

PLANNING APPLICATIONS FOR 2 JANUARY 2008

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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 MC2007/0014

Date Received: 15th December 2006

Location: Kingsnorth Power Station, Kingsnorth, Hoo St. Werburgh, Rochester, Kent

Proposal: Application for deemed planning permission under Section 90(2) of The Town and Country Planning Act 1990 for construction of two advanced supercritical (ASC) coal-fired generating units (demolition of power station)

Applicant: Mr A Smith E.ON UK Plc Westwood Way Westwood Business Park Coventry CV4 8LG

Agent:

Ward: Peninsula

Recommendation - The First Secretary of State for Business, Enterprise and Regulatory Reform be advised that Medway Council raises no objection to deemed planning permission being granted for the construction of two replacement Advanced Supercritical (ASC) coal fired generating units together with ancillary infrastructure adjacent to the existing subcritical coal fired power station at Kingsnorth.

subject to the following:

A) The conclusion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure:

- i) A financial contribution of £140,500 towards safety improvements on Ropers Lane and Stoke Road;
- ii) A financial contribution of £15,000 towards technical appraisals and capacity improvements to Four Elms Roundabout
- iii) a financial contribution of £1,000,000 towards safety and capacity improvements on the A228 between the Ropers Lane Roundabout and Grain.
- iv) The installation of the necessary plant and pipework to ensure that A) the power station can supply heat through Combined Heat and Power (CHP) to a district heating system to ensure that fuel is used more efficiently by capturing and using heat and generating electricity in a single process; and B) the necessary plant and pipework is ready for use, within a reasonable period.

B) The imposition of conditions covering the following subject headings, with the full wording to be agreed between the first Secretary of State for Business, Enterprise and Regulatory Reform, the applicant and by the Director of Medway Council's Regeneration and Development under the Council's delegated authority:

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

- 2 Details of the siting, design, external appearance (including colour, materials and surface finishes) and dimensions for any new buildings and structures associated with the proposed development.
- 3 Details of the on-site landscaping works, including a specification of the plant types, sizes and numbers to be used and a programme for the implementation of the approved planting scheme and its maintenance thereafter.
- 4 Details, for the written approval by the Local Planning Authority, of a Code of Construction Practice and Environmental Management Plan. The Code of Construction Practice must cover the control of: noise and vibration; working hours; dust minimisation; access point locations; wheel cleaning/chassis cleaning facilities; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; waste disposal arrangements; pollution incident control; site illumination; and the location of construction compounds/laydown areas and offices, during the construction period for the proposed development. The Environmental Management Plan must cover disturbance from activity from a large-scale construction project of this type on the adjacent designated sites through release of contaminants to air and water and incorporated best practice measures for pollution prevention. The details submitted pursuant to the requirements of this condition shall include details of the arrangements to be made for the removal of all temporary buildings, structures and ancillary works connected with the construction of the development.
- 5 Undertaking of the mitigation measures designed to safeguard the presence of birds during the construction and operational phases of the proposed development as recommended in the Environmental Statement, the additional Supplementary Environmental Information and as recommended by the Royal Society for the Protection of Birds (RSPB) and English Nature in their letter dated 20 August 2007.
- 6 Undertaking of the mitigation measures designed to safeguard the presence of water voles during the construction and operational phases of the proposed development as recommended in the Environmental Statement, the additional Supplementary Environmental Information and as recommended by Natural England and the Environment Agency.
- 7 Undertaking of the mitigation measures designed to safeguard the presence of reptiles during the construction and operational phases of the proposed development, including the creation of the Environmental Mitigation Area, as recommended in the Environmental Statement, the additional Supplementary Environmental Information and as recommended by Natural England.
- 8 Submission of details, for the written approval by the Local Planning Authority, of a scheme for the implementation of an on-site programme of archaeological work in accordance with the recommended mitigation measures and strategies in the Environmental Statement, the additional Supplementary Environmental Information and as recommended by the County Archaeological Officer.
- 9 Submission of details, prior to the commencement of the development, of an investigation to determine the nature and extent of any contamination. Any surveys shall be undertaken at such points and to such depths as the local planning authority may stipulate. 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 in writing within two months of the investigation being undertaken for the approval of the Local Planning Authority. 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 submitted to the Authority prior to the first occupation of the development hereby permitted.

- 10 Submission of details, for the written approval by the Local Planning Authority prior to commencement of development, specifying a scheme for the transportation of construction staff to and from the site and identifying measures for the reduction of motor vehicle traffic generation during the construction period. The approved scheme shall remain in operation throughout the period of the construction of the development.
- 11 Submission of details, for the written approval by the Local Planning Authority prior to commencement of development, of the site access, vehicular circulation roads, hard standings, turning facilities, loading and unloading facilities and the layout of the parking area, including provision for overspill parking. The approved scheme shall remain in operation throughout the period of the construction of the development
- 12 Prior to first use of the development, details to include a timetable and methodology for the monitoring of operational noise arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The programme of monitoring shall be implemented in accordance with the approved details.
- 13 Prior to first use of the development, details of the methodology for reporting emergency circumstances when operational noise limits are exceeded shall be submitted to and approved in writing by the Local Planning Authority. Reporting of such circumstances shall be undertaken in accordance with the approved details..
- 14 Prior to first use of the development, details of a noise complaint procedure shall be submitted to and approved in writing by the Local Planning Authority. The procedure shall be implemented in accordance with the approved details.
- 15 15 Submission of details, for the written approval by the Local Planning Authority, concerning the decommissioning and demolition of the existing power station, its stack and any other ancillary infrastructure and/or building(s) related to the current power station building which is no longer required for operational purposes.
- 16 16 The noise rating level (LAr,Tr) associated with the development site shall not exceed the levels described at Table 3.8.16 of the Environmental Statement dated June 2006. The noise levels shall be determined at the locations described in the table or at such other locations that may be agreed in writing with the local planning authority. All measurements and assessments shall be defined and derived in accordance with BS4142: 1997.

- 17 An acoustic assessment of compliance with condition 16 shall be submitted to the local planning authority no later than three months after commissioning of each phase of the development hereby permitted. Any provisions which need to be made to control noise emanating from the site pursuant to condition 16 shall be submitted in writing for the approval of the Local Planning Authority. All works which form part of the approved scheme shall be completed within six months of the date of approval.
- 18 An acoustic assessment to determine the impact of low frequency noise arising from the development site shall be submitted to the local planning. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed within six months of the date of approval.
- 19 Construction works including piling, dredging and other similar noise and vibration causing activities, related to works on the Longreach Jetty shall not take place during the period 1 November and the last day in February inclusive, with less intensive works in October and March in accordance with the requirements of the RSPB and Natural England's letter of the 20 August 2007.
- 20 Prior to the commencement of the development a Flood Risk Assessment which takes into account of a design horizon of 2115 and contains appropriate mitigation measures, including: A) the raising of the main site access road, were it forms part of the bund, to a height to be agreed with the Environment Agency and B) the implementation of a suitable maintenance regime to ensure that continuing animal activity within the site does not adversely affect the structural integrity of the defences, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The subsequently approved Flood Risk Assessment mitigation measures shall be implemented prior to the first use of the development and thereafter maintained.
- 21 Any work to the existing wharfage areas should ensure that the wharf remains within the work proposed enhancing and providing flexibility to the use of the wharf.
- 22 During the construction of the facility the applicants shall make provision for the inclusion for training local workforce in relation to the construction and for local job brokerage.
- 23 The details related to the siting and dimensions for any new buildings and structures pursuant to condition (2) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency and the operator of the neighbouring power station know as Damhead Creek) to ensure that the proposed development does not disrupt the disruption of emissions from the adjoining Damhead Creek power station and cause a consequential negative impact on air quality. The details submitted and subsequently approved shall be fully implemented prior to the development becoming operational and shall thereafter be maintained.

For the reasons for this recommendation that no objection be raised please see Planning Appraisal section and conclusions at the end of this report

Site Description

Kingsnorth power station is located within an allocated employment area as defined by the Medway Local Plan 2003. It lies on land on the north shore of the Medway Estuary and prior to the construction of the power station, by the Central Electricity Generating Board (CEGB) in the late 1960s and early 1970, the land upon which it was erected was low-lying marshland used as grazing marsh. The power station landholding is presently in the region of 400 hectares (ha) of which approximately 70% (280 ha) is designated as operational land.

Kingsnorth power station comprised 4 subcritical coal fired boiler units and turbines each capable of generating 485 megawatts (MW). Each turbine is directly cooled using water abstracted from and discharged back to the River Medway. The station required extensive piling for foundation purposes, with other ancillary works, including the construction of the Long Reach and Oakham Ness jetties. Longreach Jetty was modified during the early 1990s to accommodate improvements in the coal conveying plant.

The red line area for this Section 36 consent covers the majority of the landholding owned by the applicant at its Kingsnorth facility, albeit that the application proposals only affects land within the operational land at Kingsnorth, with the exception of a small area of land to the north of the site beyond Damhead Creek power station. The new built development would be located to the north of the existing power station which it is intended to decommission and demolish. The site of the proposed power station a total area of 14 ha (approximately 34 acres), which is generally flat and has an industrialised character, when viewed from within the site, due to the height, nature and general appearance of the surrounding buildings and their use.

Road access to Kingsnorth power station is via the A228 and a local road (Roper's Lane) leading to the main site access road. Coal and other supplies are brought into the site using the deep water jetties, but there is also road traffic associated with vehicles coming and going from the site. These vehicles range from private cars, delivery vehicles and collection vehicles (i.e collection of Pulverised Fuel Ash (PFA)).

The power station complex and lands are bordered on three sides by areas designated as Special Protection Areas (SPAs) and Ramsar sites, with only the northern boundary of the site free of this status, where it adjoins Damhead Creek power station to the north-west and Kingsnorth Industrial Estate to the north east.

The existing main power station buildings and operational areas are located generally in the southern and western areas of E.ON UK's Kingsnorth land holding and the coal stockyard, the oil storage tanks and the ash lagoons are located to the east of the main station complex. Roper's Lane and the main station access road are located to the north and the north-west of the site. The land is basically low lying and flat, situated directly adjacent to the north shore of the River Medway from which the existing power station abstracts cooling water. The condenser cooling water (CW) is subsequently discharged from the site via Damhead Creek. The site is protected by a flood barrier running along the site perimeter, behind which is a purpose made drainage channel to further negate the risk of flooding.

The Long Reach jetty projects into the River Medway, south of the main station complex and the coal stockyard. The site for the proposed new units is located immediately adjacent to the north of the main power station buildings, and is bounded by the flood protection boundary and Damhead Creek power station to the north, Damhead Creek and the SPA to the east, and the existing station to the south.

Proposal

The applicant is seeking consent from the First Secretary of State for Business, Enterprise and Regulatory Reform, under the provisions of Section 36 of the Electricity Act 1989, to construct two replacement Advanced Supercritical (ASC) coal fired generating units together with ancillary infrastructure. Under this process the applicants are also seeking deemed planning permission for this scheme from the First Secretary of State under the provisions of Section 90 of the Town and Country Planning Act 1990. The new power station would be within the existing Kingsnorth power station complex.

The proposed new power plant will consist of two 800MW generating units, which will each include a supercritical boiler and steam turbine, housed in separate buildings. The plant dimensions will depend on the contractor finally chosen and this is part of the normal design and build process. The boiler house dimensions are expected to be around 64m wide, 66m long and 110m high and the turbine house dimensions around 37m wide, 47m long and 63m high. Each generating unit will discharge its flue gas through a chimney stack, which is expected to be around 198m high, the same as the existing stack height. The exact height will be determined by emissions modeling when specific plant design parameters are available, ensuring that permitted ground level concentrations are not exceeded. Silos for limestone, gypsum and temporary ash storage will also be located on site; they are expected to be approximately 35m high. The units are expected to be located in a side-by-side configuration. The applicants have submitted an indicative layout arrangement of the new units.

The proposed station will also require a desalination plant to provide make-up water to the boilers; the desalination plant will also require two water storage tanks. The dimensions of the desalination plant are expected to be 20m wide, 30m long and 10m high, the dimensions of the tanks are expected to be 22m diameter and 16m high.

Further water storage will also be required for a supply of townswater for potential fire fighting purposes; the storage tank is expected to be 10m diameter and 15m high.

Two 50 MW oil-fired, gas turbines (GTs) are also proposed to be built on the site to enable the super-critical coal-fired plant to be started in the event that it should become isolated from the grid. This black-start provision is an important part of preserving security of supply and replaces that provided by the existing gas turbine units. The GT buildings are expected to be around 15m wide 17m long and 11m high, with stacks of approximately 40m high. The GTs will be fed oil from storage tanks on site, which will be approximately 22m in diameter and 16m high.

- The ASC coal-fired generating plant will also be fitted with flue gas cleaning equipment in line with current legislation, which will consist of:
- Selective Catalytic Reduction (SCR) for removal of oxides of nitrogen

- Electrostatic precipitators (ESPs) for removal of pulverised fuel ash (pfa or particulates). The ash is stored temporarily in silos on site, before being sold and removed from site by tanker.
- Flue Gas Desulphurisation (FGD) for the removal of oxides of sulphur.

In addition to the above works suitable foundations will need to be laid and temporary contractors' work areas and laydown areas will need to be provided. In terms of the temporary laydown areas these would be approximately equal in area to that of the final development. These areas are necessary for the purposes of fabrication, storage and site facilities such as contractors' accommodation, etc. during the construction period.

The laydown areas will be located as close to the site as practically possible. Other suitable land for potential use during the construction phase has been identified, just north of the existing site boundary. All of the required land is included within the Section 36 Application Area.

The applicant has submitted that the objectives in power generation are:

- Maximising efficiency (the ratio of electrical energy output to the fuel energy input)
- Minimising emissions
- Balancing environmental advantages and disadvantages

The applicant has further submitted that an ASC coal-fired generating plant offers higher efficiencies and lower emissions, as compared to a typical sub-critical plant like the existing Kingsnorth power station. The applicants have also advised that all of the existing coal-fired power stations in the UK, including the existing units at Kingsnorth, are of sub-critical design and achieve efficiencies of 35-38% depending upon their age and specific design. Where the CW is directly abstracted and discharged to an estuary (as at Kingsnorth) the efficiency is towards the top end of the range, but is unlikely to exceed 37%, especially in plant, which has seen extensive operation. However a typical ASC pulverised fuel coal plant can offer efficiencies of 45% and can be as high as 47%, if sea water cooling is employed, as is proposed in this case. This efficiency can be further increased using Combined Heat and Power (CHP) technologies.

The applicants are proposing an ASC coal fired plant in this location with a view to maintaining security and diversity of energy supplies to UK homes and business whilst attempting to meet their responsibilities under the Large Combustion Plant Directive (LCPD). The Government is seeking to ensure a diversity of supply due to the fact that the UK is becoming increasingly reliant on imported gas supplies. The applicants argue that coal still plays a significant role in maintaining security of supply and generating capacity in the UK. There are a number of large, evenly distributed, easily extracted coal supplies which provide a low priced stable market for this fuel, but it is realised that it can only contribute to power generation if techniques are used to lower its environmental impact in terms of emissions.

A design and build construction contract will be used to implement this project and at this time it is envisaged that the maximum number of contractor's staff on site at the peak construction period at any one time will be 3309 at September 2010. The workforce will build up to this maximum and then reduce. Clearly the number of contractors on site will be subject to availability and the developer appointed by the applicant. It is expected that once construction works commence it will take approximately 4 years to commission with construction to commence in March 2008 subject to all permissions/licences being granted.

The applicant is required to apply not only for deemed planning permission to construct the power station, but is also required to apply for a licence to operate it. This is called a Pollution Prevention and Control (PPC) licence and is granted, regulated and monitored by the Environment Agency (EA).

Relevant Planning History

- | | |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 74/0566 | Construction of Kingsnorth 'B' Power Station - Kingsnorth Power Station, Hoo St Werburgh
Approved |
| 74/0610 | 4 x 150 ft. high floodlighting towers for coal stockyard - Kingsnorth Power Station, Hoo St Werburgh
Approved 19 February 1975 |
| 76/539 | Fuel oil transfer pump house, auxiliary boiler, house and light fuel oil storage tank - Kingsnorth Power Station, Hoo St Werburgh
Approved 10 October 1976 |
| 77/7 | Erection of an additional dust bunker - Kingsnorth Power Station, Hoo St Werburgh
Approved 12 September 1977 |
| 79/32 | Erection of heavy stores building – Land adjoining Kingsnorth Power Station, Hoo St Werburgh
Approved 1 March 1979 |
| 80/1037 | Construction of power station ash classification plant - Kingsnorth Power Station, Hoo St Werburgh
Approved 17 March 1981 |
| 87/461 | Trial pits forming part of site investigation for, possible future coal-fired power station, development - Land adjoining Kingsnorth Power Station, Hoo St Werburgh
Approved 11 August 1987 |
| 88/400 | Proposed trial pits forming part of site, investigations for possible future coal-fired, power station - Land adjoining Kingsnorth Power Station, Hoo St Werburgh
Approved 5 July 1988 |
| 88/629 | Proposed erection of switchgear re-conditioning building - Kingsnorth Power Station, Hoo St Werburgh
Approved 5 July 1988 |
| 89/0568 | Extensions to existing coal handling facilities - Land adjoining, Kingsnorth Power Station, Hoo St Werburgh
Approved 27 June 1989. |

- 90/0569 Erection of a staff amenities block - Kingsnorth Power Station, Hoo St Werburgh
Approved 27 July 1990
- 97/0799 Construction of new access road to serve proposed power station - Land North of Kingsnorth Industrial Estate Hoo St. Werburgh
Approved 24 December 1997
- MC2001/0038 Installation of ESP equipment - Kingsnorth Power Station, Hoo St. Werburgh
Approved 19 March 2001
- MC2001/2118 Construction of a single storey extension to existing offices - Kingsnorth Power Station, Hoo St. Werburgh
Approved 4 February 2002
- MC2002/0297 Erection of a 25 metres high mast lighting tower at the PFA storage facility - Kingsnorth Power Station, Hoo St. Werburgh
Approved 11 June 2002
- MC2003/0756 Construction of storage building, fuel mill building and two storage silos for the storage and processing of biomass fuels - Kingsnorth Power Station, Hoo St Werburgh
Approved 19 May 2003
- MC2003/1843 Application for deemed planning permission under Section 90 of The Town and Country Planning Act 1990 for installation of FGD plant - Kingsnorth Power Station, Hoo St. Werburgh
No decision registered on the system.
- MC2004/1562 Construction of a storage building (revision to building details consented under file reference MC2003/0756) - Kingsnorth Power Station, Hoo St Werburgh
Approved 27 September 2004
- MC2005/0381 Construction of biomass storage silo and associated loading facility - Kingsnorth Power Station, Hoo St Werburgh
Approved 15 April 2005
- MC2006/0548 Construction of silos for use as ash handling/storage facility Kingsnorth Power Station, Hoo St. Werburgh
Approved 15 June 2006
- MC2006/1081 Town and Country Planning (EIA) Regulations 1999 - request for a scoping opinion for the contents of an ES to be submitted with an application for construction of a biomass-fired renewable energy plant - Kingsnorth Power Station, Hoo St Werburgh
Scoping opinion EIA required

- MC2006/1863 Town and Country Planning (EIA) Regulations 1999 - request for a scoping opinion for the contents of an ES to be submitted with an application for construction of two ASC coal-fired generating units - Kingsnorth Power Station, Kingsnorth
Scoping opinion EIA required
- MC2006/2213 Town and Country Planning (EIA) Regulations 1999 - request for a scoping opinion for the contents of an ES to be submitted with an application for the extension of the existing power station to generate an additional 950 mw of power - Damhead Creek Power Station, Kingsnorth
Scoping opinion EIA required
- MC2007/0427 Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 1999 for a screening opinion to determine the need for an Environmental Statement (ES) to accompany a planning application for the construction of approximately 260,000 square metres of B1/B2/B8 floor space with associated landscaping, access and car parking - Land at Kingsnorth, Isle of Grain
Screening opinion EIA required
- MC2007/1070 Consultation under Circular 14/90 for the installation of overhead electricity lines - Within Kingsnorth Power Station Complex, Hoo St. Werburgh
Approved 8 August 2007
- MC2007/1136 Construction of a 9m high fire wall and 7m high height barrier - Within Kingsnorth Power Station Complex, Hoo St. Werburgh
Approved 28 August 2007

Representations

Consultations have been undertaken with Southend Borough Council; Swale Borough Council; the Environment Agency (EA); Natural England; the Health and Safety Executive; English Heritage; High Halstow Parish Council; Hoo St. Werburgh Parish Council; Stoke Parish Council; The Civil Aviation Authority (CAA); London Southend Airport; the Royal Society for the Protection of Birds (RSPB); the Kent Wildlife Trust; and the County Archaeological Officer.

Neighbour notification letters have been sent to the owners and occupiers of:

Stoke Road: Beluncle Bungalow; Beluncle Farm; Beluncle House; Beluncle Lodge; 1-3 (inclusive) Beluncle Farm Cottages; 1-5 (inclusive) Beluncle Villas.

Damhead Creek Power Station and Grosvenor House Group.

Kingsnorth Industrial Estate: MED Management Ltd (Unit 8); At Cost Builders Merchants; Barty and Son Building Ltd; Bristol Oil and Mineral; The Gate House; H&S Contractors (Swanley) Ltd; K&N Welding; KT Tank Services; Alpha Bulk Powders Ltd; Aquaseal; Kingsnorth; Phoenix Paper Products; Saturn Chemicals; Shutdown Maintenance Services; Tanker Waste Ltd; Taylor Long Transport; Thames Global Engineering Co; Tip Ltd; Trojan Engineering; Ultrashot Blast; Unit 7; Unit 10; Unit 15; Units 16 & 18; Unit 19; Unit 24; Winters Recovery Services; Orion Plan Ltd; Waste Oil Southern Ltd; Wild Transport; Wiltech Engineering Ltd;

In addition to the above, it should be noted that E.ON have undertaken a significant amount of community consultation prior to and during the current application being submitted. This includes public meetings, mail shots to all residents on the Peninsula, Member presentations, news letters, free phone contact number, etc.

Statutory and Non-statutory Consultee Responses

The CAA has written advising that they do not comment on planning applications or EIA unless their own property is affected or wind turbines are involved. However, they have reminded the Council of the procedures and obligations relevant to aviation safeguarding and advised that developments involving high structures (those over 90 metres or more) should be discussed with the Directorate of Airspace policy.

Swale Borough Council have made the following comment in relation to this application:

"Sustainability

Swale Borough Council would question the sustainability of replacing an existing inefficient means of producing electricity with a further (albeit improved) inefficient means of producing electricity still using coal. Whilst issues relating to the make up of future energy provision for the region are a matter for other authorities, Swale Borough Council considers the continued utilisation of coal as a means of producing energy to be inefficient, unsustainable and harmful to the environment.

Pollution

It is noted that the proposed power station would represent an improvement over the existing in respect of the pollutants produced. In particular, the means of reducing emissions of sulphur dioxide, nitrogen dioxide and particulate matter are welcomed. The Council notes that the Environment Agency would be the principal regulators of emissions from the site under the IPPC permit scheme. In respect of impact on the residential amenities of residents within Swale, the Council does not wish to raise objection.

The Council remains concerned though that the replacement of a polluting power plant with a less but still significantly polluting power plant is unsustainable in the longer term.

In respect of noise pollution, the Borough Council notes that significant noise pollution harmful to the residential amenities of residents of Swale is unlikely. The Council notes the contents of condition (12) (timetable and methodology for the monitoring of operational noise) of the Committee report, and would request that consideration is given to appropriate locations within Swale, (possibly Ham Green, Wetham Green and the area around Otterham Quay Lane) as noise monitoring locations.

In addition, the Council is concerned that the noise generated by the proposals may have a detrimental impact on the leisure use of the Medway Estuary.

Visual Impact

With regard to the visual impact of the proposed power station, the Council would state that, providing the existing power station is removed within two years from the date of the completion of the proposed power station, no objection is raised in respect of visual impact..."

Southend on Sea Borough Council - No response has been received

Hoo St Werbergh Parish Council – have made the following summarised comments on this application:

Hoo St Werburgh Parish Council note that the two 800 MW coal-fired units (units 5 & 6) are of the most modern high efficiency supercritical design. They also note that the design as stated is to ensure greater energy efficiency whilst reducing CO₂ emissions by around 20% together with other associated emissions produced by the process of coal-fired generation using the new and improved technologies now available. They advise that at first glance this proposal looks to be an improvement to the 40-year-old outdated and outmoded electricity generating plant. However, they do not consider that the application can be judged in isolation and that regard has to be had to the consents procedure and the planning framework, including Regional Planning Guidance (RPG) 9, RPG9A, The Kent and Medway Structure Plan 2006 and the Medway Local Plan 2003. They also consider that the application for the replacement of an existing coal-fired Power Station needs to be considered in relation to the two other electricity generating projects coming on stream within the Hoo Peninsula, one adjacent to the present application at Kingsnorth (Damhead Creek Phase II - gas) and the other, a replacement oil-fired Power Station at Grain, all three of which would be under construction (permission granted) simultaneously. Furthermore the Parish Council considers that these installations could also be concurrent with the continuing development of the Grain LNG Terminal and the Thamesport Container Depot.

Of specific concern Hoo St Werburgh Parish Council highlight the following summarised concerns:

- With a local labour workforce shortfall and that in the short to medium term the availability of unskilled and semi-skilled construction workers required for this site and to other projects taking place simultaneously on the Hoo Peninsula. The Parish Council are concerned that a significant number of migrant workers will be attracted to the area. The Parish Council raise concerns related to the potential problems that could arise by such an influx of migrant workers
- by-product of the improved processes are the creation/conversion of coal and catalyst products (limestone) into ash and gypsum.
- E.ON UK trades for coal on the European spot market and ships it in from Europe via its own Colliers. It is understood that UK Coal is not economically viable and is therefore not used. The design installation and operating life of these units will require continuity of supply until 2050.
- The Parish Council agree with E.ON UK's statement that a new unit design will be an improvement on the old, however any coal-fired generator can be a dirty and a relatively inefficient process to generating electricity. An efficiency of 45%, a poor return on fuel consumption (coal) compared to other methods of fuel type. Carbon Capture and Storage (CCS) when it is available will only change this at the margins. It seeks to cover the high carbon output by CCS of which this technology is neither demonstrated, authorised, nor as yet specified in any document. In our opinion the present E.ON UK proposal falls short of this requirement.

- The development introduces the potential for CCS and the Government has made reference to this technology in the 2007 budget stating, “a White Paper will be issued this year to specify the requirements and budget for a demonstrator project”. It is also noted that the UK government will also need to negotiate with the European Union (EU) to authorise such a process. Using the “*precautionary principle*” the Parish Council feels it would be imprudent to be committed to this proposed type of energy generation on this basis. The Parish Council note that on the 29th March 2007 it was announced that for the first time since 1997 CO₂ emissions rose by 1.2% and are now 2.7% mainly due to the drift from gas to coal for electricity generation. This increase is attributed to the increase in coal-fired Power Stations. This must therefore bring into an argument the strategy of increasing the provision of these types of units. We feel there is reasoned argument for providing a gas fuelled replacement generator at this site even though we are aware that the UK will become increasingly reliant on imported gas supplies as North Sea gas dwindles but to look at the present situation logically, supplying gas by pipeline from Grain LNG Terminal to the site does seem a rational solution. The overall carbon footprint of the redeveloped site would be considerably reduced with the significant reduction in emissions.
- During the operational period of these units, these levels will not be enhance the maintenance of high and stable levels of economic growth and employment. The proposal as it stands may be an improvement on the existing installation which was conceived in the 1960’s, however this region has moved on considerably since then and taking into account the proposals within the Thames Gateway Plan the significant increase to the local population with its emphasis on the Medway as a resource lacks imagination.
- Policy E7 of RPG9 requires Local Authorities should work with the Environment Agency and others to play a positive part in pollution control and encourage measures to improve air quality. The Parish Council would argue as to how a coal-fired Power Station can represent best practice for this area, as the possibility of CCS is only muted as a panacea for emissions.
- Policy T6 of RPG9 requires a fully integrated distribution should be promoted which makes the most efficient use of road, rail, inland waterways and coastal shipping. The proposal is to import coal and limestone by coastal shipping and export gypsum using the same method with ash going by road. These activities all carry a carbon footprint and a potential cost to the local area. This Parish Council would like to see the efficient use of the rail network system by all operatives and potential operatives of large and similar developments on the Hoo Peninsula.
- As Kingsnorth is within 7km of what will be one of the world’s largest LNG Terminals, LNG could be available by direct pipeline. As Kingsnorth is also only 1km away from the rail network system ecologically this would also make sound sense.
- Policy INF4 of RPG9 refers to renewable energy sources. With biomass at approximately 5% is currently co-fired at Kingsnorth. This is not premixed at source before shipment as was first thought but is delivered separately by road and then mixed on site. Although Biomass fuel as a renewable energy source can be co-fired at fossil fuelled power plants we believe that this should not be a principal reason in providing a replacement coal-fired installation at Kingsnorth.

- RPG9A recognises the increasing emphasis throughout the Thames Gateway on environmental improvement and the need to avoid prejudicing the principle development opportunities, make it likely that sites for “poor- neighbour” uses will become increasingly scarce. This document also points out that Grain and Kingsnorth are suitable to house such projects. The Parish Council acknowledges this guidance and has no reasoned objection to the positioning of a replacement-generating unit at Kingsnorth. The Parish Council also accepts that such a project will not have a significant impact in the long-term on local employment but we do accept that the demolition of the existing unit could offer scope for further uses, which could possibly be a potential for employment. The release of the area used for coal storage could further improve this facility. However RPG9A does not preclude improving the environment of this and the surrounding area, especially given the significant influx of new housing in Hoo encapsulated in this framework. The Parish Council points out that they would be opposed to any further power generating projects on this site.
- The River Medway is now regarded as an asset; the Dockyard has become an exclusive Maritime Residential Park providing expensive riverside properties and offices with the Kent University Campus now being firmly situated within the towns. Upnor and Chattenden are now larger residential areas. By 2020/2030 this will be even more so and we feel this is the time to take stock of what could be a major development on the river.
- The Parish Council are concerned with regard to Airborne emissions consisting of fumes, smoke, soot, ash, dust and grit which are felt to be particularly relevant to coal-fired generation. Although emissions are improved with present technology to units 5 & 6 they do not feel the improvement to stack emissions are adequate.
- The Parish Council consider that E.ON UK’s proposal fails to maximise the opportunity they have to enhance their property by reducing the impact that a new Power Station will have on the river environment and transport corridors, and therefore will not significantly improve the proposed areas.
- The Parish Council wishes to reserve their right to comment on the demolition of the present Power Station and issues of pollution control at the appropriate time.
- The Parish Council feels that coal burning on the scale envisaged will degrade the air quality and has continued to do so since the commissioning of ‘Kingsnorth’ in the 1960’s. There maybe an improvement to the relevant air quality standards, which may meet present requirements in relation to what is being proposed, and to what is being replaced, but we feel it is not the best option in a potential local population growth area and its possible imposition to health. It is also felt that any prevailing westerly winds may be unacceptable to residents residing in South Essex.
- It is noted that public access will remain unchanged but not improved.
- In terms of employment policy it is noted that E.ON UK own the site. However, the Parish Council feels that with the release of the coal storage area combined with unit 1-4 together would bring availability for alternative use for other industrial developments as defined in Policy S12 of the adopted Local Plan and could potentially enhance the employment opportunities for this area. Additionally it is noted that E.ON UK are of the opinion that no further road improvements are necessary and that the

road network is adequate during the construction period. In the opinion of the Parish Council given the circumstance surrounding a development of this magnitude they advise that Policy ED7 receives their full support. In relation to E.ON UK's assessment of policy ED8 the parish Council feel that this reply is at best subjective if the 'best practice available' choice is not made.

- The Parish Council feels that road traffic movement during the construction period will possibly be generated to a level unseen on the Peninsula by works traffic and private traffic especially when this traffic is taken in context with all other simultaneous developments within the local area and fully supports the stance of Policy T1 of the adopted Local Plan. They note the comments made in the ES at Para 3.7.2.3 Road Transport on page 168 to use "contractual means to minimise the number of cars & vans and to maximise the use of communal vehicles to transport staff to the proposed site". The Parish feel that this is a bold statement and state it is not clear how this will be enforced. We are of the opinion that road transport will be heavy and difficult to 'police' given the large number of sub-contractors who will be involved/employed on this type of project. The Parish Council considers that this application should not be singled out when referring to Policy TP15. We would suggest that an external agency e.g. the Department of the Transport collate and give guidance suggesting appropriate measures to reduce the effect of a potential increased risk of traffic incidents when regarding the overall picture of road transport surrounding large combined developments within a confined area.
- E.ON UK in their ES mention that there will be no material harm to important habitats or species, and propose appropriate mitigation measures. Their present proposal could well have an effect when continuing to use coal-fired generation at this time, in this location, in this format. This proposal as presented will continue to retain or even increase the ambient temperature of the Medway estuary from the location of the cooling system outfall and could do so infinitely, this at a time when concern is being expressed about a general rise in ambient water temperatures and its potential effects to the biodiversity systems within the UK. The release of the coal storage area and therefore access, with the possibility of improvement to the use of the River Medway could be achieved using an alternative fuel.
- The Parish advise that they are sure that any design and development proposal submitted by E.ON UK will be to the best available standards using all available technology even though it is felt that perhaps the whole concept is wrong, given the strategic conditions that they consider must be taken into account. They feel that the provision of a coal-fired unit in this area at this time maybe ill conceived, for the following reasons.
 - Coal-firing even with, the best available technology (BAT) is at present inefficient (45%), dirty and carries an inherent health risk.
 - It is felt that fuel such as coal should not be wasted in an inefficient manner.
 - We cannot mask an inefficient very high CO₂ emission system and make it acceptable by the possibility that a remedy solution, CCS, may become available tomorrow.
 - The character of the Medway Towns has changed radically over the past 40 years and with present trends, continuing to do so (at an accelerating rate).
 - We are generally more aware of our actions on the environment nationally, internationally and globally and our interaction with global climate change.

- For the first time in 10 years Government has announced a rise in the UK CO₂ emissions, due to the rise in coal-fired generation.
 - Kingsnorth is adjacent to what will be Europe's largest LNG terminal.
- An unacceptable impact on the quality or yield of Kent's watercourses is a policy statement that must be adhered to even though E.ON UK in their statement do not agree.
 - The Parish Council considers that if an alternative fuel (gas) were to be utilised, it could be channelled directly to site so making the transportation of coal, limestone, gypsum and ash not an issue. As the Hoo Peninsula is surrounded by water it seems rational that the predominant mode of transport during the construction period of this and all major development projects that 'hug' the shoreline on the Hoo Peninsula, should be moving towards an efficient and effective sea/river and rail transportation structure, with the local highway system being a part of an integrated transport plan.

In Conclusion Hoo St Werburgh Parish Councils state that they are aware that this proposal has been conceived in response to an E.ON UK strategic requirement based on the 'Large Combustion Plant Directive Legislation' that requires the existing generating plant to close by the year 2015. However, whilst welcoming E.ON UK's proposal to replace an existing outdated, outmoded, inefficient coal-fired unit with an environmentally eco-friendly version, this proposal has not given reasonable consideration to the possible effects emanating from continued CO₂ emissions of a 'Best Available Technology' (BAT) installation on the environment of Kent and Essex and of course more importantly to the local community.

The Parish Council are concerned that recent global environmental events are presenting many unanswered questions on CO₂ emissions and although E.ON UK believes that coal in particular can play a significant role in maintaining security of a more secure fuel-mix supply for its generating capacity in the UK, we feel that more emphasis could be made into the study of an alternative fuel supply for the next generation of electricity supply.

They advise that this proposal to site a replacement coal-fired Power Station at Kingsnorth in the Parish of Hoo using the 'Best Available Technology' (BAT), is untimely, and in today's environmental 'climate' cannot be entirely acceptable even though this proposed development may have a lower environmental impact than the one it precedes.

Grain Parish Council – No response received

High Halstow PC - have written in response to the Supplementary Environmental Information (SEI) submitted by the applicants. They advise that following discussions in regard to this application they would like to put forward the following comments for further review, as they do not consider the full facts are available at this time. They state that:

"In E.ON's ES, they make a great deal of reference to the neighbouring power station Damhead Creek within the noise measuring section. In the air quality section relating to air pollution from the process there is no mention of Damhead Creek and it does not appear that the emission of this power station have been taken into account within the air quality tables and drawings. As the air quality diagrams show most of the Hoo Peninsula, other power stations emission which also have not been taken into account are, E.ON's Grain power station and it's new 1200mw CCGT power station (presently under construction) and Scottish and Southern's Medway power station.

There is also a question mark over the dispersion characteristics of the neighbouring power station Damhead Creek due to the new units 5 and 6 being proposed. As the new units that are proposed are shown to be built right on the boundary of the neighbouring power station Damhead Creek, this may affect the emissions coming from their two stacks and could cause downwash of the pollutants. This could impact on the surrounding habitats which include special sites of scientific importance as well as the local communities and could well exceed the habitats directive on background emissions.

The application is also not clear on what is happening to the existing station. We assume that the existing power station would continue to run until the two new units were built and would request that a planning condition was entered that allowed the new units to be built and once operated the old station should be shutdown and demolished.

We would therefore request that this application should be deferred until this information has been submitted. Should the planning authority not feel it necessary then we would oppose the planning permission”.

Stoke Parish Council – No response received.

The Health and Safety Executive (HSE) has written advising that on the basis of the information provided and a search of their records that the proposed development is not located within the Consultation Zones, established for land use planning purposes, of any Notified Installations, existing notified pipelines, or nuclear sites.

The HSE has written in regard to the additional supplementary environmental information advising that they have no comments to make upon it.

The HSE Explosives Inspectorate – have written advising that having considered carefully the type and location of the proposed development has no objection to it proceeding.

Natural England - advise that in summary, they have no objection to this application, providing the advice given by them and outlined below is taken on-board and appropriate conditions attached to any grant of consent.

Natural England advises that the proposal site is in close proximity to Medway Estuary and Marshes Special Protection Area (SPA), Wetland of International Importance (Ramsar Site) and Site of Special Scientific Interest (SSSI). In addition, due to the nature of the proposal, it has the potential to impact on other designated sites further afield, including Special Areas of Conservation (SAC), through emissions to air. Planning Policy Statement (PPS) 9: Biodiversity and Geological Conservation and its accompanying Circular (ODPM Circular 06/2005) provide information on the protection afforded to SPAs, SACs, Ramsar Sites and SSSIs through the planning system and that the potential for these sites to be affected means that the proposal requires consideration under the Habitats Regulations 1994.

Regulation 48 of the Habitats Regulations requires the ‘competent authority’, before deciding to give any consent to a project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) not directly connected with or necessary to the management of the site, to make an ‘Appropriate Assessment’ of the implications for the site in view of its conservation objectives

Based on the information provided by the applicant, it is Natural England's view that this project is likely to have a significant effect on Medway Estuary and Marshes SPA and Ramsar Site, Thames Estuary and Marshes SPA and Ramsar Site, Stodmarsh SPA, The Broads SAC, Wimbledon Common SAC, Norfolk Valley Fens SAC, Breckland SAC, Roydon Common and Dersingham Bog SAC and Ouse Washes SPA, alone or in combination with other plans and projects. There are also implications for local SSSIs as a result of air emissions from the proposed plant, namely Medway Estuary and Marshes, South Thames Estuary and Marshes, Benfleet and Southend Marshes, Chattenden Woods, Cobham Woods, Great Crabbles Wood, Shorne and Ashenbank Woods, Northward Hill, Purple Hill, Tower Hill to Cockham Wood.

The Document to Support the Appropriate Assessment produced by the applicant, which collates the information that will be needed by the Department for Business, Enterprise and Regulatory Reform (BERR) to undertake an Appropriate Assessment has been received by Natural England and it is their view, based on the information provided by the applicant, that this proposal will not have an adverse impact on the integrity of the aforementioned European and Ramsar sites and should not damage the interest features of Medway Estuary and Marshes SSSI providing conditions are attached to the consent under the Electricity Act to provide for the following:

- The restriction of works on Longreach Jetty with no construction works taking place to the jetty in the period from November to February inclusive.
- Production of a detailed Mitigation Strategy, including bird monitoring, to cover protection of Medway Estuary and Marshes SPA, Ramsar Site and SSSI and the features of interest of these sites.
- Production of an Environmental Management Plan, with Construction Method Statements for activities in key sensitive areas.

In relation to air emission impacts on SSSIs, we are mindful that PPS 23: Planning and Pollution Control advises that (inter alia): any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use; the controls under the planning and pollution control regimes should complement rather than duplicate each other; and planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

It is thus our expectation that the effects of emissions will be fully assessed and regulated by the EA, and we will comment more fully on these matters when consulted on the application that has been made under the Pollution Prevention and Control Regulations. Natural England recommend the EA are consulted to ensure that they are content that effects on air or water quality have been adequately addressed in the ES and that effects on air or water quality can effectively be regulated through the pollution control regime.

The ES identifies the presence of great crested newts, a European protected species, as well as reptiles, which are protected under the Wildlife and Countryside Act 1981 (as amended), on the site. Natural England has some concerns about the surveys for great crested newts, given that they were carried out towards the end of the appropriate season for amphibian surveys and that no formal surveys of terrestrial habitat were carried out. It is likely that additional surveys will need to be carried out to get a European Protected Species License.

They recommend that mitigation strategies are drawn up for great crested newts and reptiles and secured through attaching conditions

In addition to protected species, the proposal will result in loss of habitat for other species of nature conservation interest, including UK Biodiversity Action Plan (BAP) priority bird species and the nationally scarce plant, Divided Sedge *Carex divisa*. Natural England advise that they welcome the principles outlined in the Statement for Ecological Mitigation produced by the applicant (Paragraph 3.1) and the commitment to providing the same area of vegetated land post-completion to that lost at the site clearance stage. We recommend that key mitigation measures highlighted by the Statement are secured through condition, including:

- An Environmental Management Plan (EMP) to be developed to ensure impacts on ecology during construction are minimised (Section 4) — as highlighted above
- A formal whole site nature conservation management and landscaping scheme post-completion (Sections 3 and 5)

Natural England considers that the existing power station is due to be decommissioned. Its removal would provide an excellent opportunity for creating new habitat and remediation of the site in line with the principles of PPS1 (Delivering Sustainable Development) and PPS9 (Biodiversity and Geological Conservation). This would ensure that the scheme results in no net loss of biodiversity, as well as providing the opportunity to enhance the site's nature conservation interest. They therefore recommend that a condition to the grant of consent to secure:

- Demolition of the existing power station and the decommissioning of operational areas no longer required, along with site remediation.

Natural England advises that they are pleased that an assessment of landscape and visual impact has been carried out. Given the industrial nature of the surroundings and the existence of the current power station, they have no concerns to raised in relation to the impacts of this development on local landscape character. They also advise that they have no concerns relating to access and recreation in association with this proposal.

In regard to Climate Change Natural England advise that they consider that Climate Change directly threatens the natural environment and therefore Natural England advocates and supports policies that reduce greenhouse gas pollution. We will therefore work proactively with the sustainable energy industry to identify areas of England where sustainable energy development can proceed in a manner that balances the long term benefits for the natural environment with any short term impacts.

In the case of Kingsnorth, where less efficient (in terms of greenhouse gas emissions compared to other power sources) super critical coal fired units are proposed, we would hope that alternative options that emit less greenhouse gases have been considered by DBERR to meet the need for electricity generation, including: CHP systems (ideally using the most carbon efficient fuel); co-firing with biomass from sustainable feedstocks; and gas turbine combined cycle plants.

Environment Agency have advised the following:

Flood Risk

“The Agency’s records indicate that the site has been subject to tidal flooding in the past, including during January 1953. The site is also shown as lying within a Zone 3 flood risk area as depicted by the Agency’s flood risk mapping, this is a High Risk area with a statistical 0.5% or greater chance of flooding occurring in any one year. The majority of the site is offered what is considered an ‘appropriate’ standard of defence in line with the latest Government guidance on Development and Flood Risk (PPS 25). The content of Section 3.4 within the Environmental Statement (ES) is noted, especially regarding the defence integrity

for the site. Suitable surveys and remedial works have been undertaken on site to ensure the defence line is maintained and therefore the Agency would raise no objection to the principle of extending the existing development on flood risk grounds”.

In addition to the above the Environment Agency have advised that the River Medway is a designated ‘main river’ and under the jurisdiction of this Agency for the purposes of its land drainage functions. They advise that the written consent of the Agency is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of any works in, over, or under the channel of the watercourse or on the banks within fifteen metres of the landward toe of the defences. For maintenance reasons, the Agency will not normally consent works, which obstruct the Byelaw Margin. A number of secondary defences or counter walls also exist on site, it should be noted that the same 15 metre Byelaw Margin also applies to these structures. These and other matters and other non-planning related matters have been brought to the attention of the applicant by the Environment Agency and these details have been incorporated into informatives.

The EA remind the applicants of the latest guidance in PPS 25 on climate change which predicts an accelerated rate of sea level rise and recommends looking further ahead than the current design horizon of 2060, indeed 2115 is now seen as a more realistic figure when considering development lifetime. This information should be noted as if it were necessary to raise the defence height, a more significant increase in crest level may be required. This has also been brought to the attention of the applicant.

Biodiversity

The Environment Agency advises that water voles have been identified within the site boundary. Although at this stage of the development they are not going to be directly impacted by the scheme, mitigation is still required to safeguard the occupied ditches during the development process. This will need to be discussed and agreed with the Environment Agency biodiversity department.

Depending on when this scheme is implemented, the distribution of water voles on the site may have changed and therefore surveys closer to the implementation of the building works may be required. As such an appropriately worded condition is requested to be imposed.

Water Quality

The Environment Agency advises that emissions into controlled waters from this establishment will be controlled by a permit issued by the Agency under PPC Part A1 — an application for this will be determined by PIR or SPG. The Agency has concerns relating to discharges of cooling water and any potential impact it may have on the Habitats Directive designation, the Medway Estuary SPA.

In order to complete the Agency’s determination of any application for PPC Part A1 permit we will need to be satisfied that there will be no significant impact on the sensitive interest features of the designation. Part of the PPC Part A1 application determination process will include assessments of likely significant impact and consultation with Natural England. Our assessment shall also take into consideration concentrations of any Listed Substances from any emission to controlled waters.

An ‘Environment Management Plan’ (section 3.2.4.6) detailing the pollution prevention measures proposed to be included to protect the quality of controlled waters during the

construction of the new units at Kingsnorth must be submitted for our approval once this has been developed. No works should commence until we have approved the plan.

Potential Contamination

The Environment Agency advises that the previous use of this site may have left contamination which could impact on the proposed development and part of the site is reported to have been tipped with waste materials from the previous uses.

An adequate assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use should be carried out prior to the change of use and/or development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

Planning Policy Statement 23: Planning and Pollution Control states that, 'In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.'

The land contamination issues have only been addressed in very limited form to date in the EIA. It is therefore recommended that additional work should be undertaken to comply with PPS23 requirements prior to any permission being granted and that relevant conditions are applied to any subsequent permission".

English Heritage – advise that the ES that accompanies the application recognises a high potential for survival of significant archaeological deposits, although there is insufficient information available at this stage to fully assess the impact the proposed development would have on them.

Despite the presence of major industrial development at the site, the potential for archaeology exists and Later Prehistoric and Romano-British remains should be anticipated, but perhaps the major potential is the geo-archaeology of the site to reach Pleistocene deposits beneath the alluvium. It is noted that a pre-determination archaeological evaluation is recommended at Para. 3.10.1 of the ES, before the full archaeological impact of the proposals and scope for mitigation can be properly considered.

The ES states that a coal fired power station would be in keeping with the existing character of the site and surrounding area and suggests that the development would have a medium impact on landscape character in the medium term. Demolition of existing units 1-4 would assist in part in addressing the visual impact. Para. 3.6.9 describes how the wider landscape of the development site is predominantly open and low-lying, with the effect of the proposal being widely visible. With this in mind, English Heritage wonder whether the eight close up viewpoints are sufficient. For example, the route into Rochester on the A228 as one drops off the higher ground presents the existing power station as a key feature in the view that includes the castle, cathedral and the covered slips of the dockyard (proposed World Heritage Site).

The potential for burning biomass with coal is noted. English Heritage is preparing policy guidance on biomass and the historic environment. Clearly, there is the potential for impacts on buried archaeology from growing energy crops, together with changes to landscape character, in this case the distinctive low-lying marshes. English Heritage advise that they would wish to see the environmental impacts of large scale energy crop production assessed appropriately, should proposals come forward”.

The Royal Society for the Protection of Birds (RSPB) - raised concerns and objection pending the submission of the wintering bird survey and mitigation strategy, in relation to the scheme. Their concerns and objections relate to the level of information submitted to enable the planning authority to assess the impact of the development on the SPA and Ramsar site under Regulation 48 of the Habitats Regulations. The RSPB's advised that the lack of the wintering bird study and mitigation strategy to avoid impacts on wintering birds, mean that an Appropriate Assessment under the Habitats Regulations was not possible and that the application could not be determined until the information had been supplied.

The RSPB note that the potential impacts on the Medway Estuary and Marshes SPA/Ramsar site include disturbance during and after construction, air quality, water quality and water levels. They advise that these issues should be covered in the Appropriate Assessment. The RSPB also advise that Natural England and the EA will be able to provide advice on the air quality and water quality/resources issues.

The RSPB advise that disturbance to birds using the habitats adjacent to the development site may arise during the construction and operational phases of the development. The Environmental Statement (ES) concludes that the operation of the new units will not result in any greater disturbance than the current operation. However, the ES to include detail on the number of existing shipping movements compared to that expected for the new units to enable confirmation of this conclusion.

The RSPB noted that the ES states that disturbance during construction will be greater than during operation, and particularly points to construction work on Longreach Jetty, which extends into the SPA. During construction, the jetty will be used to bring materials in to the site and extra conveyors and hoppers will need to be constructed.

They advised that Appendix D2 of the ES contains information collected as part of the Wetland Bird Survey (WeBS) Core Count (carried out at high tide to show where birds roost) and Low Tide Count (showing where birds are feeding) schemes. The Core Counts show that the Kingsnorth area is particularly important for Ringed Plover, on passage and in winter, and Little Grebe in the winter. The other Core Count areas around Kingsnorth are important for a range of waders and wildfowl... Table 1 in Appendix D2 shows that all the count areas support significantly higher than the mean density of certain species. For example, areas 23 and 33 are particularly important for dunlin and area 26 is particularly important for teal. The WeBS information will be supplemented by the wintering bird survey being carried out this winter by the applicants, but it indicates that the area does have significant bird interest in the winter and passage periods.

Section 3.5.6.1 of the ES states that the wintering bird survey will inform a mitigation strategy based around sensitive timing of works. The RSPB's view is that the WeBS data provides a starting point for the mitigation strategy and has shown that both the passage and wintering periods to be important for birds for which the SPA is designated. Therefore, construction activity should be timed to avoid the period from September to March inclusive. However, the

mitigation strategy is needed to show whether this is feasible within the 48-month construction period, and hence whether impact on the SPA can be avoided.

Following consultation with the RSPB on the SEI submitted by the applicant they advise of the following:

“Following production by the applicant of a ‘Report to Support the Appropriate Assessment’ and ‘Statement on Ecological Mitigation’, the RSPB wishes to withdraw its objection to the application, subject to conditions being placed on any consent granted. The supplementary information has satisfied the RSPB that it is possible to mitigate any potential impacts on the birds for which the Medway Estuary and Marshes Special Protection Area (the SPA) is designated.

The RSPB’s letter (dated 29 January 2007) concentrated on potential impacts on the SPA through disturbance to birds during construction and operation. In that letter, the question was asked whether shipping movements would be the same before and after construction. This was to test the validity of the statement made in the EIA that operation of the new units will result in the same level of disturbance as the current units. The ‘Report to Support the Appropriate Assessment’ concludes that disturbance arising from the operation of the new units can reasonably be expected to be the same as operation of the existing power plant. However, shipping movements are not included to back up this statement. The RSPB recommends that the competent authority carrying out the Appropriate Assessment satisfies itself that operational disturbance will be comparable before and after construction of the new units.

The wintering bird survey carried out in 2006/07 demonstrates that the intertidal area around Longreach Jetty, and most affected by disturbance during construction, is used by small numbers of birds for which the SPA is designated. Ringed Plovers on passage were recorded in the Kingsnorth area but not close to the jetty. Therefore, the RSPB agrees that the avoidance of construction work on the jetty between November to February inclusive will mitigate the disturbance impact on wintering birds. Less intensive activity in October and March will further mitigate potential impacts on passage birds. The RSPB recommends that a condition is placed on any consent such that construction on the Longreach Jetty does not take place between November to March inclusive, and less intensive work in October and March. The RSPB’s view is that with this condition on timing of works on the Jetty, plus the more detailed Mitigation Strategy, there will be no adverse impact on the SPA from disturbance to birds.

Sustainability and climate issues

Although the RSPB understands that coal will inevitably be a component of the UK’s energy mix for a number of years to come, we feel strongly that this energy should be produced as efficiently as possible. The proposed development at Kingsnorth will run at an efficiency level that compares unfavorably with gas plants of a similar size and smaller CHP plants using coal. Considering the CO₂ emissions produced by this proposal will also be larger than from other energy sources the RSPB does not feel that the Kingsnorth power station represents the best and most sustainable use of coal.

We understand that after ten years the CO₂ produced by the Kingsnorth station is to be sequestered. However, we feel that the expense involved and the delay before implementation mean that planners should give preference to smaller, more urbanised coal based CHP plants that could use this energy more efficiently.

In summary the RSPB feels that if a non-renewable and emission heavy resource, like coal, is to be used to produce energy it must be done in the most efficient way possible and the Kingsnorth development does not represent an efficient use of this resource.

Notwithstanding our views on the sustainability and climate impacts of the proposed new units, the RSPB wishes to withdraw its objection, subject to conditions being placed to avoid impacts on internationally designated bird populations”.

The Kent Wildlife Trust (KWT) - initially raised a holding objection to the development. They advised that although they have no objection in principle to this development, and support the recommendations made in section 3.5.5 for mitigation of potential negative impacts, they felt that it was possible to fully assess the potential negative impacts of the development on the significant nature conservation interest of the area without the results of a wintering bird survey.

KWT raised concerns that the Phase I habitat survey may not fully identify the extent of grazing marsh habits on the site. They stated that the botanical quality of the grassland is less important in the classification of grazing marsh than its structure of low-lying grassland and ditches that are a feature of the habitat. The proximity of these grassland areas to the SPA increases the likelihood that they may be used by overwintering birds for foraging and by ground nesting birds in the spring. The results of the overwintering bird survey will help to show how these grassland areas function ecologically, and whether they are important to the birds of the SPA for foraging as well as the amphibians, reptiles and mammals already identified as using this habitat. As a priority BAP habitat, any existing, relict and restorable grazing marsh is of conservation importance, with targets set for no net loss of habitat, and for restoration of degraded grazing marsh.

Although the Phase I habitat survey does not list it as such, much of the area to be developed or used as a laydown area appears to be grazing marsh, comprising low lying grassland which may be functionally linked to the ecology of the surrounding SPA. KWT state that they believe that there is a need to mitigate the loss of this habitat.

Following the consultation with KWT on the submission of additional details related to the above matters KWT have advised the following:

“Kent Wildlife Trust believes that the applicant has now supplied sufficient information for the Council to assess the potential negative impacts of the development on the significant nature conservation interest of the area.

We feel that the implementation of the recommendations contained in the Statement on Ecological Mitigation will address our concerns with regard to the impact of the development on biodiversity and, providing these recommendations can be secured by condition, we withdraw our objection to this development.

We welcome the commitment to provide at least the same area of vegetated land to that lost at the site clearance stage, and the intention to tailor the habitat replacement scheme to provide habitat for the species of conservation importance that are found on the site. We also support the proposal to provide a whole-site management plan to ensure the site is managed to maximise its nature conservation value.

We would like to see conditions set to ensure:

- That no construction works are carried out at Longreach Jetty between November and March, to avoid disturbance of wintering birds.
- The retention of existing habitat areas and creation of replacement habitat as set out in the Statement on Ecological Mitigation, to provide high quality habitat at least equal to the area lost to development, as set out in the Ecological Mitigation Strategy.
- Submission of a detailed mitigation strategy for great crested newts, to be approved by the Council, prior to the commencement of development.
- Submission of a detailed mitigation strategy for reptiles, to be approved by the Council, prior to the commencement of development.
- Submission of an ecological management plan for the site.

Sustainability and climate issues

KWT is concerned about the impacts of climate change on biodiversity and we support policies and proposals that increase energy efficiency and reduce greenhouse gasses.

Although the proposals for the new generating units at Kingsnorth demonstrate some improvement in efficiency over existing units in the long term, this is certainly not the most energy efficient solution. We understand that after ten years the CO₂ produced by the Kingsnorth station is to be sequestered, although carbon capture and sequestration technology is currently not available, and in the meantime CO₂ emissions produced by this proposal will be larger than from many other energy sources.

It does not seem that E.ON have demonstrated beyond doubt that the proposed super critical coal plant technology is the most efficient technology that could be used in this context. No consideration appears to have been given to alternatives, and more to efficient energy sources such as flexifuel CHP plants.

Although KWT does not object to this development on the grounds of its immediate impact on biodiversity, we do have concerns about the long term impacts of climate change on biodiversity and we do not feel that these proposals represent the most efficient solution to energy production in this area”.

The Kent County Council Archaeological officer – No formal response received

London Southend Airport - No formal response received

Other Parties Responses

Kingsnorth Sailing Club raise a formal objection to the development on the grounds of interruption of access to the marina and moorings and request a conditions be imposed requiring the applicant to ensure unencumbered, safe access between the adopted publicly accessible highway and its facility throughout the development and beyond. They advise that subject to this condition being complied with they would support the proposal as it would provide continued employment and would offer a more environmentally friendly solution to power generation which is required to serve future growth and expansion of the population

within the Kent area. [Members will be aware that access rights and land ownership issues are not planning considerations and are private civil matters that lie with the parties involved].

The Council for British Archaeology – have written advising that in their view this plant has been a dominating feature in the local landscape for the past forty or so years, and is an example of a now obsolete technology. Before demolition it would, in their, be appropriate that a Historical Buildings Record be made of the Power Station. An external and internal (recording plant and machinery) photographic survey [level 5] may be appropriate.

Ambroesetti a local business which specialises in new vehicle pre-delivery inspection and preparation, used vehicle refurbishment and storage and their planning agent have both written expressing the following summarised concerns:

- That the development will result in emissions, including dust and particulates, both during demolition/construction work and subsequent operation that will damage the adjoining businesses
- The above concern need to be addressed and the development made subject to the imposition of appropriate conditions ensuring that no emissions damage adjoining business operations.

The Station Manager at Damhead Creek Power Station has written on behalf of Scottish Power Energy Wholesale – seeking reassurance on two points the ES in regard to the following:

- 1) That the proposed development would not adversely affect dispersion of the atmospheric emissions from the existing Damhead Creek Power Station. Scottish Power note that the two proposed Super Critical Boiler houses would be some 64m wide, 66m long and 110m high would apparently be located in close proximity (i.e. 300metres) to the Damhead Creek chimneys which are only 75m high.
- 2) That the dust generated from the construction process will not adversely affect the on going operation of the two gas turbines operated at the existing Damhead Creek power station. The gas turbines operate with a three stage filter system on the combustion air Inlet with an air flow of *3400m³/hr*. Our concern is that these filters will block earlier than anticipated due to construction dust and cause additional replacement costs and plant downtime.

In addition to the above, Scottish Power have written to the First Secretary of State raising concerns related to atmospheric emissions related to this Section 36 application. Their comments are summarised below:

- Scottish Power supports the principle of the development subject to their concerns being addressed.
- The boiler house at 110 metres in height and located in close proximity to Damhead Creek power station's chimneys, which are 75 metres high will significantly effect dispersion of the emissions from Damhead Creek power station.
- Damhead Creek power station is not included in the air quality assessment submitted by E.On in their Environmental Statement (ES). On the basis that the inclusion of Damhead Creek in existing background consent is sufficient, Scottish Power do not agree with this assumption. The ES should therefore address the cumulative effect.

Scottish Power consider the ES to be inadequate in its assessment of the cumulative impacts.

- The potential increase in air emissions could have a 'significant negative impact' on emissions from Damhead Creek within the meaning of the Pollution Prevention and Control (PPC) Regs potentially affecting the validity of Scottish Powers PPC permit and authorizations to operate. The Environment Agency (EA) could close Damhead Creek until this effect is resolved resulting in a loss of income and requiring significant capitol expenditure.
- Scottish Power consider that the issue should be resolved through the planning regime.
- Scottish Power request that appropriate conditions or obligations are imposed on any forthcoming approvals to control dust during construction.

The proximity of the development to Scottish Power's Damhead Creek power station could have consequential negative impact on local air quality. Scottish Power have undertaken further investigation into the influence of the development on the disruption emissions from Damhead Creek Power Station and this indicates that the development could have a significant negative environmental effect on the disruption of emissions from Damhead Creek Power Station, resulting in an unacceptable air quality impact on the environment.

Scottish Power notes the Councils comments re air quality and the Pollution Prevention and Control (PPC) permitting regime. However, they consider it is an issue to be determined in the planning arena as air emissions can be a material planning consideration. The Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 1999 is to assess likely significant environmental effects and secure appropriate mitigation measure. Scottish Power considers the development is likely to have a significant environmental effect on air quality.

Scottish Power has requested additional condition be added in relation to the details of the proposed building, including siting and dimensions being approved by the Council in consultation with both the Environment Agency and Scottish Power in order to ensure that the proposed development does not disrupt the disruption of emissions from the adjoining power station at Damhead Creek and cause a consequential negative impact on air quality.

Scottish Power has requested that they be consulted on the discharge of conditions related to the recommended condition 2 (design and detailing).

They maintain that they have a legitimate expectation to be consulted on the detailing of the proposed development as it may have a material effect on their ability to operate their existing operation.

Scottish Power point out that it does not object to the development in principle and are willing to work with E.On and the Environment Agency in this regard

Scottish Power have noted the condition proposed related measures to control dust during construction and welcome this condition

Three local Residents oppose the application on the following summarised grounds:

- The proposed development will be bigger and uglier than the existing building becoming an eyesore destroying views from homes in the area;

- The submitted perspectives are mis-leading;
- Loss of value to property;
- Loss of view;
- The building should be camouflaged or screened from view. A bund should be crated around the station and landscaped with trees to screen views of the buildings;
- The building should be placed below the ground if possible;
- Kingsnorth dominates the area and produces contaminating emissions;
- A public inquiry should be held and the whole energy issue of energy in the Medway towns looked into; Medway should lead the way in the UK in terms of more efficient power stations and housing;
- Medway is already highly polluted and coal power stations should be closed not built;
- Climate change issues

One further local letter of representation has been received in relation to air quality and questioning how the Council can determine the application without the matter being conclusively resolved.

Five Individual letters from Non Local residents, which are not generic have been received. They raise objection to the development on the following summarised grounds:

- To grant consent for a coal fired power station would be a moral mistake;
- We are on the brink of catastrophic climate change and we should not actively pursue policies which will increase CO₂ emissions;
- To build coal fired power stations at this time would be absurd;
- Carbon Capture Storage (CCS) is not ready to be used and will in itself have a degree of energy loss;
- The approval will set a precedent;
- Combined Heat and Power (CHP) and decentralised energy should be pursued;
- Councillors should throw out the proposal.

One further non local representation has been received drawing attention to the fact that a group of seals reside on the mud next to the Oakham Marsh and that any discharge from the Power Station must not affect their lives. **E.On** have advised that the Cooling Water discharge will have no effect on the seals which they consider are attracted to the bass nursery in the estuary as a food source. E.On also point out that with the further equipment proposed to remove pollutants the quality of the cooling water discharge will actually improve.

Medway Green Party has submitted a letter of objection. It objects on the following summarised grounds:

- The development if permitted would emit more CO₂ than 24 of the worlds lowest emitting countries combined.
- The development is based on backwards technology which neither offers energy security, nor advancement in carbon reductions or any real improvement in efficiency.
- Carbon capture is not included because of unproven and expensive technology.
- We should be seeking decentralised, Combined Heat and Power (CHP) with additional appropriate renewable energy inputs.
- The development would perpetuate a highly carbon intensive and inherently inefficient form of energy production contrary to Government policy on tackling climate change and ensuring cost effective and reliable energy supply.

- The development would only be half as efficient when compared to CHP units in Denmark.
- Options for renewable energy should be explored first and only then should fossil fuels being investigated.
- The proposed development, if approved, would send out signals to utility groups the inefficient, centralised, fossil fuel power stations without CHP are acceptable, despite Government commitments to climate change, energy security and the need to make efficient use of fossil fuels.
- Approval of this development would lock the country to 50 years of pollution, inefficient fossil fuel, centralised, wasteful power generation and a precedent for similar new plant around the country.
- This development if approved will set a negative example for the rest of the world.
- Government asserts that climate change is a global problem and cannot be tackled through domestic action alone. It is imperative that the Government is not only seen to reduce emissions at the rates required but also seen to reduce emissions using technology that are globally applicable.
- The next 15 years is pivotal to the planet in terms of the acute need to reduce CO₂ emissions and thereby mitigate the worst effects of global warming – Catastrophic flooding in coastal areas, drought, famine, military conflicts and immeasurable levels of emigration.

In addition to the above 3 generic letters opposing, the proposed development, have been received from Members of Medway Green Party. Their objections are summarised below:

E.ON's timing of the application – The existing boilers at Kingsnorth have been operational for 35 years and are not in the true sense old as they were designed for a working life of 60 years. They are outdated not due to their technology but improved environmental protection standards. These environmental standards require existing equipment to be retrofitted to produce less toxic and lower global warming emissions than at present.

New European Union (EU) Regulations come into effect shortly requiring even greater reductions in Green House Gases (GHG). The crucial point being that the new Regs fall on new buildings and construction projects and less onerously on existing facilities.

Should this application be granted now, under the new GHG Regs Kingsnorth will be protected from the Regs and will have boilers with a 60 year life span that do not meet stringent emissions standards from the day it goes operational.

Evidence is not encouraging. The Drakelow units were decommissioned in 1978. Whilst another unit lasted longer but in their best year only had 46 days of continuous operation. Efficiency at best was 37%. This unit was not decommissioned until 2006 after 40 years of operation.

The workings of the Kingsnorth design are unlike any that exist in Britain now. The entire employee base will need to be retained and cannot be supplemented by experienced workers from elsewhere in the UK as there are none.

Incidents of accidents will occur.

The applicant will be reliant on external assistance with potentially devastating ramifications to the energy industry.

A number of questions were also set within these letter related to energy production and have been forwarded to E.On to respond to directly.

Greenpeace have written to the First Secretary of State for the Department of Business, Enterprise and Regulatory Reform (DBERR) objecting to the proposal. Their objections are summarised below:

- The proposed units would only produce slightly less CO₂ emissions per unit of electricity generated than the existing units. The granting of permission would perpetuate a highly carbon intensive and inherently ineffective form of energy production contrary to Government policy on climate change and energy sources.
- In relation to established need for replacement capacity, more efficient units can and should be developed in preference to the proposal.
- The Secretary of State can and should take domestic and climate change policy into account on these applications for new fossil fuel plant.
- Article 2 of the United Nations Framework Convention on Climate Change (UNFCCC), which has been ratified, should be taken into account.
- The UK is a signatory to the Kyoto protocol where there are legally binding reductions on GHG emissions.
- The European Community (EC) has ratified the UNFCCC and announced plans for the EU energy policy that include 20% cut in emissions by 2020.
- The Stern report advocates urgent and substantial decarbonisation of atmospheric concentrations.
- Planning Policy Statement (PPS) 1 Para 13(ii) requires Local Authorities to ensure that Development Plans contribute to global stability...
- The Climate Change Bill published on 13/03/07 aims to achieve a mandatory 60% cut in UK carbon emissions by 2050 (32% by 2020).
- CO₂ emission levels in UK have risen since 1997 by 2%, with emissions from the power sector rising at an accelerated rate.
- The proposal that only marginally improves efficiency does not assist in progressing to fulfil one or any of the 4 key energy goals of the 2003 Energy White Paper. Other more efficient options should be undertaken including energy efficiency, renewable energy, CHP and power stations as part of a decentralised system.
- The development will form part of an inherently inefficient centralised generation system.
- The development would be contrary to UK energy policy and climate change policy.
- The proposal at Kingsnorth represents a continuation of the wasted inherent within a centralised electricity system.
- The development would set a precedent and hinder the progress of the necessary transition towards decentralised energy.
- The development would set a precedent for similar applications that centralised thermal power stations, which are only half as efficient as the CHP alternatives, are acceptable.
- The development would set a negative example to the rest of the world.
- The Advanced Supercritical (ASC) coal fired power station at Kingsnorth will incur carbon emissions of approximately 4.45 million tonnes of CO₂ per year. With Carbon Capture Storage (CCS) technology not optimistically expected till 2016 emissions up to this point will not be captured, until CCS is in operation. This does not allow for delays in the technology or for the possibility that CCS will not come on stream.
- This will impact on achieving UK carbon reduction targets.

- 4.5 Million Tonnes of CO₂ will equal approximately 5.5% of the 2020 emissions reduction target and potentially affect the ability of the Country to reach its commitments in the carbon reduction targets.
- Alternatives to Kingsnorth should be investigated but if coal is pursued CHP should be provided.
- Due to the scale nature, complexity of the proposal and complexity of the policy implications Public Inquiry should consider the proposal.

Greenpeace – In addition to the above Greenpeace have submitted 543 letters of objections, which they collected in Chatham, Gillingham and Rochester High Streets. These letters are generic and object to the proposed development on the following summarised grounds:

- Concern about the negative contribution that the development will have on climate change especially with regard to the level of carbon dioxide (CO₂) generated by the use of coal per unit of energy generated that any other fuel and CO₂ emissions being seen as one of the main causes of global warming.
- If built, the plant will emit over 4 million tonnes of carbon dioxide every year, more than the combined amount of the 24 smallest emitting countries.
- Approving construction of this plant will represent a continuation of our outdated, inefficient centralised energy system that allows two thirds of the energy that could be used to be wasted in the form of heat at the power station.
- As the 7th largest emitter of carbon dioxide and the 5th biggest economy in the world, the UK has a responsibility to lead the way in the efforts to tackle climate change. Building new coal fired power stations that are barely more efficient than the old ones at this crucial point sends entirely the wrong the message to the rest of world regarding what needs to be done to appropriately respond to this threat.
- *Approval of this plant will undermine the necessary transition to a decentralised energy system that promotes renewable energy, energy efficiency and efficient use of fossil fuels.*

The letters also advise:

- in order to stand a chance of avoiding the worst effects of climate change a move away from out dated, inefficient power stations is required and that the simplest, cheapest and most effective way to meet energy needs whilst tackling climate change is to reform the way we produce and distribute power.
- an energy system that is decentralized, where heat and electricity is generated close to where it is needed, is required and that this can capture the heat normally wasted in order to heat our homes and provide hot water; and
- there is an urgent need to make full use of the UK's clean energy potential, and make sure our homes and appliances are as efficient as they can possibly be.

In addition to the above a further 8617 generic e-mails, letters and postcards have been sent. These are predominantly based on the standard format wording that could be downloaded from the Greenpeace web site.

These e-mails, letters and post cards object on the following summarised grounds:

- Concerns about the negative contribution this plant will make to our efforts to tackle the threat of climate change, which is now overwhelmingly accepted as the greatest threat facing humankind.

- If built, the plant will emit around 4.5 million tonnes of carbon dioxide every year- more than the combined amount of the 24 smallest emitting countries – seriously jeopardising our chances of meeting our national carbon reduction targets and would contravene the Council’s own commitments as a signatory to the ‘Nottingham declaration’
- As the 7th largest emitter of carbon dioxide and the 5th biggest economy in the world, the UK has a responsibility to lead the way in the efforts to tackle climate change. Building new coal fired power stations that are barely more efficient than the old ones at this crucial point will lead the world in entirely the wrong direction.
- Approval of this plant would represent a continuation of our outdated, inefficient centralised energy system that allows two thirds of the energy that could be used to be wasted in the form of heat at the power station. At only 45% efficient it is a disgrace considering other countries achieve 90% efficiency by using heat-capture technology.
- Approval of this plant will undermine the necessary transition to a decentralised energy system that promotes renewable energy, energy efficiency and efficient use of fossil fuels.

The letters and emails also advise:

- The simplest, cheapest and most effective way we can meet our energy needs whilst tackling climate change is to reform the way we produce and distribute power.
- An energy system that is decentralized, - where heat and electricity is generated close to where it is needed, is required so that we can capture the heat normally wasted in order to heat our homes and provide hot water.

The post cards advise:

Granting Planning Permission will commit Kent to 50 more years of dirty power generation and that this opportunity to choose a clean energy for Kent and set a precedent for the rest of the country to follow should be taken.

The Sunlight Development Trust - have written extending their concerns about the proposed replacement of Kingsnorth power station. They state “It seems quite inconceivable, given the increasing awareness and evidence of climate change that E.ON should be proposing such an inefficient replacement when the technology exists to significantly improve the energy outcomes at Kingsnorth. We cannot imagine that E.ON would propose such a development across more affluent areas of the country and we feel it important that Medway Council should do everything in its power to encourage and insist, on behalf of the people of Medway, the very best technology for efficient power production at Kingsnorth... We urge Medway Council to reject this planning application”.

Dr. Caroline Lucas (MEP) has written objecting to this development. Her objection letter was circulated to Members at the Development Control meeting on 21/11/07.

Bob Marshall Andrews has written advising that he has taken a considerable interest in this proposal and that he has been in contact with the applicant, the Secretary of State and objectors.

He points out that Combined Heat and Power remains no more than a possibility and that the crucial issue of Carbon Capture Storage remains unresolved. Furthermore, he does not consider that this application should be considered along with the 13 other items on the agenda, as this proposal requires more detailed consideration and far greater priority than it can receive in the forum proposed. On this basis he requests the application be deferred to a separate meeting.

In response officers advise that the application is first on the agenda, it is a complete and detailed report including all representations, which members have had for the required time period. In addition there will be a full presentation of the application at committee. Nevertheless it is for members to decide

Development Plan Policies

Regional Planning Guidance for the South East (RPG 9) March 2001

Chapter 9 (Regional Transport Strategy (as amended))

Chapter 10 (Energy Efficiency and Renewable Energy) as amended 2004

Regional Planning Guidance 9a (RPG9a) The Thames Gateway Planning Framework 1995

The South East Plan (SEERA) (Consultation Draft) July 2005

Policy KGT3	(Core Strategy)
Policy KGT4	(Economic Growth and Employment)
Policy KGT9	(Flood Risk)
Policy KGT10	(Green Initiatives)
Policy KGT 12	(Infrastructure)
Policy CC1	(Sustainable Development)
Policy CC2	(Climate Change)
Policy CC3	(Resource Use)
Policy CC7	(Inter-regional Issues)
Policy T1	(Manage and Invest)
Policy T7	(Parking)
Policy T8	(Travel Plans and Advice)
Policy T10	(Ports and Short Sea Shipping)
Policy T11	(Freight and Site Safeguarding)
Policy EN1	(Development Designed for Energy Efficiency and Renewable Energy)
Policy EN2	(Combined Heat and Power)
Policy EN6	(Development Criteria)
Policy NRM4	(Conservation and Improvements of Biodiversity)
Policy NRM6	(Costal Management)
Policy NRM8	(Noise)

Kent and Medway Structure Plan 1996:

Policy SP1	(Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development)
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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 SS8	(Development in the countryside)
Policy ME1	(Medway)
Policy EN1	(Protecting Kent's countryside)
Policy EN2	Protecting Kent's coast and estuaries
Policy EN3	(Protecting and enhancing countryside character)
Policy EN5	(Special Landscape Areas)
Policy EN6	(International and national wildlife designations)
Policy EN7	(County and local wildlife designations)
Policy EN8	(Protecting, conserving and enhancing biodiversity)
Policy QL1	(Quality of development and design)
Policy QL7	(Archaeology)
Policy EP1	(Land, Workforce, Education and Skills)
Policy EP2	(Employment land provision)
Policy EP4	(Locations of strategic importance for business, distribution or industrial uses)
Policy TP3	(Transport and the location of development)
Policy TP8	(Future strategic transport schemes)
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 TP20	(Gateway function of the ports)
Policy TP22	(Kent Ports)
	(Energy Generation)
Policy NR1	(Development and the Prudent use of natural Resources)
Policy NR2	(Energy Generation)
Policy NR4	(Combined Heat and Power Generation)
Policy NR5	(Pollution impacts)
Policy NR6	(Development sensitive to pollution)
Policy NR7	(Air Quality Management)
Policy NR8	(Water quality)
Policy NR10	(Development and flood risk)
Policy NR11	(Flood Protection)
Policy MN4	(Planning and Safeguarding Marine Wharfs and Rail Depots)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy S12	(Kingsnorth)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy BNE4	(Energy Efficiency)
Policy BNE5	(Lighting)
Policy BNE6	(Landscape Design)
Policy BNE8	(Security and Safety)

Policy BNE21	(Archaeological Sites)
Policy BNE23	(Contaminated Land)
Policy BNE24	(Air Quality)
Policy BNE33	(Special Landscape Areas)
Policy BNE34	(Area of Local Landscape Importance)
Policy BNE35	(Nature Conservation)
Policy BNE37	(Wildlife Habitats)
Policy BNE38	(Wildlife Corridors)
Policy BNE39	(Protected Species)
Policy BNE45	(Undeveloped Coast)
Policy BNE46	(Developed Coast)
Policy ED1	(Existing Employment Areas)
Policy ED5	(Proposed Employment Areas)
Policy ED7	(Special Industrial Uses)
Policy ED8	(Sui Generis Industrial Uses)
Policy T1	(Highway Impact of New Development)
Policy T2	(Access to the highway)
Policy T10	(Transport: Wharves)
Policy T12	(Traffic Management)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans)
Policy CF13	(Tidal Flood Areas)

Other Material Considerations

National Policy

Government White Paper – Energy Review 2007

Governmental White Paper – Modern Ports – A UK Policy (2000)

Governmental White Paper – The Future of Transport: A network for 2030 (2004)

DfT Ports Policy Review 2006

Planning Policy Statement (PPS) 1: Delivering Sustainable Development

PPS 7: Sustainable Development in Rural Areas (2004)

PPS9: Biodiversity and Geological conservation (2005)

PPS23: Planning and Pollution Control (2004)

PPS25: Development and Flood Risk (2006)

Planning Policy Guidance Note (PPG) 4: Industrial and Commercial Development 1992

PPG13: Transport (2001)

PPG15: Planning and the Historic Environment (1994)

PPG16: Planning and Archaeology (1990)

PPG20: Coastal Planning (1992)

PPG24: Planning and Noise (1994)

Planning Appraisal

The site lies predominantly within a designated existing employment area. The proposal involves construction of two replacement Advanced Supercritical (ASC) coal fired generating units together with ancillary infrastructure, as described in the proposal section above.

Background

In light of the fact that proposed development is subject to the provisions of Section 36 of the Electricity Act 1989, it is for the first Secretary of State for Business, Enterprise and Regulatory Reform to determine whether or not deemed planning permission for the proposal should be granted pursuant to the provisions of Section 90 of the Town and Country Planning Act 1990. Under the Section 36 process, Medway Council as the affected Local Planning Authority has been invited to make its views on the proposed development known to the applicant for onward referral to the Secretary of State. The assessment of the land use issues arising from the proposed construct two replacement Advanced Supercritical (ASC) coal fired generating units together with ancillary infrastructure are set out below.

It is noted that with as North Sea gas reserves diminishing, the UK is forecast to rely increasingly on imported natural gas including that used for combustion in electricity generation and that diversity of different types of fuel for power supply is important in ensuring that the Country as a whole is not reliant on one or limited types of fuel source. The applicants argue therefore that there is an important role for coal, renewables and other innovative technologies in the generation portfolio for the UK, in order to ensure security of supply.

Members will be aware that recent EU driven legislation is expected to have a major impact on the power generation industry. In 1997 the UK Government signed up to the Kyoto Protocol and made a commitment to reduce Green House Gas emissions (GHGs), in particular carbon dioxide (CO₂) and help to tackle climate change. This has led to the introduction of a number of schemes/directives which will impact on the energy industry, which is the largest single contributor to GHG emissions in the UK. In particular the introduction of the Integrated Pollution Prevention and Control (England and Wales) Act 1999 (IPPC) and the EU Large Combustion Plants Directive 2001/80/EC, which require a reduction of GHGs from large industrial installations through a system of Best Available Technology (BAT) to minimise the impact on the environment.

This being the case although coal, renewables and other innovative technologies may offer a diverse and therefore more secure fuel mix, these solutions must have a low environmental impact and a low carbon footprint to meet with legislative requirements currently placed on the industry. Over the next few years, up to 2020, a large number of existing coal, oil and nuclear power plants will close and must be replaced. This includes the existing coal-fired units at Kingsnorth which under the Large Combustion Plant Directive legislation will be limited to 20,000 hours operation from 2008 and must close by end of 2015 at the latest.

Indeed The Government advises that currently there is around 28 Giggawatt (GW) of coal-fired power capacity in the UK. Around 8GW of these power stations will close by 2016 because of the requirements of the Large Combustion Plants Directive (LCPD) referred to above. The LCPD restricts emissions of sulphur dioxide and nitrous oxides from coal power stations and other large-scale installations but places no restrictions on carbon dioxide emissions. Developers of new power stations are using advanced boilers, improved turbines and gasifiers that mean that less fuel is required to be used to generate power. This in turn has increased efficiency of coal power stations.

The applicants recognise that replacement power generation schemes must be undertaken in such a way that assists with tackling the dual challenges of climate change and maintaining security and diversity of energy supplies to UK homes and business. This is particularly

relevant as the UK becomes increasingly reliant on imported gas supplies. This being the case the applicants have given examples of how they are trying to achieve this through many different types of projects, which ensure a diversity of supply whilst endeavoring to meet the challenges of climate change and maintaining security and diversity of energy supplies. Examples are:

- Investing in new gas-fired generation capacity such as the two planned for brownfield sites at Grain on the site of the existing oil-fired power station and at Drakelow in the Midlands on the site of a former coal-fired power station, which has recently been demolished
- Operating 190MW of renewable wind and 56MW of hydro generation
- Co-firing renewable biomass at two of its three coal-fired power stations.
- Investing in a 50MW dedicated biomass plant at Lockerbie
- Planning to replace existing coal-fired units with new cleaner coal technology at Kingsnorth, the subject of this consent application.
- Planning demonstration projects for new technologies that show promise for the future, including marine renewables and coal gasification with carbon capture and storage
- Funding research and development at a number of UK Universities into projects that show promise further into the future.

Although diverse in nature all these projects use the latest technology to deliver reliable, affordable energy with a lower environmental impact than those they replace. The applicants argue that coal still plays a significant role in maintaining security of supply and generating capacity in the UK. There are a number of large, evenly distributed, easily extracted coal supplies which provide a low priced stable market for this fuel, but it is realised that it can only contribute to power generation if techniques are used to lower its environmental impact in terms of emissions.

The applicants argue that the supercritical units proposed offer higher operating efficiencies than the existing subcritical plant and so would reduce carbon dioxide emission per unit of electricity by around 20% compared to the units they replace. To put this into perspective, the existing generators at Kingsnorth (Units 1-4) in 2006 generated 9.848TWh of electricity and emitted 8.915967MTe of CO₂, This is a release rate of 0.905MTe/TWh and thermal efficiency of 36.4%. The new Kingsnorth units (5&6) will be conservatively 46% efficient giving a CO₂ release rate of 0.717MTe/TWh (greater than a 20% reduction); so for 9.848TWh of electricity they would produce 7.06MTe of CO₂

E.On advice that for 12TWh of electricity (most likely production maximum), the existing units would produce 10.86 MTe CO₂ compared to the proposed new units which would produce 8.606MTe of CO₂. a reduction in CO₂ of 2.2MTe

To draw some comparison from this if the average family car produces 150gCO₂/km and drives 20000km (12000miles) per year it will produce 3Tonne of CO₂ per year. So the new Kingsnorth units compared to the old Kingsnorth units are the equivalent of taking 733,333 average family car of the road each year. Alternativley, if a 747 return flight London to New York emits approximately 440Tonne of CO₂ the new Kingsnorth units would be the equivalent of removing approximately 5000 return flights to New York per year. It should be noted that aviation has different climate impact due to its point of dispersion in upper atmosphere so impacts are probably worse

In addition to the above E.ON advise that other air emissions would also be significantly reduced. If consent is given then the new units could be operational as early as 2012. The applicant also introduces the potential for the deployment of carbon capture and storage (CCS), which is a possible option for GHG emission reduction at the Kingsnorth site by E.ON UK at a later date. This will be subject to the process of CCS being allowed by law and incentives by a suitable framework and technological hurdles for the process being overcome so that proven technology becomes available for the process of capture and storage. With this in mind the proposed units will be designed "capture ready" to allow retrofit at a later date.

It is also to be noted that through FDG and SCR processes proposed with the new plant there will be reductions in SO₂ and NO_x emissions respectively.

The applicant submits that the chosen site at Kingsnorth is well placed to provide electricity to the South East of England, where there is currently a deficit of generation plant compared to the demand of the area. Failure to maintain existing generation capacity in the South East (or indeed to increase capacity) will place further reliance on the national transmission system and increase transmission system losses.

E.ON UK have advised that the decision to replace the existing sub critical units at Kingsnorth was taken after extensive investigations by them in order to determine the preferred location for new coal-fired plant in the UK. Supercritical plant was preferred to the older sub-critical plant as it offers higher operating efficiencies, resulting in less GHG and other emissions per unit of energy generated, making it a better environmental option.

Kingsnorth emerged as the preferred option for this plant because it scores favourably against the following assessment criteria:

- Proximity of electricity infrastructure and the export of power onto the National Grid transmission system via existing overhead transmission lines
- Reuse of existing site assets
- Proximity to an existing cooling water supply
- Proximity to established transport infrastructures
- Available space within the landholding and history of site for power generation by coal
- Deficit of generation in the South East
- Experienced workforce.

It is clear from the documentation submitted and papers issued by the Government related to energy need for the Country that there is a clear need for a diverse supply of energy resources. Additionally it is clear that there is a recognition that security of supply is important and that the Country shouldn't be reliant on limited options of fuel source for energy generation. Ultimately the decision related to the benefits of other power generating fuels and technologies over the use of coal falls within the remit of national policy decision making and lies firmly with the First Secretary of State for Business, Enterprise and Regulatory Reform.

Development Plan Policies and the Principle of the Development

The Development Plan consists of Regional Planning Guidance, The Kent and Medway Structure Plan 2006 and the Medway Local Plan 2003. In addition to these documents, the South East Plan is an emerging policy document.

The Regional Planning Guidance (RPG9a, and RPG9) together with the emerging regional guidance in the South East Plan (as amended) give an overall strategic view to development in the South East of England with a view to informing and influencing policy formation at both Structure and Local Plan level. The key policies in RPG9, RPG9a and the emerging South East Plan are referred to in the policy section above and have been taken into consideration in the processing of this application and the formulation of this report.

Turning first to the question of the principle of the development it is, of course, relevant to look at the general policies for the site as well as the overall strategy. In terms of the Structure Plan the policies referred to above promote and encourage development on previously developed land. Policy S1 of the adopted Local Plan, seeks to re-develop and recycle under used and derelict land and Policy S2 seeks to ensure sustainability in new development. However, the key policy in the Local Plan related to development on the Kingsnorth site is Policy S12.

Policies S12 and ED1 of the adopted Local Plan promotes the redevelopment of the site for employment generating purposes falling within Classes B1(c), B2 and B8 and port related development at Kingsnorth. The designation is a legacy from its identification as a proposed site of an oil refinery which did not proceed in the 1960's and the subsequent development of the area for general industrial developments and power stations. Policy S12 states that development which does not require access to the railway or to the river, but which would prejudice use of, or access to, the wharves or the rail sidings will not be permitted. Furthermore this policy seeks contributions to the improvement of off-site highways or the rail link to Kingsnorth subject to the provisions that

- A) Such improvements are needed from a practical point of view to enable the development to go ahead; or
- B) are necessary from a planning point of view; and
- C) are so directly related to the proposed development and to the use of land after its completion, that the development ought not to be permitted without it.

In addition Policies ED7 and ED8 of the adopted Local Plan also indicate that the area subject to Policy S12 will be a suitable location respectively for "special industrial uses" and "sui-generis" uses.

Although the proposed power station, when operational, will not be a significant new employment generating development it will maintain existing employment levels at the power station which would otherwise be lost if the existing station ceases operating to comply with the provisions of the LCPD. At present, E.ON UK directly employs over 160 staff with approximately a further 90 support staff on a contract basis in relation to the existing units at Kingsnorth. Once the new units are operational, it is expected that a similar number of staff to those currently employed will be required for operating the units (although there are fewer generating units there is additional FGD environmental clean up equipment requiring staff). It is therefore considered that this proposal is consistent with the provisions of Policies ED7 and ED8 of the adopted Local Plan having regard to the fact that this proposal relates to a land intensive, sui-generis use, which will benefit in locational terms from proximity to an existing connection to the electricity "super-grid" distribution network at Kingsnorth. The siting of Units 5 and 6 at Kingsnorth power station at locations between the existing Kingsnorth Power Station (Units 1 to 4) to the south of the proposed development site and Damhead Creek Power Station located to the north of the proposed development site. The remainder of the employment land, as allocated in the adopted Local Plan is located further to the north and north east. As such it is not considered that the proposed development site is located in

such a position to prejudice the redevelopment of the remainder of the allocated site for intensive employment generating purposes.

It should be noted that E.ON have confirmed that it is their intention to decommission and subsequently demolish the existing units (Units 1 to 4) . However, the site of the existing power station is highly unlikely to be used for unrelated industrial processes due to its location and the security of the plant. Furthermore with recent Government announcements related to potential for CCS Technology and E.ONs announcement regarding their intentions to enter the Governments CCS competition to secure the single post combustion coal fire project for Kingsnorth, it is highly likely that the site of the existing station will be seen as a potential location for such a facility. Members should also note that if this possibility does come forward then it will be the subject of a separate application and should not influence any decision that they make on this proposal.

Members will have noted that the Secretary of State in her notification of saved policies has not carried forward policies S3 or CF9 of the Local Plan. This being the case they can no longer form part of the consideration process related to applications. Irrespective of this fact it should be noted that the proposed developments are replacements for the existing power station rather than the establishment of an additional facility. Whilst it is noted that coal is a fossil fuel and the issue of sustainability is a concern, the Government advice in the Energy Review 2007 is that in a *“challenging international context... the UK needs to maintain the security of its energy supplies... The UK is expected to remain reliant on fossil fuels for many years and to become increasingly dependent on imports of these fuels from international energy markets”*. Furthermore the Government advises that whilst *“renewables and other low carbon technologies will play an increasing role in our energy mix over the longer term... fossil fuels will continue to be the predominant source of energy for decades to come. In fact, global fossil fuel resources are still plentiful, and markets are well developed to deal with increased trade. By 2020, fossil fuels are expected to still supply the great majority of UK energy needs”*.

The diversity of supply issue is well recognised and the benefits of maintaining an existing supply in terms of not being reliant on a limited number of sources of power generation is a key issue. The existing coal fired power station will be replaced with the new ASC coal fired units that have an improved efficiency, albeit only 10%, and the new units will also be fitted with flue gas cleaning equipment in line with current legislation, which will consist of:

- Selective Catalytic Reduction (SCR) for removal of oxides of nitrogen
- Electrostatic precipitators (ESPs) for removal of pulverised fuel ash (pfa or particulates)
- Flue Gas Desulphurisation (FGD) for the removal of oxides of sulphur.

In addition to the above, E.ON have confirmed that they are happy to enter into an agreement, under Section 106 of the Town and Country Planning Act 1990 to install the necessary plant and pipeworks to ensure that the station can supply heat in the future if the opportunity materialises. This would be in the form of a Combined Heat and Power (CHP) system that would enable a third party to transfer the heat normally lost through the energy production process and transferring it through a piped system to other users. In the right setting CHP ensures that fuel is used more efficiently and can dramatically improve the efficiency of the plant. Indeed some European Power Stations achieve between 80% and 90% efficiency as a result of CHP technology. E.ON have indicated that CHP technology on plant of this size power generation would be capable of providing heat to approximately 100,000 homes and/or businesses. Furthermore, the Council is aware of active discussions

with communities and Local Government with regard to the deliverability of CHP technology at Kingsnorth

It is considered that the ASC Coal Fired proposal for replacing the existing coal fired power station at Kingsnorth power station will amount to the eventual replacement of the existing power station rather than the establishment of an additional facility. It is further considered that the proposed ASC power station represents a option, which maintains the diversity and security of supply and is broadly in line with the Governments objectives of maintaining the diversity of the supply. With the improved technologies within the new plant (SCR, ESP and FGD) combined with the potential for CCS Technology in the future, it is considered that this scheme will result in a power plant in full use rather than maintaining an under used existing power generating plant as well as the utilization of fuels that result in an increase in the efficiency over the existing plant whilst maintaining a security of supply from various fuel sources for power generation. Furthermore the ASC plant offers higher operating efficiencies, resulting in less GHG and other emissions per unit of energy generated, making it a better environmental option than the current facility.

As the site is predominantly within a designated industrial/employment area it considered that the principle of the development is acceptable in policy and general terms. The main issues relate to impacts on: visual amenity; nature conservation (related to the various special designations locally); the general amenities of the area; and on transport.

Design and Visual Impact

The site for the new plant was investigated carefully by the applicants and important drivers in their choice were the geographical positioning of a new coal-fired plant, such as proximity to a connection point for the electricity network and proximity to suitable cooling water, the FDG Waste Water Treatment Plant (WWTP) and coal supply, as well as the re-use of existing assets, the transport network, the potential land supply for CCS technology and the deficit of power generation in the South East generally. As noted above, one of the primary design considerations for the positioning of the ASC power station is the proximity to the water supply. Equally, the pipe work length connecting the turbine and the heat recovery steam generators should be kept to a minimum to maximise operational efficiency.

Notwithstanding the applicant's technical reasons for selecting the locations for the new ASC and ancillary infrastructure, it is considered that in landscape impact terms that this location is the most appropriate because the new plant will be set against the backdrop of the existing plant which will eventually be decommissioned and demolished and the industrial site located to the north and north-east. The proposed buildings will be large, being of the following approximated dimensions:

- The boiler house dimensions are expected to be around 64m wide, 66m long and 110m high.
- The turbine house dimensions around 37m wide, 47m long and 63m high.
- The chimney stacks, one for each generator will be around 198m high, the same as the existing stack height.

However, it should be noted that the exact height of the buildings and chimney stacks would be determined by emissions modeling when specific plant design parameters are available, ensuring that permitted ground level concentrations are not exceeded.

The silos for limestone, gypsum and temporary ash storage will also be located on site; they are expected to be approximately 35 m high. The units are expected to be located in a side-by-side configuration. The applicants have submitted an indicative layout arrangement of the new units.

The desalination plant, to provide make-up water to the boilers, will require two water storage tanks. The dimensions of the desalination plant are expected to be 20m wide, 30m long and 10m high, the dimensions of the tanks are expected to be 22m diameter and 16m high.

Further water storage will also be required for a supply of townswater for potential fire fighting purposes; the storage tank is expected to be 10m diameter and 15m high.

Two 50 MW oil-fired, gas turbines (GTs) are also proposed to be built on the site to enable the super-critical coal-fired plant to be started in the event that it should become isolated from the grid. This black-start provision is an important part of preserving security of supply and replaces that provided by the existing gas turbine units. The GT buildings are expected to be around 15m wide, 17m long and 11m high, with chimney stacks of approximately 40m high. The GTs will be fed oil from storage tanks on site, which will be approximately 22m in diameter and 16m high.

Whilst these new structure would appear on the face of it to be tall, the applicants have advised that the the current boiler house is 73m high and approx 300m by x 200m in length and width when measured on a plot plan. Additionally they advise that the chimney is 198m high and is in fact 4 chimneys in one with approx diameter of 25m. Due to the design and build nature of the proposed development the applicants have pointed out that the proposed height of the boiler house at 110m is a worst case scenario and that one of the potential contractors have given an initial indication that the boiler house will be approximately 86 metres in height. The Visually Acturate Representations (VAR's) submitted with the ES give a good indication of comparable scales between the existing and proposed power stations. In addition to the above it should be noted that these new structures will be orientated at right angles to the existing power station and due to the layout have a lesser impact on the surrounding appearance of the area.

At present there are no plans to close the existing plant other than when it must close under the terms of the LCPD in 2015. However the applicants have confirmed that should consent for the ASC Power Station be granted they will undertake a phased decommissioning of the existing power station followed by its demolition. The Council considers it prudent to issue a condition requiring details of its removal within a timescale to be agreed completion and operation of the first new ASC Units on site (either Unit 5 or 6).

While the power station is adjacent to the North Kent Marshes SLA, the proposed new plant, with the exception of the existing Longreach Jetty will be contained within the operational area of the existing power station, which is itself already dominated by very substantial buildings, as well as the wider industrial area at Kingsnorth. The existing power station and ancillary infrastructure and the other large-scale industrial features dominate the local landscape. This being the case, the proposed development will not appear to be out of place with the surrounding environment or the wider area in general.

The landscape and visual assessment that has been undertaken accords with recognised methodology for such studies and illustrates the likely magnitude of the proposed ASC power station. The development is located at the interface of the Greater Thames Estuary and North Kent Plain character area, which are flat, open and low-lying, containing sparse tree cover

with widely dispersed settlements. Industrial buildings and complexes dominate views and have become characteristic of the area.

In terms of the effects on the landscape generally the proposed new units will be located on meadow and rough grassland to the north of the existing station units with no loss of important landscape features. Landscape areas utilised for construction laydown will be replanted with appropriate tree, grassland and scrub species. The development is in keeping with the local landscape character of industrial buildings and complexes. The overall effects on landscape features have been assessed to be insignificant in the long term due to the opportunity for replanting of these areas with tree, grassland and scrub planting.

In terms of the effects on visual receptors, during construction, upon completion of construction and the day of opening of the development, visual receptors from the west, north and north-east experience the greatest effect on visual amenity. The severe/moderate adverse effects are reduced to moderate/low adverse effects for the majority of receptors by year 15 of operation. During the demolition of Units 1 to 4, receptors located in the south, nearest to these proposed development will experience the greatest effect on visual amenity. Three groups of receptors will experience a severe adverse effect in the short term reducing to moderate/low adverse effect in the long term.

By year 15 of operation, the applicants have found that two groups of residential receptors with view of the site from the north will experience impacts of the greatest magnitude and significance. Their views are from higher ground, at relatively close proximity and the structures associated with units 5 and 6 will be located closer to the receptors than the previous development. These receptors will experience a severe/moderate adverse effect on visual amenity in the long term. In terms of the wider landscape of the development site is predominantly open and low-lying, with the effect of the proposal being widely visible. However the development, in the short term, is viewed against the existing power station Units 1 to 4. This increases the visibility of the power station resulting in a denser or more extensive mass of buildings with three chimneys instead of one (the two chimneys proposed as a result of the development and the one existing chimney which will eventually be demolished). The proposed new units will amplify the visual intrusiveness of the station, increasing the effect on surrounding visual amenity. However, the increased effects on visual amenity in the short term are replaced by a minimal increase in effects on visual amenity in the long term. The decommissioning and demolition of the Units 1 to 4 will result in the new units dominating views in the long term. However, bearing in mind the existing situation this is felt to be acceptable.

The new structures will be characteristic of the existing industrial area and will be viewed within that context. The station will be placed at right angles to the existing dominant building and will appear to be reduced in scale due to its stepping down from the west to the east. It is considered the visual appearance of the area would be improved owing to the scale of the proposed plant and its orientation, although the chimneystacks will remain the dominant features with two, following the decommissioning and demolition of the existing plant, rather than the one chimney stack at present. Views of the new units will be possible to varying degrees from the public highway (The A228, Ropers Lane and roads within the surrounding area), public rights of ways and other roads and tracks adjoining the power station complex.

It is considered that the local landscape, with appropriate mitigation measures being implemented, has the capacity to accommodate the scale of the proposed new ASC power station. Accordingly the proposed development, with the imposition of appropriate conditions on any forthcoming deemed planning permission granted by the Secretary of State, is considered to be acceptable in visual and landscape terms and no objection is therefore

raised to this scheme under the provisions of Policies QL1, EN1, EN2, EN3 and EN5 of the Structure Plan, Policies BNE1, BNE6, BNE33, BNE34 BNE45 and BNE46 of the adopted Local Plan and of the emerging South East Plan.

Nature Conservation Considerations

The application site adjoins a number of nationally and internationally designated nature conservation sites (i.e. the South Thames Estuary and Marshes SPA/Ramsar/SSSI and the Medway Estuary and Marshes SPA/Ramsar/SSSI), which have been designated for their significance to migratory bird species, wildfowl and wading birds. In addition, due to the nature of the proposal, it has the potential to impact on other designated sites further afield, including Special Areas of Conservation (SAC). The SPA and Ramsar sites are subject to the provisions of the Conservation (Natural Habitats etc) Regulations 1994 (the Habitat Regulations). As a consequence of the power station's proximity to the River Thames and River Medway, the proposed development has the potential to affect terrestrial and aquatic species and their habitats and the implications for terrestrial and aquatic ecology are assessed below.

Terrestrial Ecology

An on-site extended phase 1 habitat survey has been undertaken, which includes a Great Crested Newt Survey, Bat Survey, Water Vole Survey, Badger Survey, Breeding Bird Survey, Over-Wintering Bird Survey, Reptile Survey and National Vegetation Classification Survey. The results of this study are set out in the ES and SEI accompanying the submission to the Secretary of State.

With respect to birds, the RSPB recognised that disturbance to birds using the habitats adjacent to the development site may arise during the construction and operational phases of the development. They noted that the ES concludes that the operation of the new units will not result in any greater disturbance than the current operation.

They noted that Appendix D2 of the ES contains information collected as part of the Wetland Bird Survey (WeBS) Core Count (carried out at high tide to show where birds roost) and Low Tide Count (showing where birds are feeding) schemes. The Core Counts show that the Kingsnorth area is particularly important for Ringed Plover, on passage and in winter, and Little Grebe in the winter. They also noted that Table 1 in Appendix D2 shows that all the count areas support significantly higher than the mean density of certain species. For example, areas 23 and 33 are particularly important for Dunlin and area 26 is particularly important for Teal.

The over-wintering bird survey carried out in 2006/07 demonstrates that the intertidal area around Longreach Jetty, and most affected by disturbance during construction, is used by small numbers of birds for which the SPA is designated. Ringed Plovers on passage were recorded in the Kingsnorth area but not close to the jetty. Therefore, the RSPB agrees that the avoidance of construction work on the jetty between November to February inclusive will mitigate the disturbance impact on wintering birds. Less intensive activity in October and March will further mitigate potential impacts on passage birds. The RSPB recommends that a condition is placed on any consent such that construction on the Longreach Jetty does not take place between November to March inclusive, and less intensive work in October and March. The RSPB's view is that with this condition on timing of works on the Jetty, plus the more detailed Mitigation Strategy, there will be no adverse impact on the SPA from disturbance to birds.

The applicant in their 'Report to Support the Appropriate Assessment' concludes that disturbance arising from the operation of the new units can reasonably be expected to be the same as operation of the existing power plant. This can be taken to imply that this includes shipping movements. However, the RSPB advise that the competent authority carrying out the Appropriate Assessment (DBERR) needs to satisfy itself that operational disturbance, including shipping movements will be comparable before and after construction of the new units.

Other species that have been recorded as being present on the site include Great Crested Newts, Common Lizards, Slow Worms, and Grass Snakes. One bat was recorded foraging along the length of the northern drain and the survey concluded that there was potential at an adjoining site (Former Holm Lodge) and one small building on the laydown area as having the potential to support roosting. In terms of the Common Lizards, Slow Worms, and Grass Snakes, the ES advises that the layout of the proposed development has been adjusted during the master planning stage to provide a buffer around the Nature Reserve, which will serve to prevent impacts to reptiles in the northern half of area TN8, where the greatest numbers seem to be concentrated. There will, however, be loss of a small area of coarse wet grassland in the southern part of TN8, which is the only part of the application site where a single Grass Snake was recorded. As Grass Snakes are relatively faithful to their sites, in the absence of mitigation, works to this area could result in harm to individual animals during the site clearance stage. There is a good breeding population of Grass Snakes in the Nature Reserve, and it is considered that the loss of the southern part of area TN8 is unlikely to have a significant effect on the conservation status of this species locally.

The ES also confirms that there are breeding populations of Common Lizard and Slow Worms in the Nature Reserve, and both species also occur in suitable habitats throughout the application site, and beyond. Members will be aware that certain reptiles are protected by law. It is almost certain that site clearance will need to be carried out adopting reasonable measures to minimise the potential for harm to reptiles, but in the absence of mitigation, the size of the area to be cleared means that there will be a localised reduction in the carrying capacity and thus the size of the populations of Common Newt and Slow Worm in the immediate and short term will be affected. This is an impact of significance only in the context of the site.

In the medium to long-term (i.e. during the operational stage of the development), a significant portion of the site will be returned to vegetated landscape. Indeed as part of the mitigation measures proposed the applicant is proposing to provide an Environmental Mitigation Area. These new habitat will provide opportunities for recolonisation by reptiles and on this basis Natural England has not raised any specific concern related to the effect of the development on reptiles generally. The temporary loss of available habitat in the application site is considered likely to have no significant adverse impact on the conservation status of the local populations of any of these species.

In addition to the above, the ES confirms that there are two badger setts present within the application site. One had two active entrances visible, with potential for further entrances in impenetrable scrub on the other side of the fence; and the other had a single entrance. Both setts have shown signs of occupation by badgers. The ES concludes that there will be a temporary loss of foraging habitat for badgers during construction, but there will be no loss of access to drinking water. In view of the fact that foraging activity in the area appears to be minimal, and other areas of grassland and scrub will remain available, it is considered that the temporary reduction in foraging habitat is unlikely to have an adverse effect on badgers.

In terms of the operational phase, the site offers alternative sites for the excavation of setts, or for an artificial sett to be provided (if compliance with legislation requires this, based on future conditions), and even in the absence of mitigation through ecologically-sensitive design, site landscaping would be likely to result in foraging habitat that is of at least similar quality to that presently available. In view of the above, the ES considers that there is no significant impact predicted on badgers, although mitigation measures are proposed to ensure legislative compliance.

The ES identifies Water Voles within the site boundary at the northern drain. The ES confirms that the scheme does not involve any works to the northern drain, or to the adjacent sea defence bund, which lies between the drain and the development area. Consequently it concludes that there is no impact predicted to this species. The ES also confirms that southern drain (TN 20), does not currently support Water Voles but has potential to be colonised by this species. However this is also unaffected by the proposed works. The ES recommends that as there is no bund to physically protect this drain during construction, mitigation is recommended to prevent accidental damage. The Environment Agency have advised that although at this stage of the development the species are not going to be directly impacted by the scheme, mitigation is still required to safeguard the occupied ditches during the development process. The ES advises that this will need to be discussed and agreed with the EA's biodiversity department. The ES advises that depending on when this scheme is implemented, the distribution of Water Voles on the site may have changed and therefore further surveys closer to the implementation of the building works may be required. As such the EA have requested the imposition of an appropriate condition.

The ES submitted with the application has identified the application site as being recorded as containing a protected plant species. Divided sedge *Carex divisa*, is a nationally scarce species that is classified as being vulnerable to extinction in the wild (JNCC 2005). The ES concludes that a small population of divided sedge will be lost during the site clearance stage, as it occurs in a long marshy hollow that bisects the main construction laydown area adjacent to the development. The loss of this colony from the site, in the absence of adequate mitigation would be considered to be significant at the local scale. However, with mitigation measures being put in place during the operational stage, otherwise locally significant negative impacts on the divided sedge the impact is considered to be either neutral or positive in the context of the site in the medium- to long-term.

Following consultation with Natural England they advised that they welcomed the principles outlined in the Statement for Ecological Mitigation produced by the applicant and their commitment to providing the same area of vegetated land post-completion to that lost at the site clearance stage and on that basis had no objections to the development in this regard.

Natural England, the RSPB, the EA and the Kent Wildlife Trust have variously commented on the nature conservation implications of the proposed development. These bodies while accepting the principle of this proposal have sought to ensure that appropriate mitigation measures are put in place in relation to terrestrial species and have recommended that appropriate conditions be imposed on any forthcoming deemed planning permission for this development.

Water Quality and Aquatic Ecology

Kingsnorth power station is adjacent to the Medway Estuary. The lower reach of the Medway and is classed as an estuary. The most significant aquatic impact from the operation of the

new units will arise from the cooling water (CW) system. The new units will use a direct water cooled system, based on that used by the existing power station at Kingsnorth, utilising the existing intake and outfall. Water will be abstracted from the Medway, during its passage through the condensers its temperature is increased, then the volume of water abstracted will be returned to the Medway at a temperature above the ambient water temperature. Direct water cooling is the most efficient form of cooling thereby minimising the global warming potential of the new units. Direct water cooling results in fewer emissions of CO₂ per unit of electricity generated than both air cooled systems and recirculating wet cooling systems utilising cooling towers.

There will be a discharge of wastewater from the FGD plant, mainly to control chloride levels in the gypsum product to ensure that it meets criteria for a saleable product. Additionally the efficiency of the FGD process decreases as contaminants build up in the system; therefore a continuous purge is required to maintain a high efficiency. The purge, along with other wastewater from the FGD system is passed through a Wastewater Treatment Plant (WWTP) before joining the station's CW discharge. The WWTP effluent contains chloride and trace metals, which will be discharged to the Medway Estuary in the CW discharge.

In terms of the impact of the development the applicant in their ES have assessed two main scenarios:

- A) operation at full load at the expected consent limits, which represents a worst case scenario
- B) operation at full load with the design coal for the FGD plant, which represents a less extreme case, but still with higher than likely average WWTP effluent concentrations.

A site specific model of the Medway and its confluence with the Thames Estuary was developed three years ago and was used in the ES for the CCGT power station at Grain. The CW assessment covers the operation of the new units alone and also simultaneous operation with Medway Power and the operation of the CCGT at Grain currently under construction.

In relation to the intake, the current surface water abstraction licence allows for an annual abstraction to cover once-through cooling, ash handling and processing. The applicants advise that this should be sufficient to cover the cooling water requirements of the new units. The site also has a licence to abstract water from boreholes. Process water for operation of the FGD plant will be provided by a desalination plant, supplied with estuary water. The FGD process water quantities required are small in relation to the CW requirements. The existing abstraction licences issued by the EA will cover the quantities required, although the abstraction licence will need to reflect the minor change in use. The implications for aquatic life are discussed further below.

In relation to the discharge the existing station is authorised to discharge 5.6 M m³/day via the CW outlet to Damhead Creek, equating to a continuous flow of 64.8 m³/s. The proposed new units are expected to discharge within the limit for the existing station. The existing station has four CW pumps, which are assumed to have a capacity of 15.48 m³/s each. For the purposes of this assessment it has been assumed that the maximum CW flow rate for the proposed 2 x 800 MW new units will be the same as the maximum CW flow rate for the existing 4 x 485 MW station (4 x 15.48 m³/s). In practice the flow rate for the proposed new units may differ. However the heat discharged, rather than the flow rate and associated temperature, has the most significant effect on the resulting temperature field in the estuary. It should be noted that the discharge temperature will be approximately 12.3°C above the intake temperature. This is comparable to the recently permitted CCGT Power station at

Grain, which will have a discharge temperature of approximately 12.5°C above the intake temperature. The Cooling Water then disperses into the water course naturally.

Typical flow rates from the FGD WWTP are expected to be in the range 1.2 l/s to 1.8 l/s, with a chloride concentration of 30,000 ppm, for both new units operating at full load. Trace elements derived from coal and limestone will be present in the FGD effluent. Trace elements precipitate out in the FGD WWTP as sludge. However small quantities remain in dissolved form. The removal efficiency of selenium and antimony is dependent on the oxidation state of the metals, which cannot be predicted. Neither selenium (VI) nor antimony (IV) will be removed by the WWTP. Additionally, boron and chloride are not removed by the WWTP. The dissolved trace species content of the WWTP effluent is related to the solubility product of the trace element in question. The FGD WWTP effluent will join the CW flow before final discharge to Damhead Creek. The discharge from the FGD WWTP will be subject to the PPC licence requirements overseen by the EA

There will be a waste stream from the desalination plant consisting of warm salty water. It is likely that this will join the CW flow before final discharge to the Medway Estuary via the CW outlet at Damhead Creek. Given that the receiving water is already saline, and volume of CW is high compared with the waste water discharge from the desalination plant, no adverse impacts on the estuary are expected to be associated with the desalination plant.

Aquatic life

Turning to the issue of the effect of the development on aquatic life, as noted above, the applicant is proposing to use the existing cooling water intake and discharge system for the new power station units. Clearly this will minimise disturbance to the estuary, and re-use of the civil structures will minimise generation of waste materials. The original CW circuit design was to serve four 485MW generating units whereas the proposed new units will have two 800 MW generating units, with higher thermal efficiency. Consequently cooling requirements will be significantly reduced. The water flow requirements are likely to reduce from the current 61.9 m³ S⁻¹ flow to possibly around 46.4 m³ S⁻¹. This cannot be confirmed at the current time however, the applicant in their ES has assumed that the flow rates are unchanged from the current intake and discharge requirements as a worst case assumption.

Abstraction of water has the potential to draw fish into the cooling water system to either be trapped on the intake screens or to pass through these into the CW circuit (for the purposes of this report, both are included in the term 'entrainment'). Factors that would increase entrainment of fish into the cooling water systems include:

- Abstraction velocities that exceed the fish swimming abilities
- Offshore intake designs that are open at the top ('bath plug-hole' type) with vertically descending flows that are hard for fish to avoid
- Fish failing to recognise the danger at night or with high turbidity

The depth of water at the intakes, the intake area and water velocity varies with state of tide. Taking the area between the concrete pillar structures at the entrance to the intake, that would form a point of reference for any fish being entrained, flow for the existing plant is estimated to be 28 cm S⁻¹ for mean low water spring tide and 11 cm S⁻¹ for mean high water spring tides with an average of approximately 20 cm S⁻¹.

Estimates have been made of maximum approach velocities that enable fish to escape at different water temperatures. The following table shows these velocities (cm S^{-1}) for age 0+ fish of each species.

These 'escape velocities' are generally higher than the 20 (11 – 28) cm S^{-1} estimated at the intake screens apart from for some of the flat fish species and in very cold water conditions. The design of the intake has vertical columns supporting the CW structures with a vertical coarse bar screen system behind (with slot widths of 51mm) through which water flows horizontally. The columns and screens will provide a visual reference for fish being entrained in other than high turbidity or dark conditions. The CW will then pass through drum screens designed to prevent trash and weed from entering the CW circuit.

The ES advises that in comparison with 8 other coastal and estuary based power stations around the UK and French coasts, Kingsnorth was reported to have the lowest mass of fish entrained per unit volume of water at around 4.4 kg per 10^6 m^3 compared with an average of 53 kg per 10^6 m^3 at the other stations (range 5-190 kg per 10^6 m^3). Clearly the mass of fish entrained at Kingsnorth bases on this evidence is relatively low.

The above assumes that the lower total output and more efficient units would not be able to utilise a lower flow rate to discharge its reduced thermal load to the estuary. This is unlikely to be the case in reality, not least because there is a commercial incentive to reduce flow rates and hence pumping costs. With reduced intake velocities and volumes for a new, more efficient units, it is suggested that the mass of fish entrained will be reduced.

In relation to discharge from the power station into the adjoining water ways the applicant in their ES have given details of the modeling studies for the thermal plume from the CW discharge. The proposed CW discharge and heat loading from the proposed power plant is considerably lower than that currently consented. If the same CW flow is assumed ($64.8 \text{ m}^3 \text{ S}^{-1}$) the temperature of the discharge from units 5&6 would be up to $+6.7^\circ\text{C}$ compared to the existing consented level of 18°C . On this basis it is not considered that there will be a significant change from the result from operation of Units 5 & 6 compared with existing operations.

Thermal discharges can result in a range of direct and indirect effects on the receiving environment. These can include; lethal and sub-lethal responses from organisms; stimulation in productivity; and reduction in dissolved oxygen concentrations. Long-term temperature rise also increases the risk of the establishment of non-native species, which may have a competitive advantage over native species as a result of the warmer temperature. There are no statutory water quality standards for temperature that apply in the estuarine waters. However the Water Quality Technical Advisory Group (WQTAG) have recently issued guidance on the assessment of thermal discharges on 'European Marine Sites' (WQTAG 160). The Medway Estuary and Marshes is designated as an SPA and hence the applicable thresholds at 2°C deviation from ambient at the edge of a permitted mixing zone and 28°C as a 98 percentile maximum temperature, again at the edge of the mixing zone. A mixing zone is acceptable if it can be demonstrated that it will not have an adverse effect on site integrity. A number of generic considerations are given by WQTAG that apply to assessments on site integrity. These include spatial considerations, natural thermal regime, temporal variations and in combination effects.

The ES assesses the impact on all four elements and concludes that the CW discharge impacts on fish populations would not be anticipated to be a significant threat to the integrity of the existing populations within the Medway Estuary and Marshes SPA. The applicant

further points out that due to the worst-case scenario being used it is highly likely that the impacts would be lower than for the existing power station.

With regard to the effect of the thermal discharge on benthic organisms impacted by the CW plume, these are of particular relevance to the conservation importance of the estuary as they form the food source for the bird populations that use the mudflats. The discharge comprises a 4km long creek system (Damhead Creek). This reduces the speed of dilution of the thermal plume and hence sampling enabled a comparison of benthic communities subject to conditions varying from the undiluted discharge to control sites further away from the discharge. At the time of the study Kingsnorth power station was operating at a high load factor and included summer dosing with chlorine (at a nominal 1 mg l^{-1} at the point of dosing). The discharge was $68 \text{ m}^3 \text{ S}^{-1}$ at an average of 9.2°C above ambient temperatures (compared with the maximum of $+6.7^\circ\text{C}$ for the proposed plant at the same flow rate). The fauna in the discharge canal (at incremental sea bed temperatures in the range $+1.3\text{-}7.6^\circ\text{C}$) had a lower diversity of species. The species most conspicuously eliminated from the creek were those with calcareous shells. While the number of species was lower within the discharge canal, abundance was found to be consistently higher (up to $80,000 \text{ m}^{-2}$ compared to a maximum of $12,190 \text{ m}^{-2}$ at the control site).

The proposed new units would discharge through the same discharge channel and consequently impacts will be similar to those found during this survey, albeit of lower magnitude due to the smaller thermal loading produced. The differences in species composition of benthic fauna could potentially affect the quality as a food source for bird and fish populations that may be selective feeders. Damhead Creek is designated as a bass nursery area as it harbours large numbers of bass that favour warm waters. This population is clearly healthy and not subject to limitations of available food supply. Large numbers of waterfowl still use Damhead Creek during the winter months. In cold weather their numbers can peak at over 2000 ducks, mainly Wigeon and Teal but with smaller numbers of Mallard, Shoveler and Gadwall.

At low water the mudflats of the creek are used by waders, with around 1,500 Lapwing and smaller numbers of Curlew, Grey Plover, Redshank, Greenshank, Blacktailed Godwit and Oystercatchers present. The Greenshank use the salt-marsh edge for a high tide roost with up to 150 in the flock. Appendix D2 of the ES includes some relevant bird count data relating to this area of the estuary. Average bird densities and range of species around Damhead Creek appear generally comparable with average bird densities and range of species recorded across the rest of the Medway estuary (bearing in mind the small proportion and hence range of habitats present within this small part of the Medway). It would therefore appear that from observations within the Medway Estuary that power station thermal plumes, even when of greater intensity than would occur with the new ASC units discharge, do not in practice have a significant adverse impact on the bird populations.

Thus it is predicted that the impacts on the benthic fauna at the discharge from Kingsnorth units 5 & 6 (as with the existing power plant impacts) in comparison to unaffected sites will be limited to some possible variation in the species composition over a limited area in Damhead Creek, but that abundance will not be adversely affected. The benthic fauna in the area is not thought to harbour species of particular conservation interest per se, but that the main importance is as a food resource for fish and bird species. No adverse significant effect on birds through food availability/quality impacts is evident in this area.

The applicant advises that mitigation measures have generally been considered as inherent in the design process. Thus the proposed new units are intended to utilise supercritical boiler

technology that is more efficient than the existing units and hence will reject less heat into the CW system. The proposed new units will use coal as the primary fuel, and combined with up-to-date emissions control technologies, will result in low emissions of NO_x and SO₂. This will minimise off-site impacts through air pollution and deposition of acid gases, etc. The re-use of existing cooling water structures, will also minimise the production of waste materials and disturbance from construction activities.

The layout of the proposed development uses existing industrial areas, which have negligible ecological value. It will also utilise existing facilities on site, such as CW systems, access roads etc. which minimises construction requirements and associated disturbance to wildlife, particularly in the Medway Estuary. In order to further reduce any ecological impacts, the applicants have incorporated the following measures into the design of the development:

- An integrated reptile and amphibian mitigation strategy, based on reasonable avoidance measures to minimise damage to populations on site, will be produced and implemented in consultation with Natural England.
- Good housekeeping practices will be adopted to reduce risk of pollution and minimise impacts of construction work disturbance on other wildlife. Site staff will receive specific briefings when working adjacent to more sensitive receptors, such as saltmarsh and drains, so that particular care is taken with work practices. However in this project the need for any works in close proximity to such sensitive receptors is considered to be minimal.
- Any topsoil and subsoil moved during construction will be stored separately
- Construction activities will need to avoid disturbance of any bird nesting sites, particularly Black Redstarts.
- A full time Environmental Initiatives Officer is employed by E.ON UK who covers both the Kingsnorth and Grain power station sites and promotes opportunities for conservation and will ensure that impacts through construction and operation are minimised

Summary and conclusions on nature conservation issues

Natural England has advised that the operation of the ASC station is likely to have a significant effect on the nature conservation value of the adjacent SPA and Ramsar sites and that under the provisions of the Habitat Regulations there is a requirement for the competent authorities to undertake appropriate assessments under the provisions of Regulation 48. In this instance it is clear that the Department of Business, Enterprise and Regulatory Reform and the Environment Agency are the competent authorities in the decision making process and should undertake an Appropriate Assessment. The Department of Business, Enterprise and Regulatory Reform in relation to planning and land use matters and the Environment Agency in relation to operational matters (primarily those concerning emissions to air and water). The proposed ASC power station will also require a separate authorisation under PPC regime in order to operate, and an Appropriate Assessment of the impacts associated with the emissions arising from the power station to air and water will be undertaken as a constituent part of the PPC determination process. Both the Department of Business, Enterprise and Regulatory Reform and the Environment Agency are aware of Natural England's views on the need to undertake Appropriate Assessments and the Local Planning Authority is therefore satisfied that the competent authorities have been made aware of the obligations that they will need to fulfil before the relevant body can issue a consent in relation to the matter over which it has jurisdiction.

On the basis of the available ecological information submitted with this application the Local Planning Authority, in consultation with Natural England, the RSPB and the Kent Trust for Nature Conservation, is satisfied that the ASC power station with appropriate mitigation measures will have limited impacts upon the nature conservation value of the adjoining national and internationally designated sites and the protected species, or their habitats, found within the application site. Where impacts on designated sites or protected species or habitats will occur, it is considered that appropriate levels of mitigation can be provided to safeguard the wildlife interest of the site or the adjoining designated sites.

The proposed development is considered to be acceptable in nature conservation terms and no objection is raised to this proposal under the provisions of Policies EN6, EN7 and EN8 of the Structure Plan, Policies BNE35, BNE37, BNE38 and BNE39 of the adopted Local Plan.

Amenity Considerations

The impact of the ASC power station proposal upon the amenities of the occupiers of premises within the vicinity of the application site can be divided into those arising during the operational and construction phases of the development. The potential impacts during both the operational and construction phases of this project essentially relate to the potential for the generation of noise, disturbance and atmospheric emissions (gaseous, particulate and dust).

Noise

The Environmental Noise Impact Assessment has focused on four residential receptors that represent the residential areas surrounding the Kingsnorth power station site. However, the background noise measurements that were undertaken were not representative, thus minimum night time L_{A90} levels were used in the assessment. The design of the proposed development has not been finalised, and so a comprehensive noise model was not undertaken. Predictions were made following the guidance contained within BS 4142: Method for rating industrial noise in mixed residential and industrial areas. I am satisfied with this approach and that the predicted noise levels at all receptors are below the minimum background night-time noise levels.

However, the estimated noise level associated with the plant is specified as a broadband noise level only. There has been no assessment of low frequency noise that could arise from the operation of the plant.

The construction phase of this project is anticipated will last up to 48 months, with works estimated to be coming to conclusion in February 2012 (clearly this is subject to works commencing on site within the timeframe set and no slippage occurring). With respect to noise generation during construction, given the distance of the construction site from noise sensitive properties, significant levels of noise disturbance are unlikely to arise. It has become the practice for major construction projects within Medway to be regulated under the provisions of Codes of Construction Practice (CoCPs) (secured by means of planning conditions) and Section 61 consents under the provisions of the Control of Pollution Act 1974. The use of CoCPs and Section 61 Consents are proving to be an appropriate means of controlling construction noise levels and working hours. To ensure that construction noise impacts are appropriately controlled it is considered that the requirement to submit a CoCP and to implement the provisions of the code should be made a conditional requirement of any forthcoming deemed permission for this development. However, the Environmental Health Manager has specifically requested additional appropriately worded conditions to

control noise from the construction and operation of the proposed development. This being the case these conditions are recommended.

It is considered that operational and construction noise can be controlled in an acceptable manner, with the imposition of appropriate conditions, and accordingly no objection is raised to the application under the provisions of Policy QL1 of the Structure Plan, Policies BNE2 and BNE3 of the adopted Local Plan.

Air Quality

Matters relating to air quality are considered and determined as part of the PPC application to operate the ASC power station to the EA. Nevertheless detailed below is a summary the ES report on the matter.

An atmospheric dispersion model has been used to assess the impact on air quality of the proposed ASC plant. In order to compare the impacts on air quality before and after the development, several sets of data were assessed. These included Air Quality Standards (AQS) for human health, AQS for fine particles PM₁₀, AQS for the protection of vegetation and ecosystems, existing (baseline) annual mean concentrations, existing (baseline) short term concentrations, emission characteristics, predicted ground level process and environmental concentrations, etc (as detailed in Para 3.1 of the ES and the SEI). The air quality strategy (AQS) sets out air quality objectives for sulphur dioxide (SO₂), nitrogen dioxide (NO₂), fine particles (PM₁₀), and other substances.

In terms of sulphur dioxide the ES concludes that the Atmospheric dispersion modeling predicts that all the AQS objectives relating to SO₂ will be easily met for the proposed new units operating continuously on full load. The 99.9th percentile of the 15-minute mean SO₂ Predicted Environmental Concentration is 70µg/m³ which is 26% of the AQS objective threshold value of 266µg/m³. Therefore the development does not contribute significantly in a negative manner to the air quality in the area.

In terms of nitrogen dioxide the ES concludes that the predicted environmental concentrations of NO₂ resulting from the new units will be within the AQS limits for NO₂. For the proposed plant operating continuously on full load, the predicted annual average NO₂ concentration, including background at the maximum impact point is 29µg/m³, which is 72% of the air quality standard of 40µg/m³. For the new units operating continuously on full load, the 99.79th percentile of the hourly mean NO₂ concentrations at the maximum impact point, including background concentration, is predicted to be 56µg/m³, which is 28% of the air quality standard of 200µg/m³. Therefore the development does not contribute significantly in a negative manner to the air quality in the area

In terms of PM₁₀ the ES concludes that the predicted environmental concentrations of PM₁₀ for the proposed supercritical plant operating continuously at full load are within the AQS limits for PM₁₀. Therefore the development does not contribute significantly in a negative manner to the air quality in the area.

The Environmental Health Manager in terms of AQS has confirmed that the atmospheric dispersion model has been used to assess the impact on air quality concludes that the development does not contribute significantly in a negative manner to the air quality in the area. The atmospheric emissions from the operation of the proposed development are emissions of carbon dioxide (CO₂), ozone (O₃), sulphur dioxide (SO₂), nitrogen dioxide (NO₂) and particulate matter (PM₁₀).

The UK National Air Quality Strategy (NAQS) deals with the assessment and management of air quality and has set health-based targets for the pollutants SO₂, NO₂ and PM₁₀. Detailed dispersion modeling has been carried out to predict the significance of ground level concentrations of SO₂, NO₂ and PM₁₀ as a result of the proposed development. The model predictions stated are below the National Air Quality Objectives.

The ES also states that the proposed units do not cause any local increases in low-level O₃. Levels of CO₂ have not been assessed but the efficiency of the proposed units will be greater than the plant efficiency of the existing power station, therefore reducing emissions of CO₂.

Regardless of the above, Members are reminded that the control of emissions to air from the proposed development will be regulated by the EA and emission limits will be specified as part of the IPPC regime, under the Pollution Prevention Control Regulations 2000.

In addition to the above, it is to be noted that Natural England, RSPB and KWT had raised some concerns about the potential for emissions from the ASC station to be harmful protected species and habitats. However, their objections were removed following the submission of additional SEI by the applicant, subject to the imposition of appropriate conditions and mitigation measures. Additionally Members will recall the EA will need to consider an IPPC submission and an Appropriate Assessment under the provisions of the Habitat Regulations that will need to be undertaken by the competent authority. In this case, the competent authority being the Department of Business, Enterprise and Regulatory Reform in relation to planning and land use matters and the EA in relation to operational matters (primarily those concerning emissions to air and water). The EA will need to undertake their Appropriate Assessment before it gives its operating consent for the ASC station.

During the construction phase for the proposed development there is a potential for dust to be generated, which might adversely impact upon the amenities of the occupiers of premises within the vicinity of the application site. Mitigation measures such as the use of water sprays, the washing of road surfaces and the sheeting of lorries transporting dry materials can be employed to reduce the potential for dust to be generated and this an issue that can and should be controlled via the recommended Code of Construction Practice.

Bearing in mind all of the above the proposed development been considered in relation to its potential to affect local air quality and the effect that this may have on the image of the Medway Towns in regard to reinvestment in the area and the consequential results that this may have in line with RPG9a Thames Gateway planning framework. On the basis of the fact that the existing power station is inefficient and the proposed development improves on efficiency with the potential for both CHP and CCS Technology this development, on balance, is considered to be acceptable in this regard.

The proposed development is considered to be acceptable in air quality terms and no objection is therefore raised to it under the provisions of Policy BNE24 of the adopted Local Plan and Policy NR6 of the Structure Plan.

Transportation

Marine Transport

In regard to ports, due regard should be given to adjoining operators and other larger commercial communities of the River Medway. The Government White Papers “Modern Ports – A UK Policy (2000) and The Future For Transport: A network for 2030 (2004)” are relevant in this sense. The Modern Ports White Paper has overriding principles related to ensuring competitive markets, stringent safety standards and the protection of the environment. The White Paper: The Future For Transport relates to factors that will shape travel and the transport network to 2030. This Paper recognises that maintaining high quality in the shipping industry is a priority and that pressures on port capacity will be a challenge. The main thrust related to transportation by shipping is to support economic prosperity, whilst ensuring that the environment and local communities is minimised. Additionally it states “where there is a clear need we [the Government] will support sustainable port development”.

It is noted that the applicants currently import their coal supply by ship from the continent. Indeed the applicants have inferred that once units 5 and 6 are up and running and the existing power station is decommissioned the frequency of their importation will remain little different from their current levels of shipping movements. It is noted that in this regard Kingsnorth existing importation of coal is a form of port operation. On the basis that E.ON advises in their document entitled SEI that their level of marine operations will not significantly change over their current importation level it is considered that their use in relation to other nearby port users will not affect the appropriate operational practices related to the deep water berths on the Isle of Grain or the surrounding berths in general. It is considered that they can be operated safely and efficiently following the development proposals related to Kingsnorth Power Station and the works on the Longreach Jetty.

Highway Transportation

The applicants have undertaken a Transport Assessment (TA), which has been appended to the ES accompanying the submitted documentation. The TA has followed established methodology for undertaking such assessments, including an evaluation of background traffic flows, construction and operational traffic impacts arising from the proposed development, an identification of committed developments in the study area, an analysis of accidents and formulation of mitigation measures.

In order to determine the traffic impact of the proposed development, a comprehensive transport assessment was submitted and assessed by the Council’s Transport Consultant. Once the development becomes operational, the size of the workforce (approximately 250 E.ON UK staff and permanent contractors) will be very similar to the current operational staff and as a result the vehicle movements will be at a similar level to those currently occurring. Therefore, the greatest traffic impact will occur during the construction phase of the development, which is expected to end in 2012.

Construction of the new units will require the delivery to site of a large amount of equipment and materials, including some large and abnormal loads. Once the site is operational materials will continue to be delivered by river transport, and as far as possible large loads

will also be transported this way during the construction phase. However the majority of construction materials will need to be delivered by road for economic and logistical reasons. In addition, there will be a construction workforce, the size of which will vary throughout the construction period, and operations and maintenance personnel all needing to travel to the site. It is expected that construction personnel will find accommodation either within the development catchment area, or from daily commutable catchment areas such as Chatham, Gillingham or Strood. In, each case, it is likely that staff will travel to the site by road, either by shared communal transport or private car.

The profile of the construction workforce has been estimated in consultation with a number of specialist power sector contractors with recent experience of large coal-fired power station construction. A profile of daily workforce over the 48-month construction period has been established, which predicts that the peak month of construction activities would require around 3,000 workers on site. This is estimated to generate around 850 cars/vans and 100 communal vehicles. It is normal practice to have contractual conditions with subcontractors working on the site in order to manage working hours and therefore control the arrivals and departures from the site. In addition, the provision of communal transport facilities can be secured through a suitably worded condition requiring the implementation of a construction workers travel plan.

The area of impact assessed included junction 1 of the M2, the A289 Wainscott Bypass, the Four Elms Roundabout, the A228 and Ropers Lane. The anticipated number of trips generated by the proposed development was compared to the existing traffic flows (established through the undertaking of traffic surveys) to determine the percentage increase in traffic flow on the main road links. The Transport Assessment indicates that the construction phase of the development would have a 3% impact on traffic levels at Four Elms Roundabout during the morning peak period, and between 4% and 5% impact during the evening peak. Whilst this is considered to represent a relatively small, short-term increase in traffic flows at the roundabout and unlikely to have a significant impact on its operation, it is considered appropriate that a financial contribution is made to the Council based upon this percentage impact. This is consistent with the approach taken with other developments in the vicinity that will have an impact on traffic levels at the junction, and will enable the Council to undertake long-term assessments and mitigation measures to ensure that the roundabout is capable of accommodating all current and future development proposals.

The Transport Assessment indicates that the greatest traffic impact resulting from the development will occur at the Ropers Lane/A228 roundabout, with a 50% increase in daily traffic levels at the junction during the peak construction period. Although a capacity assessment demonstrates that the junction would continue to operate satisfactorily, a safety audit was undertaken in order to assess the implications for highway safety resulting from increased traffic levels on Ropers Lane. The audit made a number of recommendations relating to minor highway works such as improved road markings, signage and the provision of anti-skid surfacing that would improve the safety of the access route. In addition, the audit recommended that the junction of Ropers Lane and Stoke Road be carefully assessed in respect of its ability to accommodate an increased number of large vehicle movements, as there is evidence of over running of the inside kerb line by heavy vehicles due to the tight radius of the bend. The applicant undertook this assessment, and as a result proposed a localised widening scheme utilising highway verge. This is considered appropriate and commensurate with the short-term impact of the development during its construction phase, and the applicant has committed to providing a sum of money, secured via a Section 106 agreement, which will allow the Highways Authority to carry out the works on Ropers Lane and at the junction with Stoke Road.

The proposed site access would remain a continuation of Ropers Lane with a 25mph speed restriction enforced by speed humps. No changes to the public highway are proposed as part of the development, with any amendments being on the approach to the proposed site vehicle car park and gatehouse, which are within the development site. Traffic surveys indicate that existing traffic flows on the approach to site access are low, and therefore the expected increase in traffic flow due to the construction vehicles is unlikely to significantly impact on the capacity of the approaches to the site. In terms of parking, an outline plan has been submitted showing the proposed car parking arrangements for construction staff vehicles at the site. It indicates that 906 spaces could be provided within the boundary of the proposed car park and, in addition, there is an area to the north of the car park that could be used as an overspill facility. Although it is considered that the site makes adequate provision for car parking, particularly having regard to the use of communal transport and the requirement for a construction workers' travel plan, the applicant will be required to submit precise access arrangements and detailed layout proposals for the car parking area prior to commencement of construction and it is proposed this is secured by condition.

In addition to the above, Medway Council has been actively seeking funding from Government to deliver transport improvements to enable the regeneration of Medway. Seven schemes have been identified, one being improvements to the A228 between Ropers Lane to Grain. The total value of the A228 improvement amounts to approximately £27m, of which £9m is being sought from Government. The scheme provides localised safety and capacity improvements along the A228. It is anticipated that a significant number of vehicles associated with construction workers or the delivery of materials could have a detrimental impact on the A228 and given its poor accident record and the series of improvement schemes that have already been identified, the Council has requested the applicant to make a financial contribution of £1m towards safety and capacity improvements on the A228 between the Ropers Lane Roundabout and Grain. The applicant have agreed to this contribution.

Subject to a Section 106 agreement to secure financial contributions referred to above, the short-term impact of this proposal is considered acceptable in terms of traffic generation, parking and access. Accordingly no objection is raised under the provisions of Policies T1 and T2 of the Local Plan.

Flood Risk

A large proportion of the existing power station main buildings are within 100m of the estuary lying within the functional floodplain with some structures including the Long Reach jetty located in the water. The power station site is identified as being located within a flood warning area. The site is classified as a Zone 3 flood risk site, which is a high-risk area with a statistical 0.5% or greater chance of flooding occurring in any one year.

E.on's Kingsnorth site is protected by an existing flood defence system. The east and southern site boundaries are bounded by primary defences. The southern boundary is protected by a concrete sea wall and the eastern boundary up to the closure with the Damhead Creek defences is a concrete pile wall with a concrete cap. These primary defences are maintained by the EA. The north and western site boundaries are protected by secondary defences in the form of ash embankment bunds.

Following work undertaken to the primary defences in 2004 the main station buildings were fully enclosed by flood defences and work is currently underway to construct bunds around the ash lagoons to a height of 6.3m ODN in accordance with agreed heights with the EA

The Environment Agency (EA) identified in 2006 that the 1 in 200 year high water level is 5.4m Ordnance Datum Newlyn (ODN) and the 1 in 1000 year high water level is 5.8m ODN. Flood defences must be designed to withstand a 1 in 200 year or 1 in 1000 year high water level and account for storm and tidal surges, wave height and intensity. The effect of climate change (rises on sea level) is already accounted for by the EA in the still water level.

The EA confirmed in February 2006 that the 1 in 200 year standard for flood defence was 5.4m ODN and the 1 in 1000 year standard for flood defence was 5.8m ODN. The EA advise that records indicate that the site has been subject to tidal flooding in the past, but in their view the majority of the site is offered what is considered to be an 'appropriate' standard of defence in line with the latest Government guidance on Development and Flood Risk PPS 25. The EA advise that suitable surveys and remedial works have been undertaken on site to ensure the defence line is maintained and that they have no objection on flood risk grounds to the principle of extending the existing development site. However they have requested the imposition of appropriate conditions requiring:

- A) The raising of the main site access road, were it forms part of the bund to a height to be agreed with them;
- B) The submission of a full flood risk assessment, which takes into account of a design horizon of 2115 which they consider to be a more realistic figure when considering the development lifespan prior to the commencement of the development on the site; and
- C) The implementation of a suitable maintenance regime to ensure that continuing animal activity within the site does not adversely affect the structural integrity of the defences.

The EA advise that, subject to the above, their overall conclusion in relation to flood risk is that the Kingsnorth power station site is fully protected to current flood risk standards, with some requirements for minor repair and maintenance work. The maintenance work would not exacerbate flood risk elsewhere and would have no significant environmental impact. Consequently they consider that the new units would be satisfactorily protected against flood damage. On the basis of the above, it is concluded that this development is acceptable within the terms of policy NR11 of the Kent and Medway Structure Plan 2006 and policy CF13 of the Medway Local Plan 2003.

Archaeology

An archaeological desk based analysis was undertaken on the applicant's behalf which has identified that the application site has archaeological potential. The recorded evidence suggests that the area of proposed development and the surrounding area contains significant archaeological potential, dating from the Bronze Age to the present. The data reviewed as part of the initial archaeological desk based analysis indicates the presence of multi-period activity in the immediate vicinity of the site and a series of medieval or post-medieval flood defence systems identified across the Study Area

The accompanying geoarchaeological assessment of the Study Area concluded that there is also a high potential for significant palaeoenvironmental data to survive within the organic rich alluvial silts and peat deposits, which are likely to lie beneath and marginal to the site. The presence of Holocene stratigraphies within the study area, that are likely to contain

dateable archaeological horizons, is considered probable, allowing archaeological material that has been shown to be associated with peat units to be placed in a detailed environmental context.

Key organic sediments, deposited during a temperate episode in the Pleistocene, are considered to lie within a former, palaeo river channel that appears to skirt the site. Sediments that can be assigned to temperate/interglacial episodes would be of possible national importance, and the potential for contemporary archaeological material to exist within these sediments should be considered a possibility.

It is likely that evidence recovered in the course of the archaeological desk based analysis represented only a small proportion of the archaeological resource, and it was therefore considered that additional, as yet unrecorded remains may exist within the site, including those buried beneath deep alluvial deposits have the potential to exist.

Due to the above and since there was insufficient information about the nature and condition of the potential archaeological deposits within the development site to assess the impact the proposed development will have on them, further archaeological work was undertaken during the summer months of 2007.

A geophysics survey of the site in May 2007 identified areas of potential archaeological interest, a two phase field investigation was undertaken in June/July 2007. These investigations included a phase of electrical sectioning followed by the drilling of 4 boreholes under supervision from an appropriately qualified archaeologist. These investigations have made it possible to assess the likely significant effects of the development on archaeological interest and to identify the mitigation measures applicable.

Evidence obtained from the field investigations indicated that: A) the electrical sectioning work revealed a three layer model for the subsurface consisting of a thin layer (c. 8-10m thick) of relatively low conductivity overlying c. 20m of conductive material and a basal unit of relatively low conductivity material. These layers are considered to reflect the distribution of the superficial sediments (i.e. the unconsolidated sediments dating to the recent past, last 2 million years, the objective of this study) corresponding to the upper layer of low conductivity layer above London Clay (bedrock); and B) The output of the electrical sectioning provided information to inform the drilling of four boreholes. The boreholes had two purposes; firstly to confirm the interpretations from the electrical sectioning; and secondly to give core samples that could be taken to the laboratory for analysis and added to the database of such information for wider archaeological information purposes. Whilst the findings were not of specific relevance to this development, they add to wider archaeological understanding of the area and could only be captured prior to construction commencing particularly in areas of significant groundwork.

Borehole 1 was drilled to a depth of 8.7m where hard, dense London Clay was encountered. The unconsolidated sediments overlying the London Clay in Borehole 1 consisted of recent alluvium (sediments deposited by river or estuarine processes) (ground level to 1.65m) over Pleistocene (a time period broadly corresponding to the ice age but including both warm and cold periods) gravel (1.65-c.2.4m), bedded silts with potential mollusc fragments (c.2.4-5.45m) and gravel (4.45-8.6m).

Borehole 2 was drilled to a depth of 8.4m where London Clay was encountered. Borehole 2 consisted of fine-grained silts and sands throughout its depth. It was not possible to determine from these results where the exact top of the Pleistocene sequence lies. Whilst

this is not significant from the perspective of the effect of the proposed development it is of interest for broader archaeological understanding of the area and provided further opportunities to gather information relating to this would be useful in this respect.

Borehole 3 found that recent alluvium was present to a depth of 0.8m. This overlay a mixture of sands, gravels and silts to a depth of 9.3m. London Clay was encountered at 9.3m depth.

Borehole 4 consisted of recent alluvium to a depth of c. 1.60m. The alluvium consisted of dark grey sands and silts with significant quantities of charcoal, red fragments of possible brick/tile/ceramic and occasional burnt flint at a depth of c. 0.7m. Below the recent alluvium gravels, bedded sands and silts and a basal gravel occurred between 1.60 and 7.6m depth. London Clay was present at 7.6m.

The field investigation indicated that the deep Pleistocene channel located previously at the Damhead Creek Power Station to the north continues south into part of the area of the proposed units 5 and 6. However, the sequences recorded in borehole 1 were significantly different to those recorded at the Damhead Creek site and may record a different part of the channel history. Whilst this finding was not considered to be of specific significance to the development, it was considered to be of broader archaeological interest. The Archaeologist considered that any preconstruction borehole data should be made available to further supplement the broader understanding of the area.

The Archaeologist who undertook the works noted that there was significant disturbance to a number of areas of the proposed development during the construction of the existing units in the 1960s. He pointed out that it could be seen that significant disturbance occurred in the area of the proposed cooling water corridor including cable tunneling and deep excavation on the river for the cooling water intake and pump house. It can also be seen that Damhead Creek was channeled into a man-made structure for cooling water discharge involving significant excavation in that area and there was some disturbance to the proposed area of the new units and the laydown area. A road way previously passed in a north easterly direction along the edge of Damhead Creek through to the Kingsnorth Business Park.

In regard to the deeper archaeological sequence the investigating Archaeologist concluded that the field evidence indicates that the 3 layer model obtained from the geophysical survey is correct and that a body of Pleistocene sands and gravels lies across much of the site. This is overlain by a thin body of recent alluvium. A good sequence of undisturbed (U4) samples was obtained from Borehole 1 that appeared to contain faunal remains (possibly molluscs). The potential presence of Molluscan remains indicates the strong possibility that foraminifera and ostracoda will also be present. These findings suggest that palaeoenvironmental reconstructions will be possible. The presence of Molluscan remains also indicates a potential for dating the sediments using Amino Acid Geochronology on *Bithynia tentaculata* opercula. The presence of sand in many of the deposits indicates that direct dating using Optically Stimulated Luminescence dating will be possible.

The investigating Archaeologist further advised that Palaeoenvironmental and dating work will now be undertaken and the results made available in due course. These results are not required to inform determination of the Section 36 consent but are of broader archaeological interest. The analysis conducted here and the results of the laboratory analysis represent mitigation for the deeper sequences in this area namely to provide a record of the development of the land/river transition over time prior to the development commencing. It would be of broader archaeological benefit for records relating to pre-construction boreholes to be made available to further inform this understanding.

In regard to the more recent archaeological interest the investigating Archaeologist concluded on the basis of the field evidence the thickness of the Holocene alluvium resting on the Pleistocene sediments across the area of the site investigated varies but never exceeds about 1.6m. The discovery of charcoal, possible ceramic material and burnt flint in borehole 4 suggests human activity in some areas (date unknown but probably post 7000 yrs B.P.) are to be anticipated within the site area particularly around Damhead Creek as hypothesised. Similar materials were found to the north of this area during the construction of Damhead Creek Power Station. Whilst disturbance occurred in many areas of the proposed development during the construction of the existing power station in the 1960s and therefore such deposits may well have been disturbed, preservation of these features by record prior to the development proceeding maybe/is required. A series of trial trenches will be required certainly in the area of Damhead Creek and areas adjacent to borehole 4. As trial trenches are required during pre-construction ground investigations across the whole development site it is recommended that these also be monitored for archaeological interest.

The supplementary additional environmental information, which included the additional Archaeological field investigations considered that on the basis of the proposed development work details and the archaeological work detailed in the report the site should be divided into 4 separate areas for consideration and mitigation strategies proposed. These areas included: A) the main area of new generating units; B) the laydown area; C) the cooling water corridor; and D) the earth bund area (east and west). The report considered both the relevant archaeological issues within these areas and the mitigation required in each area. These issues and the archaeological mitigations proposed have been considered by the County Archaeologist who acknowledges the contents of the further archaeological report and agrees that the remaining archaeological work/issues can now be covered by the imposition of appropriate planning conditions

In the light of the County Archaeological officer's advice and the site's potential, it is considered that a condition requiring the implementation of a scheme of archaeological investigation should be imposed on any deemed planning permission for the proposed development in order to comply with the requirements of Policy BNE21 of the adopted local Plan.

Contamination

The Environmental Statement, submitted by the applicant includes a section on contaminated land, which includes details on the geology, hydrogeology and history of the site. This section includes results of a ground investigation, which has been undertaken at the site. This involved the excavation of 3 boreholes and 5 trial pits at the site. Soil samples were taken and tested for an appropriate suite of contaminants. No results showed contaminants in excess of the relevant SGVs. However, due to the location of the proposed power station site being adjacent to the existing power station it is possible that the site could be contaminated.

Following these comments from the Environmental Health Manager (EHM) a full desk top study and site investigation was commissioned and submitted, by the applicant, with the additional supplementary Environmental Information. The desk top study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The report then details the previous site investigations, which have been undertaken at the site. Soil samples have been tested for appropriate suites of contaminants and nothing of concern has been detected. Groundwater

monitoring has also been previously undertaken at the site. Nothing of concern has been detected with the exception of iron and zinc, which were slightly elevated above the relevant benchmark.

The results of the previous investigations have been used in conjunction with the conceptual site model to carry out a qualitative risk assessment of the environmental risks posed by ground contamination at the site. The report concludes that 'the development site does not pose a significant risk to the environmental receptors and, assuming continuing industrial or commercial usage, human health risks associated with ground contamination are also considered to be low'.

The report sets out mitigation measures, which will be secured by planning condition

It is also suggested that the applicants should advise personnel working on the site during construction that there is a possibility of encountering suspect materials, not necessarily identified by this investigation. Such material should be identified and tested prior to any remediation considerations and/or disposal to a licensed tip facility.

In conclusion the report which has been submitted by the applicant is acceptable. However, the applicant should undertake a watching brief during construction in case any previously unidentified contamination is encountered during the groundwork and an appropriately worded condition is recommended to be imposed upon any forthcoming permission, in the light of the provisions of Policy BNE23 of the adopted Local Plan.

Other Matters

Members will be aware that Medway Council is a signatory to the Nottingham Declaration. This is a high level broad statement of public commitment for a Council to its community in relation to climate change. The objective is for the Council to lead by example in relation to its own commitment to reducing the impact of climate change (Leading by example). The main commitment contained in the declaration is to develop a climate change plan or incorporate climate change in within another key plan within two years of signing the declaration. Members will note from the recent Regeneration and Development Overview and Scrutiny committee that the Council has undertaken a number of actions in relation to its own commitments. Members must remember however, that the Council as Local Planning Authority is still required to determine the applications before it based on the current adopted Development Plan policies.

The comments of the respective Parish Council's are noted. However, it is important to note that the concerns raised with regard to the air quality emissions and the potential impact that this will have on Damhead Creek power stations emission fall under the permitting regime of the IPPC. This being the case the Environment Agency is the appropriate body to consider these impacts and it is for them to determine if a permit/licence is to be issued.

In relation to the intentions of the applicant in regard to the existing power station. E.On have confirmed that it is their intention to decommission the power station once units 5 and 6 have being commissioned and come on line for power generation. Members will note that a condition is being recommended to the Secretary of State requiring the decommissioning of the existing power station and unnecessary ancillary infrastructure and for the existing power station to be demolished.

Conclusion and Recommendation

The Department for Business, Enterprise and Regulatory Reform (DBERR) is the competent and determining authority for this application with Medway Council a consultee. It is for the Local Planning Authority to determine whether they wish to raise any objections to the application to the DBERR

Having regard to the various site-specific Local Plan policies that apply to the Kingsnorth Power Station site, the proposed ASC power station is considered to be acceptable in principle. It is considered that the visual impact of this proposal will not cause unacceptable harm to the visual amenities of the area and that this impact can be reduced with the careful design selection. The proposed development is not expected to give rise to unacceptable levels of harm to terrestrial or aquatic habitats within the vicinity of the application site, although this is a matter, which will require further assessment by the Environment Agency when the IPPC authorisation for this scheme is lodged with the Agency.

The construction works associated with the implementation of the ASC works have the potential to cause disturbance to residents of the area, however this is a matter that can be controlled and mitigation of disturbance to an acceptable level can be achieved with the adoption of a Code of Construction Practice to be agreed with the Local Planning Authority. When operational it is concluded that the assessment with regard to noise impact using BS4142 is appropriate. The predicted noise levels at all of the receptors are below the minimum background night time noise levels. However, the estimated noise level associated with the plant is specified as a broadband noise level only and there has been no assessment of low frequency noise that could arise from the operation of the plant. On this basis the noise from the construction and operation of the proposed development should be controlled specifically by way of an additional condition related to a Code of Construction Practice.

In air quality terms its is considered that the ASC station will be able to be operate within recognised pollution limits without causing detriment to human health, although once again, this is a matter, which will require further assessment by the Environment Agency when the IPPC authorisation for this scheme is lodged with the Agency.

In transport terms the construction phase of the proposal and the construction of local safety improvement works within the vicinity of the principal site access' along Ropers Lane and its Junction with the A228 will have the greatest impact upon the area. . Additionally there is a predicted increase in the AM and PM peaks at the Four Elms Roundabout during the construction phase. As a result of this, a contribution towards technical appraisals, capacity improvements to Four Elms Roundabout and safety improvements on Ropers Lane and Stoke Road has been agreed with the applicants. On this basis the proposal is considered to be acceptable in highway terms.

It is therefore recommended that the First Secretary of State for the Department for Business, Enterprise and Regulatory Reform be advised that Medway Council raises no objection to deemed planning permission being granted for the construction of two replacement Advanced Supercritical (ASC) coal fired generating units together with ancillary infrastructure at Kingsnorth.

This application is being reported for Committee determination as it is considered to be of a strategic nature and therefore falls outside the delegated authority of the Director of Regeneration and Development.

2 MC2007/1517

Date Received: 22nd August 2007

Location: B&Q Plc Will Adams Way Gillingham Kent ME8 6BY

Proposal: Subdivision of 1,817sqm floor area of existing Retail Warehouse into 2 separate and independent retail units and sale of non DIY goods.

Applicant: B&Q Properties Ltd C/o Agent

Agent: Miss L Swan C B Richard Ellis Kingsley House 1a Wimpole Street
London W1G 0RE

Ward: Watling

Recommendation - Refusal

- 1 The variation of conditions to allow for subdivision of the builders yard into two units, the increase in floor area, and the sale of non-DIY goods would result in a new retail park with units that would be of a size and scale that would attract retailers who would normally locate in core retail centres. As a result the proposal would potentially result in an unacceptable impact on the existing core retail centres of Chatham, Gillingham and Rainham in terms of vitality and viability.
- 2 In the submission of the sequential assessment, the applicant has failed to adequately demonstrate the need for units of the size proposed and that there are no other sequentially preferable sites within the existing core retail centres or edge-of-centre locations.

Site Description

This application relates to a new B&Q retail warehouse unit on the south side of Watling Street (A2) to the east of Will Adams roundabout. The site is accessed off a roundabout off Will Adams Way, approx. 125m south of Watling Street.

The retail unit, as approved comprises 12,969 sq. m. of retail floorspace, together with a 2,771 sq. m. garden centre and 1,817 sq. m to be used as a builders yard. The site has 579 car parking spaces of which 24 are disabled persons spaces, 6 for parent and child and 6 for trade. The application specifically relates to floorspace identified for use as a builders yard, at the western end of the unit.

Proposal

This application seeks the use and subdivision of B&Q's building yard area with total area of 1,8175sqm into two separate and independent retail units and sale of non DIY goods. The application is required due to controls secured through the imposition of conditions on the original B&Q consent allowed on appeal.

The existing conditions read as follows:

Condition 12

'The proposed store shall not exceed the floor area stated in the approved plans, namely 11,163sqm for retail warehouse, 1,817 sqm for building yard and 2,771sqm for external garden centre.'

Condition 14

'The retail warehouse hereby permitted shall not be altered or subdivided without prior written consent of the Local Planning Authority.'

Condition 15

'The external garden centre area and building yard as shown on the approved plan shall be used ancillary to the main building and shall not operate as a separate unit or store without the prior written consent of the Local Planning Authority.'

Condition 16

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking, re-enacting or modifying these Orders, there shall be no display for retail sale, or retail sale of any of the following goods within the retail unit hereby approved:

- food save as permitted under condition 17
- alcoholic drinks
- tobacco
- fashion clothing and fashion footwear
- chemist/pharmaceutical goods
- jewellery/fancy goods and luggage
- books, newspapers and magazines (unless sold as ancillary to the sale of other types of goods permitted within this development)
- crockery, glassware, china and kitchenware
- perfume and toiletries
- sports clothing and equipment
- audio and visual recordings (unless sold as ancillary to the sale of other types of goods such as kitchen units)
- mobile phones
- TVs, DVDs, hi-fis, microwaves, ovens and similar non-DIY electrical equipment (unless sold as ancillary to the sale of the other types of goods such as kitchen units).'

The application is in a part a re-submission of a previous application that was withdrawn (MC2006/0878). The previous application (MC2006/0878) was withdrawn following a discussion with the Local Planning Authority (LPA) concerning the submitted sequential assessment.

Relevant Planning History

MC2006/0878 Variation of conditions 12, 13 and 14 of planning permission MC2002/0489 to enable the provision of two additional retail units within

the existing building comprising: (i) variation of condition 12 to allow the increase in the retail floor area; (ii) variation of condition 13 to allow additional mezzanine floorspace; and (iii) variation of condition 14 to allow the sub-division of the existing unit into two additional units.

Withdrawn

MC2007/0073 Change of use of part of building from builder's yard to class B1/B2/B8 use.
Approval, 27 March 2007

MC2007/1912 Change of use of B&Qs building yard area with total area of 1,8175sqm into a separate and independent retail unit and sale of non DIY goods in variation to conditions 12, 14, 15 and 16 of appeal decision APP/A2280/A/03/1114983
Under consideration on this agenda

Representations

The application has been advertised on site and neighbour notification letters have been sent to Grosvenor Estates, Chesterton Plc, Management Centre in Gillingham Business Park; Rainham, Gillingham and Chatham Amenity Society, 45 Hawthorne Avenue and The Honourable Pilot, Will Adams Way.

10 letters of support have been received.

National Policy

Planning Policy Statement 6: Planning for Town Centres (PPS6)
Published for the Office of the Deputy Prime Minister, 2005

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy EP15	(Sequential Consideration of Sites for Retail and Leisure Development)
Policy QL1	(Quality of Development and Design)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy ED1	(Existing Employment Areas)
Policy R13	(Retail Uses and the Sequential Approach)
Policy R16	(Restrictions on Goods for Sale)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE9	(Design of commercial frontages)
Policy BNE10	(Advertisements)
Policy T1	(Impact on Development)
Policy T13	(Parking Standards)
Policy T14	(Travel Plans)

Planning Appraisal

Background

The application site comprises part of a larger site which accommodates a large retail warehouse for the retailer B&Q. The original application for the B&Q warehouse (MC2002/0489) was allowed at appeal (APP/A2280/A/03/1114983) on 15 June 2004 subject to a number of conditions and a Section 106 agreement. Throughout the processing of the application and the appeal for the construction of the retail warehouse, the B&Q site was located outside of any Medway Local Plan defined city, district or local centre. It was not allocated for retail development in any relevant development plan strategy. However, having considered all of the evidence, the Inspector felt that the importance placed on the site as employment land was overstated and that it was not vital to retain the site for employment purposes to ensure the continued growth and regeneration of Medway. The Inspector also felt that the residents of Medway were poorly served in terms of retail offer available to them and that there was not sufficient allocations in the Local Plan. He considered that the need both quantitatively and qualitatively was substantial and that the need couldn't be met on a sequential preferable site.

This current application is required as a result of the conditions imposed by the Inspector and proposes the use and subdivision of the building yard area to create two additional retail units and to extend the range of goods to be sold at the new units.

Use of Conditions

PPS6 advises Local Planning Authorities to consider the use of planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. In determining the appeal the Inspector felt that conditions relating to the prevention of the development from being sub-divided and creating separate units, the prevention of increasing retail floorspace, and the limiting of retail floorspace were all necessary.

Again, the site is located outside of any Medway Local Plan defined city, district or local centre. It is still not allocated for retail development in any relevant development plan strategy. Therefore the site is not in a location where development might be expected to sustain the vitality and viability of the existing centres. The tests set out in PPS6 are therefore relevant to this application. In such circumstances, PPS6 sets a number of tests that must be satisfied if applications to develop retail facilities are to be successful.

The application will therefore be assessed on the basis of the key considerations set out in PPS6 and the evidence presented.

Having regard to the provision of the Development Plans and PPS6, it is considered that the main issues arising from the proposal are as follows:

- Need for Development
- Scale of Development
- Sequential Assessment
- Impact on Existing Retail Centres
- Accessibility
- Highways

- Other Material Considerations

Need for development

The current proposal to allow for two additional units does not result in 'new' floorspace other than in a marginal sense. The need for such development was largely established when determining the appeal for the existing B&Q building. The Secretary of State (SoS) in his decision accepted that there is substantial unmet need for bulky goods floorspace in Medway and similar conclusions are reached in the needs assessment submitted as part of this application.

Scale

This test seeks to match a size of store to a style of centre. In this case to allow for the sub-division to two units would result in units that would be of a modest size and so could be fairly readily accommodated in a number of centres across Medway therefore failing the test of scale. Nevertheless, the question of whether an additional two units at the application site is acceptable or not will not depend on scale alone and assessment against other criteria is necessary to allow for a balanced view and recommendation.

Sequential Approach

Policy EP15 of the Kent and Medway Structure Plan 2006 and Policy R13 of the Medway Local Plan 2003 supports the sequential approach to locating retail development in order to support the vitality and viability of existing retail centres. Proposals at edge-of-centre or out-of-centre locations must demonstrate a need for the development and meet the 'sequential test' by demonstrating that suitable alternative town centre or edge-of-centre sites are not and are unlikely to become available. All options in the centre should be thoroughly assessed before less central sites are considered for development for main town centre uses.

The sequential approach requires locations are considered in the following order:

- First, locations in appropriate existing centres, then
- Edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre, and then
- Out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have high likelihood of forming links with centre.

In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of an existing centre they have been flexible about their proposed business model. For retail proposals in edge-of-centre or out-of-centre locations, which comprise a group of retail units, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites.

A sequential test has been submitted as part of this application. In assessing whether the sequential test has been thoroughly undertaken for the original proposal to vary the conditions to allow for sub-division into two additional units, the test has been found to be deficient. The applicant has failed to provide clear evidence to demonstrate why the following sites are not practicable alternatives:

- Marks and Spencer's has been unreasonably dismissed as unsuitable due to limited access for loading/unloading despite having access and its own parking area to the rear. It has also been dismissed as being unavailable due to negotiations with TK Maxx. The applicant has failed to fully explore the availability and have not justified why the service area to the rear of Marks and Spencer's is inadequate.
- Locations along the Brook and the site adjoining Gala Bingo, Chatham. These sites have not been considered at all
- Existing Retail Park and the recently sub-divided former B&Q and Harvey's, Gillingham Business Park. Dismisses these units on the basis that the units are being marketed and uptake is anticipated to be prompt. It has subsequently been indicated that all of these units have now been let, although no supporting evidence has been submitted.
- Former Safeway store, Strood. The availability of this store has not been thoroughly tested.
- Recently approved Matalan store, Strood. Dismisses these units on the basis that the anticipated uptake of these units will be prompt.
- Recent permissions allowing for variation of conditions relating to the Whitewall Creek store (yet to be constructed). The recent permissions, which allowed for conditions to be varied to allow sub-division of the unit were not taken into consideration.

Given the lack of clear evidence as to why these sites are not acceptable for operators requiring floorspace of approx 836 sq. m or 929 sq. m, the proposal clearly fails the sequential test and there is no justification to allow for the sub-division of the current B&Q warehouse building while there are other sites of similar sizes that are more sequentially favourable.

Furthermore, PPS6 defines an agglomeration of at least three retail warehouses to be a retail park. Given that the proposal to vary the conditions to allow for sub-division to two new units would result in a total of three units on the site, if allowed, the proposal would effectively create a new retail park. Given the proximity to the existing established retail park within Gillingham Business Park, the creation of a new retail park would favour further sub-division in the future.

Impact on existing retail centres

If the occupiers of the two units were to be established 'out-of-town' retailers normally taking units on planned retail parks then the degree of impact on nearby centre is unlikely to be so significant as to warrant a refusal on this basis alone. This is demonstrated by the 'impact' from the existing space being occupied by B&Q. However, with the creation of two units, unless the conditions were to be varied to be a personalised and/or the restriction on the sale of goods remains limited, there is no guarantee that the occupiers would be 'out-of-town' retailers due to the size of the units. As such the proposal is likely to attract retailers other than 'out-of-town' retailers who would normally locate within the town centres. Taking this into account, the proposal is likely to have an impact on the existing town centres.

Accessible Locations

Development should be accessible by a choice of means of transport, including public transport, walking, cycling and the car. An assessment of the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges) should be made. Account should also be taken of the frequency and capacity of services and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people.

The applicant has submitted a full Transport Assessment and a 'Public Transport Accessibility Sites Comparison Study' (PTAL).

The PTAL uses a tool to assess public transport accessibility developed for use in London. Due to the very different patterns of public transport in London, its application to Medway is questionable. The report concludes that the application site would result in a better 'score' in terms of accessibility to public transport than the existing store. However, this has to be considered against the fact that the report assesses the wrong site.

Regardless of the errors within the report, the Local Planning Authority's assessment of the proposal site using PTAL results in a similar level of accessibility to public transport as the existing store which is reasonably good in a Medway context due to their proximity to bus routes on the A2.

Highways

Traffic Impact

With respect to traffic generation and impact the Transport Assessment concludes that the proposed variation of conditions to allow for subdivision to two additional units and to allow for an increased retail offer would have no material impact on the operation of the highway network. It is considered that this conclusion is acceptable and that the proposal would actually result in a reduction in traffic visiting the site on weekday peak periods. This is when compared to both the existing use and the previously agreed Change of use to B1 on the builders yard site (MC2007/0073). The traffic arrivals on a Saturday could potentially increase by around 50 vehicles in the peak hour and compared to the previously agreed B1 use this is a fairly considerable increase. However, this increase is not considered to be detrimental to highway safety or the operation of the highway network and would therefore be in accordance with Policy T1 of the Medway Local Plan 2003.

Parking

The level of parking provision would remain as existing. Parking provision at this level is considered appropriate to support the proposed development and would be in accordance with Policy TP19 of the Kent and Medway Structure Plan 2006 and Policy T13 of the Medway Local Plan 2003.

Servicing and Deliveries

The current delivery and servicing area is accessed via the access road into the B&Q and Roko sites. Site observations of deliveries have shown this to be quite awkward. When large vehicles try to gain access to the site from the access road they are often blocking the access road to vehicles travelling into and out of the sites. These large delivery vehicles

have also been seen parking in the mouth of the junction into the Deliveries area also causing obstructions. Should planning permission be granted to allow the conditions to be varied allowing for sub-division, more information and clarification should be provided in order to assess how deliveries/servicing will be made

Travel Plans

A travel plan would be required if the existing unit is sub-divided. As this need for a travel plan would be generated as direct result of sub-division, it is recommended that a condition be attached to any forthcoming permission that allows for sub-division of the existing warehouse unit. The condition should require a Travel Plan be submitted and agreed in writing by the Local Planning Authority. The use of such a condition would mean the proposal could be implemented in accordance with Policy T14 of the Medway Local Plan 2003.

Other Considerations

Other than the main issues set out above, PPS6 also refers to other material considerations which may be taken into account when considering proposals. These are as follows:

- Physical regeneration;
- Employment;
- Economic growth; and
- Social inclusion.

These considerations are not intended to override the need to comply with the main policy tests considered above, however under circumstances where for example one of the tests is not fully satisfied, such as the sequential approach, these other material considerations may be relevant and may assist in reaching a conclusion. Not all of the considerations listed above will be relevant and are therefore not material to the determination of this application.

Employment

With regard to employment, retail uses in this location are likely to result in lower employment densities and pay rates when compared to an industrial or office use. However, on the other hand, retail uses are likely to result in marginally better employment densities and pay rates than warehousing. Overall, as a result of the limited scale of the proposal, the impact on employment densities and pay rates is not likely to be significant.

Economic Growth

It has already been demonstrated and acknowledged that there is substantial unmet need for bulky goods floorspace in Medway. It is also acknowledged that as a result of this unmet need, available expenditure is 'leaking' from Medway to other locations, most notably, Maidstone. Whilst it is recognised that development in Chatham, Strood and at Whitewall Creek will address this loss of expenditure, early occupation of the application space by a bulky goods retailer is likely to 'claw back' the expenditure and therefore provide economic benefit to Medway. However, given the size of the proposed units, it is possible that they may not be occupied by bulky goods retailers and may be occupied by retailers stocking and selling smaller items (comparison retailers).

Conclusions and Reason for refusal

The proposed development would result in the creation of an additional out of centre retail park. The requirements of government policy have not been adhered to as there has not been a full and comprehensive sequential test. In addition the proposed units maybe attractive to retail users who may otherwise locate in Town Centres and as such the proposal could impact negatively of the retail functioning of existing Town Centres.

This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration due to the history with the original application being reported to and refused by committee.

The application was considered by Members at the Development Control Committee on the 12th December 2007 when it was determined to defer at the request of the officer.

3 MC2007/1912

Date Received: 25th October 2007

Location: B&Q Plc Will Adams Way Gillingham Kent ME8 6BY

Proposal: Subdivision of 1,817sqm floor area of existing Retail Warehouse into a separate retail unit, provision of mezzanine to provide 1417sqm additional floorspace and sale of non DIY goods

Applicant: B&Q Properties Ltd C/o Agent

Agent: Miss L Swan C B Richard Ellis Kingsley House 1a Wimpole Street
London W1G 0RE

Ward: Watling

Recommendation - Approval

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No materials, plant or other equipment of any description shall be stored in the open other than in the service area shown on the approved plans, unless any variation is otherwise first approved in writing by the Local Planning Authority.
- 3 The service yard and lorry holding area shown on the approved plans shall be kept available for such use and no obstruction shall be placed within these areas which would impeded the manoeuvring and parking of service vehicles within the area, unless any variation is otherwise first approved in writing by the Local Planning Authority.
- 4 The retail unit hereby permitted shall not be altered or subdivided without prior written consent of the Local Planning Authority.
- 5 The retail unit herein approved shall not exceed 1817sqm at ground floor level and 1417sqm at first floor level
- 6 Other than that allowed for in condition 5, no additional mezzanine floor shall be constructed within the retail store permitted without the prior written consent of the Local Planning Authority.
- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005, or the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking, re-enacting or modifying these Orders, there shall be no display for retail sale, or retail sale of any of the following goods within the retail unit hereby approved:

- food
 - alcoholic drinks
 - tobacco
 - fashion clothing and fashion footwear
 - chemist/pharmaceutical goods
 - jewellery/fancy goods and luggage
 - books, newspapers and magazines (unless sold as ancillary to the sale of other types of goods permitted within this development)
 - crockery, glassware, china and kitchenware
 - perfume and toiletries
 - sports clothing and equipment
 - audio and visual recordings (unless sold as ancillary to the sale of other types of goods such as kitchen units)
 - mobile phones'
- 8 No alteration or addition including any structure or equipment associated with air conditioning shall be carried out or installed on the roof of the building hereby approved without the prior written permission of the Local Planning Authority.
- 9 Prior to the occupation of any new retail unit, details of a timescale for the preparation, submission and implementation of a Travel Plan for any new unit shall be submitted to, and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared, submitted and implemented in accordance with the details and timetable approved by the Local Planning Authority and shall remain in use at all times thereafter, as altered where necessary by the approved monitoring and review findings and consequent plan updates.

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 new B&Q retail warehouse unit on the south side of Watling Street (A2) to the east of Will Adams roundabout. The site is accessed off a roundabout off Will Adams Way, approx. 125m south of Watling Street.

The retail unit, as approved comprises 12,969 sq. m. of retail floorspace, together with a 2,771 sq. m. garden centre and 1,817 sq. m to be used as a builders yard. The site has 579 car parking spaces of which 24 are disabled persons spaces, 6 for parent and child and 6 for trade. The application specifically relates to floorspace identified for use as a builders yard, at the western end of the unit.

Proposal

This application seeks to use B&Q's building yard area with total area of 1,8175sqm into a separate and independent retail unit, with the provision of a mezzanine floor providing 1417sqm additional floorspace, and sale of non-DIY goods. Formal planning permission is required as control over such subdivision and additional mezzanine was secured through conditions imposed by the Inspector in allowing the original appeal for the B&Q building.

The existing conditions read as follows:

Condition 12

'The proposed store shall not exceed the floor area stated in the approved plans, namely 11,163sqm for retail warehouse, 1,817sqm for building yard and 2,771sqm for external garden centre.'

Condition 14

'The retail warehouse hereby permitted shall not be altered or subdivided without prior written consent of the Local Planning Authority.'

Condition 15

'The external garden centre area and building yard as shown on the approved plan shall be used ancillary to the main building and shall not operate as a separate unit or store without the prior written consent of the Local Planning Authority.'

Condition 16

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking, re-enacting or modifying these Orders, there shall be no display for retail sale, or retail sale of any of the following goods within the retail unit hereby approved:

- food save as permitted under condition 17
- alcoholic drinks
- tobacco
- fashion clothing and fashion footwear
- chemist/pharmaceutical goods
- jewellery/fancy goods and luggage
- books, newspapers and magazines (unless sold as ancillary to the sale of other types of goods permitted within this development)
- crockery, glassware, china and kitchenware
- perfume and toiletries
- sports clothing and equipment
- audio and visual recordings (unless sold as ancillary to the sale of other types of goods such as kitchen units)
- mobile phones
- TVs, DVDs, hi-fis, microwaves, ovens and similar non-DIY electrical equipment (unless sold as ancillary to the sale of the other types of goods such as kitchen units).'

The application is in a part a re-submission of a previous application that was withdrawn (MC2006/0878). The previous application (MC2006/0878) was withdrawn following a discussion with the Local Planning Authority (LPA) concerning the submitted sequential assessment.

This application also follows discussions related to the current application MC2007/1517, also on this agenda that seeks to subdivide the unit to provide two further retail units rather than just one additional retail unit.

Relevant Planning History

- MC2006/0878 Variation of conditions 12, 13 and 14 of planning permission MC2002/0489 to enable the provision of two additional retail units within the existing building comprising: (i) variation of condition 12 to allow the increase in the retail floor area; (ii) variation of condition 13 to allow additional mezzanine floorspace; and (iii) variation of condition 14 to allow the sub-division of the existing unit into two additional units.
Withdrawn
- MC2007/0073 Change of use of part of building from builder's yard to class B1/B2/B8 use.
Approval, 27 March 2007
- MC2007/1517 Change of use of B&Qs building yard area with total area of 1,8175sqm into two separate and independent retail units and sale of non DIY goods in variation to conditions 12, 14, 15 and 16 of appeal decision APP/A2280/A/03/1114983.
For determination on this agenda

Representations

The application has been advertised on site and neighbour notification letters have been sent to Grosvenor Estates, Chesterton Plc, Management Centre in Gillingham Business Park; Rainham, Gillingham and Chatham Amenity Society, 45 Hawthorne Avenue and The Honourable Pilot, Will Adams Way.

5 letters have been received in support of the application

32 letters have been received advising of no objections to the application.

The agents have written in support of the application making the following comments:

- A strategic review of assets resulted in a decision to reduce trading floorspace in warehouses resulting in 1,817sqm presently built area here no being occupied.
- There is identified need
- Out of centre retailing has been supported elsewhere (they refer to old B&Q building, Matalan in Strood, and Whitewall Creek on Medway City Estate)
- There will be negligible impact from a bulky goods user
- There will be synergies with the operation of B&Q
- The application should now include a mezzanine floor.

National Policy

Planning Policy Statement 6: Planning for Town Centres (PPS6)
Published for the Office of the Deputy Prime Minister, 2005

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy EP15	(Sequential Consideration of Sites for Retail and Leisure Development)
Policy QL1	(Quality of Development and Design)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy ED1	(Existing Employment Areas)
Policy R13	(Retail Uses and the Sequential Approach)
Policy R16	(Restrictions on Goods for Sale)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE9	(Design of commercial frontages)
Policy BNE10	(Advertisements)
Policy T1	(Impact on Development)
Policy T13	(Parking Standards)
Policy T14	(Travel Plans)

Planning Appraisal

Background

The application site comprises part of a larger site which accommodates a large retail warehouse for the retailer B&Q. The original application for the B&Q warehouse (MC2002/0489) was allowed at appeal (APP/A2280/A/03/1114983) on 15 June 2004 subject to a number of conditions and a Section 106 agreement. Throughout the processing of the application and the appeal for the construction of the retail warehouse, the B&Q site was located outside of any Medway Local Plan defined city, district or local centre. It was not allocated for retail development in any relevant development plan strategy. However, having considered all of the evidence, the Inspector felt that the importance placed on the site as employment land was overstated and that it was not vital to retain the site for employment purposes to ensure the continued growth and regeneration of Medway. The Inspector also felt that the residents of Medway were poorly served in terms of retail offer available to them and that there was not sufficient allocations in the Local Plan. He considered that the need both quantitatively and qualitatively was substantial and that the need couldn't be met on a sequentially preferable site.

This current application is required due to the requirements of conditions 12, 14, 15 and 16 of Planning Permission MC2002/0489 and proposes the creation of one additional retail unit within the existing building, with mezzanine and to extend the range of goods to be sold at the new units.

Use of Conditions

PPS6 advises Local Planning Authorities to consider the use of planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. In determining the appeal the Inspector felt that conditions relating to the prevention of the development

from being sub-divided and creating separate units, the prevention of increasing retail floorspace, and the limiting of retail floorspace were all necessary.

Again, the site is located outside of any Medway Local Plan defined city, district or local centre. It is still not allocated for retail development in any relevant development plan strategy. Therefore the site is not in a location where development might be expected to sustain the vitality and viability of the existing centres. The tests set out in PPS6 are therefore relevant to this application. In such circumstances, PPS6 sets a number of tests that must be satisfied if applications to develop retail facilities are to be successful.

This application will therefore be assessed on the basis of the key considerations set out in PPS6 and the evidence presented.

Having regard to the provision of the Development Plans and PPS6, it is considered that the main issues arising from the proposal are as follows:

- Need for Development
- Scale of Development
- Sequential Assessment
- Impact on Existing Retail Centres
- Accessibility
- Highways
- Other Material Considerations

Need for development

The current proposal would allow for a new mezzanine floor which would create additional floorspace. However, the additional space would be marginal and the need for such development was largely established when determining the appeal for the existing B&Q building. The Secretary of State (SoS) in his decision accepted that there is substantial unmet need for bulky goods floorspace in Medway and similar conclusions are reached in the needs assessment submitted as part of this application.

Scale

This test seeks to match a size of store to a style of centre. In this case the proposal to allow for the sub-division to one unit with additional mezzanine would result in a unit that would accommodate a single operator whose options to find space within a town centre would be more limited. The proposed unit with the mezzanine would provide for a unit of around 3,200 sqm in floor area which is approx 1000sqm greater than the vacant Marks and Spencer unit in Chatham. Nevertheless, the question of whether an additional unit at the application site is acceptable or not will not depend on scale alone and assessment against other criteria is necessary to allow for a balanced view and recommendation.

Sequential Approach

Policy EP15 of the Kent and Medway Structure Plan 2006 and Policy R13 of the Medway Local Plan 2003 supports the sequential approach to locating retail development in order to support the vitality and viability of existing retail centres. Proposals at edge-of-centre or out-of-centre locations must demonstrate a need for the development and meet the 'sequential test' by demonstrating that suitable alternative town centre or edge-of-centre sites are not

and are unlikely to become available. All options in the centre should be thoroughly assessed before less central sites are considered for development for main town centre uses.

The sequential approach requires locations are considered in the following order:

- First, locations in appropriate existing centres, then
- Edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre, and then
- Out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have high likelihood of forming links with centre.

In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centre they have been flexible about their proposed business model. For retail proposals in edge-of-centre or out-of-centre locations, which comprise a group of retail units, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites.

A sequential test has been submitted as part of this application. In assessing whether the sequential test has been thoroughly undertaken for the proposal to allow for sub-division into an additional unit, the test was found to be weak. The applicant had failed to provide clear evidence to demonstrate why the following sites were not practicable alternatives, albeit that it is recognised that the application differed from the application considered earlier as it offered greater floorspace and is clearly for bulky goods:

- Marks and Spencer's has been previously dismissed (MC2007/1517) as unsuitable due to limited access for loading/unloading despite having access and its own parking area to the rear. This reason has not been included in the submitted sequential assessment this time. However, as part of the submissions for MC2007/1517 this site has been dismissed as being unavailable due to negotiations with other potential occupiers. It was considered that the applicant had failed to fully explore the availability and had not justified why the service area to the rear of Marks and Spencer's is inadequate.
- Existing Retail Park and the recently sub-divided former B&Q and Harvey's, Gillingham Business Park. Dismisses these units on the basis that the units would attract higher order retailers rather than bulky goods users due to the open A1 use.
- Former Safeway store, Strood. The availability of this store has not been thoroughly tested. The sequential assessment refers to the Housing and Mixed Use Development Plan. This plan is not relevant.
- Recently approved Matalan store, Strood. Dismisses these units on the basis that Matalan or High Street retailers are likely to occupy it.
- Recent permissions allowing for variation of conditions relating to the Whitewall Creek store (yet to be constructed). The applicants consider the recent permissions, which allowed for the variation of conditions that in turn allow for sub-division of the unit, should set a precedent.

The assessment that the sequential test was particularly weak was on the basis of the application as originally submitted which was for a subdivision to provide one store of 1,817 sqm. The proposal now incorporates a mezzanine of 1417, providing a total floorspace of over 3,200 sqm. As a consequence the applicants advise as follows:

- The Chatham Centre sites do not provide the floor space necessary to meet their application requirements (3200sqm).
- The take up of the existing vacant units on Gillingham Business park has been quick and non are available now.
- The existing “safeway” store in Strood is not available.
- Matalan will occupy the larger unit of the development just starting in Strood wjhile the smaller units do not meet the applicants floor space requirements.
- Similarly with Whitewall Creek, the approved sub division does not provide units of sufficient size

Accordingly while it was considered that the application as originally submitted was weak in terms of the sequential test, as they have firmed up on the idea for a potential occupier and now propose a greater floor space, it is not considered that the weaknesses in the original sequential test justify a refusal of planning permission.

In addition, this application differs from the earlier application. That is for subdivision to 2 units, which are of a size that could easily be occupied by retail users that may locate readily in towncentres. The case is put here that the potential occupier is one that concentrates on bulky goods and as such cannot so readily locate in the town centres. Attention must also be paid to the Inspectors comments in allowing the appeal for B&Q regarding the demand and need for bulky goods warehouses and that the need could not be readily met at sequentially preferable sites.

Impact on existing retail centres

If the occupiers of the one additional unit were to be an established ‘out-of-town’ retailer normally taking units on planned retail parks then the degree of impact on nearby centre is unlikely to be so significant as to warrant a refusal on this basis alone. This is demonstrated by the ‘impact’ from the existing space being occupied by B&Q. The applicants have indicated that Furniture Village is likely to occupy the single additional unit. Both B&Q and Furniture Village see mutual trading benefit in being co-located and cite examples in Bristol and Birmingham where this already occurs. By creating a stronger location overall, it could have an increased cumulative impact on existing traders in Gillingham, Rainham and Hempstead Valley. However, this impact is considered to be marginal compared to the potential impact from the already permitted floorspace. Therefore, no objection is raised to the proposal to vary the condition to allow for the creation of only one additional unit on this basis.

Accessible Locations

Development should be accessible by a choice of means of transport, including public transport, walking, cycling and the car. Account should also be taken of the frequency and capacity of services and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. The proposal site has a similar level of accessibility to public transport as the existing store, which is reasonably good in a Medway context due to their proximity to bus routes on the A2.

Highways

The applicant has submitted a full Transport Assessment.

Traffic Impact

With respect to traffic generation and impact, the Transport Assessment concludes that the proposed variation of conditions to allow for subdivision to one additional unit would have no material impact on the operation of the highway network. It is considered that this conclusion is acceptable and that the proposal would actually result in a reduction in traffic visiting the site on weekday peak periods. This is when compared to both the existing use and the previously agreed change of use to B1 on the builders yard site (MC2007/0073). The traffic arrivals on a Saturday could potentially increase by around 50 vehicles in the peak hour and compared to the previously agreed B1 use this is a fairly considerable increase. However, this increase is not considered to be detrimental to highway safety or the operation of the highway network and would therefore be in accordance with Policy T1 of the Medway Local Plan 2003.

Parking

The level of parking provision would remain as existing. Parking provision at this level is considered appropriate to support the proposed development and would be in accordance with Policy TP19 of the Kent and Medway Structure Plan 2006 and Policy T13 of the Medway Local Plan 2003.

Servicing and Deliveries

The current delivery and servicing area is accessed via the access road into the B&Q and Roko sites. Site observations of deliveries have shown this to be quite awkward. When large vehicles try to gain access to the site from the access road they are often blocking the access road to vehicles traveling into and out of the sites. These large delivery vehicles have also been seen parking in the mouth of the junction into the Deliveries area also causing obstructions. Should planning permission be granted to allow the conditions to be varied allowing for sub-division, more information and clarification should be provided in order to assess how deliveries/servicing will be made. It is considered that an additional condition is not required, as this would form part of any submission made in relation to the external alteration of the building.

Travel Plans

A travel plan would be required if the existing unit is sub-divided. As this need for a travel plan would be generated as direct result of sub-division, it is recommended that a condition be attached to any forthcoming permission that allows for sub-division of the existing warehouse unit. The condition should require a Travel Plan be submitted and agreed in writing by the Local Planning Authority. The use of such a condition would mean the proposal could be implemented in accordance with Policy T14 of the Medway Local Plan 2003.

Other Considerations

Other than the main issues set out above, PPS6 also refers to other material considerations, which may be taken into account when considering proposals. These are as follows:

- Physical regeneration;
- Employment;
- Economic growth; and
- Social inclusion.

These considerations are not intended to override the need to comply with the main policy tests considered above, however under circumstances where for example one of the tests is not fully satisfied, such as the sequential approach, these other material considerations may be relevant and may assist in reaching a conclusion. Not all of the considerations listed above will be relevant and therefore not material to the determination of this application.

Employment

With regard to employment, retail uses in this location are likely to result in lower employment densities and pay rates when compared to an industrial or office use. However, on the other hand, retail uses are likely to result in marginally better employment densities and pay rates than warehousing. Overall, as a result of the limited scale of the proposal, the impact on employment densities and pay rates is not likely to be significant.

Economic Growth

It has already been demonstrated and acknowledged that there is substantial unmet need for bulky goods floorspace in Medway. It is also acknowledged that as a result of this unmet need, available expenditure is 'leaking' from Medway to other locations, most notably, Maidstone. Whilst it is recognised that development in Chatham, Strood and at Whitewall Creek will address this loss of expenditure, early occupation of the application space is likely to 'claw back' the expenditure and therefore provide economic benefit to Medway.

Inspectors comments

As stated above at the end of the sequential assessment section, this application would provide for one large additional store – possibly furniture village. The Inspector in his decision carefully considered the sequential issue in relation to the need for bulky goods and other locations. In view of the size of the additional store proposed it is considered that a

clear difference can be made between this and the other application being considered, and that the case can be made for allowing the subdivision to provide one additional large store reflecting the Inspectors previous comments.

Conclusion and Reasons for Approval

It is considered that the application would allow for the subdivision of B&Q warehouse with an increase in floor area which would contribute to meeting the need for 'bulky goods' floorspace without prejudicing the vitality and viability of the existing core retail centres. It is therefore considered that the proposal is not in conflict with Policies EP15, QL1 and TP19 of the Kent and Medway Structure Plan 2006 and Policies ED1, R13, R16, BNE1, BNE2, BNE9, BNE10, T1, T13 and T14 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 due to the history with the original application being reported to committee.

The application was considered by Members at the Development Control Committee on the 12th December 2007 when it was determined to defer at the request of the officer.

4 MC2005/0814

Date Received: 28th April 2005

Location: 2 Ash Tree Lane, Chatham, Kent, ME5 7BZ

Proposal: Application for approval of reserved matters pursuant to condition 1 of MC2003/1285 for demolition of existing buildings and construction of three blocks of flats comprising of 96 residential units, associated garaging and landscaping

Applicant: Wards Homes Limited 2 Ash Tree Lane Chatham Kent ME5 7BZ

Agent: Mr A Wakefield NC Architects Ltd 23 High Street Wroughton Swindon Wiltshire SN4 9JX

Ward: Luton & Wayfield

Report to Members regarding the discharge of Condition 12 of MC2005/0814, relating to development at 2 Ash Tree Lane, Chatham, Kent, ME5 7BZ

Background

At the Development Control Committee meeting held on 19 September, Members considered the details that had been submitted in relation to condition 12 of MC2005/0814, relating to the residential development at 2 Ash Tree Lane. The report considered at that time is included below for ease of reference.

Members resolved to defer making a decision relating to the discharge of the condition in order for officers to go back to the applicants and ask them to consider alternative access arrangements including the possibility of traffic lights for the junction.

The applicants have, however, now submitted an appeal to the Planning Inspectorate relating to the non-determination of the condition. As such the Council is no longer in a position to make a decision regarding the condition, but Members are asked to advise what their view would have been regarding the originally submitted details in order that this can be incorporated into the Appeal Statement to be submitted to the Inspectorate.

Report to Development Control Committee on 19 September 2007:

At the Development Control Committee meeting held on 15 March 2006, two applications regarding 2 Ash Tree Lane were determined by Members. These were:

MC2005/0814 Application for approval of reserved matters pursuant to condition 1 of MC2003/1285 for demolition of existing buildings and construction of three blocks of flats comprising of 96 residential units, associated garaging and landscaping

MC2005/0704 Alterations to junction of site with Ash Tree Lane including provision of right turn lane to facilitate residential development of adjacent site

The application relating to the access was refused by Members for the following reason:

“The proposed junction arrangement taking into account queuing traffic during the morning peak hour across the junction is likely to result in vehicles turning right from the site access road being unseen by drivers approaching from the North, this being detrimental to highway safety and contrary to Policy T1 of the Medway Local Plan.”

The application for the 96 residential units was approved, subject to three conditions (in addition to those already placed on the outline consent), the final one (condition 12) being as follows:

“No development shall commence on site until details of a satisfactory means of access for the development hereby approved, including junction arrangements, has been submitted to the Local Planning Authority and approved in writing. None of the units shall be occupied until the access and junction improvements have been provided in accordance with the approved details.”

This condition was placed on the consent to ensure that a satisfactory means of access to the site could be agreed, bearing in mind that the application for the access arrangements had been refused earlier in the meeting.

Discharge of Condition

In order to respond to this condition, and seek its discharge so that development can commence, the applicants (Ward Homes) have submitted a Transport Assessment to the Council. This has been produced by WSP, a Highway Consultancy, on behalf of Ward Homes, and this document has been assessed by the Council's Officers.

The document considers four different options for the access into the site:

- Leaving the junction as it is;
- Providing a ghosted right-turn lane;
- Providing a mini roundabout; and
- Providing a conventional roundabout.

Preliminary Stage 1 Safety Audits have been undertaken for both the roundabout options - one by Medway Council and one by an Independent Traffic Safety Consultant. The roundabout options were considered an inappropriate solution and unacceptable in highway terms. As a result it has been recommended that a priority junction with right turn lane and pedestrian facilities would be the appropriate solution.

In order to discharge this condition therefore, the access arrangements proposed are the addition of a ghosted right-turn lane, improvements to pedestrian facilities and road markings and an extension of the 30mph speed limit. Such works will require the developer to enter into a Section 278 Agreement with the Highways Authority. The details are set out on drawing number 0641/GA/01 rev F.

In considering the information submitted the Integrated Transport Team have advised that the proposed residential development will generate less traffic than the existing use, whilst the proposed measures will improve the operation of the junction. On this basis it is

considered that the proposed junction improvement details are considered to be acceptable, and it is recommended that the condition be discharged.

Normally the discharge of conditions would be dealt with by Officers, however this matter has been brought to Committee because of the history to the site, and the fact that Members previously refused the application relating to the access into the site. The proposed access arrangements in this earlier application were similar to that set out above, in that it sought to provide a ghosted right-turn lane, pedestrian islands and an extension to the 30mph speed limit.

5 MC2005/1707

Date Received: 30th August 2005

Location: Units A to E Invicta Business Centre, land adjoining Beechings Way, Gillingham, Kent.

Proposal: Retrospective application for the construction of fire escape route and retaining wall

Applicant: Borough Green Sawmills Limited C/O The Agent

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

Ward: Twydall

Recommendation - Approval with Conditions

(as amended by details received on 17th January 2007 and 23rd November 2007)

- 1 Within the first planting season following this consent the landscaping screen of Western Red Cedars (*Thuja Plicata*), as detailed on Drawing Number DHA/4201/02 Revision B received on 17 January 2007 and amended by the agents e-mail of the 23 November 2007, shall be planted. The landscaping screen of Western Red Cedars (*Thuja Plicata*) shall measure no less than 1.2 metres in height, and shall be planted at 1 metre centres 1 metre from the southern boundary of the site. The landscaping screen shall be maintained in perpetuity.
- 2 Within 2 months of the date of this permission a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The schedule of landscape maintenance shall be carried out in accordance with the details approved pursuant to this condition.

For the reasons for this recommendation that no objection be raised please see Planning Appraisal section and conclusions at the end of this report

Site Description

This application relates to the industrial buildings located to the rear (eastern side) of the Esso Filling Station on Beechings Way. The southern side of the site is bounded by Beechings Way and there was a mature conifer screen on this side of the boundary. However, the conifer screen was topped at 8 metres in height during the construction of the industrial buildings and they declined to the point where they gave the appearance of a dead conifer screen when viewed from Beechings Way. The ground beyond the southern boundary of the industrial buildings is at a higher level than the ground level within the main

portion of the site. In addition to the above there is a palisade fence of approximately 2.4 metres in height along this southern boundary.

Further to the south of the site on the opposite side of Beechings Way is a mix of semi detached terraced housing, some 37 metres away. This housing is on slightly raised ground level (approximately 1.5 metres).

The boundary located to the east side of the site is formed by an adjoining business (pallet storage) whilst to the north the land is vacant. The site itself, with the exception of the southern boundary, is reasonably level. To the front of the industrial building is a hardstanding which is laid out for parking and servicing of the industrial units.

Proposal

This proposal seeks full planning permission to regularise the fire escape route and the retaining wall located on the southern side for the building. This brings the closest point of the development (the retaining wall) to within 4 metres of the site boundary and 3 metres of the centre point of the stem of the conifer trees that have now been removed.

Relevant Planning History

MC2004/0055 Construction of a row of five single storey units for use within Classes B1, B2 or B8 of the classes order, with trade counters and ancillary retail and display, with associated access and parking
Approved 31/03/2004.

Representations

The application has been advertised by means of site notices. Additionally, neighbour notification letters have been sent to the owners and occupiers of: No's 232 & 234 Featherby Road; Nos 2-24 (evens) Beechings Way and Top Gear , Beechings Way Industrial estate.

No responses to the neighbour consultation or the site notices have been received.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1 (Quality of Development and Design)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE43 (Trees on Development Sites)

Planning Appraisal

Issues of amenity and impact on the character and appearance of the surrounding area.

Members will be aware that planning permission was granted for this industrial development, under planning reference MC2004/0055, on the 31st March 2004. The building has been

constructed, along with a means of escape and a retaining wall which are the subject of this proposal. Initially concerns were raised that the building had been incorrectly located or was larger than approved. However, Officers of the Council have plotted the building and measured the site and can confirm that the building is constructed in the correct place and that the length and depth of the development is correct. The discrepancy emerges on the applicant's original plans, which plot the conifer screen/trees on the southern boundary (now removed) in the wrong position. The originally approved plans show the trees adjoining the boundary of the site when they are in actual fact in-stepped by approximately 1.5 metres.

The retaining wall and fire escape route have very little impact from outside the site, with the exception of their effect on the conifer screen on the southern side of the development. The retaining wall and means of escape have had little impact on the character and appearance of the surrounding area and are not particularly visible from outside the site.

However, the construction of the retaining wall, to form the means of escape and the cutting back and reduction of the hedge in height early in 2005 resulted in almost no regeneration of the hedge. In the Arboricultural Officer's opinion these combined aspects caused significant damage to the trees and their roots and the trees declined and retained little amenity value. Due to this decline, the applicant chose to remove the conifer screen adjoining the sites southern boundary in November this year with a view to replanting in this planting season with the replacement trees previously negotiated with Council Officers but to a height of 1.2 metres rather than the 1.8m previously agreed. He has advised that this was because of the difficulty in acquiring trees of 1.8m in height.

In negotiating the original development, the applicant's agent was aware of the Council's desire to retain this conifer screen, in accordance with local plan policy BNE43, on amenity grounds. Amended plans were submitted to indicate this fact and in order to safeguard this position the Council imposed a condition seeking the retention of the conifer screen.

Through-out this application the Council's Arboricultural Officer considered that, bearing in mind the damage to and the decline of the existing conifer screen, should this application be approved, the existing hedge should be removed and a replacement hedge planted to screen the industrial units. He recommended that a suitable species for the replacement hedge would be Western Red Cedars. In considering this recommendation the Arboricultural Officer has considered retaining the existing tree screen in the short term, but has concluded that he would be *"surprised if a replacement conifer hedge could be established while the present hedge is still in situ. Even if replacement plants could be planted in the border, the new trees would probably be damaged once the current trees are removed"*.

The applicant's agent has agreed to replace the existing trees with "Western Red Cedars", as recommended by or Arboricultural Officer, and suggest a root balled specimens 800-1000mm high planted at 1000mm centres and 1000mm from the site boundary. They consider that this would produce a good screening effect in a relatively short space of time. It is recognised that although larger stock sizes could be used these would take longer to establish and the desired screening effect would take longer to establish.

It is acknowledged that the removal of the existing conifer screen has resulted in the building and activities within the site becoming visible for a period of time. However, the damage to the existing screen was such that they no longer provide any real amenity value and could not realistically be retained. The applicant has forced this position further by removing the conifer screen on the southern boundary of the site without resolving the protracted negotiations with the Council. The applicant's agent have verbally justified their clients

actions by advising that he was keen to plant the “Western Red Cedars”, as recommended by our Arboricultural Officer within this planting season. The Council’s Arboricultural Officer did not dispute the applicant’s claim in regard to the damaged conifer screen providing little amenity value or in relation to their retention. The position the Council finds itself in, although not particularly satisfactory in the short term, is considered to be the best solution in relation to this issue.

Conclusions and Reasons for approval

Putting the effect of the existing conifer screen aside, this development has little impact on amenity or the character or appearance of the surrounding streetscene. Bearing in mind that the applicant has agreed to replace the recently removed conifer screen, it is considered that the current proposal is acceptable, subject to the imposition of a conditions requiring the planting of the above mentioned trees, in the positions specified, with a root ball of the size indicated and a the submission of a maintenance plan. Subject to these conditions, there is no justification to resist the development as the resultant development is considered to be acceptable within the terms of policy BNE1 and BNE2 of the Councils adopted Local Plan.

This application would normally fall to be considered under Officers’ delegated powers but has been reported for Members’ consideration at the request of Cllr Gilry on the grounds that she is concerned as to the retrospective nature of the application and the level of traffic along Beechings Way.

This application was considered by Members at the Development Control Committee on the 9th November 2005, when it was determined to defer a decision to enable a Member’s site visit to be held.

Members’ site visit 26 November 2005

In attendance: Councillors Mrs Chambers (Chairman); Bamber; Burt; Gilry; Hunter; Jones; John Magee; and Royle. Also in attendance Councillor Griffiths.

Further to the opening of the meeting by the Chairman, the Development Control Manager summarised the proposals, the site history and the main planning issues in this case as they relate to visual amenity.

Following the Members site visit the application was reported back to the Members of the Development Control Committee on the 30 November 2005 were Members resolve to defer for a further period to enable Officers to seek the following from the applicant:

- A) The retention of the existing conifer screen;
- B) The planting of a single row of Western Red Cedars (*Thuja Plicata*) planted at 1 metre centres at a height of 2 metres and protected by a temporary stock proof fence (details to be agreed) at a height of 1.2 metres, on the highways land approximately 1 metre from the site boundary fence, along the entire length of the frontage of the site with Beechings Way, including the frontage to the Borough Green Saw Mill, fronting Beechings Way, up to the access point with the Saw Mill;
- C) The planting of additional deciduous trees on the grass verge fronting the site.
- D) The painting/powder coating of the fence fronting Beechings Way in a dark green colour, to be agreed.

In addition to the above the Council were seeking the continual maintenance of the trees by the applicant in accordance with a programme to be agreed with the Council.

Following protracted negotiations with the applicant's agent they have responded by advising that the above requirements related to replanting to be excessive and unreasonable. However, they do acknowledge that it is desirable both visually and in terms of residential amenity to screen the industrial site from view from Beechings Way and the houses opposite the site. This being the case, they submitted details seeking to remove that part of the conifer hedge within the existing site boundary immediately adjoining units A-E and plant a new replacement hedge in the form of a single row of Western Red Cedars (*Thuja Plicata*) to be planted 1 metre from the site boundary, at 1 metre centres and at a height of approximately 1.2 metres. Indeed the applicants have forced the issue further in November of this year by removing the affected conifer screen with a view to planting the new trees within this planting season.

The applicant's agent acknowledges that this has resulted in the industrial building being exposed for a short period. However, they argue that the once the replacement hedge/screen becomes established visual amenity will once again be protected. The agents state that exposure of the site will be for a short period and will not harm the visual amenities or residential amenity of the area long term.

In addition to the above, Members will also recall that Officers were endeavouring to obtain additional planting of deciduous trees on the grass verge within the Council's control located between the development site, Borough Green Sawmills and Beechings Way. In the recent e-mail received from the Applicant's agent they have advised that: "Our client has given the Council's request very careful consideration but is unable to agreed to the request and considered that the new hedge to be planted within the site boundary will provide a far more effective screen to the business park and will not be the subject of vandalism which would be the case of any trees planted in the highway verge which is directly open to the public".

In terms of the palisade fencing, although the applicant's agent originally advised that they would be submitting a separate planning application. They have highlighted that at Paragraph A.1(c) of Class A, Part 2, Schedule 1, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) existing fencing can be replaced provided it does not exceed the height of the fence it replaces. The palisade fencing erected measures 2.4 metres in height above the ground level and the chain link fence it replaced appears from the photographic evidence to have exceeded this height. This being the case, the replacement fence would appear to be permitted development and the Local Planning Authority in this instance has no control over its appearance.

In summation the applicant's agent requests that the application for the fire escape and retaining wall be determined, as originally submitted with the proposed replacement planting at 1.2 metres in height detailed above.

Officer comment

Members will be aware that the application was originally recommended for approval subject to conditions requiring the existing conifer screen to be replaced with Western Red Cedars (*Thuja Plicata*), which measure 1.75 metres in height planted at 1 metre centres, 1 metre from the southern boundary of the site. The current landscaping provision promoted by the applicant seeks to plant Western Red Cedars (*Thuja Plicata*) at approximately 1.2 metres in height planted at 1 metre centres, 1 metre from the southern boundary of the site. This is due

to a deficit of planting stock higher than 1.2 metres. From an Officer perspective this was and still is considered to be appropriate and reasonable in relation to the development proposed. If the Council insists on a replacement planting stock as originally indicated these will have to be ordered specially and will not be available until the winter planting season next year. Bearing in mind that the conifer screen has been removed and planting stock planted at 1.2 metres in height will grow at up to 0.5 metres in the first planting year, the result of delaying by a year will not result in a significant difference. Additionally, Members should bear in mind that trees planted at 1.2 metres in height will establish more quickly and will be more likely to provide a fuller screen in the long term than the higher planting stock originally specified. None of the other planning issues have change in the intervening period and this being the case, the application is being reported back to Members with the recommendation as detailed above.

6 MC2007/0265

Date Received: 16th February 2007

Location: Land between 21 and 23 Asquith Road Rainham Gillingham Kent

Proposal: Construction of a block of lock up garages

Applicant: Deadwood Developments Limited C/o Kingsley Smith Solicitors LLP
81, 87, 89 High Street Chatham Kent

Agent: Mr D A Croydon DAC Architects 21 Stone Street Gravesend Kent
DA11 0NP

Ward: Rainham Central

Recommendation - Approval with Conditions

(and as amended by plans received 28th September 2007)

- 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 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.
- 3 The garages hereby permitted shall only be used for the parking of private motor cars or private light goods vehicles and shall not be used for the parking of heavy goods vehicles or commercial vehicles, or for storage purposes (other than domestic items) or for the conducting of any trade or business
- 4 The vehicular access serving the proposal development shall be surfaced in accordance with details to be submitted to and approved in writing by the Local Plan Authority, before any of the garages herein approved are occupied.

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

Site Description

This application relates to part of a garage site between Asquith Road and Woodside. The site is accessed via a 4 metres wide by 40 metres long drive between 21 and 23 Asquith Road. The garage site measures 33 metres wide by 38 metres deep and is currently occupied by 25 garages, situated along the eastern and western boundaries. There are a further three garages in the rear gardens to 97 and 101 Woodside, which are accessed via this garage site. These garages are about 2 – 2.5 metres high with flat roofs.

The surrounding area is entirely residential with the rear gardens of properties in Asquith Road and Woodside adjoining the garage site.

The application relates specifically to a parcel of land, measuring 21.5 metres by 10 metres, within the larger garage site. This site is currently unused and grassed.

Proposal

The proposal is to construct a block of lock-up garages on the application site. The proposed block would measure 21.5 metres by 10 metres and would contain 14 garages separated by demountable partitions. There would be 7 doors on each of the two side elevations and a further 2 doors on the north facing elevation. The block would rise to an eaves height of 3 metres, have a hipped roof on the south elevation and a gabled roof on the north elevation; the ridge would be 4 metres above the prevailing ground level.

As originally submitted, the proposed building would have been constructed in brick to a height of 1.4 metres with dark green sheet steel cladding on the upper wall and the roof. This would have given it an industrial appearance which would have been out of character with the surrounding area. The application has now been amended so that the block would be constructed in brickwork with a profile coated metal work roof and tile hanging to the gable on the north elevation. Rooflights are shown in the roofslope.

Relevant Planning History

NK3/63/72/15305	13 dwellings Refused 2 nd July 1963
NK3/63/72A/15305A	Amended layout 2 pairs houses, 3 bungalows, 46 garages Approved 10 th July 1964
MC2004/1672	Outline application for construction of 2 x two bedroom flats with associated parking Refused 22 nd September 2004 Appeal dismissed 12 th May 2005
MC2006/2262	Construction of a block of lock-up garages Withdrawn

Representations

The application has been advertised on site. Neighbour notification letters have been sent to the owners/occupiers of: 15-25 (odd), 35, 37 26-32 (even) and 40 Asquith Road; and to 95-101 (odd) and 107 Woodside.

A petition (31 signatures) and 9 letters have been received objecting to the application on the following grounds:

- The flexible layout could lead to the building being used for storage or light industry which would generate heavy traffic;
- The corrugated cladding and excessive roof pitch is unnecessary for a normal garage and would be obtrusive in a residential area;

- The access road is unsuitable for further heavy traffic;
- The proposal would result in additional noise and disturbance to adjacent residents;
- There is no need for vehicular access door on the north elevation, demountable partitions, a ridge height of 4 metres or an eaves height of 3 metres;
- The proposal would be out of scale with its surroundings;
- Most properties in the vicinity have their own private garages and there is no need for lock up garages;
- Proposal would bring more traffic from outside the area;
- The existing permission has long since expired;
- A 2 metre high height barrier should be placed across the entrance and keyed access gates should be provided;
- Local residents were not consulted regarding the provision of a gate to the access to Asquith Road.

All consultees and objectors have been notified of the receipt of revised plans.

5 further letters have been received re-iterating the previous concerns and making the following points:

- The materials and structure would still be out of keeping;
- No need to “afford maximum flexibility internally”;
- No need for ridge height or double doors on north elevation;
- Access road is not suitable for anything more than cars;
- Additional traffic using access onto Asquith Road would be dangerous with poor visibility;
- Garages would not be used;
- Building could be used for industrial purposes;

Development Plan Policies

Kent and Medway Structure Plan 2006

- Policy QL1 (Quality of Development and Design)
- Policy TP19 (Vehicle Parking Standards)

Medway Local Plan 2003

- Policy BNE1 (General Principle for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy H9 (Backland Development)
- Policy T13 (Vehicle Parking Standards)

Planning Appraisal

Background to the current application

Planning permission for 2 pairs of semi-detached houses (19-25 odd Asquith Road), 3 bungalows (97-101 odd), and 46 garages was granted on 10 July 1964 under reference NK3/63/72A/15305A. That permission is extant in so far as the development was commenced within the statutory time period and it remains incomplete in so far as only 25 of the 46 garages have been built. The remaining 21 garages, 5 along the eastern boundary

and 16 on the land now comprising the application site, could be built without the need for a further planning permission.

An outline application for construction of 2 x two bedroom flats with associated parking was refused on 22 September 2004 under reference MC2004/1672. A subsequent appeal was dismissed 12 May 2005. In the decision letter the Inspector commented that the two storey height and bulk of the proposed development would not be out of character with the surrounding development. The appeal was, however, dismissed because, in the opinion of the Inspector, the proposed development would be isolated within the garage court and the juxtaposition of the proposed building and amenity areas with the garages would look unattractive and incongruous within its wider surroundings.

An application for the construction of a block of lock-up garages submitted under reference MC2006/2262 was withdrawn by the applicant following discussions with the Council Officers. The currently application is essentially a re-submission of that application. The scheme has been changed in so far as the eaves height of the proposed block was reduced from 4 metres to 3 metres and the ridge height reduced from 5 metres to 4 metres in an attempt to address concerns previously raised by the Council and expressed by local residents in their letters of representation.

The current application has been amended so that the block would be constructed in brickwork instead of steel cladding.

Matters of principle

The principle of the development has already been agreed with the previous grant of planning permission for garages in 1964 and having regard to the fact that permission is still extant, no objection is raised to the principle of the current development.

Design considerations

Firstly, it is accepted that the existing flat roof garages have no design merit and if the approved development were to be completed, similar garages would be built on the application site. The current proposal has the potential to enhance the appearance of the locality, by promoting the construction of garages using modern materials with a pitched roof. However, a steel clad building was not considered to be an appropriate design for a building in a residential area. To address the concerns raised when the previous application was considered, the ridge height has been reduced from 5 metres to 4 metres. It should be noted that a private garage could be erected within the curtilage of a dwelling to the same height under 'permitted development' rights.

The building, as originally proposed would have been metal clad and not characteristic of other buildings in the locality. By changing the proposed materials to brick, the building would be more in character with its surroundings. Accordingly, no objection is raised to the proposed development, as amended, under the provisions of Policy QL1 of the Structure Plan and Policy BNE1 of the Local Plan.

Amenity Considerations

Although surrounded by the gardens to neighbouring properties, there are no properties close enough to the site to be affected in terms of light, privacy or outlook. The nearest properties to the south, 97, 99 and 101 Woodside would be 30 metres from the proposed

building, whilst the properties to the north, 21, 23 and 25 Asquith Road would be over 36 metres from the building.

Although to the rear of several properties with access between two properties, having regard to the extant planning permission for further garages on the site, it is not considered that the proposal would result in an unacceptable level of activity and traffic generation. Accordingly, no objection is raised to the proposed development under the provisions of Policy QL1 of the Structure Plan and Policy BNE2 of the Local Plan.

Highways

In view of the planning history of the site and the existing access with satisfactory vision, it is considered that the proposal raises no new highway issues and in this regard no objection is raised under Policy TP19 of the Structure Plan and Policies T2 and T13 of the Local plan.

Conclusion and reasons for recommendation of approval

The application is considered to be acceptable in terms of principle, design, neighbouring amenity and traffic generation and is, therefore, considered to be in accordance with the provisions of Policies QL1 and TP19 of the Kent and Medway Structure Plan and Policies BNE1, BNE2, T2 and T13 of the adopted Local Plan. Accordingly, the application is recommended for approval.

This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the number of representations that have been received.

7 MC2007/1372

Date Received: 24th October 2007

Location: Noke Street Farm, Higham Road, Wainscott, Rochester, Kent

Proposal: Proposed height increase of 14.3 metre high monopole by 2.5 metres to 16.8 metres

Applicant: 02 UK Limited 260 Bath Road Slough Berkshire SL1 4OX

Agent: Ms D Marriage Turner and Partners The Old Hospital Ardingly Road Cuckfield West Sussex RH17 5HF

Ward: Strood Rural

Recommendation - Approval with Conditions

(and as amended by details received on 10th October 2007 and 24th October 2007)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Within 1 month of the date of the implementation of this development, the telecommunications mast shall be painted with a goose wing grey coloured paint (BS 00 A 05) and shall thereafter maintained in that colour;
- 3 The equipment cabinet and metre cabinet hereby permitted shall be painted with a Vandyke brown coloured paint (BS 08 B 29) within one month of their erection and thereafter maintained in that colour.
- 4 Notwithstanding the colouration of the chain link fencing surrounding the existing mast compound, full details of the colour of the chain-link fencing which bounds the mast and equipment cabin compound shall submitted to and approved in writing by the Local Planning Authority. The fencing in the approved colour shall be installed prior to the mast being brought into use and shall subsequently be maintained.
- 5 The development hereby permitted shall be removed from the site as soon as reasonably practicable after it is no longer required for telecommunication purposes

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

Site Description

The application site is located to the rear of an existing agricultural building and yard that is located on the north western side of the rural access track. There is an existing mast on site that measures 14.3 metres in height (excluding the antenna and head frame), which was

installed under the prior notification procedure in 2001. The agricultural building located to the south-eastern side of the site is approximately 6 metres in height and gabled north-west to south-east. The land further to the north-west is currently used for touring caravan storage, whilst immediately to the south-western boundary is a tree screen, which is approximately 15 metres in height. The land to the north-east slopes down towards the adjoining residential properties. Beyond this point the land raises again towards Haven Street.

Proposal

The submitted application proposes a 2.5 metre increase in the height of the existing monopole mast. The existing monopole has been measured on site and is 14.3 metres (excluding the antenna and head frame) in height above the existing ground level. The proposed increase in height will bring the overall height of the monopole mast to 16.8 metres (excluding the antenna and head frame).

Relevant Planning History

MC2001/0079 Prior approval for the erection of a 15m high telecommunication mast and associated equipment cabin at Noke Street Farm, Higham Road, Wainscott
Prior approval not required 28 February 2001.

Representations

The application has been advertised on site and the owners and occupiers of the following properties notified of the application: 1, 2, 5, 6, 7, 8, and The Stables, Noke Street; and Pear Tree Cottage, Higham Road, Wainscott

Four letters of objection (two from the same person) have been received raising objection to the development on the following summarised grounds:

- Local People have been lead to believe that the mast was not in use;
- The supplementary information submitted contains inaccurate statements as to how many homes are in vicinity of the site;
- No dwellings are mentioned in the design and access statement;
- The development will not be less visually intrusive and will not be concealed by trees;
- There must be other suitable locations where masts can be relocated to which does not effect the community;
- Health issues and the effect on children and young adults in the vicinity;
- The mast will be bigger and more unsightly.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy EN1	(Protecting Kent's Countryside)
Policy EN3	(Protecting and Enhancing Countryside Character)
Policy QL1	(Quality of Development and design)
Policy T19	(Vehicle Parking Standards)

Policy BNE1	(Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE25	(Development in the Countryside)
Policy CF14	(Telecommunications)

Planning Appraisal

Operational Need

There are five mobile telecommunications operators in the UK. These operators run the various systems that make up the mobile networks and other telecommunications services. These services and networks are all subject to the conditions of the telecommunications systems and services licences granted to the operators. In April 2000, the Government auctioned five new licenses to third generation (3G) mobile operators of which the applicants (O2) are one.

Site Justification

The applicant has considered a number of nearby sites. Due to the limited number of alternative sites available that would meet O2's technical requirements the application site is considered to be the most appropriate site. The need for the development of the site has been confirmed in the coverage plot maps submitted as part of the application, which show the extended mast will increase the quality of the coverage of the mobile network for O2.

Whilst the site is located within the open countryside the applicants still have an operational requirement to provide coverage in the area and the adjoining urban locations. As stated above, the applicant's agent has attempted to identify alternative locations for the mast within the constrains for this particular cell, but have been unable to identify any alternative suitable sites or structures within the urban area that meet their technical needs. The agent has also provided evidence that the increase in this existing mast will extend and improve existing 2G coverage in this area and within Wainscott generally. Based on the supporting evidence, the coverage plots and supporting statement, it is clear that the increase in height of the existing mast is the most viable solution, which will provide a sufficient coverage for an identified technical need for this development at this location.

Siting, Design and impact on Amenity

The extension of the existing monopole is of a similar design to that which already exists on the site. This being the case the design of the mast, in this location, is considered to be appropriate in this instance. Indeed the existing monopole has a stark galvanised metal finish and the Council can and should take this opportunity to ensure that the mast is painted an appropriate colour to reduce any impact that occurs from the existing development on site. This would result in an improvement to the character and appearance of the wider countryside and the visual amenities of neighbouring properties. The same opportunity can be taken in regard to the existing related ancillary infrastructure (i.e. the equipment boxes, fenced compound etc).

The painting of the mast and related ancillary equipment would reduce any impact that already occurs as a result of the existing structure and the use of appropriate conditions in relation to this proposal would insure that the mast, as extended, would have a minimal

impact from the medium and longer distance views. Whilst it is appreciated that there are existing residential properties in close proximity to the site, this proposal relates to a 2.5 metre increase in height of an existing monopole. The extension of the existing monopole by this amount will have a minimal impact in terms of the amenities of the adjoining neighbouring and its surroundings. In terms of the shorter distance views of the mast, when bearing in mind the nature and height of the existing lawful structure on site, this impact would be negligible. The existing monopole and related equipment housing is relatively well screened by virtue of its positioning to the rear of agricultural buildings and the tree line located to the south western side. The main reason it can be seen currently is due to the galvanised metal finish, which can be ameliorated as a result of conditions regarding the colouration of the structure and its ancillary infrastructure.

It is considered that extending the height of the existing mast by 2.5 metres will not appear unduly prominent within the local landscape and that in visual terms the impact of this proposal will be less than installing a completely new mast in another location which would be the alternative way of creating additional capacity within the cell area affected by the current proposal. Extending an existing mast in the way proposed reduces the potential for visual clutter occurring as a consequence of establishing another facility. The extension of the existing monopole will not result in an unnecessary proliferation of such facilities in the surrounding area generally and utilises an existing mast site. The monopoles positioning has no adverse impact from the surrounding public vantage points and is considered to be acceptable in this regard.

With regard to the ancillary equipment cabin, this element of the development will not have any adverse impact on the surrounding countryside in general, provided it is finished in an appropriate colour. This being the case, this element of the development is considered to be acceptable. The use of a planning conditions in relation to the colouration of the equipment cabinet would be appropriate to avoid any impact the development may have, through use of inappropriate finishes, on the surrounding countryside in general.

Accordingly no objection is raised to the application in visual amenity terms under the provisions of Policies EN1, EN3 and QL1 of the Kent and Medway Structure Plan 2006 and Policies BNE1, BNE25 and CF14 of the adopted Local Plan.

Highway Issues

The extension in height of the existing structure is not considered to be unacceptable in terms of highways safety as adequate off street parking exists for service vehicles and the development will not affect visibility splays into or out of the site. Bearing in mind these facts there are no objections to the development on highways grounds and the development is considered to be acceptable in terms of policies TP19 of the Kent and Medway Structure Plan 2006 and policies T1 and T13 of the Medway Local Plan 2003.

Health Concerns

Government advice set out in PPG8 confirms that health considerations and public concern can, in principle, be a material consideration in determining applications for planning permission and prior approval.

However paragraph 98 of PPG8 states: “...it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health”

Furthermore when making an application for telecommunications related development there is now a requirement, amongst other things, that it should be accompanied by a statement confirming that a proposed mobile base station when operational, will meet the ICNIRP guidelines.

An ICNIRP certificate has been submitted with the application and taking into account the provisions of paragraph 98 above, the Council is not in a position to challenge the proposal on health grounds. In any case, the applicants have stated that the exposure levels would comply with the ICNIRP safety recommendations and there is therefore no justification in this case for raising an objection to this application on health grounds. In this respect regard should also be paid to the fact that this proposal relates to an extension in the height of an existing tower rather than the introduction of additional antennae.

Other Matters

The comments of the local residents in regard to whether the mast was in operational use or not have been noted. However, this is not a material planning consideration that can be taken into account in the determination of this application.

Conclusions and Reasons for Approval

The applicants have demonstrated a technical need for the development. The 2.5 metre increase in height of the existing mast conforms with the Governments objectives set out in PPG8 and the Council's own adopted Development Plan policies. This is an appropriate site visually when assessing the technical requirements of the operator balanced against its impact in the surrounding countryside environment and the amenities of adjoining occupiers. Bearing all of the above in mind, the development is acceptable and complies with local and national policies. The application is accordingly recommended for approval.

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

8 MC2007/1532

Date Received: 21st August 2007

Location: 14-20 Fanconi Road Lordswood Chatham ME5 8DE

Proposal: Construction of a two storey side extension to provide two 2-bedroomed self-contained flats (demolition of side projection) (Resubmission)

Applicant: Messrs Karaloucas The Old Vicarage The Street Hartlip Kent ME9 7TL

Agent: Buildtec Construction Design Services 106 Balmoral Road Gillingham Kent ME7 4QE

Ward: Walderslade

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 any part of 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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; refuse or other storage units. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or

is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

6 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

7 Prior to the occupation of any part of the development the area shown on the permitted drawings for vehicle parking shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Such details shall include any retaining walls required. Thereafter the vehicle parking area shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

Site Description

The application relates to a two storey block of four flats, erected in the 1950's. The accommodation comprises 2 x two bedroom flats on the ground and 2 x two bedroom flats on the first floor. Each first floor flat is accessed via an external staircase to the side. There is a garden area to the rear, divided into four to provide space for each flat. There are mature trees along the rear boundary. The eastern boundary runs at an angle so that the garden area increases in width to the rear; this means there is currently a gap of 4.4m between the front of the flank wall and the boundary, widening to 10m at the rear and continuing to widen beyond the building. There is no car parking serving the flats at present.

The surrounding area is residential, predominantly semi-detached houses, with some flats. There are the older (1950's) units which include the application property, mainly to the north and west, which are semi-detached. The more recent development, mainly to the south and east consists of predominantly terraced housing. The block which is the subject of this application is set back at the end of a crescent with a green in front.

Proposal

The proposal relates specifically to the eastern side of the block, adjacent to flats 18 (ground floor) & 20 (first floor). It is proposed to demolish the external staircase on this side of the block and to construct a two storey side extension containing a further 2 x two bedroom flats. Overall the extension would measure approx 8.1m wide by 10.8m deep and would project 2.6 metres further than the rear of the existing building (compared to 2.8 metres under the previous scheme. The proposed extension would be staggered and essentially divided into five blocks measuring approx 3.2 metres, 4.4 metres, 5.7 metres, 7.8 metres and 8 metres wide respectively, the width increasing from front to rear. The depth would increase from east to west from 2.8 metres, 4.7 metres, 7.5 metres, 9.6 metres to 10.8 metres. This staggering effectively divides the proposal into a series of extensions, each with its own hipped roof.

The extension would be accessed via a new door at the front. This door would serve the proposed ground floor flat, with an internal staircase serving both the proposed and the existing (20) first floor flat. The existing ground floor flat (18) would be accessed from the front as at present. No changes would be made to the other two flats in this block (14 & 16). It is also proposed to provide a hard surfaced area in front of the block for the parking of up to 4 cars.

Site Area/Density

Site area:	0.09 ha (0.22 acre)
Existing site density:	44 u.p.h. (17.9 u.p.a.)
Proposed site density:	66 u.p.h. (26.7 u.p.a.)

Relevant Planning History

MC2007/0844	Construction of two storey side extension to provide two 2-bedroom self contained flats (demolition of side projection) Refused 12 July 2007
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Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of 5, 7, 8, 9, 10, 11, 12, 14, 22- 32 (even) Fanconi Road; and 4-19 (consec) Moonstone Drive.

Four letters have been received objecting on the grounds of:

- Overlooking/loss of privacy;
- Inadequate parking will lead to parking on green areas churning up mud etc.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of development and design)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for built development)
Policy BNE2	(Amenity Protection)
Policy BNE43	(Trees of Development sites)
Policy H4	(Housing in urban areas)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Principle of development

The site is within a predominantly residential area and therefore residential development is acceptable in principle and in accordance with Policy H4 of the Local Plan which supports infilling providing a clear improvement in the local environment will result.

Previous application

The previous application was refused on the following grounds:

1. The proposed extension, as submitted, would be an incongruous feature, out of character with the existing building and the street scene and as such would be contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE1 of the Medway Local Plan 2003
2. The proposed parking area would result in a hardening of the appearance of the front of the building and, in the absence of any proposals to soften its impact, would detract from the appearance of the property and the street scene contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE1 of the Medway Local Plan 2003.
3. The proposal would result in an unacceptable loss of light to the bedroom window of the adjoining ground floor flat, no. 18 Fanconi Road, and as such would be contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE2 of the Medway Local Plan 2003.
4. The proposal could adversely affect the mature trees at the rear of the site and in the absence of any measures for their protection the proposal would conflict with Policy BNE43 of the Medway Local plan 2003.

The appraisal explains how these grounds of refusal have been addressed in the current application.

Density

No objection was raised to the previous scheme in respect of density. The site is within an urban area developed in the 1950's with a moderate density. The density of the site at present, at 44 u.p.h. (17.9 u.p.a.), is comparable with that of the surrounding development.

The older houses to the north and west have a lower density, but the more recent development to the east and south has a higher density. The proposal would result in an overall site density of 66 u.p.h. (26.7 u.p.a.). This is relatively high, compared to the surrounding development, and is in excess of the recommended density of 30-50 units per hectare contained in PPS3 'Housing'. Nevertheless, if the site can be developed at this density without having an adverse impact in terms of the character of the area and neighbour amenity, then no objection can be raised, per se, to the development in terms of density alone.

Principle of Flats

Similarly, no objection was previously raised to the building of flats in this location. The area is primarily of single family accommodation although there are pairs of maisonettes in this and other adjacent roads providing for a range of accommodation. This proposal would add to this range/mix of accommodation and therefore help to meet the needs to small scale development in the area. As such no objection is raised to the principle of flat accommodation being provided.

Design, appearance and character of the area

The angle of the site boundary and the increase in the width of the site from front to rear has resulted in the proposed extension being staggered and divided into four blocks, each having its own hipped roof. The previous scheme showed the roofs are separated from the hipped roof of the existing building resulting in an incongruous mixture of ridges and valleys which did not sit well with the existing building. Under the current proposal the scheme has been re-designed in an attempt to address this concern. Whilst the solution is not ideal, it is acknowledged that this is possibly the best that can be achieved on this site and accordingly, no objection is raised in this regard.

The proposal also involves the creation of a hard surfaced area in front of the building to be used for parking. The previous scheme showed parking for six cars parked with no indication given as to the type of surface to be provided or the extent of the hard surfaced area; it would appear to have taken up a significant proportion, if not all of the frontage to the site and would have necessitated the provision of a large crossover, possibly over the entire site frontage. This would have detracted from the appearance of the street scene.

Under the current proposal, the amount of hardsurfacing has been reduced so that there are two parking areas, each accommodating two cars, with a lawn retained in the centre; these parking areas would be defined by two courses of brickwork. In terms of the street scene, this is a considerable improvement on the previous proposal.

Accordingly, no objection is raised to the current proposal in terms of the affect on the character and appearance of locality under Policy QL1 of the Structure Plan and Policy BNE1 of the Local Plan.

Effect on neighbouring properties

The previous application was also refused on the grounds that the proposal would result in an unacceptable loss of light to the bedroom window of the adjoining ground floor flat, no. 18 Fanconi Road. There is a bedroom at the rear of that flat, which would be close to the flank wall of the proposed extension. Applying a 45-degree line to that window would have resulted in a significant light loss to that window.

Under the current proposal, the rear of the proposed extension has been set back a distance of approx 2.2 metres from that window. The proposed extension would project approximately 2.4 metres, but would be 3 metres from the centre of the window, meaning that the light loss would be less significant and that the previously raised ground of refusal has been addressed.

The only habitable room windows would be on the rear elevation and at first floor level would serve a lounge and bedroom. There would, therefore be no overlooking of the adjoining flats or other properties in Fanconi Road. A concern has been expressed regarding potential overlooking of properties to the rear in Moonstone Drive. At the closest point, the rear of the existing flats is over 22m from the nearest property in Moonstone Drive. Due to the angle of the buildings, the proposed extension would be no closer than the existing building and would not, therefore result in an unacceptable level of additional overlooking. Accordingly, no objection is raised in this regard.

Accordingly, no objection is now raised under Policy QL1 of the Structure Plan and Policy BNE2 of the Local Plan on account of the loss of light to the neighbouring flat.

Trees

The previous application was also refused on the grounds that the proposal could adversely affect the mature trees at the rear of the site. No reference was made to these trees in the application and no proposals were made for their protection.

These trees have been shown on the plans submitted with the current application and protective fencing is included. The trunks of these trees are 9 and 12 metres respectively from the proposed extension. Accordingly, no objection is now raised under Policy BNE43 of the Local Plan in terms of the effect on these trees.

Highways/parking

At present there is no on site parking to serve any of the flats. The proposal would result in the provision of four parking spaces serving six flats, compared to six spaces under the previously refused scheme. However, this represents an improvement on the existing situation with no parking spaces for four flats. This level of parking provision is, therefore considered to be acceptable. Furthermore, it achieves an appropriate balance in terms of the provision of parking and the maintenance of a grassed area at the front of the building. Accordingly no objection is raised to the proposal under Policy TP19 of the Structure Plan and Policy T13 of the Local Plan in terms of parking.

Conclusion and reasons for recommendation of approval

The application is considered to be acceptable in terms of principle, design, neighbouring amenity, parking and tree protection and is, therefore, considered to be in accordance with the provisions of Policies QL1 and TP19 of the Kent and Medway Structure Plan and Policies BNE1, BNE2, BNE43, H4, and T13 of the adopted Local Plan. Accordingly, the application is recommended for approval.

This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the number of representations that have been received.

9 MC2007/1581

Date Received: 29th August 2007

Location: 7,9,11 & 13 NEW Road Chatham Medway ME4 4QJ

Proposal: Conversion of 4 Town houses into 16 self contained flats with construction of rear fire escape

Applicant: Mr & Mrs A S Glausausz 58 Queen Elizabeth Walk London N16 5UX

Agent: Mr B Mutlu Midas Planning PO Box 61207 London N17 6HL

Ward: River

Recommendation - Approval with Conditions

(and as amended by plans and design and access statement received on 11th December 2007)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:-
 - Any alterations to existing windows or new windows at a scale 1:5
 - all external plumbing arrangements
 - any new external materials including rain water goodswork shall be undertaken in accordance with the approved details and thereafter retained.
- 3 Prior to the commencement of the development details of measures for the storage of refuse and recycle material shall be submitted to and approved in writing the the Local Planning Authority. Such approved measures of storage shall be provided prior the the occupation of any part of the development.
- 4 Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (as amended) no satellite dish or antennae shall be installed on the exterior of the building without the prior consent in writing of the Local Planning Authority.
- 5 The area shown on the permitted drawings for vehicle parking shall be provided and laid out in accordance with the approved plans prior to the occupation of any part of the development and thereafter shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-

enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

- 6 No security or any other form of external lighting shall be installed on the building without first obtaining the prior consent in writing of the Local Planning Authority.
- 7 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 prior to the occupation of any part of the development and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
- 8 No part of the development shall be occupied until an amendment to the traffic regulation order for the area in relation to permit parking has been made and is in place, funded by the applicant which excludes residents of the development hereby approved from being eligible to obtain parking permits.

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 four large four storey mid-terrace properties (including basement) situated on the northern side of New Road (A2) Chatham, to the west of that road's junction with The Paddock, which is essentially a one-way service road. The properties are three stories, which are above ground level at the front of the Terrace, with the fourth floor being below ground level at the front but above ground level to the rear. The existing rear gardens are accessed via steps up from the rear courtyard parking area and then there are a few further steps up to the raised patio areas associated with each property.

The premises at 7-13 New Road were formerly occupied as office accommodation prior to being converted into 4 town houses with rear gardens and rear car parking comprising of 8 spaces.

The adjacent premises to the west at 5 New Road is at the end of the terrace of houses and is in entirely residential use, comprising of three flats. Beyond that property there is the Manor Club – a private social/night club also occupied by business uses during the day. Number 15 New Road to the east of the terrace is occupied as offices on all floors.

Residents car parking exists on New Road, whilst to the rear are double yellow lines and restricted parking on both sides of The Paddock.

The surrounding area comprises a mixture of commercial uses, including the Manor Social Club, petrol filling station, surgery, various offices and shops; flats and town houses. Pedestrian access to Chatham Town Centre including the railway station is from the north of the terrace, and via a pedestrian crossing from The Paddock onto Best Street

The terrace at 5 to 19 New Road was recently awarded Conservation Area status with the buildings being Victorian.

The ground level to the rear of the terrace of housing site slopes downwards from New Road to The Paddock. In front of the Manor Club, adjacent to the Paddock is an area for car parking.

To the rear of the terrace there is a large concrete forecourt that is used as a car parking area, accessed from The Paddock.

(It is to be noted that half of the rear courtyard is the subject of a planning permission for the erection of a block of 14 flats granted consent in 2006 (under MC2004/2816) fronting onto The Paddock with 8 car parking spaces to the rear accessed via an undercroft. It is to be a four-storey block, with a central fifth storey on top of the roof. An application has also been submitted for an adjacent development of flats to the rear of 5 New Road, involving the construction of a four storey block comprising of seven 1-bedroomed flats and formation of two new parking spaces for No.5 New Road and to link in with the MC2004/2816 development. However, this was refused at the Planning Committee Meeting on the 31.10.2007.)

Proposal

This application as amended seeks full planning permission for the conversion of the 4 town houses into 16 self-contained flats. There would be a 1-bedroomed flat per floor on each of the four floors of each of the four properties (4 flats per property).

The proposed plans show no alterations to the front or rear exterior of the buildings. The main access to all the flats would be from the front although there is also proposed a secondary access to the rear from the parking area that would link to all the flats and rear staircases in all the blocks.

The existing 8 car parking spaces to the rear of the site's garden area will remain and no more is proposed. The parking area would be accessed from The Paddock via the existing access. The rear gardens would be retained for use by the occupiers of the lower ground floor flats. Provision for external bin storage has been provided to the rear in the area of car parking.

The submitted proposed floor plans show (for each property) an open plan kitchen/living room, bathroom, and bedroom with access onto the New Road frontage for the basement flats and with access for the remainder floors from the ground level front entrance access point to New Road. The existing store cupboard at basement level remains at the front of the properties. The existing lower ground floor store cupboards also remain and could be used for cycle storage.

Relevant Planning History

NK1/64/350/13906 13 New Road
Change of use of basement and second floor to offices
Approved 18th January 1965

ME97/0624 5 New Road, Chatham
Conversion of offices into 4 self – contained flats.
Approved 10.10.1997

- MC2000/1809 Land at rear of 7-13 New Road, Chatham.
Outline for construction of six 1-bedroomed flats and two 2-bedroomed flats and associated car parking.
Approved 1.6.2001
- MC2000/1811 7-13 New Road, Chatham
Change of use from offices at 7-13 New Road into eight 2 bedroomed maisonettes, with associated car parking.
Approved 1.6.2001 subject to a section 106 payment of £37,700 towards the improvement of primary and secondary school facilities in the area.
Not implemented.
- MC2001/2020 7 - 13, New Road, Chatham.
Change of use of offices into four dwellings with associated car parking. This comprised of 8 car parking spaces situated to the rear of the buildings and accessed from The Paddock via the existing access.
Approved 17.11.2003 subject to a Section 106 agreement for the payment of £18,850 towards education facilities and which has been paid. Conversion completed.
- MC2003/0995 Land fronting The Paddock, rear of 7-13 New Road, Chatham.
Construction of a block of 6 one-bedroomed flats and 8 two-bedroomed flats with associated car parking comprising of 8 spaces.
Approved 5.5.2004.
- MC2004/2816 Land fronting The Paddock, rear of 7-13 new Road, Chatham.
Construction of a block of 6 one-bedroomed flats and 8 two-bedroomed flats with associated car parking (Amendment to the above).
Approved 4.04.2006.
- MC2005/1453 8 to 12 New Road.
Demolition of single storey rear additions and construction of two storey rear extension to facilitate conversion from offices to eight self-contained flats and construction of a pair of 2-bedroomed semi-detached houses to rear.
Withdrawn.
- MC2006/2165 Rear of 5 New Road, Chatham, Kent, ME4 4QJ
Construction of a four storey block comprising of seven 1-bedroomed flats and formation of two new parking spaces for No.5 New Road.
Refused 31.10.2007.

Representations

The application has been advertised on site and in the press and neighbour notification letters sent out to 1 to 12 Millwood Court; 3, 5, 5a, 5b, 5c, 5d, 15, 17, 17a, 19, 21-23, 23a, b and c, 25, odds New Road; 2 (Flats 1 to 7) 4, 4a, 6, 8-12, 14, 16, 16a, 18, 18a, 18b, 20, 20a, 20b, 22, 24, 26, 28, 30-32, 34, evens New Road; 14 Chatham House New Road, 32 King Street and Gibraltar Terrace Residents Association, 56 New Road.

3 letters of objection have been received on the following grounds.

- Concern that can find no evidence of planning permission been granted for the conversion of each of the properties into two flats (i.e. 8 flats).
- Concern over the style of any replacement windows and doors. The newly installed aluminium windows in No.5 would not be appropriate within the Conservation Area.
- Concern over security to the rear of the properties.
- Concern about the level of car parking proposed in view of historic planning permission to the rear of the terrace. The existing residents parking area in New Road is already utilised at a premium and over filled during the day making it impossible for residents to find parking.
- Object to the proposed positioning of bins at the front of the building and adjacent to the pavement and which would be contrary to the image of the Conservation Area.
- The accumulation of recent developments in conjunction with this proposal will adversely impact on the amenity of the area.
- Concern over the level of rented property in the immediate vicinity. When these properties were previously occupied by tenants the area suffered from anti- social behaviour and the dumping of rubbish to the front and rear of the terrace of dwellings.
- The even and opposite side of the New Road is occupied predominately by Owner occupied young couples, families and retired professionals.

The Gibraltar Terrace Residents Association has written with a petition with 10 signatures objecting to the development on the following grounds:

- The Association can find no evidence of planning permission been granted for the conversion of each of the properties into two flats (i.e. 8 flats).
- Concern over security to the rear of the properties.
- Concern about the level of car parking proposed in view of historic planning permission to the rear of the terrace.
- Object to the proposed positioning of bins at the front of the building and adjacent to the pavement and which would be contrary to the image of the Conservation Area.

National Planning Guidance

PPS1: Delivery and Sustainable Development
 PPS1A: Planning System & General Principles
 PPS 3: Housing
 PPG13: Transport
 PPG15: Planning and the Historic Environment
 PPG24: Planning and noise

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy QL6	(Conservation Areas)
Policy HP4	(Housing: Quality and density of development)
Policy TP11	(Facilities for Pedestrians and Cyclists)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Provision)
Policy BNE3	(Noise Standards)
Policy BNE12	(Conservation Area)
Policy BNE14	(Development in Conservation Areas)
Policy H4	(Housing in Urban Areas)
Policy H5	(High density housing)
Policy H6	(Flat Conversions)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

This application raises the following issues for consideration:

- Matters of principle
- Density and mix
- Impact upon residential amenity
- Design and impact upon the street scene and the Conservation Area
- Car parking and highway implications.

Principle

The principle of conversion to flats has already been established by the previous grant of planning permission for the change of use of these premises from offices into eight maisonettes (MC2000/1811).

Policy H6 of the Medway Local Plan does not permit the conversion of large houses into self contained flats where the surrounding area is predominantly in single family accommodation, where the house is of a size suitable for such continued use in the future, where the proposals are likely to unacceptably increase on street car parking and where the proposal would adversely affect the amenity of the area or of adjoining occupiers. The area is not in predominantly single family accommodation, bearing in mind the existence of nearby adjacent flats and town houses. Chatham town centre and Chatham Railway Station are within walking distance to the north and west of the property and the surrounding area is generally well served by public transport.

It is therefore considered that the principle of the development is acceptable and is in accordance with the relevant Development Plan policies.

Density

Kent and Medway Structure Plan policy HP4 and Local Plan policy H5 seek to provide development of high quality design which avoid low densities in town centre and major urban area locations.

The provision of smaller dwellings, including flats, can help to meet the continuing demand from small households that form a significant proportion of housing demand. The provision of smaller dwellings also provides cheaper accommodation and, because it will often be provided at higher densities within the urban areas, it helps to reduce the demand for the development of greenfield sites. This proposal would offer 16 one-bed flats and given the proximity of the site to Chatham Town Centre in terms of density the proposal is considered to be in accordance with Policies HP4 of the Kent and Medway Structure Plan and H5 of the Medway Local Plan 2003.

Design Considerations

Policies QL1 of the Kent and Medway Structure Plan, and BNE1 and H4 of the adopted Local Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

Policy QL6 of the Kent and Medway Structure Plan and Policies BNE12 and BNE14 of the Medway Local Plan address proposals within Conservation Areas. These policies indicate that proposals should achieve a high level of design that will preserve or enhance the character of the Conservation Area and make a positive contribution.

As no external alterations are proposed on the submitted plans for the front and rear elevations, the scheme in this regard is considered acceptable. Conditions are recommended to control any alterations that maybe necessary when conversion works commence. Fencing already encloses the rear garden areas.

In terms of design and appearance, the proposal complies with the above-mentioned Development Plan policies.

Impact on Amenities

Policy QL1 of the Kent and Medway Structure Plan, Policies BNE1, BNE2 and BNE3 of the adopted Local Plan seek to ensure that the amenities of prospective occupiers and those of existing residents are safeguarded. Development should therefore have regard to privacy, sunlight, daylight and activity levels and traffic generation; landscaping around the dwellings, the provision of private garden space, parking and access, aspect and orientation.

Policy H6 of the Medway Local Plan does not permits the conversion of large houses into self contained flats where the surrounding area is predominantly in single family accommodation, where the house is of a size suitable for such continued use in the future, where the proposals are likely to unacceptably increase on street car parking and where the proposal would adversely affect the amenity of the area or of adjoining occupiers.

Although it is noted that the nature of the use of the four properties will change from its previous use as four town houses, it is noted that the properties had previously been granted consent for 8 maisonettes. It is considered that the doubling of this use to 16 flats on balance

is considered that the proposed use will not cause any harm to surrounding uses, will not have such an increased activity greater than the previous uses such that would warrant a refusal of planning permission and will compliment surrounding uses, including existing nearby residential houses and flats.

Noise

No.3 New Road to the west is a building occupied by the 'Manor Club', which is a nightclub and the "Manor Bar". The building has in the past been the subject of numerous noise complaints and the "Manor Bar" has a premises licence to operate between the hours of 10:00 to 23:00 Monday to Saturday and 12.00 to 22:50 Sunday. The "Manor Club" has a premises licence to operate between the hours of 11:00 to 23:00 Monday to Thursday; 11:00 to 01:30 Friday and Saturday and 12.00 to 22:30 Sunday

PPG24 'Planning and Noise' notes that controlling noise from nightclubs poses particular difficulties, not least because associated activities are often at their peak in the evening and late at night. It advises that consideration will need to be given to noise from within the premises as well as noise that may be made by customers in the vicinity.

Policy BNE3 of the Medway Local Plan states that noise sensitive residential development should be designed to minimise the impact of existing noise sources.

It is to be recognised that the site's position makes full compliance with the Council's adopted noise criteria for new housing development difficult to achieve. However regard needs to be paid to the fact that within the immediately surrounding area there are already a significant number of existing residential properties and it is therefore considered that against this background that a refusal of planning permission in relation to this matter can not be justified in this instance.

Occupier Amenity

As the existing rooms within the properties are very large with generous high ceilings, they are extremely spacious and lend themselves to a very attractive conversion scheme as proposed.

The layout of the proposed flats would provide adequate living accommodation and residential amenities for potential occupiers. In addition the layout of each flat compared to its neighbours either side within the four properties and above and below is such that similar rooms are juxtaposed with similar rooms.

In terms of internal space standards it is considered that adequate standards of accommodation and residential amenities will be provided for its future occupants.

Although not all the occupiers of the proposed flats will have access to a private external amenity space, this is not unusual within Town Centre locations. The occupiers of the lower ground floor flats will also have access to a small patio garden area.

As the floors of adjacent buildings are in shop, office and residential use, there would be no harm to the residential amenities of the occupiers of the proposed flats from these neighbouring uses.

Bearing all of the above in mind this application is considered to be acceptable in amenity terms and no objection is raised to the application under the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policies BNE2, BNE3, H4 and H6 of the Medway Local Plan 2003.

Highways Impact, Traffic and Car Parking

The submitted drawings show that the eight existing car parking spaces are to remain to serve the 16 flats proposed. However, the previous office use would (in terms of parking standards) have required the provision of 21 spaces.

The adjacent scheme for six 1-bedroomed and eight 2-bedroomed flats (14 flats) to the rear of the terrace has approval with the provision of 8 spaces, implying one space per two-bedroomed units and none for the one-bedroomed units.

The site is within the Town Centre, close to the centres facilities and public transport being in the most sustainable location in Medway, provides for 0.5 spaces per unit, which is reflective of Government advice, and the scheme will assist in bringing forward the beneficial use of an important block of properties. As a consequence it is considered that this level of car parking provision is acceptable for this scale of development in this location.

In relation to the access, it is considered that the development would not result in an increased danger to vehicular or pedestrian safety as The Paddock is in effect a one way through road, just serving the rear of properties in New Road and the proposed new flatted developments. The access into and out of the site is therefore considered to be acceptable.

As such it is considered that the development will not generate any highway safety issues and no highway objections are raised to the proposal.

Recommendation and reasons for Approval

The proposed development will bring back into productive use a number of buildings, which have been vacant since last year and will therefore contribute to the provision of housing in the area. In view of the above assessment it is considered that the submitted application is therefore viewed as being in accordance with the provisions of the Kent and Medway Structure Plan and Medway Local Plan and is recommended for approval subject to conditions.

This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to a letter of objection received from a Residents Association.

10 MC2007/1802

Date Received: 1st October 2007

Location: 3 Longfield Avenue High Halstow Rochester ME3 8TD

Proposal: Construction of a first floor side extension together with the raising of roof height and insertion of roof lights (removal of chimney stack on north elevation)

Applicant: Mr M Gamman 3 Longfield Avenue High Halstow Rochester Kent

Agent:

Ward: Peninsula

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 Materials used on the construction of external surfaces of the first floor side extension together with the raising of roof height and insertion of roof lights herein approved shall match those used on the existing property.

For the reasons for this recommendation that no objection be raised please see Planning Appraisal section and conclusions at the end of this report

Site Description

The area surrounding no. 3 Longfield Avenue is residential in character and consists of similar design terraced (to the south of the applicant's property), semi detached and detached two storey properties (to the north of the applicant's property). These are set back from the highway by approximately 10m. Boundary treatments within this area of Longfield Avenue consist of low-level brick walls for the majority of properties. To the rear, the majority of properties have combinations of patio areas that then lead to laid to lawn gardens that project approximately 10m. Boundary treatments consist of combinations of 1.8m close-boarded fences. There is a general land level change in the local vicinity whereby the properties surrounding the application site are lower by approximately 1.5m than the highway. Further to this, there is also a general land level change whereby the land slopes down heading south. There are no parking restrictions within the local area.

The applicant's property is a semi detached two storey, barn hipped roof property that is set back from the highway by approximately 10m. To the front there is off street parking for 2 vehicles on the driveway. To the rear, is a conservatory. Boundary treatments consist of 1.5m close-boarded fences. Located within the rear of this garden is a detached garage.

Proposal

The proposal is to remove the large barn hip and to raise the eaves of the side elevation to the height of the rest of the eaves and to provide a normal hip to the roof. This will facilitate an enlargement of the main bedroom and bathroom at first floor level.

Relevant Planning History

There are no relevant planning applications with regards to the applicant's properties, there are however, two examples of developments including first floor side extension, albeit without the roof shape change within the local area and these are shown below:

1 Northwood Avenue
MC2002/1197

Construction of a 2 storey extension and a single storey rear extension,
Approved 02 August 2002

34 Longfield Avenue
MC2004/1696

Construction of part single part two storey front/side/rear extension with integral double garage (demolition of existing garage),
Refused 03 September 2004

Representations

Neighbour consultation letters have been sent to the owners and occupiers of 1, and 28-32 (evens) Longfield Ave and 1 and 2-8 (evens) Thames Ave.

The Dickens' Country Protection Society has written to object to the application on the following grounds:

- The proposed development would create a unbalance with the neighbouring property,
- The proposed development would create a potential for overlooking to other properties.

Development Plan Policies

Kent and Medway Structure Plan adopted 2006

Policy QL1 (Quality of Development and Design)

Medway Local Plan adopted 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)

Planning Appraisal

Street Scene and Design

The first floor extension is relatively modest and the proposed hip roof is not out of character with the local vicinity, as there are a number of hip roofed properties in the immediate vicinity. While the application property is one half of a semi and the other property will retain its large

barn hip it is not considered that the alteration to one half of the pair is harmful to the character of the area or appearance of the pair. The proposal is therefore in accordance with policies QL1 of the Structure Plan and BNE1 of the Local Plan subject to matching materials being used and an appropriate condition is recommended.

Amenity Considerations

The proposed extension by virtue of its location and limited nature will only impact on 1 Thames Ave. However, for by virtue of the distance between the applicant's property and that property and the existing overlooking between properties at first floor level, the proposed alterations to the roof height and first floor extension shall not impinge upon the outlook, sunlight, daylight and privacy of the occupiers of the 1 Thames Ave. Furthermore, any future window within any of the walls, by virtue of existing overlooking and distance between properties, shall not create a detrimental loss of privacy. Therefore there is no conflict with development plan policies QL1 and BNE2 and accordingly no objection is raised.

Highways

There are no highway implications resulting from this application. The proposal does not alter the amount of bedrooms available on site and does not alter the amount of off road parking.

Conclusions and Reasons for Approval

The proposed extension is of limited size, reflects the character of the property and area and will have no impact on the amenities of the occupiers of neighbouring properties. It is therefore in accordance with the above-mentioned Development Plan policies and is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee due to the objection from the Dickens Country Protection Society.

11 MC2007/1866

Date Received: 17th October 2007

Location: Land opposite Rookery Nook, Vicarage Lane, Upper Stoke, Kent

Proposal: Construction of a three bedroom detached dwelling with associated parking and landscaping

Applicant: Mr R Peters 26 Grange Way Rochester Kent ME1 3DU

Agent: Mr L R D Simmons 46 Downsview Chatham Kent ME5 0AL

Ward: Peninsula

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 (including roofing materials, facing bricks and/or other cladding materials, mortar, bonding and pointing details, lintels, cills, entrances, fenestration and any other external details) 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 flank windows at ground and first floor level on the northern and southern flank elevations shall be fitted with obscure glass and shall be incapable of being opened except for a high level fan light opening at least 1.5 metres above the internal finished floor level and shall subsequently be maintained as such.
- 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 doors, windows or other openings other than those shown on the approved plans shall be installed in the flank walls of the dwelling herein approved without the prior written approval of the Local Planning Authority.
- 6 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 and 2 of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

- 7 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 8 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- 9 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with Fig. 2 of BS5837:2005, as shown at Appendix B of Lushland report. The fencing shall be to a height of 2.3m (not 1.2m as specified at para.10.5 of Lushland report).
- 10 Tree protection fencing shall be erected before equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.
- 11 Prior to the commencement of any building works on the construction of the dwellinghouse, the driveway shall be constructed and completed in accordance with Appendix C of the report carried out by Lushland Ltd dated 10th March 2007.
- 12 Provision shall be made to ensure an arboricultural advisor shall oversee the construction of the protective fencing and the driveway installation to ensure that the work is undertaken in accordance with the specification detailed in the report by Lushland Ltd and dated 10th March 2007. The arboricultural advisor shall thereafter report to the Local Planning Authority when the protective fencing and driveway are completed in accordance with the aforementioned report.
- 13 No development shall take place until a plan showing the sites at Rookery Nook for the storage of construction materials and any other construction equipment (including site office, cement mixing, contractor parking, etc) for the duration of the development has been submitted to and agreed in writing by the Local Planning

Authority. The development shall be carried out in accordance with the approved details.

- 14 Prior to the commencement of the development a hard and soft landscaping specification within Root Protection Areas (RPAs) identified in the report submitted by Lushland Ltd dated 10th March 2007 shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- 15 Prior to the commencement of development details of service runs shall be submitted to and agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details. Service areas should avoid the Root Protection Areas identified in the report submitted by Lushland Ltd dated 10th March 2007.

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

Site Description

The application site is located within the rural settlement of Upper Stoke, as defined on the proposals map of the Local Plan.

The site comprises a narrow plot of land adjoining Ashlea, which is a bungalow in Vicarage Close. It is separated from Ashlea, which lies to the south, by a wooden closeboarded fence, overgrown with shrubs. Rookery Nook, a bungalow, and the two storey Spring and Bluebell Cottages, lie to the north of the site on Vicarage Lane. The site is roughly rectangular in shape, and measures approx. 9m wide and 59m long, with the boundary line curving round and narrowing to a point at the rear. The site was completely overgrown with trees and shrubs, but part of the site (particularly towards the rear) has recently been cleared reflecting the outline planning consent granted. It is enclosed at the front by a 1m high wooden fence. Vicarage Lane runs partway along the northern boundary of the site, and merges into a footpath leading to fields at the rear (west) of the site.

The residential development around the site is made up of a mix of detached bungalows and two storey semi-detached housing on generous plots.

Proposal

The application is for the construction of a three bedroom detached dwelling with associated parking and landscaping.

The proposed site plan shows a detached dwelling sited towards the rear of the site, a minimum of 32m back from the front boundary with Vicarage Close. The dwelling will be a 3 bedroom chalet bungalow with east and west facing first floor dormer windows. The first floor windows to the rear will serve two bedrooms, and the windows to the front will serve a bathroom and landing. The small windows on the flank elevations will serve two ensembles and a utility room. There will be approximately a 1m space between the southern flank wall of the dwelling and the flank boundary with Ash Lea. There will be little space between the northern flank wall of the dwelling and the northern boundary. A private garden area will be provided

immediately behind the house. There will be a vehicular access into the site from Vicarage Lane, serving two off-road parking spaces and a turning head at the front of the dwelling.

Samples of some of the proposed external materials have been submitted with the application, including 'Kassandra' light brown stock bricks for the external walls, and 'Redland' brown sand-faced concrete plain tiles for the roof tiles and dormer wall tile cladding.

Site Area/Density

Site area: 0.043 ha (0.106 acres)

Site density: 23 dph (9 dpa)

Relevant Planning History

MC2006/1320 Outline application for the construction of a detached dwelling with associated parking
Refused 29 September 2006

MC2007/0544 Outline application for the construction of a detached dwelling with associated parking
Approved 19 July 2007

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owner/occupiers of: Elm Cottage, Clematis Cottage, Bluebell Cottage, Rookery Nook, and Spring Cottage on Vicarage Lane; Ash Lea and Woodlands on Vicarage Close; and Badgers, Main Street, Northian, East Sussex; The Dickens Country Protection Society have also been consulted on the application.

Two letters have been received objecting on the following grounds:

- The existing site plan shows substantially less trees than were shown on the previous application
- It becomes farcical when an application is turned down on loss of trees and then trees are removed prior to submitting a further application
- There are clearly no safeguards in place that assurance the protection of habitat for vulnerable wildlife are of little worth
- Permitting development on this site will remove one of the remaining few havens of green
- Now that the site has been cleared of environment enhancing trees and shrubs, in particular a 40 year old cooper beech, what was once a natural part of the countryside is now a disgusting blot on the landscape

The Dickens Country Protection Society object to the application on the basis that it represents an overdevelopment of the site.

Stoke Parish Council has written to advise that it has no objection to the development

The Kent and Medway Towns Fire Authority states that Vicarage Lane is narrow and unmade, causing the travel distance to exceed 45m. *(This has been copied to the agent and an informative will be placed on any approval)*

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SS8	(Development in the Countryside)
Policy EN1	(Protecting Kent's Countryside)
Policy EN9	(Trees, Woodland and Hedgerows)
Policy QL1	(Quality of Development and Design)
Policy HP5	(Housing Development in the Countryside)
Policy TP3	(Transport and the Location of Development)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE41	(Tree Preservation Orders)
Policy BNE43	(Trees on Development Sites)
Policy H11	(Residential Development in Rural Settlements)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

The main issues in the consideration of this application are as follows:

- Whether the proposal would cause harm to the character and appearance of the street scene, and to the trees on the site;
- Whether the proposal would be detrimental to the amenities of neighbouring properties and future occupiers; and
- Whether the proposal would have an adverse impact on parking or highway safety.

Background

The initial outline application for the site (MC2006/1320) was refused on tree grounds. A subsequent outline application (MC2007/0544) included a full tree survey and arboricultural impact assessment, and the revised site layout took into consideration the arboricultural constraints on the site, resulting in a much-improved proposal. This application, which determined the layout, landscaping and means of access for the development, was approved.

Since the most recent application was approved, the site has been cleared in accordance with the recommendations set out in the previously submitted arboricultural survey and landscaping report. This has allowed a measured survey of the site to be undertaken, the result of which is that the siting of the dwelling has been amended to meet the minimum dimensions required between an existing lime tree and the front elevation of the proposed dwelling. Consequently, this application is a full application, and involves the repositioning of

the dwelling (from that approved at outline stage) approximately 1m to the rear (west) and less than a metre closer to the northern flank boundary. The length of the dwelling is approximately 1m shorter than the footprint of the dwelling previously approved at outline stage.

Principle

The starting point for the consideration of this development is whether the principle of development in this location is acceptable. Policy HP5 of the Structure Plan and Policy H11 of the adopted Local Plan are relevant. Both policies assert that housing development in the rural area will be restricted to minor development within the confines of particular villages and settlements. The preamble of this Policy HP5 also advises that such development should not be detrimental to the character of the settlement.

This site falls within the urban boundary of the rural settlement of Upper Stoke. It has been overgrown and would be likely to benefit from a careful and considered redevelopment that protects the trees and greenery that make up the character of the site. This application proposes a low-density development. The village is mixed, comprising both high and low-density development and it is considered the proposal for one dwelling on this site would accord with the character and setting of the area.

It must also be noted that the principle of this proposal was accepted under the previous approval of the outline application.

The development is therefore acceptable in principle, and complies with the requirements of Policies H11 of the Local Plan and HP5 of the Structure Plan.

Street Scene and Design Considerations

Policy BNE1 of the Local Plan seeks to ensure that development is appropriate in terms of its layout and siting, details, materials, proportion, scale and mass, and that it respects the scale, appearance and location of surrounding buildings and spaces.

As it is fenced off, the site appears separate from neighbouring properties, and although it has now been cleared, it was until recently completely overgrown and untidy. With the exception of the protected trees on the site, the site's neglected nature detracted somewhat from the character and appearance of the area. It is considered that the site would benefit from redevelopment provided the trees and greenery that give the site its character are protected.

Although the building will extend across the width of the site, it will not take up an excessive portion of the site when taking into account the site's length, and plenty of space will be maintained between the proposed dwelling and neighbouring properties.

The proposed building is designed as a chalet style property, with brick walls, a cat slide and barn hip roof, and first floor dormers to break up and add interest to the elevations of the building. The height of the building will not be excessive at a maximum height of 7m; the surrounding buildings are a mix of one and two storeys in height. The building will also be set well back into the plot, creating a generous green space to the front, and allowing the trees at the front to be retained. As the building will be fairly close to the rear boundary, which backs onto open fields, the boundary treatment will need to be considered carefully to make sure it blends in with the countryside. A condition is recommended to control this.

On the basis of the above, the proposal is considered to comply with the requirements of Policy QL1 of the Structure Plan and Policy BNE1 of the Local Plan.

Trees

Policy BNE41 states that TPOs will be used to protect trees, groups of trees and woodlands of important public amenity value. In addition, Policy BNE43 states that development should seek to retain trees and woodlands that provide a valuable contribution to local character.

The majority of trees on the site are protected under Area TPO R56/1998, which covers trees of various species including Sycamore, Poplar, Ash and Horse Chestnut. The granting of a planning permission allows for protected trees to be removed if that consent specifically details their removal, while continuing protection for those shown to be retained. The trees suggested to require removal at the outline stage have now been removed.

A full tree survey and arboricultural impact assessment and Tree Protection Plan has been carried out by Lushland Ltd (Ref: AR/0039/03-07, dated 10 March 2007). The site layout has been designed under arboricultural advice to avoid impacting on those trees of highest amenity value, i.e. those trees on the southern section of the site, northern end of site and trees in the neighbouring garden.

The proposed driveway is located within the Root Protection Area (RPA) of protected trees identified for retention; however, if the proposed driveway is constructed using the no-dig specification recommended in the Lushland report damage to these trees will be limited.

One of the main concerns with the proposal from a tree point of view is the proposed service run through the middle of the front garden. To excavate a trench along this line could sever tree roots and negate all the work and consideration given for a 'no-dig' driveway. However, a note on the proposed site plan indicates that the proposed electricity and telephone run will be shallow and hand dug. An appropriate condition is recommended.

A further concern involves the practicality of protecting the trees during construction. A condition is recommended to fix a site for the storage of construction material, the site office, cement mixing, contractor parking, etc., requesting a plan to show the locations that they can be kept on or off site, in order to avoid impacting on the retained trees and protective fencing on the site.

On the basis of the above, although the character of the site will change with the removal of some of the trees, provided the proposed site layout and landscaping are carried out in line with the submitted drawings, the scheme is considered to be acceptable, and will avoid a significant and unacceptable impact on the remaining protected trees on the site. The proposal therefore accords with the relevant policies set out in the Development Plan.

Amenity Considerations

The impact of the proposed development upon the amenities of the occupiers of neighbouring properties, in terms of the consideration of any loss of privacy, daylight or outlook, falls to be assessed against the provisions of Policy QL1 of the Structure Plan, and Policy BNE2 of the adopted Local Plan.

There is boundary screening between Ash Lea and Rookery Nook, which are the two properties most likely to be affected by the proposal. This will help alleviate any potential overlooking problems, or loss of privacy or outlook. The site location drawing also indicates that with over 10 metres at the closest point between the proposed dwelling and the neighbouring property, Ash Lea, the site can be developed in a manner that would be unlikely to have an adverse impact upon the amenities of the occupiers of this and other neighbouring properties. The flank elevations of the proposed building that would face directly over Ash Lea's garden and Rookery Nook, only contain small windows serving non-habitable rooms (these windows will also be obscure glazed). Therefore no objection is raised to this development under the provisions of the aforementioned policies.

Highways

Vicarage Lane is a quiet road with a low level of traffic, and consequently the proposal for one dwelling would not significantly increase the risk to highway safety. An appropriate level of parking for the proposed dwelling can also be accommodated on the site. The proposal would therefore comply with Policies TP3 and TP19 of the Structure Plan and T1, T2 and T13 of the Local Plan, and there is therefore no objection on transport grounds.

Conclusions and Reasons for approval

The design of the proposed development will be in keeping with the character and appearance of the street scene, will avoid a significant impact on the remaining protected trees on the site, and there are likely to be no adverse effects on the amenities of neighbouring properties or future occupiers, or on highway safety. As such the proposal is considered to be acceptable and the application therefore accords with the provisions of Policies SS8, EN1, EN9, QL1, HP5, TP3 and TP19 of the Structure Plan and Policies BNE1, BNE2, BNE41, BNE43, H11, T1, T2 and T13 of the adopted Local Plan. The application is accordingly recommended for approval.

This application would normally fall to be determined under delegated powers, but is being reported for Members consideration due to the representations received contrary to the recommendation.

12 MC2007/1889

Date Received: 23rd October 2007

Location: Land to the east and west of Bells Lane forming part of the BAE systems sports and social club Hoo ST Werburgh, Rochester, Kent

Proposal: Outline application for a residential scheme of 94 dwellings on the east of bells lane directly linked to the upgrade and expansion of facilities at BAE systems sports and social club Hoo St Werburgh (West of Bells Lane)

Applicant: BAE Systems Operations Ltd Westcott Venture Park Westcott Aylesbury Bucks HP18 0NP

Agent: Mr Scott Atisreal Limited 90 Chancery Lane London WCZA 1EU

Ward: Peninsula

Recommendation - Refusal

- 1 The proposed residential development would result in the loss of protected open space and of playing fields and sports facilities, and is location outside of the village boundary of Hoo St Werburgh, therefore constituting unacceptable development in the countryside. The justification put forward by the applicants is not considered sufficient to outweigh these objections. The proposal is therefore contrary to the provisions of Policies SP1, SS1, EN1, QL1, HP2, HP5 and ME1 of the Kent and Medway Structure Plan 2006 and Policies S2, BNE1, BNE25 and H11 of the Medway Local Plan 2003, as well as government policy and guidance contained in PPS7 and PPG17.
- 2 The proposed artificial turf pitch and floodlighting, due to its position close to the A228, would have a visually intrusive effect and would be detrimental to the character of the surrounding countryside. The proposal is therefore contrary to the provisions of Policies QL1, EN1 and EN3 of the Kent and Medway Structure Plan 2006 and Policies BNE1, BNE5 and BNE25 of the Medway Local Plan 2006.

Site Description

The application relates to two parcels of land in the same ownership, on either side of Bells Lane and adjacent to the Ratcliffe Highway (former A228) with the current dual carriageway A228 beyond. The area to the western side of Bells Lane includes a number of sports pitches, a large sports/social club building, which is part two-storey and part single-storey, and some smaller ancillary buildings. Car parking is provided to the front of the building, extending in a narrow strip along the Bells Lane frontage. The eastern parcel of land is predominantly open land, with a full-size football pitch, a bowling green and some small ancillary buildings. Both areas are surrounded by chain link fencing, with some hedgerows and scrub planting to boundaries.

To the south of the western site is the built-up area of Hoo, comprising predominantly residential development with a small shopping parade at the corner of Fourwents Road, while to the south of the eastern site is an area of land allocated for residential development. To the east is open farmland, with a bridleway running immediately adjacent the eastern boundary. There are some scattered dwellings and a children's play area (in the applicant's ownership) clustered around the Bells Lane/Ratcliffe Highway crossroads and immediately adjacent the western site boundary, with open farmland beyond. Both sites are located outside of the village boundary, and allocated as protected open space in the Local Plan.

Proposal

The proposal, which is in outline form with only means of access to be considered at this stage, is for a residential scheme on the eastern site and the upgrade and expansion of sports facilities on the western site. The access for the western site would be replaced by in-out accesses at either end of the car park. The access for the eastern site would be relocated to the south of its current position.

The residential development would be for approx. 94 dwellings and an indicative masterplan has been submitted showing a range of two- and two-and-a-half-storey terraced, detached and semi-detached houses and two blocks of flats (one two-storey and one three-storey). Parking would be mainly accommodated in communal courts.

The upgrade of sports facilities would include:

- Drainage improvements to existing outdoor football & cricket pitches;
- Provision of a "third generation" artificial all-weather football pitch with floodlighting;
- Provision of additional mini/junior football pitches;
- Single-storey extension to club building to provide health & fitness suite;
- Relocation of bowling green from eastern site, including construction of single-storey pavilion building;
- Internal improvements to sports and social facilities which are dated and in some cases inadequate; and
- Improvements to car parking area.

In support of the application it is stated that:

- The two proposals are linked with the residential development funding the improvements to the sports/social club facilities;
- The club cannot attract further membership to enable investment in facilities because of their existing poor state, resulting in a 'cycle of decline';
- The facilities lost on the eastern site will be re-provided in equivalent or better quality on the western site, resulting in significant community benefit;
- The improved facilities would compliment Council-run facilities at Deangate Ridge and Hundred of Hoo Leisure Centre, and indeed the applicants have been in preliminary discussions regarding a potential joint management of their facility with the Council;
- The residential development can be seen as a natural 'rounding-off' of the developed area of the village, following the permission granted on the land to the south;
- The site is a sustainable location for residential development due to the proximity of local services and public transport; and

- The applicant has undertaken pre-application consultation and publicity and the majority of responses have been in favour of the proposals.

The applicants have also submitted a draft heads of terms for a Section 106 Agreement to cover the following:

- Phasing of development and replacement of sports facilities, including a “management scheme” detailing maintenance, management and public access arrangements;
- Provision of affordable housing;
- Financial contribution towards education provision (potentially to be offset by provision for school use of sports facilities);
- Financial contribution towards community development and availability of community room within sports club for local groups; and
- Financial contribution towards improvement of bus stops and traffic calming scheme on Bells Lane

Site Area/Density

Site area: 6.33ha (15.64acres); 2.33ha (5.76acres) residential and 4.0ha (9.88acres) Sports/social club

Site density: 40.3 dph approx. (16.3 dpa approx.)

Relevant Planning History

Eastern site

83/0589	Erection of 3 site huts for the storage of ancillary equipment in connection with sports activities and horticulture Approved 16/09/83
83/0589/B	Renewal of temporary planning permission for the continued use of two site huts for the storage of ancillary equipment in connection with sports activities and horticulture Approved 24/10/89
83/0589/C	Renewal of temporary planning permission for the continued use of two site huts for the storage of ancillary equipment in connection with sports activities and horticulture Approved 10/12/91
83/0589/D	Renewal of temporary planning permission for the continued use of two site huts for the storage of ancillary equipment in connection with sports activities and horticulture Approved 17/11/92
89/879	Erection of a toilet block for CAV/BP bowls club Approved 12/09/89
90/0886	Installation of automatic water sprinkler system for bowling green (1,000 gallon water tank and pump)

Approved 16/01/91

- 95/0610 Erection of a detached toilet block
Approved 19/10/95
- MC1999/5398 Construction of a spectator viewing platform adjacent to bowling green
Approved with conditions 26/08/99

Western site

- 74/0343 Erection of sports pavilion
Approved 26/09/74
- 79/1083 Office extension
Approved 04/12/79
- 79/1131 New refuse store and additional fuel oil storage tank
Approved 04/12/79
- 84/0336 Erection of a radio mast to gable end of swimming pool building
Approved 23/05/84
- 86/0147 Construction kitchen at first floor level over existing ground floor kitchen
and convert club room to dining room
Approved 09/05/86
- 88/1106 Extension to lounge bar and committee room and a new coffee lounge at
first floor
Approved 13/12/88

Both sites

- MC2003/0917 Construction of a disabled access ramp
Approved with conditions 09/06/03
- MC2007/0412 Town and Country Planning [EIA] Regulations 1999 for a screening
opinion to determine the need for an Environmental Impact Assessment to
accompany a planning application for residential development
EIA not required 03/04/07
- MC2007/1133 Town & Country Planning (EIA) Regulations 1999 for a screening opinion
to determine the need for an environmental statement to accompany a
planning application for residential development to east of Bells Lane and
improved sports and social club facilities to west of Bells Lane
EIA not required 12/07/07

Representations

The application has been advertised on site and in the press, and neighbour notification letters have been sent to the owner/occupiers of: Hillcrest Nurseries, Nefyn House and Riley House, Ratcliffe Highway; 10-28 (evens), 9, 11 and 15-23 (odds) Blackman Close; 22-39 (inc) Wall Close; Berrill, 245 and 300 Bell Lane and Bells Lane Stables. Consultation letters

have been sent to: Southern Gas Networks, EDF Energy, Southern Water, Medway Primary Care Trust, Kent Police, Medway Towns Sports Council, Sport England, Natural England, Kent Wildlife Trust, Kent County Council's Archaeological Officer and the Environment Agency.

One letter has been received from a neighbouring resident objecting on the following grounds:

- Loss of view and privacy;
- Noise and light disturbance from football pitch;

Two further letters have been received raising no objection but making the following comments:

- If the development is to be connected to main sewers consideration should be given to including neighbouring properties which currently use cesspools;
- A requirement should be included for the existing bowling green to be replaced before it is developed.

A petition of 483 signatures (understood to be club members) has been received in support of the application on the grounds that it will fund improvements to the club.

Southern Gas Networks draw attention to the presence of low and medium pressure mains are in the vicinity of the site.

Southern Water advise that there is currently insufficient capacity in foul sewers to serve the development and the developer will need to enter into an agreement with them to provide necessary drainage, and that there is no public surface water sewer in the vicinity so alternative means of surface water drainage will need to be provided.

Hoo St Werburgh Parish Council object to the proposal on the grounds that open space is at a premium in the village and should be protected from development, that the site is outside of the village boundary, and that it is not allocated for residential development in the Local Plan.

Sport England object to the proposal on the grounds that it will result in a permanent loss of playing fields. They do not feel that the replacement provision on the western site is sufficient justification for this. They feel that the all-weather artificial surface pitch may result in competition with the existing artificial pitch at the Hundred of Hoo Leisure Centre. They also note that insufficient information has been provided to fully compare existing and proposed pitch provision and that the applicant's statement regarding the status of the facilities is unclear.

Kent Police have no in principle objection to the proposal, but make a number of detailed comments (while noting that the layout is only indicative at this stage), including potential concerns over conflicting traffic flow within the development, need for community facilities to serve future residents, need for safe crossing points on Bells Lane, need for secure boundary treatments, need for surveillance system for sports and social club, parking shown for residential development potentially inadequate, and need to limit permeability within the development.

Medway NHS Primary Care Trust state that the proposal will put pressure on health facilities in an area where these are already at full capacity and request a contribution of £455,806 to mitigate this impact, which would be put towards LIFT developments in the area.

Kent Fire and Rescue Service notes that the access to some of the residential properties appears to exceed 45m travel distance.

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 SS7 (Development at Rural Service Centres and Other Rural Settlements)
- Policy ME1 (Medway)
- Policy EN1 (Protecting Kent's Countryside)
- Policy EN3 (Protecting and Enhancing Countryside Character)
- Policy EN8 (Protection, Conservation and Enhancement of Biodiversity)
- Policy EN9 (Trees, Woodland and Hedgerows)
- Policy QL1 (Quality of Development and Design)
- Policy QL3 (Movement and Accessibility in the Public Realm)
- Policy QL11 (Protecting and Enhancing Existing Community Services)
- Policy QL15 (Formal and Informal Recreation/Sports Facilities)
- Policy HP2 (Housing Provision: Phasing, Assessment and Sequential Approach to Location)
- Policy HP4 (Housing: Quality and Density of Development)
- Policy HP5 (Housing Development in the Countryside)
- Policy HP7 (Affordable Housing Provision)
- Policy TP3 (Transport and the Location of Development)
- Policy TP19 (Vehicle Parking Standards)

Medway Local Plan 2003

- Policy S2 (Strategic Principles)
- Policy S6 (Planning Obligations)
- Policy S4 (Landscape and Urban Design)
- Policy BNE1 (General Principles for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy BNE3 (Noise Standards)
- Policy BNE4 (Energy Efficiency)
- Policy BNE5 (Lighting)
- Policy BNE6 (Landscape Design)
- Policy BNE7 (Access for All)
- Policy BNE8 (Security and Personal Safety)
- Policy BNE23 (Contaminated Land)
- Policy BNE24 (Air Quality)
- Policy BNE25 (Development in the Countryside)
- Policy BNE37 (Wildlife Habitats)

Policy BNE42	(Hedgerow Retention)
Policy BNE43	(Trees and Development Sites)
Policy H3	(Affordable Housing)
Policy H10	(Housing Mix)
Policy H11	(Housing in Rural Settlements)
Policy L1	(Existing Leisure Facilities)
Policy L3	(Protection of Open Space)
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 T4	(Cycle Facilities)
Policy T11	(Development Funded Transport Improvements)
Policy T13	(Parking Standards)
Policy T14	(Travel Plans)
Policy T22	(Provision for People with Disabilities)

Government guidance in PPS1, PPS3 and PPG17 is also relevant.

Planning Appraisal

Principle of Development

Both parts of the application site are outside of the village boundary of Hoo St Werburgh, and are designated as protected open space. There is therefore a strong presumption against development in local, regional and national policies. There is also a presumption against the loss of existing leisure facilities contained in Policies QL11 and QL15 of the Structure Plan and Policy L1 of the Local Plan.

The improvement and expansion to the sports centre itself could be acceptable under the provisions of Policies L3 and BNE25 of the Local Plan, which respectively allow development of a small part of protected open space if this is the best way of enhancing sport and recreation facilities; and adaptations to existing buildings in the countryside.

However, neither of these criteria could apply to the residential development on the eastern side of Bells Lane. It certainly does not amount to development of a “small part” of the site as required by Policy L3; at 2.33 hectares it comprises over a third of the total existing open space connected with the facility. Development in this location would also be contrary to the principle of protecting the countryside for its own sake, and to the principle of sustainable development, which requires development to be directed to previously developed land and land in urban areas before expansion of rural settlements, in accordance with Policies SS2 and HP2 of the Structure Plan and Policy S2 of the Local Plan. Furthermore, Policies HP5 of the Structure Plan and H11 of the Local Plan restrict residential development in rural areas to minor infilling within the confines of existing settlements; this proposal is neither minor infilling nor within the confines of the settlement. While it is noted that the applicants view the proposal as a natural “rounding off” of the village following the permitted residential development to the south, this does not override the strong objections to development in this location.

The application is therefore unacceptable in principle and would be contrary to the provisions of Policies SP1, SS1, EN1, HP2, ME1 and HP5 of the Structure Plan and Policies S2, BNE25 and H11 of the Local Plan, as well as government policy and guidance contained in PPS7

and PPG17. It therefore falls to be considered whether there are any material considerations that override this in principle objection. If it is felt that this is the case, any recommendation for approval would have to be referred to the Government Office for the South East as a departure from the development plan.

The justification put forward by the applicants relies primarily on the fact that the residential development is necessary to fund improvements and expansion of the sports and social club facilities, and that the football pitch and bowling green on the eastern site would be replaced on the western site resulting in no loss of provision overall. They further state that without funding to improve the existing sports and social club facilities, there is a risk that it may have to close. The Building Inspection Report submitted with the application recommends a sum of £270,000 (plus VAT and fees) should be allowed for short-term and medium-term works to repair and refurbish the building. The overall programme of investment and improvement in the sports facilities proposed is given as almost £4 million (although some of this, such as the relocation of the bowling green, would not be necessary if the eastern field were not developed).

The playing field cannot be argued to be surplus to requirements; indeed the applicant's own supporting statement confirms that there is a deficit in playing field provision on the Hoo Peninsula. While Government guidance in PPG17 does accept that development of playing fields can be acceptable if they are replaced nearby, it states that replacement provision should be "at least equivalent in size, usefulness, attractiveness and quality." The replacement facilities proposed here are already open space and in use as a sport/leisure facility and the replacement provision is achieved by reorganisation of the area. Therefore, while there may be a qualitative improvement in provision, there would continue to be a net loss of protected open space. It is also questionable whether there would be any significant community benefit to outweigh this; the club is a private facility, and while some of the supporting documents suggest that public use of the improved facilities could be provided, the exact level of public access is unclear, as in the Design, Access and Planning Statement, it is stated that the wider general use of the facilities would be "via membership". It should also be noted that Sport England object to the proposal and do not accept that this argument is sufficient to justify an exception to their own policies in favour of retention of playing fields.

The argument of replacement facilities applies to loss of playing fields only, and does not address the issue of development in the countryside. Government Policy in PPS7 is that some small-scale development in or next to rural service centres can be allowed to meet local business and community needs; Policy SS7 of the Structure Plan also makes clear that a "special local justification" would be needed for development at but not within a Rural Service Centre to be acceptable. However, the doubts as stated above regarding community benefit are such that it is not considered that this can be held to apply to the current proposal. Furthermore, the proposed development of 94 houses is clearly not "limited development" as required by PPS7, and it has not been demonstrated that this scale of development is related to the identified need (i.e. whether development of this scale is necessary to raise the £4 million investment required).

It should also be noted that there is not any justification for the proposal on housing land availability grounds. Medway currently has in excess of five years supply of identified and available residential land and it is fully expected that, once already identified locations are approved through the Local Development Framework, a full 20 years supply will be demonstrated. This would significantly exceed the requirement in PPS3 for authorities to work towards a 15-year supply. The current level of supply (as opposed to completions) is running significantly ahead of the current policy requirement as set out in the Kent and

Medway Structure Plan and the emerging South East Plan (as recommended in the Panel Report).

It is therefore considered that while there is a need to improve facilities at the sports and social club, this is insufficient justification to outweigh the significant in-principle objection to this proposal as identified above.

Density, design and character of the area

The application is in outline with all matters except access reserved for future consideration.

In terms of the housing site, the indicative layout showing 94 houses equates to a density of 40.3 dph; this is within the range specified in Policy HP4 of the Structure Plan and although slightly higher than the recently approved housing development to the south, is not considered unacceptable in its own right, although layout and design would need careful consideration given the location at the edge of the settlement and adjoining open countryside. The indicative layout plan demonstrates that a development of this scale can be accommodated on the site; it is likely that changes to this layout would be necessary at reserved matters stage but it is considered that an acceptable form of development in terms of design, visual impact and relationship to surrounding development could be provided. There would clearly be a change in the character of the site itself from open land to a built up area, but this could be successfully accommodated in visual terms with appropriate design and landscaping, and therefore remains a matter of principle.

The proposals on the western site are smaller in scale in terms of actual built development. The extension and pavilion would be tucked into a corner of the site and so not readily visible from public viewpoints. The majority of the sports pitches would not significantly alter the appearance of the area compared to its current state. Careful consideration of the exact details of the buildings and lighting at reserved matters stage and appropriate landscaping could further minimise their impact.

The artificial turf pitch and floodlighting would be much more prominent due to its location adjacent the Ratcliffe Highway. Although similar facilities are visible nearby (such as at Deangate Ridge), these are set well back from the roads and make the most of landscape features and topography to minimise their visibility. The current proposal in contrast would be very close to the road and consequently highly visible from surrounding roads and open land. Landscaping and careful design of the lighting at reserved matters stage, including control of the intensity and direction of illumination, could mitigate this to some extent but in the absence of any detailed assessment of its impact, it is considered that the provision of floodlighting and the artificial pitch in this location could be very visually intrusive and detrimental to the rural character of the area.

The floodlighting is therefore considered to be contrary to the provisions of Policies EN1, EN3 and QL1 of the Structure Plan and Policies BNE1, BNE5 and BNE25 of the Local Plan. The remainder of the development would be considered acceptable in terms of its visual impact, subject to details which would come forward at reserved matters stage if the development was not unacceptable in principle.

Amenity Considerations

The eastern site would have impacts on the scattered dwellings around the Bells Lane/Ratcliffe Highway junction and on properties within the new residential development to

the south. While there would clearly be some change in outlook for these properties, it is considered that with satisfactory layout, design and landscaping at reserved matters stage the development could be accommodated without significant detriment to light, outlook or privacy. There would be some temporary disturbance during construction works, however, measures to minimise this can be incorporated.

The western site would have impacts on the scattered properties and also on properties adjoining to the south, primarily in Blackman Close and Wall Close. The proposed extension to the sports club and the new pavilion building for the bowling green would be sited within 15m of the immediately neighbouring properties, but it is considered that with suitable design and providing they remain single-storey as proposed, the impact on these properties is unlikely to be significantly detrimental. The floodlighting around the artificial turf pitch could potentially be detrimental to the amenities of properties in Wall Close, however given the distance of 45m it is considered that control over intensity and direction of lighting would be sufficient to prevent this.

In terms of the level of amenity for future residents of the eastern site, this will be determined at reserved matters stage when details of design and layout are available, but it is considered that the site has adequate capacity to provide a good level of amenity for these properties. There will be some noise impact from the A228 and Bells Lane, and the recommended attenuation measures in the applicant's noise report do not entirely address this. However, suitable measures could be incorporated as part of the reserved matters application and it is therefore not considered that this constitutes a ground for refusal. Although the site is close to these two busy roads, the applicant has demonstrated that national air quality objectives for future years would be achieved.

Overall it is considered that the proposals would comply with the provisions of Policy QL1 of the Structure Plan and Policies BNE2 and BNE5 of the Local Plan, insofar as they relate to impact on the amenities of neighbouring properties and for the prospective occupiers of the residential development.

Trees and Biodiversity

The site is bordered with native hedges including a line of mature Lombardy Poplar to the northeast boundary of the residential site. These are mainly to be retained and the proposed protection area is considered adequate. Given the relatively intensive maintenance regime due to the use of the sites as playing fields, habitat and biodiversity potential is otherwise limited to un-mown "scrub" grass areas in corners and an existing small pond to the north of the sports club site. The applicants' Ecological Survey found no evidence of protected species, although noted that there was limited potential habitat for reptiles and great crested newts which should be further investigated prior to any development. Natural England and the Kent Wildlife Trust have not responded to consultation. However, there is no reason to doubt the conclusions of the survey. It is therefore considered that the development would have minimal impact on biodiversity, which could be further ensured by conditions were it acceptable in all other respects.

Contaminated Land

A desktop study has been undertaken regarding the potential for contamination on the site, which concludes that *"the identified potential pollutant linkages are unlikely to be significant and it is considered that intrusive investigation is not required prior to redevelopment."*

However, it is advised that the small quantity of residual bonfire ash is disposed of off-site and that the cess pit is removed prior to any future redevelopment”

The report and its conclusions is considered acceptable. However, it is possible that further contaminants could be present on site without having been identified, and a watching brief would therefore be necessary; in addition validation testing should be carried out after the removal of the bonfire ash and cesspool. Subject to these additional measures, the proposal is considered to be in accordance with Policy BNE23 of the Local Plan.

Highways

The main impact in terms of traffic generation would be from the residential development, as the sports facilities traffic generation would be fairly modest at peak periods, which would also include some of the existing traffic. The existing off-site highway network and nearby junctions are considered to have adequate capacity to accommodate the additional traffic generation. However, given the relatively low level of traffic generation of the existing use and the proximity to a large residential area, mitigation measures would be required as part of this proposal, to increase the site accessibility, reduce vehicle speeds and create a safer pedestrian environment. These would include the development and implementation of a Green Travel Plan, which should follow the contents of the Travel Plan Statement of Intent that was submitted as part of the planning application. A contribution of £4,000 would be required to cover the Council’s monitoring of the Travel Plan. There would also be an impact on the school run as a large proportion of the proposed residential development would consist of family housing; a contribution of £4,680 would therefore be required towards the Safer Routes to School project.

Access is to be considered as part of this application. The arrangements for the sports facilities are considered to be an improvement on the existing single access, taking into account the projected increase in traffic. The principle of a single access point from Bells Lane for the residential development is supported, and in principle the arrangement shown would be acceptable. However, traffic calming measures such as kerb build-outs would need to be incorporated. As there is currently no footpath on this side of Bells Lane, the new access would also need to incorporate this, ensuring that it links with existing footpaths. An emergency access would also need to be provided; this could utilise the proposed pedestrian/cycle links to the Ratcliffe Highway.

The applicants’ intention to improve facilities at the two bus stops is welcomed as the existing infrastructure is very poor and residents/users of the new development could be expected to use them. The upgrading of the post on the western side and the shelter on the eastern side would require a total contribution of £15,000.

Although the car parking layouts are indicative only, it is noted that the layout for the sports facilities is likely to be acceptable, with the small loss in spaces offset by provision of cycle parking, public transport facility improvements and Green Travel Plan measures. The indicative layout for the housing development is not acceptable as the larger (3 and 4 bed) properties should have their own allocated parking rather than sharing the communal parking courts as currently shown. This would be an issue to be looked at in detail at reserved matters stage.

Overall, the impact on highway safety and efficiency and provision for pedestrians and cyclists would be acceptable, and the proposal is therefore considered to be in accordance with Policies T1, T2, T3 and T4 of the Medway Local Plan 2003.

Community Infrastructure

A development of this scale would cause pressure on local services and infrastructure, and in accordance with Policy S6 of the Local Plan contributions would be sought via a Section 106 Legal Agreement to mitigate this impact were the development acceptable in all other respects.

In this respect, the draft heads of terms suggested by the applicant cover many of the likely impacts. In addition, any agreement would need to cover the matters raised under highways issues, above, and in respect of equipped play space and formal and informal open space.

The Medway NHS Primary Care Trust has also requested a contribution of £455, 806 as existing health facilities in the area are already at capacity and the development would create further demand. However, the applicants have questioned this amount. The PCT have not responded to requests to provide further justification for this request. As such, it is not possible to demonstrate that the contribution is reasonably related in scale and kind to the proposed development and the fact that the developer has not agreed to meet this cost does not constitute a further ground for refusal.

Conclusions

The proposed development on the eastern site is unacceptable in principle due to its location in the open countryside and on an area of protected open space, resulting in the loss of playing fields and sports facilities. Furthermore, the proposed replacement facilities on the western would have a significant visually intrusive affect on the character of the surrounding countryside due to the use of floodlighting in close proximity to the main road. Therefore, the application is contrary to the provisions of Policies SP1, SS1, EN1, EN3, QL1, HP2, ME1 and HP5 of the Structure Plan and Policies S2, BNE1, BNE25 and H11 of the Local Plan, as well as government policy and guidance contained in PPS7 and PPG17. The justification put forward by the applicants that the development is necessary to fund improvements to the sports and social club is not considered sufficient to override these objections, for the reasons explained above.

This application would ordinarily be determined under officers' delegated powers but is referred for Members' consideration due to the petition received contrary to officers' recommendation

13 MC2007/1965

Date Received: 9th November 2007

Location: Binga-Low Buttway Lane Cliffe Rochester ME3 7QP

Proposal: Demolition of existing bungalow and construction of a 4-bedroomed bungalow with detached garage (Resubmission of MC2007/0835)

Applicant: Mr C Satch 140 Church Street Cliffe Rochester Kent ME3 7PY

Agent:

Ward: Strood Rural

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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure, other vehicle and pedestrian access; hard surfacing materials. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 5 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any

pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

- 6 Prior to the commencement of development details of the construction and surfacing of the proposed driveway shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include measures to protect the trees on adjacent land and may require a no dig construction for the driveway if the driveway is to be constructed within 4.2m of the northern most tree or 5.4m of the southern most tree on the adjacent site.
- 7 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 and 2) of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 8 Prior to the first occupation of the development hereby permitted, vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.
- 9 Prior to the occupation of the property hereby approved the proposed garage and driveway shall be provided and surfaced in accordance with details submitted to our approval in writing by the Local Planning Authority. The drive way shall thereafter be retained as available for use for the parking of vehicles and the garage shall only be used for purposes ancillary the main occupation of the approved property.

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 comprises an 'L' shaped plot on the southern side of Buttway Lane, in the rural settlement of Cliffe. The plot is currently vacant; the existing dwelling on the site has been demolished and it is currently a construction site, with hoarding/metal gates across the front boundary. There are trees and shrubs to the flank boundaries. The plot is uniform in

width, at approximately 17 metres. The southern part of the site extends across the bottom of the garden of Robins Mead.

The properties either side of the site (Robins Mead to the east and Point View to the west) are detached bungalows on generous plots, set back from the road. The front elevation of Robins Mead faces west, into the application site.

There are two 2-storey detached houses opposite the application site, 1 and 2 St Helens Cottages, approved under application MC2001/1866.

There is open countryside to the rear of the site.

Proposal

This application proposes the demolition of the existing bungalow (which has now taken place) and construction of 1 detached dwelling with associated access and single garage and has been submitted following refusal of application MC2007/0835, and seeks to address the reasons for refusal.

The proposal draws on the low-rise nature of the majority of properties along Buttway Lane and proposes a chalet type design, which minimises the height impact of the proposed dwelling on surrounding properties.

As stated above, the proposal is for the construction of a single dwelling house to the north of the site, leaving the southern part of the site open for garden use. The dwelling will have an open vista to the Buttway with low-level fencing but the rear boundary fencing to the south, west and east will be 2 metres in height and close boarded for added security.

There is currently an existing highway access and driveway adjacent to the east boundary, which is proposed to be maintained and enhanced to provide access to the proposed detached garage to the side of the property proposed.

Site Area/Density

Site area: 0.0546 hectares (0.135 acres)

Site density: 18dph (7dpa)

Relevant Planning History

MC2007/0204	The construction of 3 detached dwellings with associated access Refused 30 March 2007.
MC2007/0835	Demolition of existing bungalow and construction of one detached 4 bed bungalow and detached double garage with associated access Refused 5 October 2007.

Representations

The application has been advertised on site. Neighbour notification letters have been sent to the owners/occupiers of: Point View, Hollyoaks, Marsh Lodge, & Robinsmead, Buttway Lane,

St Helens Cottages 1 & 2 Buttway Lane, 163, 165, & 171 Church Street and 1 Cliffe Court Church Street. Dickens Country Protection Society, and Cliffe and Cliffe Woods Parish Council have also been consulted.

No letters of representation have been received.

Development Plan Policies

Kent and Medway Structure Plan, 2006:

Policy QL1	Quality of Development & Design
Policy HP5	Housing Development in the Countryside
Policy TP3	Transport and the Location of Development
Policy TP19	Vehicle Parking Standards

Medway Local Plan, 2003:

Policy BNE1	General Principles for Built Development
Policy BNE2	Amenity Protection
Policy H11	Residential Development in Rural Settlements
Policy T1	Impact of Development
Policy T2	Access to the Highway
Policy T13	Vehicle Parking Standards

Planning Appraisal

Principle

The application site lies within the village envelope for Cliffe and accordingly the general principle of residential development is acceptable under the provisions of Policy H11 of the adopted Local Plan.

Policy H11 allows residential development within rural settlements but restricts it to minor development. The proposal represents minor development and is for the replacement of a single dwelling with another single dwelling. The principle of development is therefore acceptable and the determining issues are therefore matters of detail relating to design and impact on amenity.

Street Scene and Design

Policy BNE1 of the Medway Local Plan seeks to ensure that development is appropriate in terms of its layout and siting, details, materials, proportion, scale and mass, and that it respects the scale, appearance and location of the surrounding buildings and spaces.

The properties immediately adjoining the site consist of detached bungalows in generous plots. There are however, other two storey detached and semi-detached houses around the application site. The proposed house would also be detached and it is considered that the character and nature of existing properties in the area have also been taken into consideration in terms of the design of the proposed dwelling. The proposal draws on the low rise nature of the majority of properties in the street by opting for a chalet type design, with dormers and it is considered that this will be in keeping with the size and layout of the majority of properties in the area and in particular, those adjacent to the development site.

The proposed dwelling is considered to be of an appropriate size and scale and would not constitute overdevelopment of the site.

The proposed single dwelling will be built at the front, northern part of the site, and would be in line with Point View, which is the dwelling to the west of the development site. The proposed dwelling would sit approximately 5 metres further back than Robins Mead, but due to the separation from that property and the layby to the front of the application site, this differs in building line is acceptable and in keeping with the street scene.

It is therefore considered that the proposal in terms of its location and design is acceptable in planning terms and would not result in detriment to the character and visual amenity of the area. The proposal is in accordance with the provisions of Policies QL1 and HP5 of the Structure Plan and Policies BNE1 and H11 of the Local Plan.

Amenity Considerations

Policy BNE2 of the Medway Local Plan is concerned with the impact on amenity. It states that all development should secure the amenities of its future occupants, and protect those amenities enjoyed by occupiers of nearby and adjacent properties

In terms of the impact on neighbouring properties, it is not considered that the proposed dwelling would cause detrimental impact on the adjacent neighbouring properties in terms of daylight, sunlight and outlook. The proposed western elevation of the detached dwelling would have one window at ground floor level, one window between the ground floor and first floor and a third dormer style window at first floor level. The two windows at ground floor level will provide light into the stairwell and Kitchen. Two of the windows along this elevation are not into habitable rooms and it is considered unlikely that this would result in an unwelcome intrusion of privacy. However, landscaping and boundary treatment along the western boundary has not been proposed, and existing boundary treatment is proposed for removal, it is therefore considered necessary to condition a detailed landscaping/boundary treatment scheme in order to mitigate against any privacy issues that may occur.

The eastern side of the site is proposed for access and the driveway runs along this stretch of the site to the rear of the proposed dwelling. It is not considered that this would result in additional noise disturbance to the residents of Robins Mead, given the access and drive way existed in this location. There are two windows on the east elevation, one at ground floor level and the second dormer window at first floor level, these provide light in to the dining room and first floor bedroom areas. The proposed dwelling is considered at a sufficient distance from Robins Mead, the eastern adjacent property, not to cause detriment to residential amenity.

It is therefore considered that the proposed dwelling is acceptable and in line with the provisions of Local Plan Policy BNE2 and Structure Plan Policy QL1.

Trees

There are a number of trees along the western boundary, which are proposed to be removed but they are of little amenity value. However, their removal would result in the loss of screening between properties on this boundary. Whilst there are no objections to their removal, it is considered that additional landscaping and boundary treatment is required in order to mitigate against the loss of screening and appropriate condition is recommended.

A condition requiring the specification for no-dig construction if the proposed driveway is within 4.2 metres of the northern most tree and 5.4 metres of the southern most tree on the adjacent land is also required to ensure the future health of those trees.

Highways

The proposal provides for a detached garage and driveway and makes provision for the off street parking of 3-4 cars which is considered acceptable for a detached dwelling in this rural location. Satisfactory vision can be provided for the access to the site and therefore no objection is raised on highway safety or car parking grounds.

Conclusion and reasons for recommendation of approval

The application is considered to be acceptable in terms of principle, having regard to the existing use of the site. The design and appearance of the proposed development is acceptable and there are no issues in relation to neighbour amenity.

The application would normally be determined under delegated powers but it is being reported to Members at the request of Councillor Hicks who not expressing an opinion considers that issues relating to design and impact on neighbours, in this instance, should be determined by the Committee.

14 MC2007/2020

Date Received: 13th November 2007

Location: Land rear of 94-106 Maidstone Road Chatham Kent ME4 6DG

Proposal: Construction of a three storey block comprising of three 2-bedroomed and six 1-bedroomed flats with associated parking and access via Scotts Terrace

Applicant: Modium Developments Ltd C/o Agent

Agent: Mr S Elcomb 18 Crook Log Bexleyheath Kent DA6 8BP

Ward: Chatham Central

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Prior to commencement of development, details and samples of any materials to be used externally including roofing materials, facing bricks and/or other cladding materials, mortar, bonding and pointing details, lintels, cills, entrances, fenestration and any other external details shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 No development shall take place until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include paving and hardstanding materials, planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme. The landscape works shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter.
- 4 No development shall take place until details of a landscape maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The landscape maintenance plan shall include a schedule for a minimum period of five years and details of the arrangements for its implementation. Development shall be carried out in accordance with the approved landscape maintenance plan.
- 5 No dwelling shall be occupied until the area shown on the plan (drawing number 1145/4A received on 7 November 2007) for access, turning and parking purposes has been drained, surfaced and demarcated in accordance with details submitted to and approved in writing by the Local Planning Authority. That area shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any

Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this access, turning and parking area.

- 6 Construction works and the movement of construction vehicles (including delivery vehicles) to and from the site shall only be undertaken between 08:00 to 18:00 hours Monday to Friday; 09:00 to 13:00 hours on Saturdays; and shall not occur at any time on Sundays and public holidays.
- 7 Prior to commencement of development, a method statement for the protection of the Yew tree shall be submitted to and approved in writing by the Local Planning Authority. the method of protection shall be implemented in accordance with the approved details prior to the surfacing of the parking area.
- 8 The landscaping scheme submitted pursuant to condition 3 shall detail measures to assist and provide for the retention of the Yew Tree on site and protect it during construction. The approved measures of protection shall be provided prior to the commencement of development and retained for the duration of the construction.

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 lies over 30m from the rear and to the east of 94 to 106 Maidstone Road, Chatham. These properties are at a higher level with sloping rear gardens. To the west the site has a partial frontage to Scotts Terrace. On the opposite side of the road are terraced houses at numbers 8-13. Due to the bend in the road the site adjoins the side of number 7, an end of terrace property.

The site is approximately 3-4m higher than Scotts Terrace and is supported by a retaining wall other than where an access has been excavated on the southern side of the road frontage. There is a Yew tree covered by a Tree Preservation Order just to the southeast of the site.

Proposal

This application seeks full planning permission for the construction of a three storey block comprising of three 2-bedroomed and six 1-bedroomed flats with associated parking and a new vehicular access via Scotts Terrace.

The block would face the south with the frontage being set approximately in line with the adjacent frontage of 7 Scotts Terrace with the furthest rear wall set approximately 5.2m beyond the rearmost wall of the terrace. The block would be approx. 18.5m deep, approx. 12.2m wide and approx. 11.5m high.

The area in front of the flats is shown for parking for 14 vehicles and turning and there is a 9.4m deep, stepped garden to the rear.

This application is a re-submission of an outline application MC2006/1456 that was for six 1-bedroomed flats and three 2-bedroomed flats. This application was refused on 27

September 2006 and subsequently allowed at appeal on 25 April 2007. This detailed application is being submitted rather than reserved matters as the access arrangements differ from the access shown as part of the outline application allowed at appeal. Other than the access arrangements, the proposal is similar to the outline application.

Site Area/Density

Site area: 0.09 ha (0.22 acres)

Site density: 99 u.p.h (40 u.p.a)

Relevant Planning History

- | | |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 87/1309 | Construction of access to area for use as car parking by the occupants of nos. 98 and 104 Maidstone Road.
Approved, 05 July 1988 |
| MC2000/0372 | Outline application for the erection of a pair of 3-bedroomed semi-detached houses each with integral garage and construction of a driveway.
Refusal, 02 August 2000. |
| MC2002/0101 | Construction of one pair of 3-bedroomed semi-detached houses with integral garages.
Approved, 24 April 2002. |
| MC2004/2805 | Outline application for six 1-bedroomed and three 2-bedroomed flats.
Withdrawn. |
| MC2005/0923 | Outline application for six 1 bed flats.
Approved, 28 July 2005. |
| MC2005/2280 | Outline application for construction of a block comprising nine 1-bedroomed self-contained flats and associated parking.
Refused, 16 January 2006 and dismissed at appeal 06 July 2006. |
| MC2005/2282 | Outline application for construction of a block comprising four 1-bedroomed and two 2-bedroomed flats and associated parking.
Approved, 17 January 2006 |
| MC2006/1456 | Outline application for the construction of block of six 1-bed flats and three 2-bed flats with associated parking facilities.
Refused, 27 September 2006
Allowed at appeal, 25 April 2007 |
| MC2006/1467 | Outline application for the construction of a block comprising nine 1-bedroomed self-contained flats and associated parking spaces.
Refused, 27 September 2006
Allowed at appeal 25 April 2007 |

Representations

The application has been advertised on site and in the press and neighbour notification letters have been sent to the owners and occupiers of 6, 7, 8, 9, 10, 11, 12, 13 and 14 Scotts Terrace; 92, 94, 94a, 94b, 94c, 96, 98a, 98b, 100, 100b, flats 1 to 6 at 102, flats 1 to 4 at 104, 106 and 108 Maidstone Road and Flats 1-8 at Maryland House 90 Maidstone Road; 15, 17 and 19 Dale Street.

Three letters of representation have been received raising the following concerns:

- Increased traffic
- Increased parking
- Loss of landscaping
- Overlooking and privacy issues
- Highway safety hazard
- Lack of clarity on land levels
- Access for emergency vehicles

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy HP4	(Housing: Quality and density of development)
Policy HP6	(Range and Mix of Housing Provision)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE43	(Trees and Development Sites)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy H10	(Housing Mix)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)
Policy T22	(Provision for People with Disabilities)

Planning Appraisal

Having regard to the provision of the Development Plans, it is considered that the main issues arising from the proposal are as follows:

- The principle
- Density, layout and design
- The impact on residential amenity
- The impact on the highway
- Trees

Principle of Development

The principle of the development has been accepted with the appeal allowed earlier this year

Density, Layout and Design

Policy H4 (ii) of the Medway Local Plan 2003 relates to the redevelopment of existing residential areas and the infilling of such areas (providing a clear improvement to the local environment will result). Structure Plan Policy HP4 and Local Plan Policy H5 seek to provide development of high quality design, which avoid low densities in town centre and major urban area locations. The density of the development proposed, is 99 units per hectare. Planning Policy Statement 3 (Housing), advises that 30 dwellings per hectare (dph) net should be used as a national indicative minimum for density but recognises that each site/area will vary and that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. It is considered that high-density development is more appropriate and realistic for development in this location, however, good design is fundamental to using land efficiently and building at high density is not to be achieved to the detriment of the character of the area.

The character of the residential area comprises predominantly high density, 2-storey terraced housing resulting a tight urban grain that as a result of design gives a clear visual indication of vertical rhythm and separation. The siting and the footprint of the building has already been approved through the appeal process (MC2006/1456).

The footprint of the building is quite large and not typically characteristic of the area. In addition to this, the footprint of the building does not lend itself well to a design that is particularly characteristic of the area. However, the location of the building means that it sits within its own grounds and does not immediately address a street scene therefore offering flexibility in terms of the design.

Despite the building being one block, the bulk and mass is successfully broken up by the use of gable features and architectural treatment to the elevations such as the brickwork detailing on the corners. Although fairly standard, the design of the proposal would not have a detrimental impact on the appearance of the street scene or the area as a whole.

In relation to the height, it is proposed that the building is to be constructed at a lower level to the existing ground level and the resultant parking area. The principle of a 'sunken' building is accepted by the appeal inspector in determining the appeal against the outline application (MC2006/1456). One of the reasons the Local Planning Authority refused the MC2006/1456 application was because the applicant had failed to demonstrate how the 'sunken' design of the building could successfully be achieved on site. As part of the appeal, the applicant produced similar drawings to those currently submitted to demonstrate how it could be achieved. The Inspector felt that the 'sunken' building was not a concern due to the limited height of the car parking area above the ground level of the building and because the building was south facing. The fact that the building would be at a lower level than the car park area and the existing ground level means that the ridge of the proposal would not significantly tower over and dominate the adjacent property at number 7 Scotts Terrace.

In terms of density, layout and design the proposal is considered to be in accordance with Policies QL1 and HP4 of the Kent and Medway Structure Plan 2006 and Policies BNE1, H4 and H5 of the Medway Local Plan 2003.

Residential Amenity

In respect of the impact on neighbours and any potential overlooking, the block is sited with the front building line roughly in line with the terrace of properties to the west. The relationship with neighbouring properties would be acceptable subject to the provision of boundary fencing and the avoidance of windows in the side elevations to restrict the potential for overlooking. The main habitable room windows are located within the front and rear elevations of the block. In addition to this, there would be a boundary treatment of approx. 1.8m high between the application site and the property at number 7 Scotts Terrace. Taking this into account and given that the application site is to the north of number 7 Scotts Terrace, it is considered that there would be no detrimental impact on the amenities of the occupiers of number 7 in terms of loss of outlook, daylight, privacy and overshadowing.

The properties in Maidstone Road are located a significant distance away to the north and are built on a much higher level than the application site. As such there would be no detrimental impact on the amenities of the occupiers of the properties in Maidstone Road in terms of loss of outlook, daylight, privacy and overshadowing.

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 proposal offers 14 parking spaces (which includes one disabled space within that allocation). This equates to 1.5 off-road spaces per dwelling and is considered acceptable for 9 units within an urban context.

The previous application (MC2006/1456) was also refused due to the intensification of the access to the extent that it may compromise highway safety in a narrow street where visibility is poor. In considering the safety of the previous access, the Appeal Inspector felt that the drivers would have little option but to proceed with caution and at slow speed. He therefore felt that access was not inherently dangerous and that the intensification would not harm highway safety. However, the current scheme proposes the access point to be in a different position to that approved by the Appeal Inspector. The only issue with regard to the access is in relation to the gradient and this is considered acceptable.

The proposal is considered to be in accordance with Policies TP19 of the Kent and Medway Structure Plan 2003 and T1 and T13 of the Medway Local Plan 2003.

Impact on Trees

The site has been cleared of most vegetation. The Yew tree the subject of a Tree Preservation Order is located to the southeast of the site and some damage to the tree has already occurred due to soil levels being drastically reduced. However, the tree continues to contribute to the visual amenities of the area and remains worthy of protection. The roots of the trees located along the northwestern boundary have also suffered some damage during site clearance. Should any permission be forthcoming, conditions should be used to prevent any further potential impact on existing trees, although protective fencing around the Yew tree cannot be in line with the tree canopy, as this would intrude onto the approved driveway.

The proposal could be developed in accordance with Policy BNE43 of the Medway Local Plan 2003.

Conclusion and Reasons for Approval

The proposed application for three 2-bedroomed flats and six one-bedroomed flats would not detract from the character and spatial pattern of existing development within the area. Due to siting of the proposed block of flats and its relationship with neighbouring properties, the proposal will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal therefore accords with the provisions of the above mentioned Development Plan policies and the application is accordingly recommended for approval.

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.

15 MC2007/2035

Date Received: 12th November 2007

Location: Land rear of 128 Bredhurst Road Wigmore Gillingham ME8 0QU

Proposal: Construction of four 4-bedroomed dwellings with integral garages and one 5-bedroomed detached dwelling with detached double garage and access onto Foulds Close (demolition of existing buildings)

Applicant: Antler Homse (SE) Ltd Brewery House High Street Westerham Kent TN16 1RG

Agent: Mr P Hadley Robinson Escott Planning Downe House 303 High Street Orpington Kent BR5 0NN

Ward: Hempstead & Wigmore

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 The development hereby permitted by this planning permission shall not be commenced until an appropriate mechanism relating to the land has been made and lodged with the local planning authority and the local planning authority has subsequently approved the details of the mechanism. The said mechanism will provide for the payment of an appropriate sum towards the refurbishment and maintenance of equipped play space and informal open space to meet the needs arising from the development.
- 3 Prior to commencement of development, details and samples of any materials to be used externally including roofing materials, facing bricks and/or other cladding materials, mortar, bonding and pointing details, lintels, cills, entrances, fenestration and any other external details shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 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 any part of the development is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
- 5 No development shall take place until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include paving and hardstanding materials, planting plans, written specifications (including cultivation and other operations associated

with grass and plant establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme. The landscape works shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter.

- 6 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.
- 7 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 to and approved in writing by 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.
- 8 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained in writing, approval from the Local Planning Authority, for an addendum to the scheme approved under condition 7. This addendum to the scheme must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the approved scheme.
- 9 No dwelling shall be occupied until the area shown on the plan (drawing number 43707/SE/PL/01 revision A received on 15 October 2007) for access and parking purposes has been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority. That area shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this access and parking area.

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 relates to a parcel of land located within a predominantly residential area and close to a local shopping centre in Fairview Avenue. This application site previously formed part of a larger plot. However, this larger plot was subsequently divided into two parcels following officers' concerns that the original proposal for 14 dwellings (MC2006/0719) would have resulted in overdevelopment of the site.

The current application site is located to the rear of 128 Bredhurst Road but has a boundary fronting Foulds Close. The site is predominantly clear of development other than the existing outbuildings associated with the dwelling at number 128 Bredhurst Road. Access to the entire site is currently gained from two vehicular crossovers in Bredhurst Road, each sited adjacent to the side boundaries of the site. At present, there is no vehicular access point to this application site from Foulds Close. The accommodation type within Foulds Close is predominantly two-storey detached properties although there is a bungalow at number 2.

Proposal

This application seeks full planning permission for the construction of four 4bedroomed dwellings with integral garages and one 5-bedroomed detached dwelling with detached double garage and access onto Foulds Close (demolition of existing buildings).

The proposal comprises three different designs of dwelling which are described below:

Plot 1

The footprint of the dwelling would be approx. 11.8m wide, approx. 10.8m in depth and approx. 8.3m high to the ridge of the pitched roof. The dwelling would include an integral garage. The dwelling is designed with a hipped roof with catslide to the front to incorporate a pitched roof dormer. There is also a two-storey projection with a gable end to the front and a bay window feature at ground floor level.

At ground floor the accommodation would consist of a living room, dining room, family room/kitchen. A utility room, cloakroom, store and hall would also be provided. The first floor accommodation would consist of four bedrooms (two with en-suite facilities), a bathroom and study.

Plots 2, 3 and 5

The footprint of the dwellings would be approx. 9.5m wide, approx. 14.4m in depth and approx. 8.3m high to the ridge of the pitched roof. The dwellings would have a garage attached to the side. The dwelling is designed with a hipped roof with catslide to the side over the garage. There is a bay window feature to the front at ground floor level.

At ground floor the accommodation would consist of a living room, dining room and kitchen/breakfast room. A utility, cloakroom, store and hall would also be provided. The first floor accommodation would consist of four bedrooms (two with en-suite facilities) and a bathroom.

Plot 4

The footprint of the dwelling would be approx. 11.3m wide, approx. 10.7m and approx. 8.7m high to the ridge of the pitched roof. The dwelling would have a detached double garage. The dwelling is designed with a hipped roof. There would be a two storey front projection with a barn-hipped roof and a bay window feature at ground floor level. The front roof slope includes two pitched roof dormers and there would be a canopy over the front entrance door. The rear roof slope includes three pitched roof dormers and there would be a chimney stack visible to the southeastern side of the dwelling. The detached double garage would be approx. 6.1m wide, approx. 6.1m in depth and approx. 4.4m high to the ridge of the pitched roof.

This application is submitted as a revision to the previously refused scheme MC2007/1408. This scheme was refused on the basis that it would have resulted in an unsustainable form of development by not making use of the space around the buildings and the land available. As a result of the design and layout of the houses the proposal created dead and left over spaces and excessively large turning facilities which would have been to the detriment of the spatial character and long term management of the area.

Site Area/Density

Site area: 0.21 Ha (0.52 acres)

Site density: 23 d.p.h (9.6 d.p.a)

Relevant Planning History

MC2006/0719	Outline application for demolition of dwelling and construction of 14 dwellings. Withdrawn
MC2006/1472	Outline application for the demolition of the existing dwelling and construction of seven 4-bed detached houses. Refused, 15 September 2006. Dismissed at appeal on 21 May 2007.
MC2007/0087	Outline application for construction of six 4-bedroomed detached dwellings with semi integral garages Refused, 05 April 2007 Currently being considered at appeal.
MC2007/1408	Construction of 5 four-bedroomed detached dwellings with integral garages and access onto Foulds Close (demolition of existing buildings). Refused, 21 September 2007

Originally, there was an intention to develop the site as a whole but following discussions with the case officer and the subsequent withdrawal of the original scheme (MC2006/0719), the site was split into two with one scheme fronting onto Bredhurst Road and the other fronting onto Foulds Close.

The scheme fronting onto Bredhurst Road for four five-bedroomed houses (MC2006/1471) was approved by the development control committee on 28 September 2006. The reserved matters of design, external appearance and landscaping were approved on 14 November 2007 (MC2007/1373).

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of 2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 27, 29, 31, 32, 33, 34 and 37 Foulds Close; 122a, 122b, 122c, 122d, 124a, 124b, 124c, 124d, 138, 140, 142, 144, 146, 147, 149, 151, 153, 155, 159, 163, 165, 167, 173 and 175 Bredhurst Road and 184, 186, 188, 190, 192, 194a, 194b, 194c, 194d, 196a, 196b, 196c and 196d Fairview Avenue and the Wigmore Community and Residents Association at 18 Hoath Lane.

Four letters of objection have been received raising the following concerns:

- Imposing
- Overlooking and privacy issues
- Overdevelopment
- Parking problems
- Highway safety hazard
- Close proximity to houses in Fairview Avenue
- Loss of outlook
- Loss of light

Kent Police have written to advise they have no significant concerns or observations from a crime reduction perspective.

Development Plan Policies

Kent and Medway Structure Plan 2006

- Policy QL1 (Quality of Development and Design)
- Policy HP4 (Housing: Quality and density of development)
- Policy TP19 (Vehicle Parking Standards)
- Policy NR6 (Development Sensitive to Pollution)
- Policy IM1 (Meeting the costs of community and other infrastructure needs generated by new development)

Medway Local Plan 2003

- Policy S6 (Planning Obligations)
- Policy H4 (Housing in Urban Areas)
- Policy BNE1 (General Principles for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy BNE23 (Contaminated Land)
- Policy L4 (Provision of Open Space in New Residential Developments)
- Policy T1 (Impact of Development)
- Policy T13 (Vehicle 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 as follows:

- The principle
- Density, layout, design and scale
- The impact on residential amenity
- The impact on the highway
- Contamination
- Other matters

Principle of Development

The application site is located within the urban area of Wigmore in Rainham and is close to a Local Shopping Centre. The site is a previously developed site and by virtue of its location within the urban area, its previously developed status and the close proximity and accessibility to the local shopping centre, the application site is considered to be in accordance with Policy H4 of the Medway Local Plan 2003 and therefore is considered appropriate for development subject to further assessment against other material considerations.

Density, Layout, Design and Scale

Policy H4 (ii) of the Medway Local Plan 2003 relates to the redevelopment of existing residential areas and the infilling of such areas (providing a clear improvement to the local environment will result).

Previous schemes for this site resulted in layouts that were not compatible with the spatial pattern of built form within the locality and it was felt that by pushing the properties back within the site, the previous proposals did not relate well to the existing street scene of Foulds Close and development proposal appeared cramped. Following on from this, the most recent scheme to be refused resulted in an excessively sized turning facility and wasted 'dead' space.

As a result of negotiating what is considered to be a better layout, the current proposal offers a development at a lower density with spaces and their function being clearly defined. The revised layout would 'turn the corner' and would relate to the existing street scene of Foulds Close where the existing dwellings generally address the street.

By varying the design of the proposed dwellings in terms of the external appearance, the proposal would continue to add variety to the appearance of the street scene. The existing street scene comprises dwellings that vary in terms of their design; therefore any introduction of uniformity may have resulted in a detrimental impact on the appearance of the street. This current proposal also includes a detached double garage for the occupiers of the property at plot four. The inclusion and siting of this detached double garage finds a use for the 'dead' space shown in the previous scheme and it helps the development 'turn the corner'.

In terms of scale, the houses would be two-storey in height with footprints similar to existing houses within Foulds Close. It is considered that the proposed scheme would not have a detrimental impact on the character and appearance of the street scene.

In terms of design, density, layout and scale the proposal is considered to be in accordance with Policies QL1 of the Kent and Medway Structure Plan 2006 and BNE1 and H4 of the Medway Local Plan 2003.

Residential Amenity

The proposed dwellings would be located with existing residential properties located to the north and south. The remainder of the plot to the east of the application site lies empty other than the existing dwelling at 128 Bredhurst Road and its associated outbuildings but a recent planning application has been approved for the construction of four 5-bedroomed houses.

The siting of the proposed dwellings is such that there would be no detrimental impact on the existing properties. The windows in the flank wall of number 10 Foulds Close appear to be serving non-habitable rooms and the proposal would be located to the north of that property. There are no windows serving habitable rooms proposed for the flank wall of the dwelling designed for plot 1. However, even if there were any windows within this elevation, it is considered that it would not introduce any detrimental impact on the neighbours in terms of overlooking.

The depth of the gardens for the proposed dwellings would be a minimum of approx. 9.8m. If the site to the east of this application is developed for residential purposes in accordance with the approved drawings (MC2007/1373), it is considered that adequate distances between rear elevations will be sufficient to ensure that privacy would not be affected. It is also considered that there is sufficient distance between the proposed properties and the existing properties in Fairview Avenue, to ensure that there would be no detrimental impact on neighbours' amenities in terms of overlooking and loss of privacy, loss of outlook, daylight or overshadowing.

The property at number 2 Foulds Close has habitable room windows located within the southeastern elevation, which faces onto the application site. At present, the wall of one of the outbuildings (single storey) within the application site forms the boundary to the property at number 2 Foulds Close. The proposed scheme would result in the removal of this outbuilding. As part of the proposed scheme, there would be a property, which would be located adjacent to the boundary with number 2 Foulds Close. This property would be sited so that it would be set further back than the existing single storey outbuilding and it would be of a design where the attached garage would be closest to the boundary with number 2. The garage would be single storey level with a catslide roof. As such the roof would be sloping up away from the property at number 2, therefore minimising any impact on the amenities of the occupiers of number 2 in terms of loss of outlook, daylight, privacy and overshadowing.

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

Each dwelling would have parking for two vehicles. This is considered acceptable for the size of dwellings proposed and in an urban context. In relation to the proposed vehicular accesses to each property, it is considered that the development would not result in an increased danger to vehicular or pedestrian safety. The proposal is considered to be in

accordance with Policies TP1 and TP19 of the Kent and Medway Structure Plan 2003 and Policies T1 and T13 of the Medway Local Plan 2003.

Contamination

It is believed that the site was previously used as a builders yard and whilst no history was found for the site, there was evidence of this type of use remaining on the plot as a whole such as a frame with pulley system and other debris. Given the previous use of the land as a builders yard, it is suggested that the site be investigated for potential contamination and appropriate conditions are recommended in accordance with Policy BNE23 of the Medway Local Plan 2003.

Other Matters

It is considered that the proposed development will result in further pressure on existing open space and play facilities to meet the needs of the prospective occupiers. Accordingly a contribution is required for the maintenance and refurbishment of outdoor play space of £4685, which the applicant has agreed to pay if approval is granted in accordance with the provisions of Policy IM1 of the Kent and Medway Structure Plan 2006 and Policies S6 and L4 of the Medway Local Plan 2003.

Conclusion and Reasons for Approval

The proposed application for four 4bedroomed and one 5-bedroomed detached houses would not detract from the character and spatial pattern of existing development within the area. Due to siting of the proposed dwellings and their relationship with neighbouring properties, the proposal will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal therefore accords with the provisions of the above mentioned Development Plan Policies.

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.

16 MC2007/2053

Date Received: 15th November 2007

Location: 274 Maidstone Road Chatham ME4 6JL

Proposal: Construction of a single storey side extension

Applicant: Mr & Mrs P S Mehta 274 Maidstone Road Chatham Kent ME4 6JL

Agent: Mr K C Jeffery 36 Birch Drive Lordswood Chatham Kent ME5 8YU

Ward: Rochester South & Horsted

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 Materials used on the construction of external surfaces of the development herein approved shall match those on the existing dwelling.

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 dwelling is a bungalow located within a residential area. The street scene has a very mixed character and comprises of various types and styles of dwellings which has created a very mixed character. To the front of the dwelling there is an area close to the southern boundary which is used for parking of three vehicles and close to the northern boundary there is an area which is covered by planting. The northern boundary treatment is close boarded fencing (approx) 1.8m in height, which starts at the front elevation of the dwelling and runs towards the rear boundary. On the north side of the dwelling there is already a single storey flat roof projection and to the rear of the dwelling there is currently the construction previously approved scheme (MC2006/1335).

Proposal

The submitted application is for the construction of a single storey side extension 2m in length, 2.6m in width (approx) 2.9m in height

The proposed plan also shows that a larger window would replace the existing door on the rear elevation of the existing side element.

Relevant Planning History

49/195	Erect a bungalow Approved, 31 st August 1949
80/522	Erection of a private motor garage Approved, 5 th August 1980
MC2006/0600	Construction of a bay window to front; integral garage to side; single storey rear/side extension incorporating conservatory and jacuzzi to rear; conversion of existing garage to living accommodation; alterations to roof including construction of new chimney stack and insertion of a dormer to side to facilitate living accommodation in the roof space (demolition of sheds; utility room; conservatory and chimney stack) Withdrawn
MC2006/1335	Conversion of existing garage to living accommodation, new pitched roof over existing garage, construction of single storey rear extension (including link to converted garage), construction of attached single garage to side (demolition of conservatory) Approved with conditions, 9 th November 2006

Representations

Neighbour notification letters have been sent to the owner/occupiers of 177, 177a 272a & 276 Maidstone Road and 71, 73 & 75 Wilson Avenue

Six letters have been received objecting to the proposal on the following grounds:

- Concerns with possible Party Wall Act issues
- Impact on the character of the street scene
- The loss of trees on the site
- Issues with fire protection
- The latest plans show changes to the windows sizes

Development Plan Policies

Kent & Medway Structure Plan 2006

Policy QL1	Quality of development and design
Policy TP19	Vehicle parking standards

Medway Local Plan 2003

Policy BNE1	General principles for built development
Policy BNE2	Amenity Protection
Policy T1	Impact of development
Policy T13	Vehicle parking standards

Planning Appraisal

Street scene and design

The proposed side extension would be visible from the highway as well as some neighbouring properties. The overall scale of the proposal would be small when compared with the already approved extensions and the size of the existing dwelling. The flat roof design is acceptable considering that is small scale and links to an existing single storey flat roof structure. A condition is recommended to ensure that the materials used on the external surface match the existing dwelling to retain the character of the dwelling. Taking these points into careful consideration the proposal would not have a detrimental impact on the character of the dwelling and the street scene and is in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE1 of the Medway Local Plan 2003.

Neighbouring amenities

The neighbour at 242a Maidstone Road is located to the north of the application site. This property only has a one window in the flank facing the application dwelling and is located further to the rear of the property than the existing side extension. Taking these points into consideration combined with the impact from the existing application dwelling and height of the existing boundary treatment there would not be a detrimental impact on the amenities of this neighbour in terms of daylight, sunlight, outlook and privacy.

As the proposed extension is to the north elevation there would be no impact on any other neighbour.

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

Highways

The proposal would not create any additional bedrooms and would not create any additional impact in terms of parking provision and highway safety.

Conclusions and reasons for approval

Taking into consideration the overall scale of the proposal dwelling and extensions which are being currently carried out, the proposal would be small in scale. The design of the proposal would be in keeping with the existing side extension. Therefore the proposal would not have a detrimental impact in terms of the character of the street scene or the existing dwelling. Considering the height and impact of the existing boundary treatment the proposal would not have a detrimental impact on the amenities of the neighbouring properties. Therefore the proposal would be in accordance with the above mentioned Development Plan Policies.

This application would normally fall to be considered under the officers' delegated powers but has to be reported for Members' consideration due to the number of representation made contrary to the recommendation
