

MC/13/2011

Date Received: 19 August, 2013

Location: Rear Of Sandacres Upnor Road Lower Upnor Kent ME2 4PE

Proposal: Part retrospective Planning Application for ground remediation, the raising of land levels and construction of a retaining wall together with the construction of 17 dwellings, earthworks, completion of estate road, parking, open space, boundary treatments and landscaping

Applicant: Taylor Wimpey

Agent: Mr D Bradley Barton Willmore Planning Partnership The Observatory Southfleet Road Ebbsfleet Dartford Kent DA10 0DF

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 December, 2013.

Recommendation - Section 106 - Approval with Conditions

- 1 The development shall be carried out in accordance with drawings nos: 7046/P001; 7046/P100; 7046/P101; 7046/P102; 7046/P103; 7046/P104; 7046/P105; 7046/P106; 7046/P107; 7046/P108; 7046/P109; 7046/P126.1; 7046/P126.2; 7046/P127.1; 7046/P127.2; 7046/P127.3; 7046/P127.4; 7046/P128.1; 7046/P128.2; 7046/P129.1; 7046/P129.2; 7046/P130.1; 7046/P130.2; TC/310/001; SK001 Rev A; WIM18656/11B; and 9580/230 Rev P3. All of these plans were received on 19 August 2013.

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

- 2 The development shall be carried out in accordance with the materials and external details specified on drawings nos: 7046/P0101 and 7046/P108 received on 19 August 2013

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

- 3 Notwithstanding the submitted plans and prior to the commencement of the development, full details of the brick wall, piers and trellis adjoining Schooner Walk, including their design, materials and foundation shall be submitted to and approved in writing by the Local Planning Authority. The approved details, together with the other details of boundary treatment as shown on drawing number 7046/P/109 shall be constructed prior to the first occupation of the residential unit to which they relate. Thereafter the boundary treatments shall be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of amenity and visual amenity in the locality, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 4 Notwithstanding the approved plans and prior to the commencement of the development, full details of:
- the depth of clean top soil to the tree pits; and
 - the depth of clean top soil to the amenity area

shall be submitted to and approved in writing by the Local Planning Authority. The depth of clean top soil to the tree pits shall be no less than 1000mm and the depth of clean top soil to the amenity area to be no less than 450mm, whilst ensuring that the capping layer is not breached and the land levels do not exceed the proposed spot levels specified on drawing number SK001 Rev A received 19 August 2013. The depth of clean top soil as approved, in the tree pits and amenity area, pursuant to this condition shall be implemented in accordance with the details approved prior to the occupation of any of the residential units granted by this consent and the depth of the clean top soil shall thereafter be maintained in accordance with these approved details.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance and character of the site and the locality.

- 5 No development shall commence until a revised hard and soft landscape plan has been submitted to and approved in writing by the Local Planning Authority. The revised hard and soft landscape plan shall retain the existing hard and soft landscaping as detailed in drawing number WIM18656-11B with the exception of the number of trees adjoining Schooner Walk, the proposed girth of those trees and details related to the species of the proposed instant hedge, which shall be amended as detailed below:

A) The reduction in trees along the boundary with Schooner Walk and the rear of plots 8-16 (Inclusive) from 12 trees at approximately 4 metre centres to 8 trees at approximately 6 metre centres;

B) Confirming the girth of the trees mentioned in A) are to be 18 – 20cm; and

C) Revised the detail of proposed instant hedge to Hornbeam or similar native hedge planting

The details of hard and soft landscaping as approved shall be carried out in accordance with the approved plan, with the exception of the details listed in Condition 4 above that shall be implemented in accordance with the additional details approved pursuant to that condition. The hard and soft landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The hard landscaping shall thereafter be maintained in accordance with the approved details and the approved planting stock shall be maintained for a minimum of five years following its planting. 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.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

- 6 Prior to the commencement of development and notwithstanding the submitted plans, full details of the proposed landscape management plan that incorporates the maintenance and management proposals for the Unilog and Crib-Lock retaining walls shall be submitted to and approved in writing by the Local Planning Authority. These details shall including the long term design objectives, management responsibilities and maintenance schedules for the proposed landscaping and the Unilog and Crib-Lock retaining walls. The subsequently approved landscape management plan and details of maintenance and management proposals for the Unilog and Crib-Lock retaining walls shall thereafter be implemented in accordance with the details approved pursuant to this condition, other than the soft landscaping in any small, privately owned, domestic gardens. The soft landscaping and Unilog and Crib-Lock retaining walls shall thereafter be maintained in accordance with the details approved pursuant to this condition.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

- 7 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 last building to be occupied on the site 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 or an alternative location approved in writing by the Local Planning Authority 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.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

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Prior to the occupation of any of the residential units, hereby permitted, a minimum of 200mm of clean uncontaminated top soil shall be placed within the garden areas of the proposed development with the exception of any trees planted within these areas, where the clean top soil depth shall be no less than 1000mm, whilst ensuring that the capping layer is not breached and the land levels do not exceed the proposed spot levels specified on drawing number SK001 Rev A received 19 August 2013. Furthermore a verification report (also referred to as a validation report) that confirms that the measures identified in the remediation scheme agreed with the Environmental Regulators (The Environment Agency and Medway Council's Environmental Protection Team) have been undertaken and that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with the National Planning Policy Framework and Policy BNE23 of the Medway Local Plan 2003.

- 9 In the event that contamination that was not previously identified is found at any time when carrying out the approved development, the development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment of the previously unexpected contamination must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the above mentioned remediation scheme a verification report that demonstrates that the remediation works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with the National Planning Policy Framework and Policy BNE23 of the Medway Local Plan 2003.

- 10 Prior to the first occupation of any part of the development hereby permitted, details of street lighting and lighting of the vehicle parking areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and made available for use prior to the first occupation of the residential units in accordance with the approved details.

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

- 11 The area shown on the permitted drawings for vehicle parking and/or garaging 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.

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

- 12 The visibility sightlines shown on the approved plans of 2.4m x 56m to the west and 2.4m x 43m to the east at the junction with Upnor Road shall be provided prior to first occupation of any part of the development and thereafter maintained with no obstruction of sight between 0.6m and 2m above carriageway level permitted within the sightlines.

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

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Part 1, Classes A - H (inclusive) and Part 2, Class A of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 14 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater or risk of creating a pathway from contaminated land. The details submitted pursuant to this condition must include the proposed piling methodology and location of the proposed piling. The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of any connected or underlying water resources and in the interest of protecting the amenities of future users of the site and adjoining occupiers.

- 15 No piling works shall take place at any time on a Sunday or public holiday or outside the hours of 07.30 to 18.00 Mondays to Saturdays unless any variation is specifically approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding amenities in the area in accordance with Policies BNE2 and BNE3 of the Medway Local Plan 2003.

- 16 Prior to the commencement of the development hereby approved full details of a Code of Construction Practice that covers 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 shall be submitted to and approved in writing by the Local Planning Authority. 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. The development shall only be undertaken in accordance with the approved Code of Construction Practice.

Reason. The site is located in an ecologically sensitive location, on potentially contaminated land and in the interests of the amenities of the surrounding countryside and neighbouring occupiers.

- 17 Detailed drawings showing sections at a scale of 1:5 through front external walls and roofs of the proposed houses, showing window/wall junctions, eaves etc. shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. Development shall be carried out in accordance with the approved details.

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

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

Approval subject to::

- A) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 in relation to both MC/13/2011 and MC/13/2022 to regularize total contributions already made pursuant to expired consents MC/07/1904 and MC/10/0968 as set out below and the additional requirement detailed at (vi) below:

- (i) A contribution of £95,333.33 towards the provision of equipped play space, informal open space and formal sports provision in the locality;
- (ii) A contribution of £9,013.33 towards the provision of nursery school places in the locality.
- (iii) A contribution of £40,560 towards the provision of primary school places in the locality;
- (iv) A contribution of £23,322 towards the provision of secondary school and sixth form places in the locality; and
- (v) The applicant meeting Medway Council's costs in relation to the preparation and serving of an amended tree preservation order.
- (vi) The applicant agreeing to enter into an agreement with the highway authority, under Section 38 or Section 278 to provide and construct a kerb built out either side of the junction of the access road with Upnor Road, reducing the carriageway width to 4 metres for a distance of approx. 22 metres.

- B. And the imposition of the following conditions:-

Proposal

This application is one of two full planning applications submitted in regard to an existing development site known as Sandacres. The planning history is complex and set out in the Planning History and Planning Appraisal – Background sections below. However, it is also outlined here, prior to describing the proposal.

Planning permission was granted for the demolition of the existing dwelling and construction of 35 dwellings with garages and associated parking on 27 October 2009 (MC/07/1904). A further application for planning permission was submitted to the Local Planning Authority and permission granted on 30 September 2010 (MC/10/0968) to enable replacement trees to be planted in an alternative location on the Site. An additional dwelling was granted permission in 2010 under reference MC/10/2390 meaning the site had planning permission for 36 dwellings in total.

Following commencement of the development unexpected contamination was discovered on the site. This meant that significant remodelling of the ground levels across the site was required. As a result of these ground remediation works land levels were raised without the benefit of planning permission and having concluded that the development had an unacceptable impact on the amenity of near properties, the Council issued an enforcement notice in relation to plots 6 and 7 in 2012.

The enforcement appeal Inspector agreed that the development of the site had not been implemented in accordance with the approved plans and required planning permission. This being the case, the developer cannot rely on the existing consents as the 3 years in which to implement the original permissions has lapsed.

17 residential units have been constructed on the Sandacres site out of the 36 originally approved by MC/07/1904, MC/10/ 0968 and MC/10/2390 . Plots 6 and 7 have been granted consent by virtue of the Planning Inspectors decision leaving 15 plots, 14 of which have been sold and occupied, without the benefit of planning permission and which are subject to a separate application, which was resolved to be approved by Committee on 13 November 2013 (MC/13/2022)

Following discussions with Council Planning Officers it was recommended that the developer seek two fresh planning consents. One planning submission seeking to regularize the existing built development, as briefly outlined above (MC/13/2022) and the other seeking a fresh planning consent for the rear portion of the site which remains vacant following land remediation works undertaken (this application MC/13/2011). The details of this application are set out below.

This planning application is part retrospective in that it seeks planning consent for ground works, including: remediation works, land raising primarily to ensure appropriate levels of capping, the laying out of the alignment of the estate road as granted in the original permissions, foul and surface water drainage works and the construction of a crib lock retaining wall around the top of the bank along the southern and south eastern parts of the site. All of these works have already taken place. In addition to the above, this application seeks planning permission for the construction of 17 new dwellings, further earthworks, completion of the estate road, parking, open space, boundary treatments and landscaping, including unilog retaining walls in the rear gardens of plots 17-24 (Inclusive).

The remediation, referred to above, was required to be undertaken following unexpected contamination being discovered on the site in 2010. The level of remediation required was agreed by the Environment Agency, in conjunction with Medway Council's Environmental Protection Section and conformed to the Health and Safety Executives guidance. The agreed remediation has been completed and included:

- i) The removal of readily recoverable contaminants and physical hazards;
- ii) The remodelling of ground levels encompassing areas of cut and fill;
- iii) The installation of a capping layer (the capping layer consists of a 200mm dig barrier of crushed granular material, over a protective geotextile marker layer in areas of the site likely to be disturbed by future residents (i.e. rear gardens and driveway), a further 600 - 800mm of derived clean Thanet Sand placed on top of the dig barrier. A further 200mm of clean imported top soil, where required in rear gardens and other landscaped areas, is to be imported following completion of the development;
- iv) A minimum layer of 200mm of clean materials in the service corridors to demark safe working zones for service installation and repair; and
- v) The retention of the crib-lock wall along the south-western bank of the site which severs the pathway between any contaminants not removed in this part of the wider development site due to concerns related to destabilisation risk.

As a result of these ground remediation works, which were required to be undertaken by the relevant environmental regulators, significant remodelling of the ground levels across the site was required and has been undertaken.

This has resulted in the ground on which the proposed dwellings are to be built having been raised. The changes in levels are indicated below where each house type proposal is described. Drainage works have also been undertaken on this site and have been completed in accordance with the details approved by Southern Water and utilised the upgraded foul water infrastructure installed by Southern Water last year.

The submitted drawings detail the access road, roughly in the centre of the Upnor Road frontage (as previously approved). The access road curves around the site, following the original line of an embankment that previously existed on the site, continues into the rear portion of the site and will terminate in a cul-de-sac in the south-west corner, adjacent to Schooner Walk.

The 17 dwellings is a reduction of 2 dwellings over the previously approved original permissions and consists of 6 pairs of semi-detached dwellings (12 Units) and 5 detached dwellings. The table below specifies the plot number, the house type, the developer's housing design reference and the number of bedrooms within each dwelling unit:

Plot Number	Developer Ref	Design	House Type	Number of Bedrooms
8	HT-B		Detached	4
9	HT-A		Semi-Detached	2
10	HT-A		Semi-Detached	2
11	HT-A		Semi-Detached	2
12	HT-A		Semi-Detached	2
13	HT-A		Semi-Detached	2
14	HT-A		Semi-Detached	2
15	HT-B		Semi-Detached	4
16	HT-B		Semi-Detached	4
17	HT-C		Detached	4
18	HT-C		Detached	4
19	HT-C		Detached	4
20	HT-E		Detached	4
21	HT-A		Semi-Detached	2
22	HT-A		Semi-Detached	2
23	HT-D		Semi-Detached	4
24	HT-D		Semi-Detached	4

All of the dwellings proposed will be constructed from Arden Special Reserve Bricks under a Galloway interlocking concrete roof tile, grey slate in colour. This matches the adjoining dwellings in the wider Sandacres development that have already been constructed.

The table below provides a summary of the housing design and ground levels of the proposed dwellings, the change in ground levels from the previously approved schemes are also shown. Further details are provided in relation to ground levels where a crib lock retaining wall has been constructed and where unilog and brick walls are proposed.

Housing Design					Ground Levels				
Plot No.	Depth (m)	Width (m)	Gross Internal floor area (sq. m)	Eaves height/ridge height (m)	Change in ground level measured from the front (m)	Original ground level (aODN)	Final Ground Level (aODN)	Ground Level to rear (m)	Ground level compared to the level of the road adjoining the site in Schooner Walk (m)
8.	10	6	102.1	5/8	1.2	7.15	8.35	7.95	0.53
9	9	10.5	80.5	5/7.8				8.5	1.09
10.	9	10.5	80.5	5/7.8				See below	
11.	9	10.5	80.5	5/7.8	1.29	7.33	8.5		
12.	9	10.5	80.5	5/7.8	1.29	7.33	8.5		
13.	9	10.5	80.5	5/7.8					0.7
14.	9	10.5	80.5	5/7.8	1.1	7.95	9.05	8.55	
15.	10	11.8	102.1	5/8	0.97	8.08	9.05	8.22	0.42
16.	10	11.8	102.1	5/8	0.97	8.08	9.05	8.22	0.42
17.	8.6	8.6	115.5	5/7.7	0.06	8.49	8.55	See below	
18*.	8.6	8.6	115.5	5/7.7	0.06				
19*.	8.6	8.6	115.5	5/7.7	0.35	8.5	8.85		
20.	10	6.6	113.5	5/7.1	-0.15	9	8.85		
21.	9	10.5	80.5	5/7.8	0.17	8.23	8.4		
22.	9	10.5	80.5	5/7.8	0.43	7.97	8.4		
23.	6.7	10	113.5	5/7.1					
24.	6.7	10	113.5	5/7.1					

* = Plots 18 and 19 will have a first floor bathroom window located on the south-east facing elevation.

To the rear of the rear of the dwellings at plots 17 - 22 (inclusive) is the crib lock retaining wall for which retrospective planning consent is sought. This wall forms the rear boundary of those plots and is formed by crib lock blocks up to 2.4 metres in height, positioned on concrete foundations in front of an area of granular backfill. This wall retains the soil behind at an angle of approximately 60 degrees and also acts as a cap as part of the remediation scheme agreed by the Environment Agency and Medway Council's Environmental Protection Team. The top bank of this wall is some 10.67 metres aODN at plot 20 rising to 12.7 metres aODN at plot 18. The ground levels of this top bank between plots 17 and 22 undulates between these two levels. The proposed ground levels to the rear of plot 17 - 20 at the bottom of the crib lock wall range from 10m aODN at plot 17 to 10.6m aODN at plot 20. Clearly the land rises the further you move away from the north-west boundary. One metre from the rear of plots 17 - 19 inclusive and two metres from plot 20, the applicants propose a unilog wall. At the top of this wall the ground levels will measure 9.7 m aODN at plot 17 to 10m aODN at plot 20. This means that there will be a slight slope in the rear gardens of plots 17 - 20 inclusive, between the Unilog wall and the crib lock wall which ranges between 0.25 metre and 0.6 metres being the difference between these two points. On the lower side of the unilog wall the ground levels change once again by between 1.15 metres at plot 17 and 1.25 metres at plot 20.

The proposed ground levels to the rear of plot 21 and 22 at the bottom of the crib lock are given as 9.8m aODN. One metre from the rear of these plots the applicants propose a unilog wall. At the top of this Unilog wall the ground levels will measure 9.6 m aODN. This means that there will be a slight slope in the rear gardens of these plots, between the rollalong wall and the crib lock wall of 0.2 metre. On the lower side of the unilog wall the ground levels change once again by about 1.2 metres.

One metre from the rear of plots 23 and 24 and three metres from the rear of the linked car-port, the applicants propose a Unilog wall. At the top of this wall the ground levels will measure 9.2 m aODN. This means that there will be a slight slope in the rear gardens of these plots, between the Unilog wall and the top of the garden. The ground level rises between these points by 0.9 metres at plot 24 and 0.8 metres at plot 23. On the lower side of the unilog wall the ground levels change once again by 1.2 metres.

To the rear of plots 8 – 16 inclusive, the applicants are proposing the erection of a brick wall with piers. Between the piers the applicants propose to mount a 0.3 metre high metal trellis. The sections submitted with the application show, due to the change in ground levels, that the wall when measured from the Schooner Walk side will range in height from between 1.1 metres, adjoining Plot 17, to 2.5 metres, adjoining Plot 8. A buffer strip between the back edge of wall and Schooner Walk, is proposed. This measures between 0.6 metres and 1.6 metres in width for the full length of the proposed wall. The applicant proposes to landscape this area in a similar way to that allowed by the planning appeal inspector at plots 6 and 7 when he granted deemed planning consent for those plots. The landscaping scheme will comprise of trees, shrubs and an instant hedge some 1.5 metres in height.

In terms of the Unilog walls these take the form of a continuous line of circular posts with a diameter of 0.15 metres.

Each dwelling will have a rear garden of between 40 square metres and 137 square metres and a total of 30 off street car parking spaces are proposed in relation to the 17 residential units proposed. Although 3 garage spaces are detailed on the submitted plan, these fall below the threshold required in Medway Council's interim parking standards and have not been counted as part of the total parking provision.

Site Area/Density

Site Area: 0.65 hectares / 1.61 acres

Site Density: 26.15 dph / 10.6 dpa

Relevant Planning History

MC/13/2022

Retrospective planning application for the construction of 15 dwellings access from Upnor Road; ground remediation; drainage works: the raising of land levels: construction of retaining walls: Parking: boundary treatments and landscaping

Approved subject to S106 13 November 2013

MC/12/0880 Construction of boundary walls to maximums of 2.65m high to rear of plots 6 and 2.8m high to rear of plots 8 to 17
 Refused 26 June 2012
 Appeal Withdrawn

MC/10/2390	Construction of detached dwelling and alterations to approved dwelling on Plot 5 including detached garage Approved 18 November 2010
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MC/10/0968	Variation of condition 10b of MC/07/1904 (Demolition of existing dwelling and construction of 35 dwellings with garages and associated parking - Resubmission of MC2007/0077) to enable replacement trees to be planted in an alternative location Approved 30 September 2010
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MC/07/1904 Demolition of existing dwelling and construction of 35 dwellings with garages and associated parking (resubmission of MC2007/0077)
 Approved 27 October, 2009

MC/07/1294 Application for approval of reserved matters (layout, scale and appearance) pursuant to outline consent MC2003/2051 for the construction of nine 5-bedroomed detached dwellings with associated parking and variation of condition 10 in relation to sight lines
 Approved 18 December 2007

MC/07/0077 Demolition of existing dwelling and construction of 43 dwellings with garages and associated parking
 Refused 29 March 2007

MC/03/2051 Outline application for construction of nine detached dwellings
 Approved 29 July 2004

Enforcement plots 6 and 7 notice Without the benefit of PP the unauthorized raising of land levels across the site, together with the failure to carry out development in accordance with plans approved under PP MC/10/0968 dated 30 September 2010 through the erection of houses at higher ground levels and the unauthorized erection of sheds.

Appeal allowed subject to conditions 12th December 2012.

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

EDF Energy, The Environment Agency, Kent County Council (KCC) Archaeology; Kent Police, Southern Gas Networks, Southern Water have also been consulted

The **Environment Agency** has written advising that in terms of land contamination and impacts on ground water for this site, the contaminated land reports have been previously signed off by them and they have no further comments to add for this application

Frindsbury Extra Parish Council objects to this application on the grounds that there will be a loss of amenity to residents of Galleon Way and Schooner Walk as the new properties and retaining wall, which would be over 2m high, would present a dominating and overbearing aspect on the existing houses.

Southern Gas Networks (SGN) has written advising of the presence of low/medium/intermediate pressure gas main in the proximity of the application site.

Four letters have been received raising the following objections:

- Residents of Schooner Walk would have to look out at a 2.8 metre high wall, which has previously been proposed and refused under MC/12/0880. This wall will not be in keeping with the existing open plan streetscene adjoining Schooner Walk and Galleons Way and will look unsightly;
- Access from Sandacres onto the green at Schooner Walk would cause parking problems in Schooner Walk where residents and their visitors would park and walk through;
- Contamination – Contaminated subsoil should be removed off site and land levels returned to the original plans making the road level the same as Schooner Walk. Health risk in the event of the log wall collapsing, areas remaining unchecked and future risk to residents in the area;
- Vibration caused by piling and resultant impact on neighbouring dwellings. Monitors should be placed in adjoining houses to assess vibration levels during any piling operations. Properties in Schooner Walk are alleged to be the most affected by the proposed development and are alleged to have endured several years of disruption, including noise, dust, contaminated land and vibration that has resulted in damage to adjoining properties;
- Current ground levels are not as previously agreed and the density of the build directly adjoining neighbouring properties will result in unacceptable noise levels (gardens backing onto two properties), congestive parking, impact from lighting, loss of privacy and outlook with the new properties being raised due to the new levels which result in 10 properties being able to look directly into adjoining houses;

- Increased land levels will affect everything from roof heights to raised parking all of which will affect the outlook from adjoining houses;
- The proposed increase in site levels on the remainder of the site will increase the risk of surface water run off to Galleons Way. The high brick wall proposed will have the effect of increasing the risk of funnelling this excess water.
- Concern with regard to health issues, as a result of the remediation of contaminated land that has taken place on site.

One letter has been received making the following comments:

- The proposed planting plan on the northern and eastern boundaries of the adjoining the property know as Hawthorns are welcomed, as long as the plans are complied with and completed prior to occupation of any of the proposed residential units;
- The lower density proposed for the remaining development on this site is welcomed.
- The rollalog wall to the boundary of plot 35 with 'Hawthorns' is a change in materials, which are not approved, and is a short expectancy material. This wall, that has already been erected is a totally different design and specification from that on the originally approved plans, being lower, narrower, a different shape and constructed from a tanalised timber product. It is not brick and concrete as originally approved. If a rollalog wall is to be retained, it should front a long term structural wall, built into the boundary, of adequate design;
- The product is inadequate and an unsatisfactory solution. Maintenance of a rollalog wall as a retaining wall into the future is not a viable option as maintenance and replacement will be fraught with debate, access and other problems.
- The integrity of the adjoining plot is affected and movement down the slope is already current. The writer notes that this is a civil matter being pursued with the applicants, they consider that the issue should not be delayed for 15 years when it should be resolved now;
- No mention of the maintenance of the rollalog wall in the submitted maintenance plan.
- The purpose of the retaining wall was to hold back a clay bank, which had been subject to previous movement;
- The Unilog timber structure which has been installed has a design life of only 15 years and is an unsatisfactory low cost alternative;
- It is not acceptable in the long term and will require replacing after 15 years;

- The future responsibility for the retaining wall will be that of a Management Company, yet to be established. The occupiers of adjoining properties would have no control in the matter should the Company not satisfactorily carry out its obligations;
- If these matters are not resolved there would be damage and subsidence.

One qualified letter of support has been received that states that in essence the submitted plans are supported. However the following summarised planning comments have been made:

- Part of the scheme sees a new green area created that adjoins the existing green at the junction of Galleon Way and Schooner Walk. The design of this should ensure that the 2 greens are connected and thereby making it possible to pass unimpeded from Galleon Way to Castle Walk.... this link should be incorporated into the landscaping in the first place to ensure this happens and that unfettered access is available. The plans as submitted suggest that there will be no physical divide, but do not incorporate any consistency of ground levels at any point nor a gap in the existing shrubs to enable this to happen. They need updating to ensure this is incorporated with at least one defined and managed break through the existing shrubs or else an untidy 'unofficial' access will be created which is not the correct way to go;
- Taylor Wimpey should contribute via a S106 to the 'Lower Upnor Riverside Project' now as a result of the continued disruption to the village, the unattractive building site we have had to endure for an extended period and the fact that as a village we will have been left with a less than perfect development as a result of the ground raising. This is especially true should the last point not be incorporated, and really Taylor Wimpey should be offering something like this to the villagers anyway after what has happened on this site;
- As the increased ground levels have effectively been agreed via the Public Enquiry and the Planning Inspectors ruling then that cannot realistically be debated any further. I consider the suggested retaining wall to be the best way to resolve the situation and has been done in as considerate a way as feasible;
- The previously approved plans included some changes to the road layout of Upnor Road at the junction of the site. This involved in part an island to slow down traffic approaching the village. I can no longer see any mention of these here. Can it be ensured that these are still part of the overall plans and have not been removed as part of this application as they form a vital part of the existing approved plans; and
- This is now the best use of the site. Everyone would like to see it finished rather than having a continued unattractive overgrown building site at the end of our road.

The Upnor Society have raised the following concerns related to this development:

- As this is a resubmission resulting from existing alterations to the originally approved development, so the whole development should be the subject of this application, not just the 17 units indicated;
- A formal levels survey should be provided, so ridge levels can be determined;
- Drawing Number 7046/P102 (Proposed Site Sections) refer to existing premises as indicative and request details of finished ridge levels;
- Original levels should be sought to be achieved and if this is not possible a change in gradient between the sites should be extended by a further metre to enhance the gradient change;
- The planting proposed will need to be maintained by the Sandacres development site;
- Refers to the existence of a ransom strip and raises concerns about the consequences that may entail in regard to the adjoining boundary;
- Comments that the density exceeds that of the adjoining site and states that it should match that of the Admiralty Place development; and
- Suggests that parking will occur in the adjoining residential streets, especially Galleons Way and Schooner Walk that already suffer with parking problems.

Considerations

Council Officers have been endeavouring to resolve a number of issues in relation to the development proposal prior to the application being reported to planning committee. These matters include specific measurements to the wall between Schooner Walk and the rear of plots 8 – 16 (inclusive), the depth of the top soil to the capping layer and planting issues related to this depth, the number of trees adjoining Schooner Walk and the proposed girth of those trees and details related to the species of the proposed instant hedge.

In response to these issues the applicants agent has responded as follows:

With regard to the proposed brick wall and landscaping zone to the rear of plots 8 – 16 (inclusive) and adjoining Schooner Walk the applicants agent has stated:

"To the rear of plots 8 – 16 inclusive, the applicants are proposing the erection of a brick wall with piers. Between the piers the applicants propose to mount a 0.3 metre high timber trellis. The sections submitted are indicative only. Streetscene B-B shows from Schooner Walk, the height of the brick wall varies, from 1.1m high plus 0.3m trellis adjacent to plot 17 and up to 2.5m high plus 0.3m trellis to the corner of plot 8. From the ground level on the private garden side to plots 8 to 16 the wall is 1.8m high to the top of the piers. From the centreline of the red line boundary to the external face of the brick wall the buffer varies in width from plots 8 to 14 at its widest point behind plots 8 and 9 at 2m and at plot 14 the buffer is at its narrowest point at 1m. This is in addition to an existing verge which varies in width behind plots 8 to 16. At its widest point behind plot 15 and 16 up to 3 to 4m to at its narrowest point 400mm behind plots 10 to 13. The applicant proposes to landscape this area in a similar way to that allowed by the planning appeal inspector at plots 6 and 7 when he granted deemed planning consent for those plots..."

In terms of the depth of the top soil to the capping layer and the planting issues related to the depth of the top soil the applicants agent has confirmed that *"the purpose of the remediation is to provide a safe site suitable for use as residential redevelopment. This has been achieved through the provision of a one metre cap, comprising 800mm of Thanet Sand and 200mm of topsoil. Any trees will be planted to the landscape architects specification, but based upon the pre-requisite that the capping layer is not compromised. This can be achieved through the use of shallow rooting trees, or locally deepening the anti-dig-layer, with no need to raise site levels..."*

In terms of finished floor levels the applicant's agent has confirmed that drawing SK/001A shows proposed finished levels for the rear of the site and this will be listed under a condition of approved drawings and therefore the ground levels should not increase further.

With regard to the number of trees adjoining Schooner Walk, the proposed girth of those trees and details related to the species of the proposed instant hedge, the applicant agent has agreed to amend these details in accordance with officers comments. An appropriate condition is recommended.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

The planning history for this site is complex and is set out extensively in the Proposals and Planning History sections above. As set out above as a result of unexpected contamination and resulting ground remediation works, which were required to be undertaken by the relevant environmental regulators, significant remodelling of the ground levels across the site was required. However, this was done without the benefit of any formal planning permission and the ground remodelling resulted in Medway Council pursuing enforcement action in relation to Plots 6 and 7 of the original permissions (MC/07/1904 and MC/10/0968) where Medway Council considered there was harm to the amenities of adjoining occupiers.

The developer appealed against this enforcement notice and, following a public inquiry, the Planning Inspector concluded that the development of the site had not been implemented in accordance with the approved plans. Despite this conclusion he quashed the enforcement notice related to plots 6 and 7 and granted deemed planning consent for these two dwellings subject to conditions related to an extensive landscaping scheme that he considered would provide adequate mitigation in terms of the amenity of the adjoining occupiers in Galleons Way.

The result of the Planning Inspectors decision meant that the other elements of development undertaken did not have the benefit of planning permission. As the development was not commenced until 6 January 2010, as confirmed by the NHBC, the remainder of the works undertaken are not considered to be exempt from enforcement action. Consequently the developer is seeking to regularize this position by seeking consent retrospectively in regard to the land restoration and services, etc that have already been installed, together with the 15 residential properties, at the front of the site (MC/13/2022) and the land restoration and services, etc that have been installed to the rear portion of the site (the retrospective parts of MC/13/2011).

Following discussions with Medway Council Planning Officers it was recommended that the developer seek two fresh planning consents. One planning submission seeking to regularize the existing built development, as briefly outlined above (MC/13/2022) and the other seeking a fresh planning consent for the rear portion of the site which remains vacant following the land remediation works undertaken

Main Issues

The main issues for consideration in the determination of this application are:

- The principle of the development;
- Design and appearance and the effect on character of the area;
- Amenity considerations;
- Trees;

- Nature conservation;
- Parking; and
- Infrastructure contributions.

Principle

The site is within the built confines of Lower Upnor, as identified on the Proposals Map to the Medway Local Plan 2003. It is also within an area identified as a new housing allocation under Policy H1 (ME250). Furthermore, the principle of development on this site has been accepted with the resolution to grant outline planning permission for 9 units on part of the site in 2003 under reference MC2003/2051 and subsequently by the granting of consent for 36 units on this site by virtue of MC/07/1904, MC/10/0968 and MC/10/2390.

Design and density of the development

The design of the development, on the rear portion of this site, is very similar to that previously approved under planning reference MC/07/1904 in regard to the approximate footprint of the dwellings. The alignment of the estate road and areas of open space remain the same as those previously approved. The proposed designs are traditional and reflect those on the front portion of the site and are similar in character to other development in the vicinity of the site.

As stated above, although this application proposed two less units than those previously approved the layout proposed is very similar. The main change is that the approved development (MC/07/1904 and MC/10/0968) proposed 10 two and a half storey residential units in two terraces on the northwestern boundary adjoining Schooner Walk. These approved residential units had dormer windows in the front facing roof space and living room accommodation at first floor level that looked out towards Schooner Walk. The revised proposal, the subject of this application, reduces the number of units by two and now proposes only semi-detached and detached two storey houses with the living and dining areas at ground floor level.

In addition to the above this revised proposal ensures that the proposed area of open space is integrated into the existing open space at Galleons Way providing a level of cohesion, access or permeability between the new and existing development (Galleon Way, Schooner Walk) that sits behind it. Due to the constraints on this site, particularly the contamination issues, land raising and resultant topography, Plot 8 has been designed so that there are windows to habitable rooms on the ground and first floor flank elevation that overlook the open space. In addition, the existing open space is overlooked by neighbouring houses and once the two areas of open space become integrated, there will be a reasonable degree of overlooking of the entire open space.

Although details are provided on boundary treatments to the site, these will be crucial in integrating the scheme into its surroundings, especially the proposed wall adjoining Schooner Walk. No boundary treatment is proposed to the front gardens of houses and as a consequence a condition is recommended to remove permitted development rights for boundary fences to the fronts of these units to ensure that the open planned nature of the scheme is retained.

In terms of hard and soft landscaping details, these are extensive and acceptable. Issues related to the depth of the top soil and the capping layer have been raised, as have construction details of the proposed wall adjoining Schooner Walk, the nature of the instant hedging proposed in this location and the level of tree planting. These matters can all be satisfactorily resolved by way of planning condition. The submitted details related to the proposed wall adjoining Schooner Walk specify that it will be constructed from Arden Special Reserve (Red) bricks. These match the bricks used in the remainder of this portion of the Sandacres development and are considered to be acceptable.

The proposed development would be located within sensitive semi-rural area and the scheme has been designed to achieve an appropriate balance that would minimise its impact whilst providing a reasonable number of dwellings.

Bearing in mind the above, subject to the recommended conditions, no objection is raised to the proposal in terms of design, appearance, density or impact on the character of the surrounding area or the streetscene in general and the development is considered to be acceptable in term of the National Planning Policy Framework and Policy BNE1 of the Local Plan.

Effect on setting of Conservation Area

The application has been advertised as development affecting the setting of a Conservation Area. The Upnor Conservation Area lies to the south of Upnor Road, but includes St. Phillip and St. James Church to the west of the site. The proposed development is not considered to harm the character or appearance of the conservation area. Accordingly, no objection is raised under Policies BNE12 and BNE14 of the Local Plan.

Amenity

In amenity terms, as outlined above, the previous applications, granted under planning references MC/07/1904 and MC/10/0968, allowed two and two and a half storey residential units. Ten of the two and a half storey units took the form of two terraces on the north-western boundary adjoining Schooner Walk. These approved residential units had dormer windows in the roof space and living room accommodation at first floor level that looked out towards Schooner Walk. This revised proposal reduces the number of units by two and now only seeks consent for semi-detached and detached two storey houses with the living and dining areas at ground floor level. In terms of the development on the northern-western boundary with Schooner Walk, this redesign is partly in response to the change in ground levels as a result of the remediation agreed and undertaken with the Environmental Regulators. Overall it is considered that changing these units to two storeys would maintain an acceptable relationship between the properties involved and not result in any loss of outlook, privacy or light. The revised layout does not result in any issues concerning overlooking, poor outlook and noise or disturbance within the submitted scheme that could justify or warrant a refusal.

In terms of the remaining houses within the development, the topography of the site, together with their design and siting means that no loss of amenity will result from any of these residential units. They all provide adequate layouts and their relationship to each other and the adjoining houses, both in the front portion of the wider Sandacres site and the other adjoining residential properties is such that no loss of amenity will occur.

In terms of the Council's adopted Housing Design Standards (Interim) 2011 the proposed houses comply with its requirements as can be seen from the table below and the table attached at appendix A of the submitted Design and Access Statement. This confirms that all of the units meet the dwelling space standards with adequate living, circulation, storage, bedroom, amenity provision, etc all meeting baseline or good practice standards

House Type	Number of Rooms	Number of Units	Percentage of units	Gross Internal Floor Area (GIFA) (Sq.m)	Medway Housing Design Standards (GIFA) (Sq.m)
HT-A	2 Bed	8	47.1	80.5	80.5
HT-B	4 Bed	3	17.6	102.1	100.1
HT-C	4 Bed	3	17.6	115.5	109.7
HT-D	4 Bed	2	11.8	113.5	111
HT-E	4 Bed	1	5.9	113.5	111

The proposal raises no other concerns in respect of light, privacy and outlook and accordingly no objection is raised under the provisions of Policy BNE2 of the Local Plan.

Trees

The application site is protected by a 'Woodland Tree Preservation Order, designated in 1996, effectively protecting all trees on the site.

The tree removal and protection plan previously agreed and implemented showed six groups of trees to be retained. No further protected trees are to be removed as a result of this development and no objection is raised to this revised proposal under Policies BNE 41 and BNE43 of the Local Plan.

Highways

The principle in highway terms is long-established. In terms of site access, the proposed access has been previously granted and takes the form of a simple priority junction with Upnor Road which forms part of the wider development site and is also subject to MC/13/2022. That scheme also showed the kerb built out on either side of the junction of the access road with Upnor Road, reducing the carriageway width to 4 metres for a distance of approx. 22 metres. This, when built, would have the dual effect of improving drivers' visibility at the junction and acting as a traffic calming measure for vehicles entering and leaving Lower Upnor. The kerbs' radii have been designed at 8 metres to enable HGV's to enter the site with a reduced road width. It is important that this feature is provided and it does form part of the Section 38 agreement completed with the Highway Authority. However, to ensure it is provided, it is considered appropriate to incorporate the requirement into the heads of terms related to the Section 106 agreement, set out above.

Subject to the S.106 incorporating the need for a build out as described above, this development is considered to be acceptable when assessed against policies T1 and T2 of the Medway Local Plan 2003.

The proposed mix comprises 8 x 2 bed and 9 x 4 bed housing units. This portion of the application proposes 30 off street parking spaces, which equates to 1.76 spaces per unit (compared to 1.74 spaces per unit on the previously approved scheme). No objections were raised to that scheme in terms of parking and although the development is located in an area of medium / low transport accessibility, the parking is well laid out in relation to the size of the properties proposed and no justifiable objection can be raised in terms of parking. In the light of this, no objection is raised under Policy T13 of the Local Plan.

Contamination

As detailed above parts of the site were found to be contaminated and Medway Council, the Environment Agency and the developer had to agree a mitigation strategy to deal with the contamination found. That mitigation strategy has been undertaken and completed on this portion of the site, with the exception of the importation of the top soil related to the garden and landscaped areas. Medway Council's Environmental Protection Team have considered the land contamination issues associated with this application and have advised that the developer must ensure that the remediation work already undertaken is not compromised by the new proposals and piling. Subject to this they have confirmed that they have no objections to the proposed development

This being the case, only a condition requiring a closure / verification report following the importation of the top soil and a condition related to the locations and methodology of the piling being agreed are required and subject to these no objections are raised to this development as it will accord with the requirement of policy BNE23 of the Medway Local Plan 2003.

Flood-risk

Part of the site is within the area shown on the Local Plan as being at risk from tidal flooding, as identified under Policy CF13 of the Local Plan. However, this would appear to only affect to the front portion of the site where the land has been raised and where planning consent for residential development has been undertaken. The Environment Agency has been consulted and not raised any objection with regard to flood risk on this site and consequently, for the reasons set out above no objection is raised to the development in this regard.

Archaeology

Medway Council's Consultant Archaeologist has confirmed that in this instance no archaeological measures are required. In light of this advice the development is considered to be acceptable in terms of Policy BNE21 of the Medway Local Plan 2013

Waste Services

The submitted details demonstrate that adequate provision for refuse storage have been provided within each plot and that consideration has been given to how it is presented to the front of properties on the day of refuse collection. Medway Council's Waste Service section has advised that it has no objections to this proposed development as all properties will be presenting their waste to the front, subject to the turning head being large enough to accommodate waste service vehicles.

Infrastructure contributions

Developer contributions and affordable housing provision was secured under Section 106 of the Town and Country Planning Act 1990 (as amended) as part of the previous permissions. The contributions totaled £249,000 and the scheme secured 9 affordable housing units. Plots 6 and 7, which were subject to the above mentioned enforcement appeal, are affordable units and have been sold to West Kent Housing. However, the remaining 7 units were located on the rear portion of this site the subject of this application and have not therefore been built as yet.

To date the following contributions have been received from the developer:

£95,333.33 towards the provision of equipped play space, informal open space and formal sports provision in the locality;

£9,013.33 towards the provision of nursery school places in the locality.

£40,560 towards the provision of primary school places in the locality; and

£23,322 towards the provision of secondary school and sixth form places in the locality

The sums received to date equate to approximately 68% of the original contributions secured.

It is clear that there have been exceptional abnormal costs related to this development, not least the £1.3 million spent on the land remediation which, when combined with other costs and additional costs expected as a result of site completion, will rise to £1.8million. Consequently the applicant is advising that the development is unviable with the current level of contributions. They advise that some 70% of the contributions secured under the original consents have been paid, but they are unable to meet the remaining 30% contribution or the remaining affordable housing element of the original scheme.

In accordance with Medway Council's Developer Contributions guide, the developer has submitted a viability appraisal, which has been reviewed by Medway Council's Estates and Valuation Section who have advised that the conclusions within the viability assessment are accurate and that without the reduction in original contributions, as set out above, the development is unviable.

The NPPF at paragraph 173 advises that: *"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."* This is reflected in Medway Council's developer contributions guide.

In light of the above, it is considered that to pursue the remaining contributions and the 7 affordable units will result in the development not coming forward and the site remaining undeveloped. Consequently, it is recommended that Medway Council pursue a new legal agreement regularizing the sums already paid, but not seeking to secure the remaining sums or affordable element of the development. In light of the above, the development is considered to accord with policy S6 of the Local Plan and Medway Council's Developers Contribution Guide.

The Green Space Services team have verbally advised that it may be possible for some of the monies secured to be provided, as a one off a contribution to cover the replacement of the apparatus on the existing playground off Schooner Walk. The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because as they are considered to be fairly and reasonable required in relation to the development proposed and due to the additional levels of infrastructure / facilities which need to be provided as a result of the development.

Conclusions and Reasons for Approval

The application is considered to be acceptable in terms of principle, density, design, appearance, tree retention and protection, the effect on the amenities of the occupiers of neighbouring and nearby properties, highways and parking, flood risk, contamination, noise and in terms of infrastructure contributions. The application is, therefore, considered to be in accordance with the National Planning Policy Framework and Local Plan policies, and is recommended for approval.

This application would normally fall to be determined under Officers' delegated powers but is being reported to Planning Committee for determination because of the number of representations that have been received, including those from Parish Council, which are expressing views contrary to the recommendation.

This application was reported to the Planning Committee on 13 November when it was deferred for further comment regarding viability and S106 matters. This will be provided in a verbal update at the Committee.

Background Papers

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

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