have been attempted. He notes that Truro Aerodrome, a licenced airfield, does not draw attention to any hazards from the nearby windfarm even though they are much closer than those at Grain would be to Stoke Airfield, presumably as turbulence and other issues cannot be significant.

The report by Aeolus Aviation Consultancy Ltd (commissioned by the applicant as detailed above) similarly disputes the findings of Mr Kember. It concludes that there is no evidence that the proposed turbines would necessitate a curtailment of operations at Stoke Airfield. Further it says that if the use of the circuit was deemed unsafe the activity should be curtailed. Although this (in his view theoretical) scenario would have commercial consequences it would not be a safety issue as flying would not take place if there was a threat to public safety.

It is also noted that in addition to various other submissions Aeolus Aviation Consultancy Ltd had previously provided a report on behalf of the applicant in order to study the impact of the proposed wind farm on Stoke Airfield. This concluded that turbulence produced by wind turbines sinks to the ground immediately behind the turbines and that airflow characteristics quickly return to normal shortly thereafter.

In summary both of the assessments submitted by the applicant have provided reasoned explanations of why they dispute the findings of the report by Mr Kember which was undertaken under the instruction of the LPA. The owner/operator has not provided a detailed response to these further assessments although he clearly disputes their conclusions including reference to the fact that the reports which conclude that the impact of the development will be acceptable were commissioned by and paid for by the applicant.

It is not easy to reach an overall conclusion on this issue as it is a very specialised area and each site/airfield relationship must be considered with regard to its own individual circumstances. The CAA have indicated that in their view turbulence may occur when

runway 06 is in use but that when runway 24 is in use there is unlikely to be an effect. The airfield owner/operator has estimated a 50/50 split between runway use however detailed data to substantiate this has not been provided (as the airfield is unlicenced he confirms that there is no requirement for this data collection). The wind roses for the Isle of Grain (supplied by the applicant) clearly show that the prevailing wind is from the southwest, at which times runway 24 would be in use.

Mr Kember, instructed by the LPA to assess this matter, concludes that the wind farm represents a serious threat to public safety in respect of aircraft using runway 06 and to aircraft in the circuit, whether using runway 06 or 24. This is with reference to the size and height of the proposed turbines and their proximity to the airfield circuit, together with the possibility of effect from turbulence. However this appears at odds with the general advice of the CAA.

However the reports by Pager Power Ltd and Aeolus Aviation Consultancy Ltd dispute the findings of Mr Kember, the former stating that his report makes many statements that are misleading, unsubstantiated or simply incorrect and that it is inconsistent and seriously exaggerates the likely effect on public safety. In particular it is noted that they both point out that the preferred circuit illustrated by Mr Kember (and presumably used to draw his conclusions) is approximately 1km closer to the proposed wind farm than the circuit published on the Medway Microlights website, significantly altering the likely effects. They also address the issue of turbulence from the proposed turbines in greater detail than Mr Kember, although this in itself does not, of course, mean that they are more correct.

In conclusion it is recognised that the reports by Pager Power Ltd and Aeolus Aviation Consultancy Ltd were commissioned by the applicant and that some may conclude that they are biased for this reason, although both say that they have been retained to conduct an independent investigation. However the authors appear to be knowledgeable and experienced in the subject of aviation and the reasoning in their reports does appear sound and detailed. They also raise what appear to be valid concerns regarding Mr Kembers report which is at odds with their findings, particularly as his conclusions appear based on a 'preferred circuit', this being approximately 1km closer to the nearest turbine that published circuits. Whilst in some minds questions remain regarding the true effect of turbulence in any individual situation, in the current case turbulence from the turbines would only occur in the direction of Stoke Airfield during non-prevailing wind conditions, when runway 06 was in use. The closest turbine is approximately 1.7km from the airfield circuit published on the Medway Microlights website although it is acknowledged that there would be pilot variation in use of this. However whilst there may be some reduction in suitable flying opportunities from Stoke Airfield in certain wind conditions, it is thought unlikely that this will cause a significant threat to public safety, including to trainee pilots, as flights will only take off if pilots/instructors consider it safe to do so in the conditions pertaining at any time. On balance, although this is likely to result in some adverse impact on Stoke Airfield, resulting from some reduction in maximum available flying time rather than from a significant threat to public safety, with regard to the weight to be given to the importance of renewable energy generation it is not considered that this minor adverse impact is such as to substantiate a refusal of planning permission on this basis.

Access and traffic

The access and traffic impacts of the proposed wind farm need to be assessed in respect of both the construction period and the operational time.

Originally it was envisaged that the total on-site construction period would be approximately 6 months. The ES estimated that over this period there would be an average of 5 additional HGV deliveries per day, except on the 10 days when concrete was being poured for the foundations when there would be around 50 deliveries per day. In addition it was envisaged that there would be about 30 additional light vehicles arriving on site per day and that in the later half of the construction period there would also be 100 abnormal load deliveries for the large or heavy turbine components as well as for the cranes required to erect them. The amendment of the scheme from 10 to 7 turbines will reduce the total number of vehicles by about 30%, although the applicant says that this likely to result in a reduction in the length of the construction period rather than in the number of vehicles per day.

The ES says that the level of traffic generation in relation to the ten turbines originally proposed is estimated to equate to an increase of less than 3% in total traffic flows on the single carriageway section of the A228 (the most sensitive part of the access route), with an increase of 5.8% in total traffic flows in peak flows during the estimated ten day period when additional concrete deliveries would be required. It goes on to conclude that traffic congestion is not anticipated as a result of this as traffic flows are not expected to exceed 25% of the capacity of the A228 based on the Design Manual for Roads and Bridges TA79/99. In this context the impact of the additional general traffic movements for the fairly short temporary construction period of the wind farm is considered to be minor.

However additional consideration has been given to the potential effect the 70 abnormal load deliveries which may be needed. This would consist of 8 abnormal loads for the components for each turbine, including 6 long loads up to 54m in length (the 3 blades and 3 tower sections each), together with associated cranes and lifting equipment. The turbine components are manufactured overseas and then brought in by ship. The ES says that an investigation into the docking facilities at Thamesport, immediately adjacent to the proposed wind farm, found that they were not suitable (the crane size and spacing could not accommodate the off-loading of the turbine blades and tower sections due to their size and shape, nor could they handle the heavier components such as the nacelle as they have insufficient weight capacity). The use of rail was also considered but all of the main components of the turbines were found to be too long or too wide to be moved on conventional rolling stock or unable to be carried through tunnels or over bridges. However the turbine components could be handled at Chatham Port and it was therefore proposed to transport them on to the site by road, using the A289 and A228. This road transportation was anticipated to require short term road closure (approximately 5 minutes per load) at each of the 6 roundabouts and at 3 locations of the single carriageway section of the A228 (where the long vehicle would have to straddle both lanes). In addition it is likely that some minor modifications would needed along the route, such as the repositioning of certain light and telephone poles.

As these abnormal loads would inevitably cause disruption along their route the applicant was asked to investigate further the possibility of using Thamesport. This was including as a result of a joint meeting with a representative from the Police who suggested that a large component for another local development had arrived via Thamesport. As a result of this the applicant has confirmed that in fact it could be possible to bring all of the turbine components through Thamesport. However due to the nature of the quay the heavier components would require transportation by a significantly larger craned vessel than the lighter blades. The applicant says that the indications are that such a vessel would cost over three times more for delivery at Thamesport rather than at Chatham Docks and also that they have been unable to confirm whether or not delivery timeslots (of 24 hours plus in a busy container port) are likely to be available. In these circumstances they have requested that flexibility is given

to allow delivery of the heavier components (ie everything other than the blades which would now come in through Thamesport) to be via either Thamesport or Chatham Docks. They state that although these heavier components would still be abnormal loads, the transportation of the longer blade loads through Thamesport is likely to remove the need for any modifications and lessen the impact on 'pinch points' along the route.

It would clearly be preferable if all large components and associated equipment came in through Thamesport as this is adjacent to the proposed wind farm site and so the public highway would not be affected. This method of transportation is also the applicants' preference. However they are concerned that without a contract to this effect being in place with Thamesport, together with certainty that a delivery slot will be available, this may not be a commercially viable option, even for the transportation of the blades. If planning permission for the wind farm is granted it is therefore proposed to address this issue by means of a condition. This would require all turbine components which are of a size to require an abnormal load delivery to be delivered via Thamesport unless an alternative, including an abnormal loads strategy, is first agreed in writing by the LPA. This would allow any possible 'ransom' situation to be avoided.

Once the wind farm became operational the ES states that other than maintenance vehicles accessing the site (two scheduled visits per year and other occasional visits as needed), there would be no significant traffic movements to and from the site. This low level of traffic movements is unlikely to have any adverse traffic and highway safety impacts.

The only other potential concern regarding the operational phase of the proposed wind farm is the proximity of the turbines to roads. This may raise issues regarding the possible toppling of the turbine as well as its potential to distract to drivers, particularly when the blades are rotating.

Proposed turbine 1 is approximately 85m from the B2001 (the railway is between the two), with turbine 4 being slightly further away from the A228. PPS22 states that although a wind turbine erected in accordance with best engineering practice should be a stable structure, it may be advisable to achieve a set-back from roads and railways of at least a fall over distance (the height of the turbine to the tip of the blade, in this case 126.5m), so as to achieve maximum safety. However whilst this set-back is suggested, it is not given as a necessity for a safe operation. Further to this PPS22 also confirms that experience indicates that properly designed and maintained wind turbines are a safe technology and that there has been no example of injury to a member of the public.

The layout of the turbines on this site has been designed to optimise wind energy generation taking in to account all the constraints of the site, including its relatively small size, environmental concerns (including the impact on birds) and the separation distances required between turbines in order to maximise their effectiveness. The applicant has provided photographs of various existing turbines which are in close proximity to roads including a fairly recently constructed large turbine at Dagenham which has been positioned very close to a public highway. PPS22 notes that concern is often expressed over the effects of wind turbines on car drivers but says that they should not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. Further to this it confirms that there are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them. The Integrated Transport Team has not raised any concerns regarding this matter and it is therefore considered that the operational period of the proposed wind farm will not result in any significant hazards to highway safety.

In summary the construction period of the proposed wind farm would have a short term minor adverse impact on the local road network by reason of increased traffic movements and due to the possibility of up to 70 abnormal load transportations from Chatham Docks to the site. However it is considered that it would be unreasonable and disproportionate to refuse planning permission on this basis, including as virtually all new development has a knock on effect on the local highway network. Once operational it is not considered that there will be any significant adverse effects to traffic and highway safety. The development is therefore considered acceptable with regard to the advice given in Policies TP12 and TP15 Of the Structure Plan and Policies T1 and T2 of the Local Plan.

Health and safety

The potential impacts of the proposed wind farm on highway safety have been assessed above. The main outstanding health and safety issue to be assessed is therefore the impact on the BP Fuel Terminal Site, on which the wind farm is proposed to be located. This site is designated as a COMAH (Control of Major Accident Hazards) site because of the inventories of fuel stored there including the storage of jet fuel in above ground storage tanks.

As noted above PPS22 advises that experience indicates that properly designed and maintained wind turbines are a safe technology. It notes that the only source of possible danger to human or animal life would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. Further it says that many blades are composite structures with no bolts or other separate components, that blade failure is therefore most unlikely and that even for blades with separate control surfaces on or comprising of the tips of the blades separation is most unlikely. It notes that the minimum desirable distance between turbines and occupied buildings is often determined by noise levels and visual impact rather than that necessary to meet safety requirements. It goes on to say that fall over distance (ie the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance although it offers no further comment on the necessity of achieving this.

The Health & Safety Executive (HSE) and the Environment Agency (EA) act jointly as the Competent Authority (CA) for the enforcement of the Control of Major Accident Hazards (COMAH) Regulations 1999 (as amended). They provide an advisory role to the LPA but are also, separately, able to prohibit the operation or bringing into operation of any establishment, installation or part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient.

The applicant and the CA have met to examine the effect of the proposed turbines on the COMAH site. A risk assessment has been undertaken by BP, which has been subject to revision over time following discussions and the amendment of the proposals. The CA confirm that they would expect further detailed information from BP on which to make a full assessment of the impact under COMAH but that this would only happen when they have finalised their places, attained the relevant planning permissions based on these plans and decided to go ahead with the project. The detailed further comments of the CA are given in the representations section above.

The HSE and EA confirm that they do not rest easy with BP's decision to place a wind farm at a major hazard installation but note that the company do not require their permission to progress their plans. They say that wind farm technology is not risk free, that there is reported history from blade failure, ice throw and occasional tower toppling events and that

the large atmospheric fuel storage tanks should not be considered robust against impact events. However they also confirm that, taking an even handed approach, wind turbine technology has been and will be the subject of continuing development. The CA note that BP's risk assessment has been revised to take account of the removal of certain turbines (5 and 6) which were within topple distance of tanks. In the further information submitted to the ES the applicant states that the removal of these two turbines means that none of the remaining turbines are left within topple distance (126.5m) of any tanks containing COMAH substances (ie jet fuel), although some remain closer to other tanks which hold water. They also provide photographs of BP's operational wind farms at the Nerefco refinery in Rotterdam and the BP fuel terminal in Amsterdam to illustrate the close relationship between tanks and turbines in these locations.

The HSE have confirmed that they do not advise that planning permission be either granted or refused but that they have advised certain precautionary measures, such as the non destructive testing of blades prior to operation and a follow-up programme of rotor inspection and maintenance. Further investigation of this has been undertaken between BP and the CA, although more work is needed including as the specific details of the turbine blades are dependant on the manufacturer (the manufacturer is not selected until planning permission has been granted due to a form of competitive tendering process).

With regard to the icing of blades/ice throw, PPS22 states that the build-up of ice on turbine blades is unlikely to present problems on the majority of sites in England as for ice to build up on wind turbines particular weather conditions are required, these occurring for less than one day per year in England. It goes on to say that in those areas where icing of the blades does occur fragments of ice might be released from the blades when the machine is started, but that most turbines are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades, in which case operation of the machines with iced blades could be inhibited. In the current case the CA has confirmed that the applicants plan to place detectors on each turbine in order to detect the conditions at which ice formation can take place, linked to an automatic protection system and they comment that this seems a reasonable approach.

In summary although it is recognised that the siting of a wind farm on a fuel terminal site is not ideal, in light of the advice of the CA it is not considered that planning permission should be refused on the basis of potential health and safety concerns subject to the imposition of conditions regarding the non destructive testing of blades prior to their use on site and the implementation of a subsequent programme of inspection and maintenance. It is also noted that the CA enforce the separate COMAH Regulations which can prevent the operation of any where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient.

Decommissioning

The ES confirms that on final cessation of the operation of the wind farm the turbines would be decommissioned and dismantled and the ground surface reinstated commensurate with the environmental conditions prevailing at the time and the intended future use of the site. The below ground structures (foundations) and cabling would be left in place which is considered acceptable as they are unlikely to cause any harm and it would minimise the albeit temporary disruption caused by such removal (including on wildlife and ecology).

Although in some cases it may be considered essential to approve a detailed decommissioning scheme prior to the commencement of development, in this case this is

considered unnecessary. This is mainly because the nature of the surrounding area is likely to be subject of significant change and development during the course of the life of the wind farm, most of the site falling within the Isle of Grain Strategy area which is regarded as a substantial employment development opportunity by Policy S13 of the Local Plan. However a planning condition is suggested in order to address this matter nearer the time of decommissioning. A separate condition is also proposed to seek the removal of any turbines which become unused before the end of the expected lifespan of the wind farm, including in order to prevent them becoming a possible eyesore in the landscape.

Conclusions and reasons for approval

National and local planning policy and guidance is supportive in principle of proposals for renewable energy production. PPS22 highlights that such proposals have wider environmental and economic benefits and says that these should be given significant weight in determining planning applications for such development. The proposed wind farm would make a significant contribution to renewable energy production and in purely land use terms there are no over-riding objections to its proposed location, most of the site being on land designated as an existing employment area.

With regard to detailed matters it is considered that the visual impact of the proposed wind farm would be acceptable, including its impact on the character of the landscape and any cumulative impact with other wind farms. Amendments and further information have been secured in consultation with advice from Natural England and the RSPB, such that the impact on wildlife and ecology of the amended scheme is also considered acceptable. In respect of amenity it is recognised that in the short term there may be a loss of amenity to local wildfowlers (the KWCA) who own/use Stoke Saltings immediately to the west of the site. However in order to help mitigate any adverse impact on conservation works in the area, the applicants have agreed to make a financial contribution towards conservation works by means of a Section 106 Agreement. In these circumstances the impact of the wind farm on amenity is considered acceptable.

The potential noise and vibration effects of the development have also been examined and found to be acceptable. In addition subject to conditions there should be no harmful contamination effects. There has also found to be no significant likely harm to the historic environment or to archaeology, subject to a condition requiring a programme of archaeological work. The potential impact of electromagnetic interference (non-aviation) is also considered acceptable subject to a condition to secure the alleviation of any resultant interference to television and radio reception.

With regard to airspace the applicants have agreed in principle to enter into a bonding agreement with London Southend Airport, meaning that in effect they will pay for any adverse effect of the wind farm on the primary radar of the Airport. The only other airspace concern is the potential impact of the wind farm on activities at and related to Stoke Airfield, the base of Medway Microlights. The true effect of potential turbulence from wind turbines in any individual situation is very difficult to predict. However in the current case turbulence from the proposed turbines would only be likely to occur in the direction of Stoke Airfield and its circuit during non-prevailing wind conditions, when runway 06 is in use. The closest turbine is approximately 1.7km from the published airfield circuit (which lies between the airfield and the proposed wind farm) although it is acknowledged that there is pilot variation in its use. However whilst there may be some reduction in suitable flying opportunities from Stoke Airfield in certain wind conditions as a result of the proposed wind farm, it is thought unlikely that this will cause a significant threat to public safety, including to trainee pilots, as flights will

only take off if pilots/instructors consider it safe to do so in the conditions pertaining at any time. On balance, although there may be some adverse impact on Stoke Airfield, resulting from a potential reduction in maximum available flying time rather than from a significant threat to public safety, with regard to the weight to be given to the importance of renewable energy generation it is not considered that this minor adverse impact is such as to substantiate a refusal of planning permission.

Once operational it is concluded that the development would not result in any significant adverse effects on traffic and highway safety. It is recognised that there would be a short term minor adverse effect on the local road network during the fairly short construction period, mainly due to the possibility of up to 70 abnormal loads being transported from Chatham Docks to the site. It is likely that some or all of these abnormal load movements may be avoided by the use of Thamesport, however even if this does not prove possible it is considered that it would be unreasonable to refuse permission on the basis of this limited temporary disruption to local highway use.

Finally, with regard to non-aviation health and safety issues it is recognised that the siting of a wind farm on a fuel terminal site is not ideal, however subject to relevant conditions and in the light of other separate regulations covering COMAH and advice from the Competent Authority in this respect, it is not considered that planning permission should be refused on this basis.

In light of the above the application is recommended for approval.

(This application is being reported to Committee for determination due to its significance and scale and as representations have been received which are contrary to the officer recommendation)

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3 MC2006/0324

Date Received: 27th February 2006

Location: Land to rear of 1-3 Cedar Road, Rochester, Kent

Proposal: Outline application for residential development

Applicant: Greenfields Construction Limited C/o Miller Ankas

Agent: Mr A Callaghan Miller Ankas Partnership The Guard House Historic Dockyard Chatham Kent ME4 4TE

Ward: Strood South

Recommendation - Refusal

1 The proposal, if permitted, would represent an over development of the site which by virtue of the number of units proposed, the nature and density of the development indicated and it's resultant massing would be out of character with the surrounding streetscene and the area in general. The proposal is therefore contrary to Policy QL1 of the Kent and Medway Structure 2006 and policies BNE1, BNE2, and H4 of the Medway Local Plan 2003.

2 The siting and layout of this proposed development does not seek to promote personal safety or the security of the property especially in regard to access arrangements to the site and into the building and would result in a development which has a poor level of amenity for its future occupiers by virtue of its cramped overdevelopment, poor access, poor outlook and habitable room windows positioned in close proximity to commercial and industrial units. The proposal is therefore contrary to Policy QL1 of the Kent and Medway Structure 2006 and policies BNE1, BNE2, and BNE8 of the Medway Local Plan 2003.

Site Description

The application site is located within the urban area of Strood and is located to the rear of 25-29 Darnley Road and 1-5 Cedar Road which form part of the Local Shopping Centre. These shop premises are located to the north and west of the application site. Commercial units generally dominate the character of the immediate surrounding area, although there are residential dwellings located beyond these commercial units in all directions. The site is level and accessed from a private service road to the south of the site. This private road is currently unmade and serves as access to the rear of a range of commercial units including car repairs and other industrial type uses. This private service road also accesses the garages for some residential properties. Currently the plot is vacant and there is fencing, approximately 2 metres in height, to the east and adjoining the private service road, to the southern boundary. To the north the site boundary is open and adjoins the retail premises in Darnley and Cedar Roads referred to above, whilst to the west the flank wall of 5 Cedar Road provides the boundary treatment.

Proposal

The proposal seeks outline planning consent for residential development of eight flats with siting and means of access to be determined at this stage. Matters related to external appearance, design and landscaping are reserved for future consideration, although as the applicants have specified numbers relatively detailed plans have been submitted. This clearly enables the Local Planning Authority to be guided to some degree as to those outstanding matters.

Access to the site is proposed to be from the private service road to the south, part of which the applicant has indicated that he intends to enhance and upgrade as part of the development. The vehicle and pedestrian access will then be directly off of this road, via Cedar Road. The building, which is roughly 'L' shaped will have a 1 metre overhang above ground floor level, will be set off the boundary by 0.5 metres (1.5 metres at ground level) from the southern edge of the site. The building frontage will be 25.7 metres in length and have a depth of 8 metres including the overhang. The rear element of the building on the western boundary will measure 0.7 metres in length by 8 metres in depth. The siting of these two parts of the building creates an area in the northeastern corner for landscaping and amenity space.

As stated above external appearance, design and landscaping are all reserved matters and are for future consideration. However illustrative drawings show a development of eight flats over three storeys. The development shows a mix of 1 and 2 bedroom flats with garaging at ground floor level fronting the service road.

Site Area/Density

Site Area: 0.089 Ha (0.22 acres)
Site Density: 90 d.p.h (36 d.p.a)

Representations

The application has been advertised on site and neighbour notification letters were sent to the owners / occupiers of 19, 21, 23, 25, 27, 27a, 29 and 29a Darnley Road, 1, 3, 5, 5a, 5b, 5c, 5d, 15-19, The Vauxhall Warehouse, Guild Group Services, Fortress Fencing and Darnley Autoworks Cedar Road and 1a and All Bits Plumbing and Bathroom Show Rooms Cuxton Road.

Two letters of support have been received from adjoining premises. They support the proposal on the grounds that it will stop illegal activity in the area and result in a regeneration of this area, added security and improvement to the area generally

Kent Police Architectural Liaison Officer has written raising objection to the development on the following grounds:

"I have a number of significant concerns and representations in relation to this, from a potential crime reduction perspective.

The location is within an area that has suffered from a disproportionately high level of antisocial behaviour, youth disorder and some forms of criminal activity, all of which can adversely affect quality of life for residents and those visiting the area.

During a six-month period in 2005 the location including adjoining retail parade formed part of an area designated jointly by Kent Police and Medway Council as a Dispersal Area under sections 30-36 of the Anti Social Behaviour Act 2003.

Whilst it is acknowledged development of the site may prove beneficial I have significant concerns as to how the proposed development will benefit or be a sustainable one. It will potentially stand alone in isolation in an area, that shows some decline, limited upkeep, mixed use and potentially little to offer potential residents in terms of outlook, public safety, reduced fear of crime and similar. Safer Places the planning System and Crime prevention ODPM 2004 indicates, 'Safety and Security are essential to successful, sustainable communities'

Lack of any firm proposals for remedial works, regeneration or similar residential use within the vicinity of the proposal (particularly the areas adjoining the unadopted vehicular route linking Cedar and Cuxton Roads) will clearly reduce potential sustainability of the proposed new development. These areas may potentially act as a crime generator and increase fear of crime to anyone legitimately wishing to use any new accommodation.

The primary access route proposed is at present in very poor condition and has become a desire line for vehicles and pedestrians linking Cedar and Cuxton Road. Similarly there are numerous secluded areas, disused buildings, areas of rubbish and illegal dumping, all of which can indicate a lack of real ownership or care and certainly facilitate antisocial behaviour and add to the fear of crime and I feel without action any new development may be affected adversely by this.

There is a lack of lighting to the access route, which would need to be addressed fully as would the need for the complete access road needing to be brought up to an acceptable standard.

That said the potential visual outlook for residents will be bleak with either the rear of Retail units on Darnley or Cedar Road, or small industrial units, fencing and barbed wire to the primary access route.

The majority of guidance relative to designing out crime and new developments reflects also the need for all publicly accessible spaces to be overlooked and ensure active frontages. This development will not be well overlooked or be afforded any natural surveillance (a blank façade on an industrial unit faces proposed garages and primary communal entrance point for the development) and the primary access will be well away from other street activity along a potentially secluded, dark access route. Medway Local Plan also reflects proposals should 'encourage passive surveillance and self policing'.

Medway Local Plan indicates under section 3.4.31, 'avoid the isolation of pedestrians or the creation of dark or hidden areas in the design, landscaping and boundary treatments of footpaths, cycleways and roads'.

Whilst I acknowledge design and other matters are reserved, indicative proposals indicate garages fronting primary non-overlooked access route, overhang of property from first floor and above, which may detract from surveillance or compromise security, recessed communal door, potential access points between buildings fronting Cedar and Darnley Roads all of which should be avoided".

The applicant's agent has responded to Kent Police comments by stating:

With the exception of the last paragraph, his [Kent Polices] letter appears to cast doubt on the principle of any form of residential use on the site.

Before designing the illustrative scheme submitted, I was made aware by the applicant of the problems of anti-social behaviour in the area and its poor appearance is all too obvious. These factors were the main generators of the submitted design which presents an easily secured elevation to the access road, while providing as the main outlook from the flats, a good sized garden area which could be attractively landscaped.

[Kent Polices] does not appear to be aware that included with the application is the proposal to re-surface the access road fronting the development. This, together with the two entrances to the development, could be well lit by fittings secured to the building and these measures would tend to discourage anti-social behaviour.

I submit that the proposed development would be likely to have a beneficial effect in reducing anti-social behaviour at least in the immediate locale. A comprehensive redevelopment of the access road and the sites off it, is unlikely to happen but the possibility exists that the submitted proposal could act as a catalyst for an organic form of regeneration.

With regard to [Kent Polices] final paragraph commenting on the design, the garage doors would be of a high security steel roller type and the entrance points similarly specified. The entire development site would be made secure with appropriate boundary treatments. I do take [Kent Polices] point about the overhang above the garages but this could easily be designed out by bringing their entrances forward.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SP1	Conserving and Enhancing Kent's environment and ensuring a sustainable pattern of development.
Policy SS1	Spatial priorities for development and investment in Kent and the role of the settlement hierarchy.
Policy SS4	Priority for previously developed land and a sequential approach to the location of development
Policy ME1	Medway
Policy QL1	Quality of Development and Design
Policy QL12	Provision for New Community Services and Infrastructure
Policy HP4	Housing: quality and density of development
Policy HP6	Range and mix of housing provision
Policy TP19	Vehicle Parking Standards
Policy NR5	Pollution impacts

Medway Local Plan 2003

Policy S6	Planning Obligations
Policy BNE1	General Principles for Built Development
Policy BNE2	Amenity Protection
Policy BNE3	Noise Standards
Policy BNE8	Security and Personal Safety
Policy BNE23	Contaminated Land
Policy H4	Housing in Urban Areas
Policy H5	High Density Housing
Policy H10	Housing Mix
Policy L4	Provision of Open Space in New Residential Developments
Policy T1	Impact of Development
Policy T2	Access to the Highway
Policy T3	Provision for Pedestrians

Policy T13 Vehicle Parking Standards

Medway Core Strategy Development Plan (Submission Document) August 2006

Policy CS01 Sustainable Development
Policy CS02 Overall Spatial Strategy
Policy CS03 Quality and Sustainable Design

Medway Housing and Mixed Use Development Plan (Submission Document) August 2006

Policy HMU04 Housing Design and Density

Planning Appraisal

The main determining issues in relation to this application relate to:

- Principle of development;
- Street scene and design;
- Amenity considerations; and
- Highway matters

The Principle of Development

The site lies within the recognised settlement of Strood in the adopted Local Plan and adjoins commercial and retail premises, although residential properties dominate the character of the wider area. Policy H4 allows for residential development within such urban areas, including the use of vacant or derelict land providing the development results in a clear improvement in the local environment. Such development would also have to comply with other relevant policies in the Councils adopted Local Plan. Whilst the Government and Local Plan positively promote the best use of urban land for sustainable and appropriate development and the regeneration of this industrial/commercial backland is desirable the proposed development will not result in a clear improvement to the local environment. Furthermore, it is clear that the amenity of future occupiers many be adversely effected by a development of this density and siting, especially when bearing in mind the concerns raised by Kent Police. On this basis it is considered that the development would be contrary to Policies QL1 and HP4 of the Kent and Medway Structure Plan 2006 and policy H4 in the Medway Local Plan.

Street scene and design

This application is in outline form with all matters except siting and means of access reserved for future consideration. However, the applicants have been quite specific in their description of the development, being eight flats and have submitted illustrative plans to try to demonstrate how, in their view, 8 flats could be achieved on site. The illustrative plans only demonstrate though that the three storey development proposed would be a discordant feature that results in a cramped over-development of the land. This would constitute an unacceptable form of cramped development, which would be visually intrusive and detrimental to the character and appearance of the area in general.

The proposed development and the size of the plot is inadequate in terms of the siting and density proposed especially when bearing in mind the massing of the structure that would be required to accommodate such a development. This being the case the proposal will result in a cramped over-development of the site which will have an adverse and detrimental affect on

the character and appearance streetscene and the surrounding area in general

Amenity and Safety Considerations:

This development adjoins predominantly commercial and retail units and will have limited bearing on existing adjoining properties in terms of loss of daylight, sunlight, outlook or privacy. However the proposed siting and the illustrative layouts substantiate the concerns of Kent Police that the development at this density, in this location is likely to cause detrimental impact to the amenities of the future occupiers of the proposal. The siting of the proposed residential units with habitable room windows fronting towards the commercial units to the north and light industrial and storage units to the south is likely to cause harm in terms of outlook and general amenities to the occupiers of the proposed dwellings. Furthermore, the access arrangements into the building and overhang shown on the illustrative plans are poor and will lead to issues regarding secure by design.

Bearing all of the above in mind, this proposal is considered unacceptable in terms of amenity and safety considerations and does not accord with policy QL1 of the Kent and Medway Structure Plan 2006 or policy BNE1, BNE2 or BNE8 of the Medway Local Plan 2003.

Highways

The proposal indicates a set of eight garages providing off road parking, however this forms part of the design of the development which is a matter reserved for future consideration. It is considered that sufficient off road parking could be incorporated into a modest and appropriate development on this site and would not cause any adverse impacts in terms of unacceptable pressure for on street parking. The applicant has proposed to resurface the private access road from the development site to Cedar Road and this would bring the access up to an improved standard for its current users and the future occupiers of the proposed flats. Clearly should Members consider the development to be acceptable this would be need to be controlled by condition. Finally, the increase in use of the access and surrounding road by the creation of eight flats is not considered to result in an unacceptable intensification of the use of the road.

Therefore the proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Medway Local Plan 2003.

Other Matter

<u>Noise and Contamination</u>

The site is located in close proximity to commercial and industrial uses and in accordance with Policy BNE3 should be subject to an acoustic survey in relation to the possibility of noise disturbance for future occupiers of the development from these potential sources and any mitigation measures which may be necessary. In the absence of such information, should Members be minded to grant consent it would be appropriate to require this to be undertaken prior to any development being undertaken on the site

In addition to the above, due to the nature of the surrounding uses, it is considered that there is potential for the site to have suffered some contamination. A condition requiring an

assessment of the site to be undertaken to establish if there is any contamination, and a scheme for mitigation against any that is found there would be necessary for any approval.

Subject to these conditions the proposed development is considered to accord with Policies BNE3 and BNE23 of the Local Plan.

Conclusions and Reasons for Refusal

Taking into consideration all the above matters, this proposal is considered to represent an overdevelopment of this site, which is out of character with the surrounding street scene and the area in general. Furthermore, the siting and layout of the development does not seek to promote personal safety or security especially with regard to access arrangements to the site and into the building and will result in a poor level of amenity for its future occupiers by virtue of cramped overdevelopment, poor access and poor outlook. Bearing all these factors in mind this development would be contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and policies BNE1, BNE2, BNE8 and H4 of the Medway Local Plan.

This application would normally be determined under delegated powers but is being reported for Committee determination at the request of Councillors Kieran Magee and Andrews on the basis that the balance of the material considerations in the determination of this application for development within a problematic area, is one best made by the Development Control Committee.

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4 MC2006/1382

Date Received: 31st August 2006

Location: Allhallows Primary School Avery Way Allhallows Rochester Medway ME3 9HR

Proposal: Application for approval of reserved matters (siting, design, external appearance, means of access, landscaping) pursuant to outline application MC2001/2143 for the construction of 32 houses and a block of 4 flats

Applicant: I Carey Matthew House 45-47 High Street Potters Bar EN6 5AW

Agent: Mr R C Harrington BHD Limited 10/12 Chuch Square Leighton Buzzard Bedfordshire LU7 1AE

Ward: Peninsula

Recommendation - Approval with Conditions

(as amended by plans received on 14th and 30th August 2006, 9th November 2006, letter received on 22nd December 2006 and letter and plans received on 3rd January 2007)

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification) no windows other than those herein approved, shall be installed in the side elevations of the dwellinghouses without prior written approval of the Local Planning Authority.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1, Classes A-F (inclusive) of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

16 Prior to the first occupation of any part of the development hereby permitted, details of the external appearance of the gate and bollards to restrict vehicular access to the open space to the east of the application site shall be submitted to and approved in writing by the Local Planning Authority. The subsequently approved gates and bollards shall be installed in accordance with the approved details prior to the first occupation of any of the residential units hereby permitted and shall be retained thereafter.

17 Prior to the first occupation of any part of the development hereby permitted, details of access arrangements for the purpose of maintaining the existing open space to the east of the site shall be submitted to and approved in writing by the Local Planning Authority. The subsequently approved access arrangements shall be carried out in accordance with the approved details, unless otherwise first

agreed in writing by the Local Planning Authority prior to the first occupation of any of the residential units hereby permitted and shall thereafter be maintained.

18 Prior to the commencement of development hereby permitted further details in relation to the landscape management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include the following information:

- Details of safety work, woodland thinning, under storey management, planting and maintenance in relation to the woodland area to the west of the site fronting Avery Way,
- Management, maintenance and replanting measures for the southern tree buffer should any of the trees die within one year of the first occupation of the development.

The landscaping shall be implemented in accordance with the approved plans prior to the first occupation of any part of the development and shall thereafter be retained.

19 The close-board fencing located on the site boundaries shall be painted or stained in a shade of green details of which shall be first submitted to and agreed in writing by the Local Planning Authority. The agreed paint/stain to the boundary treatment shall be installed in accordance with the approved details prior to the first occupation, of any part of the development and shall be retained as such thereafter.

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

Site Description

This application relates to a site situated on the eastern side of Avery Way, Allhallows. The application site comprises the site of the former Allhallows primary school. The site is bounded: to the north by the Allhallows CE Primary School; to the east by former school's playing fields and farmland; and to the south by houses in St Luke's Way.

A hardstanding plinth and hardstanding play area remains within the site boundaries and the rest of the site comprises overgrown grass, brambles and other vegetation. There are also a number of trees dotted around within the site and there a significant number of trees located along the southern and western boundaries. The site itself slopes down from the north to the south. There is a significant step down of approx. 1.6m immediately to the south of the former playground area and a further step down of approx. 0.5m at the southern boundary between the application site and pathway in St. Luke's Way.

There is an existing vehicular and pedestrian access point to the south of the western boundary with Avery Way and there is pedestrian access from St Luke's Way (between number 7 and 9). There is currently no physical boundary between the application site and the open space to the east.

Proposal

This is a reserved matters application pursuant to outline application MC2001/2143 for the construction of 32 houses and a block of 4 flats. The reserved matters submitted for determination are: siting, design, external appearance, means of access and landscaping.

There would be 6 designs of dwellinghouses (A-F).

Type A:

A detached property with two storey, projecting gable and canopy over entrance door to the front elevation. The dwelling would be approx. 8.6m wide, approx. 7.7m in depth and approx. 7.85m high to the ridge. The ground floor accommodation for each property would include lounge, kitchen, dining room, utility room, hall and cloakroom/WC. The first floor accommodation would include 4 bedrooms (one with en-suite facilities), a bathroom and a landing area.

Type B:

A detached property with two storey, projecting gable and canopy over entrance door to the front elevation and a subservient two-storey side element which incorporates a car port at ground floor level. The dwelling would be approx. 8.7m wide, approx. 9.25m in depth and approx. 8.65m high to the ridge. The ground floor accommodation for each property would include lounge, kitchen, dining room, hall and cloakroom/WC. The first floor accommodation would include 3 bedrooms (one with en-suite facilities), a bathroom and a landing area.

Type C:

A semi-detached property with dormer window to the front elevation, together with a canopy over the front entrance door. The dwelling would be approx. 5m wide, approx. 8.4m in depth and approx. 9.6m high to the ridge. The ground floor accommodation for each property would include kitchen, dining room, hall and cloakroom/WC. The first floor accommodation would include lounge, 1 bedroom with en-suite facilities and a landing area. The second floor accommodation, within the roof space, would include 2 bedrooms, bathroom and a landing area.

Type D:

A detached property with dormer window to the front elevation and a projecting canopy/porch over the front entrance door and a single storey rear projection with gable end. The dwelling would be approx. 8.6m wide, approx. 7.75m in depth and approx. 8.6m high to the ridge. The ground floor accommodation for each property would include kitchen, lounge/diner, hall and cloakroom/WC. The first floor accommodation would include study, 2 bedrooms (one with en-suite facilities), bathroom and a landing area. The second floor accommodation would include 2 bedrooms, shower room and a landing area.

Type E:

A semi-detached property with canopy over entrance door to the front elevation. The dwelling would be approx. 5.4m wide, approx. 8.7m in depth and approx. 8.6m high to the

ridge. The ground floor accommodation for each property would include kitchen, lounge/diner, hall and cloakroom/WC. The first floor accommodation would include 3 bedrooms, a bathroom and a landing area.

Type F:

A semi-detached property with canopy over entrance door to the front elevation. The dwelling would be approx. 5m wide, approx. 8.1m in depth and approx. 8.4m high to the ridge. The ground floor accommodation for each property would include kitchen/diner, lounge, hall and cloakroom/WC. The first floor accommodation would include 2 bedrooms, a bathroom and a landing area.

Flats:

The four flats would be provided in one block. The block would be approx. 13.5m wide, approx. 13.4m in depth and approx. 8.9m high to the ridge. The ground and first floor would accommodate 2 flats on each floor. Accommodation for each flat would comprise kitchen, lounge/diner, 2 bedrooms, bathroom and hall. Access to the building is centrally located. The flats would be stacked so that the layout of the ground floor flats are similar to the layout of the flats at first floor. On each level the layout of the flats is handed.

Parking would be provided on a two spaces per dwelling basis for the houses (including garages) and 1.5 spaces per flat.

Site Area/Density

Site area: 0.943 ha (2.33 acres)
Site density: 38 dph (15.5 dpa)

Relevant Planning History

MC2001/2143 Outline application for construction of 36 residential units. Approval, 21 February 2006.

Representations

The application has been advertised on site and in the press. EDF Energy, Southern Gas, Southern Water Services, and the Police Architectural Liaison Officer have been consulted on the application along with the owners and occupiers of 1 - 24 (inclusive) St. Luke's Way and 52 – 56 (evens).

Kent and Medway Town Fire Authority has written to state that the access is not suitable.

Kent Police has written to highlight areas for consideration. They are as follows:

- The tree screening between Avery Way and the development may serve as an area for concealment for potential offenders.
- Additional lighting may be required along the footpath adjacent to the southern boundary.
- The point between the flats and the units 32/33 could be left open to increase permeability.

- The lack of gable end windows reduces the opportunity for natural surveillance.

Allhallows Parish Council has written to object to the proposal. The Parish Council does not object to development on the site but objects to this proposal for the following reasons:

- The access road is across land not in the developer's ownership
- Access is close to School entrance and therefore is insufficient
- Difficulties with being able to maintain ground to east
- Vehicular route to access to open space is convoluted
- Position of flats would constitute a loss of amenity for the houses in St. Luke's Way
- No play space provision within site
- Open plan estates cause problems due to lack of structure and management of open areas
- Inadequate parking provision
- Overspill parking would cause highway hazards to other road users and pedestrians
- No primary school contributions

A petition containing 453 signatures predominantly from people residing in the locality has bee received objecting to the development. However, no specific grounds have been given.

32 letters of objection have been received raising the following issues:

- Out-of-character with the area
- Overdevelopment
- Loss of light
- Increased noise level
- Loss of view
- Loss of woodland
- Loss of habitat
- Dangerous access
- Highway safety hazards
- Inadequate parking provision
- Loss of play space
- Pollution
- Anti-social behaviour
- Increased fly-tipping

- Increased pressure on existing facilities and services – doctors, retail, police, gas, electricity and water supply.

- Increased flooding
- Damage to existing property as a result of construction work
- Health and Safety Issues during construction
- Encroachment
- There is not a need for more housing
- Loss of value of property
- Potential for undesirables to occupy property

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy HP5	(Housing Development in the Countryside)
Policy HP6	(Range and Mix of Housing Provision)
Policy HP7	(Affordable Housing Provision)
Policy EN9	(Trees, Woodland and Hedgerows)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE6	(Landscape Design)
Policy BNE43	(Trees and Development Sites)
Policy BNE44	(Community Woodlands)
Policy H1	(Residential Development)
Policy H3	(Affordable Housing)
Policy H10	(Housing Mix)
Policy H11	(Residential Developments in Rural Settlements)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Parking Standards)

Planning Appraisal

Having regard to the provision of the Development Plans, it is considered that the main issues arising from the proposal are the principle, housing mix, affordable housing, design and impact upon the street scene, the impact on residential amenity, the impact on the highway and landscaping and the impact on trees.

Principle

The principle of residential development on this site has already been considered when an outline application was submitted in 2001 for the construction of 36 residential units. Following the signing of the s106 legal agreement earlier this year, planning permission was granted on 21 February 2006.

The proposal was considered to meet the provisions of Policies H1, H3 and H11 of the Medway Local Plan 2003.

Housing Mix

As the design, siting and external appearance were all reserved for future consideration, the mix of units has not previously been considered. Policy H10 of the adopted Local Plan states that sites over 1 hectare should provide a range and mix of house types and sizes. However, the application site is just under this threshold at 0.943ha and the development comprise predominantly detached and semi-detached properties ranging in size from 2-bed to 4-bed properties. Additionally, four 2-bed flats would also be provided. It is considered that whilst under the threshold on 1 ha, the proposal offers a range of housing sizes and would therefore comply with Policy HP6 of the Kent and Medway Structure Plan 2006 and Policy H10 if the Medway Local Plan 2003.

Affordable Housing

The Section 106 related to the planning permission for the outline application required the provision of 25% affordable housing in the form of:

4 x 2-bed flats
3 x 2-bed houses
2 x 3-bed houses

Whilst the affordable units have not been specifically identified, the details of the application show that the Section 106 requirement for affordable housing provision can be met by this scheme in accordance with Policies HP7 of the Kent and Medway Structure Plan 2006 and Policies H3 of the Medway Local Plan 2003.

Siting, design and external appearance

The site is located behind a small screen of woodland and at present, cannot be easily seen from the road (Avery Way). The proposal would be visible from the proposed access once implemented, however, the development would not be easily read in the context of any existing residential areas when viewed from this location. The development would be more visible from the grounds of the primary school located adjacent to the application site to the north, from the protected open space to the east and from St. Luke's Way to the south.

St. Luke's Way is a residential close comprising two-storey houses that are either detached, semi-detached or terraced. Other than for a block of four flats, the proposal also comprises detached or semi-detached houses. Each building within the proposal is two-storey in height. There is a slight variation with housing types C and D incorporating dormer windows within the roof plane to facilitate the availability of living accommodation within the roof space.

The character of the St. Luke's Way area is predominantly open plan with properties being set back from the highway and parking being provided for residents in the form of garage blocks. The layout of the application site also shows the houses to be set back from the highway. The layout of the proposal does not include garage blocks, but instead provides parking predominantly as either individual or double garages. Having regard for the aforementioned aspects, it is considered that in terms of site layout, building heights and types and making the best use of space, the proposal would respect the character of the existing residential area to the south.

With regard to the external appearance of the development details of facing bricks, roof tiles, joinery colour and external door colour have been given.

Bricks – Ibstock 'Capital Multi'

Roof tiles – Concrete Marley Modern Interlocking tile in Smooth Grey colour for the 2.5 storey properties and concrete Marley Mendip Interlocking tile in Acorn Brown for the 2 storey properties.

Joinery – white upvc

External Doors – Mix of deep blue, green and red

The proposed bricks are a relatively light red with a grey 'mottled' effect and the roof area either a grey or brown to match either the red of the brick or the grey 'mottled' part of the brick. It is suggested that a buff mortar is used. It is considered that whilst the proposed materials will distinguish the site as a different period of development from St. Luke's Way, it will also respect the external appearance of those properties by the proposed red brick picking up the pink and brown colours within the bricks and roof tiles of the properties in St. Luke's Way.

Overall, it is considered that the proposed development would comply with Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE1 of the Medway Local Plan 2003.

Neighbours' amenities

As stated earlier the application site is bound to the north and partially to the east by the existing primary school, to the east by the protected open space and to the west by the highway, Avery Way, which is the main route through the village. To the south there are the residential properties of St. Luke's Way.

Property numbers 15 to 21 St. Luke's Way face the application site. There is an existing tree screen to the front of these properties along the boundary with the application site. These trees are located within the application site and are to be retained. The nearest property (plot 25) has its flank elevation facing St. Lukes Way and is sited approx. 9.5m away from the boundary of the site. There is a further 7m (approx.) between the front elevation of number 15 St. Luke's Way and the boundary of the site. It is therefore considered that other than for the boundary treatment of plot number 25, the situation will be similar to the current situation for the occupiers of number 15 to 21 St. Luke's Way in terms of residential amenity.

Other properties within St. Luke's Way are orientated with either the back or the side elevation facing onto the site. Taking this into account and that the application site is location to the north of the residential properties in St. Luke's Way, it is considered that the proposal would not have a detrimental impact on the amenity of residents in terms of loss of outlook, daylight, privacy and overshadowing.

In terms of the proposed properties to the north of the application site, it is acknowledged that they would be located adjacent to the boundary with the primary school, however, those properties identified as plots 8 to 17 (inclusive) on the site layout plan, either have the rear elevation or side elevation facing the school boundary. In terms of overlooking, these properties would overlook either public or semi-public areas. There would be no overlooking of any residential properties in this location and therefore it is considered that the proposal would not have any detrimental impact on residential amenity.

Turning to the issue of residential amenity for the future occupiers of the site, as a result of the proposed layout and the orientation of the dwellings, it is considered that the future occupiers of the development would have adequate private amenity space and there would be no detrimental impact in terms of privacy, outlook, daylight or overshadowing issues. Although the amenity space is considered adequate, any further development of some of the properties may lead to the inadequate levels of provision. It is therefore suggested that a condition be attached to any forthcoming permission to remove permitted development rights.

The proposal would be in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE2 of the Medway Local Plan 2003.

Highways

The sightlines of the proposed access (4.5m x 70m) and the distance from the Primary School access (35-40m) are designed to accord with Kent Design. This is considered acceptable provided the sightlines are regularly maintained and kept clear of obstructions over 0.6m in height. The proposal would therefore be in accordance with Policy T2 of the Medway Local Plan 2006.

The access onto Avery Way crosses land within the control of the Council (currently in tenancy to the Parish Council). Notice has been served on the Council's Estates Department in this regard and no objection from that section has been received.

The internal access roads have been designed to adoption standard and the parking provision at 2 spaces per dwelling for the houses (including garages) and 1.5 spaces per flat, is broadly in line with the maximum standards set out in the Medway Local Plan 2003. With the proposed parking provision at this level, it is unlikely that the proposal would have a detrimental impact on the adjoining highway network. The proposal would be in accordance with Policy TP19 of the Kent and Medway Structure Plan 2006 and Policy T13 of the Medway Local Plan 2003.

The layout of the internal access road includes vehicular access to the open space to the east for the purposes of maintenance. This access will be gated and locked. Pedestrian accesses would be provided either side of the vehicular gates across and bollard would be used to prevent vehicles entering.

Landscaping

Trees

The site has been considered suitable for residential development. Because of its rural location, it is appropriate that the landscaping scheme should reflect this. The majority of the woodland buffer strip fronting Avery Way is shown as being retained. The retention of this woodland strip is welcomed as it softens the appearance of the development along Avery Way and retains the rural character of the area. However, this wooded area would benefit greatly from maintenance and planting to improve the appearance and species mix. This information has not been submitted in enough detail to ensure that this takes place to an acceptable standard and therefore a condition is recommended requiring the applicant to submit further details in relation to the landscape management and maintenance plan. The plan should include details of safety work, woodland thinning, understorey management, planting and maintenance.

In relation to the buffer strip of trees to the south, there are concerns that these trees may be affected by the close proximity to the new brick wall and its foundations. Further information is required to ascertain the measures to be taken should these trees die. It is recommended that further details required in relation to the landscape management and maintenance plan as stated above shall also include details relating to the southern tree buffer strip.

Shrub and Hedge Planting and Boundary Treatment

The shrub and hedge planting within the site is considered to be acceptable. In terms of the boundary treatment, the properties to the southeast, which back onto the open space,

present an edge of close-board fencing. However, this has to be considered in context and it is noted there are other existing properties which also present an edge of close-board fencing. In addition to this, the fencing around the school comprises galvanized palisade fencing. To soften the appearance of the development when viewed from locations outside of the site, it is recommended that a condition be used requiring the close-board fencing to be painted or stained in a shade of green to be submitted and agreed in writing by the Local Planning Authority.

Management Plan

The management plan does not account adequately for maintenance of the landscaped areas for a period of 5 years. However, Condition 7 of the outline permission (MC2001/2143) requires the landscaping to be maintained for a minimum of five years. An informative is recommended to remind the applicant of this requirement.

Hard Landscaping

There is a lack of information with regard to the hard landscaping within the site. This information should be submitted for approval. It is considered that this information could be provided pursuant to condition 6 of the outline permission (MC2001/2143).

Conclusion and Reasons for Approval

It is considered that this proposal would result in a development that would respect the character and appearance of the area. The impact on residential amenities and the highway in terms of safety and parking levels are considered to be acceptable. It is therefore considered that the proposal is in accordance with Policies QL1, HP6, HP7, EN9 and TP19 of the Kent and Medway Structure Plan 2006 and Policies BNE1, BNE2, BNE6, BNE43, BNE44, H1, H3, H10, H11, T1, T2 and T13 of the Medway Local Plan 2003.

This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration because of the number of representations that have been received which are contrary to the officer recommendation.

The application was originally reported to Development Control Committee on 10 January but deferred to request the applicants to undertake further consultation with the Parish Council.

This request has been put to the applicants and they have responded as follows:

"The application is one for approval of reserved matters so the principle of the development is not at issue. The Committee report highlights the fact that the Parish Council do not object to development on the site but objects for various detailed reasons.

The Parish Council's concerns were reported by your Officers to Matthew Homes and so far as possible have been addressed to the obvious satisfaction of your Officers.

The Managing Director of Matthew Homes has spoken to Mrs Brammer, the Parish Clerk, and explained that Matthew Homes Ltd will listen to all representations but are unable to satisfy everybody all of the time. Mrs Brammer confirmed that she had written two letters. One letter received a response and the other, unfortunately, was mislaid in the file. The correspondence received bore no relation to the presentation from Mr Chris Buckwell (representing the Parish Council on the evening of the 10 January 2007), who spoke of

numerous letters and representations from the Parish Council and local residents and the fact that the Developer had blatantly ignored all contact.

In this context Matthew Homes' Managing Director is outraged at the blatant misrepresentation of the position and the Company's reputation.

I have advised my clients in relation to the advice in Circular 8/93 regarding Costs in Planning and other Proceedings. As you will know, the advice in para 7 is that "a planning authority should not prevent, inhibit or delay development which could reasonably be permitted in the light of the development plan, so far as it is material to the application, and of any other material considerations".

There is no justifiable basis in the light of the clear advice and recommendation to the Committee for this application not to be determined without further delay."

In view of the above comments the application is reported back for Committee determination.

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5 MC2006/2019

Date Received: 14th November 2006

Location: 81 ST Margarets Street Rochester ME1 3BJ

Proposal: Construction of a single storey side extension to form a classroom and W.C., area (revised application to MC2006/1331)

Applicant: St. Andrews Pre School 81 St. Margarets Street Rochester Kent

Agent: Mr B Kendall B J Kendall & Associates 7 Noke Street Farm Wainscott Rochester Kent ME3 8BJ

Ward: Rochester West

Recommendation - Approval with Conditions

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

2 Details and samples of any materials to be used externally (including windows and doors (detailing how they are to be built into the adjacent wall) rainwater goods, eaves, rooflights, flues and vents, and roof slates and ridge and hip tiles) and any means of enclosure (including security gates and the colour and texture of any boundary railings) shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall thereafter be carried out in accordance with the approved details.

3 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing building.

For the reasons for this recommendation for approval please see planning appraisal section and conclusion at the end of the report.

Site Description

The application site is located in the Watts Avenue/Roebuck Road Conservation Area in Rochester. The street slopes down to the north and there is on street parking. The buildings in the street are mainly residential dwellings with some flats and some non-residential dwellings. The buildings vary in terms of size and design and include 2 /3 and 4 storey semi-detached, terraced and detached.

The application site is a 3-storey semi-detached building currently used as a school. The building is set back from the road at a higher ground level than the dwellings/properties located to the western side of St. Margaret's Road. The land to the front is lawn and flowerbeds and to the side there is a single storey extension to the side of which is a hard standing and footings where it is proposed to build the extension the subject of this application. Boundary treatment to the north and west comprises a 2.5m high (approx) wall

with planting. To the southern boundary there is close boarded fencing approximately 1.8 metres in height with mature planting fronting it. To the east the land slopes up and therefore this boundary has a retaining wall approximately 6-7 metres in height.

Proposal

The proposal is for the construction of a single storey side extension to form a classroom and WC area (revised application to MC2006/1331). The extension will project approximately 3.63 metres from the side of the building and be approximately 11.9 metres in depth. The proposed development will have a pitched roof and a series of roof lights.

The previous application (MC2006/1331) was approved. The main difference between the two schemes is that the previous scheme had a partially glazed roof as the applicant wanted a conservatory rather than an extension. However, that development was found not to comply with Building Regulation standards.

Relevant Planning History

MC2002 / 1142 Application for removal of personal use condition (condition 3) of planning consent ME74/0564/J (use of premises as nursery school).
Approved, 06/09/02.

MC2005/0613 Retrospective application for the use of first and second floors to provide one additional classroom, cloakroom & WCs, office and staff room and variation of the terms and conditions of planning permission ME74/0564A to J and MC2002/1142
Approved, 20/05/05.

MC2006/1331 Construction of a conservatory to the side to provide a classroom and WC area.
Approved 11 September 2006

There have also been a number of temporary permissions granted for the use of the building as a nursery school between 1973 and the present day.

Representations

The application has been advertised on site and in the press. The City Of Rochester Society has been consulted along with the owners/occupiers of 1, 2, 3, 4, 5, 6, 7 and 8 Sarafand House and 79, 83 and 92 St Margaret's Street and 2 Horsley Road.

No letters of representation have been received.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development & Design)
Policy QL6	(Conservation Areas)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE12	(Conservation Areas)
Policy BNE14	(Development in Conservation Areas)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

The main determining issues in relation to this application relate to:

- Street scene, design and impact on the Conservation Area;
- Amenity considerations; and
- Highway safety

Street scene and design and impact on the Conservation Area;

The site lies within an urban area of Rochester where the principle of extensions to existing properties is generally acceptable, subject to the development being of appropriate scale and design and acceptable in terms of its relationship with its surroundings.

The proposed extension is sited to the side of the building and therefore it will be visible from the street. In terms of design the extension is considered to be in keeping with the site in terms of scale and proportion. The pitched roof design will also complement the building and the conservation area. Due to the mix in the design of the dwellings and premises in the street and the fact that the development is of a complementary design it is not considered that the extension proposed would cause any detrimental harm to the street scene or conservation area within which it lies. Indeed this development will make less of an impact that the previously approved conservatory development and is acceptable, subject to appropriate materials being used in this conservation area location.

Bearing all of the above in mind, the proposal is considered acceptable and in accordance with policies QL1 and QL6 of the Kent and Medway Structure Plan 2006 and policies BNE1 and BNE12 of the Medway Local Plan 2003.

Amenity Considerations

The proposed extension is to be sited on the south side of the premises and is located in a position that is sited away from any neighbouring dwellings or premises. Furthermore, due to the sites elevated position above St. Margaret's Street and its general relationship to the surrounding area it is not considered that the siting of the extension or the positioning of the windows within it would cause any detrimental impacts to the outlook, daylight, sunlight, privacy or general enjoyment of any of the neighbouring buildings.

Therefore the proposal is considered acceptable in terms of amenity considerations and is in accord with policy QL1 of the Kent and Medway Structure Plan 2006 and policy BNE2 of the Medway Local Plan 2003.

Highways

The proposal will not lead to the reduction in the amount of off road parking available to the building and the applicants have stated that the works will not result in any increase in the numbers of children at the school, which is currently restricted by planning condition to no more than 35 children attending the children's day nursery. Additionally it is noted that the hours of operation of the children's day nursery is restricted to 08:30hrs – 15:15hrs Monday to Friday (inclusive) and at no time on Saturdays, Sundays or Bank Holidays. Should Members be minded to approve this application an informative reminding the applicant of these conditions will be added to the decision notice.

Bearing in mind the above, this development is unlikely to result in an increase in existing vehicular or pedestrian activity over and above that which already occurs and this being the case this proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Medway Local Plan 2003.

Conclusion and reasons for approval

The proposed application for the side extension will not detract from the appearance and character of the streetscene or the conservation area within which it lies. Due to its location and relationship with neighbouring properties it will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. In addition to the above the development is unlikely to result in an increase in vehicular or pedestrian activity. The proposal therefore accords with the provision of Policy QL1, QL6 and TP19 of the Structure Plan and Policies BNE1, BNE2, BNE12, BNE214 and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

[This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to a request from Cllr Baker so that Members can consider the conservation issues involved]

6 MC2006/2168

Date Received: 7th December 2006

Location: Land rear of 18 Broom Hill Road Strood Rochester ME2 3LE

Proposal: Construction of a chalet bungalow with conservatory

Applicant: Mrs E J Chitty 185 Allington Drive Strood Rochester Kent ME2 3TD

Agent:

Ward: Strood North

Recommendation - Approval with Conditions

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

2 No development shall take place 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.

3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

4 The dwelling hereby approved shall not be occupied until space has been laid out within the site for car parking in accordance with the submitted block plan hereby approved.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 Classes A-H (Inclusive) of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

6 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Local Planning Authority prior to first occupation of the development hereby permitted.

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

Site Description

The application site is located to the side of Broom Hill Road and has a frontage of some 34 metres to that road. The road rises from the south to the north whilst the application site drops in level from south to north due to its former use as a chalk quarry. This activity no longer takes place and the area as a whole is described on Ordinance Survey as a 'disused pit'. Indeed many of the cliff faces have become overgrown with ivy and other such vegetation. The site currently appears to form part of the gardens/grounds of 18 Broom Hill Road and is located some 28 metres from the rear elevation of that property. The application site lies between the public highway (Broom Hill Road) and the existing driveway that serves the garages and vehicular access for No 18. The garden of No 18 consists of trees, garden shrubs and hedging. Additionally, there are a number of outbuildings (garage blocks) within this former quarry area. The boundaries of the area specifically related to the application site comprise fruit frees, shrubs and hedging.

In terms of the immediately surrounding area, the built environment is a typical mix of houses and bungalows, of both a detached and semi detached nature. Due to the gradient of the land and its former use many of these dwellings are on higher ground level and a reasonable distance away.

Proposal

The application seeks full planning permission for the erection of a two bed chalet bungalow with attached conservatory, together with access from Broom Hill Road, hard standing area for 2 cars and a driveway with turning area. The submitted block plan indicates that the front of the chalet bungalow will face south, with the rear elevation facing north into the former quarry and quarry cliff face beyond. Broom Hill Road will be located to the west and will rise in relation to the property as you move from the south to the north.

The chalet bungalow is of a typical design with the eaves measuring, at its deepest point, some 3.5 metres above the ground level and some 6.5 metres, at its deepest point, to ridge level. Excluding the roof overhang, the property will measure some 9.45 metres in length by 7.2 in depth. The roof of the chalet bungalow will be gabled to the east facing elevation whilst to the west facing elevation, which faces Broom Hill Road, it will be a half hipped gable. Two pitched roof dormers are to be located in both the front (south) and rear (north) roof slopes and these will serve the two bedrooms on the first floor. In addition to the main form of the property as described above, the applicant is proposing a conservatory that measures 4.5 metres in depth and project 2.4 metres from the proposed dwelling. The conservatory will be centrally placed on the east facing elevation.

Materials have been indicated as red brick with barn black weatherboarding above and Rosemary plain terracotta roof tiles. The proposed materials to the dormers are unclear, as are the proposed materials to the plinth.

The access to the site is located in its south western corner from Broom Hill Road just to the rear of the existing garage which serves 18 Broom Hill Road. Whilst there is a change in ground levels between the site, which is lower, and the adjoining road access can be

achieved with some regrading in this location. No hard surfacing details to the drive, turning area, access or hardstandings have been provided.

Finally the applicant has indicated the positioning of a cesspool that will be placed on the southern boundary adjoining the proposed turning head located within the site. No other details of the cesspool have been provided.

Site Area/Density

Site area: 0.054ha (0.1.33 acres)
Site Density: 18.51 dph (7.52 dpa)

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of: 17-23 (odds) 27-31 (odds), 18 and 64 Broom Hill Road.

One email has been received raising the following objections to the application:

- Road safety issues due to the development being constructed in the back of an existing dwelling at a point close to an existing access where it is difficult to pass and close to a blind corner to Gorse Road.
- The development will encourage parking on the public highway close to the blind corner, obscuring traffic and creating an accident black spot

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1 Quality of Development and Design
Policy HP4 Quality and Density of Development
Policy T19 Vehicle Parking Standards

Medway Local Plan 2003

Policy BNE1 General Principles for Built Development
Policy BNE2 Amenity Protection
Policy H4 Housing in Urban Areas
Policy H5 High Density Housing
Policy T1 Impact of Development
Policy T2 Access to the Highway
Policy T13 Vehicle Parking Standards

Medway Core Strategy Development Plan (Submission Document) August 2006

Policy CS01 Sustainable Development
Policy CS02 Overall Spatial Strategy
Policy CS03 Quality and Sustainable Design

Medway Housing and Mixed Use Development Plan (Submission Document) August 2006

Policy HMU04 Housing Design and Density

Planning Appraisal

The site lies within the recognised urban area of Medway in the adopted Local Plan and in a predominantly residential area. The principle of infill residential development is therefore acceptable within the terms of the Medway Local Plan (Policy H4). Furthermore, the site forms part of a larger former chalk quarry within an urban environment and is previously development land as defined within emerging national planning guidance (PPS3: Housing) Bearing the above two points in mind this development is considered to be acceptable in general principle and accords with the ethos of emerging national planning guidance.

Density and Character

It is clear that in achieving the best use of urban land regard has to be had to density as well as design. The Government has previously given a clear guide as to the density to which sites should be developed. However, in the emerging Government advice it has been made quite clear that Local Planning Authorities should not use a national indicative minimum (or conversely maximum) to guide policy development and decision-making, until local density policies are in place. However, where densities below 30 dwellings per hectare this needs to be justified.

The proposed layout of the site conforms to the characteristics of the area which has reasonably sized dwellings on reasonably sized plots. The proposed development also broadly conforms with the emerging spatial strategy in the emerging Local Development Framework documents (LDF). Whilst the density is low at 18.51 dwellings per hectare, in this instance bearing in mind the nature of the surrounding area the development is considered to be acceptable in terms of Policy HP4 of the Structure Plan and policy H4 of the Medway Local Plan. The development is an effective use of previously development land whilst still being in character with the densities for prevailing housing within the vicinity, and maintaining sufficient garden space and distance from surrounding housing.

Design and Amenity

Due to the shape, gradient and position of the site, the design of the development does inevitably differ from the pattern of adjoining housing. However, the proposed design does not form a conspicuous or harmful feature on the local townscape. The presence of planting along the boundary with Broom Hill Road and the fact that the quarry walls are located beyond the rear of the development to the north does obviate any effect on visual amenities. The proposed layout and design demonstrates that adequate distances from neighbouring property are being achieved which avoid any un-neighbourly impacts on their amenities from any light loss, intrusion upon aspect or overlooking. Adequate distances exist (as defined within Kent Design) to ensure that no harm to amenity arise, and the development fits in with the character and appearance of this attractive area and the streetscene in general. Bearing all of the above in mind this aspect of the development is considered to be acceptable within the terms of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policies H4, BNE1 and BNE2 of the Medway Local Plan.

Highways Issues

In regard to parking and traffic matters, the development proposes an on site parking provision of 2 off street parking spaces, a drive and a turning facility within the development site. The Councils maxima standard in areas of good public transport access is 1.5 spaces

per unit and therefore this development more than adequately complies with the adopted standard and Governments advice on such matter.

In terms of the access point onto the public highway this is from an point which has good sightlines and this being the case the egress point together with the off street parking and turning arrangements are considered to be acceptable within the terms of T19 of the Kent and Medway Structure Plan 2006 and Policies T1, T2 and T13 of the Medway Local Plan.

Conclusion and recommendation

The proposed development is considered to be acceptable in terms of the effect of the development on the character and appearance of the surrounding streetscene and is comparable to the density of surrounding plots. The development has adequate privacy distances to avoid any adverse impact on amenity and will have no impact in terms of loss of light, outlook or privacy in relation to existing properties in the area. Access, egress and parking within the site are all considered to be acceptable. Bearing all of the above in mind this development is considered to be acceptable in terms of adopted Development Plan policy terms and the application is recommended accordingly.

[The applicant is a Member of the Council and as such determination by the Members of the Development Control Committee of the Council is required.]
