

MC/13/2513

Date Received: 7 October, 2013

Location: Wayne Court, Miller Way, Wainscott, Rochester, ME2 4LR

Proposal: Demolition of existing buildings and construction of a 3 storey block comprising six 2-bedroomed flats; three 1-bedroomed flats; two 1-bedroomed wheelchair flats and eight 3-bedroomed terrace houses with associated parking, landscaping, refuse area and cycle storage. Resubmission of MC/13/0285

Applicant: MHS Homes

Agent: Ms C Dommett bptw Hiltons Wharf Norman Road Greenwich London SE10 9QX

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 19 February 2014.

Recommendation - Approval subject to:

A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

i) A contribution of £2,374.05 towards routine inspections of new footbridges in Great Lines Heritage Park as a result of opening up new public access into Fort Amherst.

B. The imposition of the following conditions:

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

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

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

J10.002/D-101 Rev. A, J10.002/D-102 Rev. A, J10.002/D-103 Rev. A, J10.002/D-104, J10.002/D-106 Rev. A, J10.002/D-107 Rev. A, J10.002/D-108 Rev. A, J10.002/D-109 Rev. A, J10.002/D-110 Rev. A, J10.002/D111, JMK7116_Figure 1, JMK7716_Figure 2 Rev. B, 13227/T/01-01 and UK Power Networks Plan received 8 October 2013, J10.002/D-105 Rev. C

received 17 October 2013, J10.002/D-112 received 13 December 2013, and JMK7716_Figure 3.02 Rev. D received 19 December 2013.

The application also includes the application forms, Planning Statement, Report on Daylight and Sunlight (dated September 2013), Interim Flood Risk Assessment (ref. K/12/0696/B2/0011 JC/G5 dated January 2013), Underground Utilities Search Report (ref. 13227 dated 8 October 2013), received on 8 October 2013, Design and Access Statement received on 9 October 2013, Schedule of Drawings 10-002 D-01 received on 17 October 2013, Arboricultural Method Statement (ref. JSL2048_WCStr dated 19 December 2013) received 6 January 2014 and Tree Condition Assessment (ref SA/838/14 dated 24 January 2014) received 27 January 2014.

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

- 3 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 buildings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

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

- 4 No development shall take place until 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, balconies, and any other external details) have been submitted to and approved in writing by the Local Planning Authority, and the 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.

- 5 No development shall take place until construction details at 1:5 (through eaves, verges, gable end, window/wall junctions and balconies) have been submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in strict 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.

- 6 All soil, vent and waste pipes apart from their terminations shall be constructed within the buildings.

Reason: To ensure that the appearance of the development is satisfactory

and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the southeastern elevation of the southern-most house.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 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 Class A, B, C, D, E and F of Part 1 and Part 2 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.

- 9 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site.

Reason: In order to limit the impact of the lighting on nearby residents with regard to Policies BNE1, BNE2 and BNE5 of the Medway Local Plan 2003.

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. These details shall include hard surfacing materials. The approved hard landscaping shall be provided prior to first occupation of the development. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 12 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 tree protection measures and the methods of working, designed to protect retained trees, 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: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 No development shall take place until details of earthworks and existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. 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.

- 14 If, during development, contamination is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, to be approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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

- 15 Prior to any demolition or construction works a site-specific detailed environmental construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of impact on neighbouring uses by way of noise, dust and light. Where negative impact is likely to occur details on monitoring and mitigation measures shall be included. The Development shall be undertaken in accordance with the approved plan.

Reason: To regulate and control the development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 During construction there shall be no loading, unloading, or waiting of vehicles involved in the Construction at any time on Miller Way.

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

- 17 The hours of construction shall only be between the 08:00 to 18:00 Monday to Friday, 08:00 to 18:00 Saturday and at no time on Sundays and Bank Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 No part of the development shall be occupied until the existing vehicular access is closed and a new section of footway constructed in its place. All new vehicular accesses serving the development shall comprise dropped kerb crossings of the footway on Miller Way.

Reason: In the interests of pedestrian safety and visual amenity, in accordance with Policies T3 and BNE2 of the Local Plan.

- 19 Prior to commencement of the development, details of the cycle storage facilities for future residents of the flats shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter

be constructed and made available for use prior to first occupation of the development.

Reason: To provide satisfactory cycle storage in accordance with Policy T13 of the Local Plan.

- 20 No part of the development shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and to accord with Policies T1 and T13 of the Medway Local Plan 2003.

- 21 No development shall take place until details of the measures that will be undertaken to divert/protect the public sewers and water mains have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In order to protect drainage apparatus.

- 22 No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure there is sufficient capacity to service the development, in accordance with Policy CF12 of the Medway Local Plan 2003.

- 23 No development shall take place until the developer has (at his own expense):

- (a) instructed an arboricultural consultant, approved in writing by the Local Planning Authority, to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site; and
- (b) submitted to and obtained the written approval of the Local Planning Authority of a monitoring programme for the details specified in (a) above.

After the commencement of the development hereby permitted all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the Arboricultural

Consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the Arboricultural Consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Local Planning Authority or the arboricultural consultant that such works may recommence.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

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

Proposal

This is a full application for the demolition of existing buildings and construction of a 3-storey block comprising of six 2-bedroomed flats; three 1-bedroomed flats; two 1-bedroomed wheelchair flats and eight 3-bedroomed terrace houses with associated parking; landscaping; refuse area and cycle storage.

The proposed block of flats will be located towards the north-western end of the site. The block would form an 'L' shape around the corner of the site. It would be set back approximately 9m from the front (north-east) boundary, with a gap of 2.5-3m between the flank (north-west) and rear (south-west) boundaries. The block would be three storeys in height, with a hipped roof. The site slopes down from the north-west and raises up again towards the south-east. The building takes account of the change in level with the roofline stepping down 0.9m. The finished floor level of the proposed block of flats will be set down into the site by at least 1m and the building will extend to a maximum height of 11m. From street level at the north-western end of the site, the building would be approximately 9.5m high.

On the ground floor of the flat block there will be 2 one bedroom, two person wheelchair units, 1 one bedroom, 2 person flat and bike/bin storage areas. On the first floor there would be 1 one bedroom, two person flat and 3 two bedroom, four person flats. This would be repeated on the second floor. There would be balconies for each flat on the first and second floor on the front and side (north-west) elevations. The ground floor flats would have each have a patio. The lift and stairs would be located centrally at the rear.

Vehicular access to the parking spaces for the flats would be taken from the front (north-eastern) boundary with Miller Way. There will be two parking spaces to one side of the access to the front of the flats, parallel to the road. The remaining 9 parking spaces (including 2 disabled spaces) would be accessed via a gated undercroft. There would be a retaining wall along the edge of the parking area adjacent to the proposed houses, to accommodate the change in land level.

The proposed terraced houses would be located fairly centrally within the site. They

would be set back approximately 12m from the front boundary of the site. Each house would have two parking spaces to the front. There would be areas of landscaping in between the parking spaces. Five of the seven protected trees along the site frontage would be retained, one would be replaced and one would be removed.

The proposed houses would form two terraces of four. The houses would be approximately 8.3m to the top of their ridge, and 5.5m to eaves level. Each house would have a small dormer in the rear roof slope. The accommodation would include a kitchen, WC and living/dining room on the ground floor, and a bathroom and two bedrooms on the first floor. There would be a further third bedroom within the roof. The rear gardens would be between 9.5-11m deep. At the back of each garden there would be a shed and rear access to the front.

Site Area/Density

Site Area: 0.23 hectares (0.56 acres)

Site Density: 83 dph (34 dpa)

Relevant Planning History

MC/13/2716	Details pursuant to condition 01 on planning permission MC/13/1801 for prior notification for demolition of existing two storey dwellings Approved 3 January 2014
MC/13/0285	Demolition of existing buildings and construction of a 3 storey block comprising six 2-bedroomed flats; two 1-bedroomed flats; two 1-bedroomed wheelchair flats and eight 3-bedroomed terrace houses with associated parking, landscaping, refuse area and cycle storage. Withdrawn 24 May 2013

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.

Frindsbury Extra Parish Council, Frindsbury and Wainscott Community Association, Southern Water and Kent Police have also been consulted.

40 representations have been received from neighbouring properties with the following comments:

- Increase in traffic, congestion problems and road safety problems
- Problems for emergency vehicle access
- Lack of parking provision
- Limited bus service in area could limit opportunities for future residents to travel by public transport
- Overlooking gardens, blocking light and obstructing views

- Loss of privacy
- Excessive height of proposed building and impact on street appearance – out of keeping
- Balconies are out of character and will cause privacy, anti-social behaviour and visual clutter issues
- Layout/access not considered
- Little outside space for future occupants
- Excessive number of dwellings proposed
- More people will be accommodated on the site compared to the existing numbers of residents.
- Why can't the existing building be updated for the elderly?
- There should be much needed bungalows put on the site
- Losing housing for the elderly is short-sighted as this is the part of the population that is increasing most
- Increased noise levels
- Increased pollution
- Tree Preservation Orders on the site and removal of trees
- Excessive number of developments taking place in area
- Local schools and doctors at maximum capacity already
- Lack of jobs in local area – cannot support further people in the area
- Impact on local fields – a prominent development would diminish views
- Lack of information/notice residents have been given about this development
- Disruption during construction
- Existing anti-social behaviour problems in area will worsen; evidence of problems at other MHS developments in area – potential residential amenity/safety issues and reduction in quality of life
- Will future occupants be vetted by MHS?
- Vulnerable residents in this quiet area, many of retirement age
- Safety of children in area from future occupants and construction
- Reducing valuation of houses in area
- Occupying existing houses for sale should be considered first over building new houses.

Frindsbury Extra Parish Council objects to the application on the following grounds:

- Overdevelopment of the site in terms of numbers of residents;
- Negative impact on the street scene from 3 storey building;
- Loss of amenity to residents from overlooking and noise disturbance from family occupation;
- Lack of parking; additional traffic;
- Additional burden on the local infrastructure and services; and
- Protected trees will be felled.

They would also like to inform the Local Planning Authority that rumours are circulating about the status of the proposed residents, which has given rise to a fear of anti-social behaviour from existing residents;

Frindsbury and Wainscott Community Association objects to the application for the following reasons:

- A three storey block of flats is undesirable and will not blend comfortably with surroundings;
- No need for this overdevelopment;
- Neighbouring properties could be deprived of light and visual amenity;
- There will be further tree loss;
- Design lacks space and
- Too much emphasis on parking.

Southern Water states the position of the public water distribution main and foul sewer on the site must be determined before the layout of the proposed development is finalised. It may be possible to divert the public foul sewer, subject to various conditions. Should any sewer be found during construction, an investigation of the sewer will be required. An application for a connection to the public foul sewer is also required. Alternative means of draining surface water from this development are required, which should not involve disposal to a public foul sewer.

Kent Police has responded with observations regarding the undercroft, bin and recycling stores, full audio visual access control systems for the block of flats and laminated glass for windows. The previous comments for the withdrawn scheme should also be incorporated, including boundary treatments, lighting, recessed doors and security of windows and doors. It is recommended that the development follow the criteria laid down in Secured by Design.

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. The Medway Housing Design Standards 2011 (interim) (MHDS) are also relevant.

Planning Appraisal

Background

Application MC/13/0285 for a similar proposal was submitted last year, but withdrawn due to Officer concerns about the scale and bulk of the proposed flat block and the loss of the majority of trees along the site frontage.

Subsequent to that application, further pre-application discussions took place, together with a presentation of the proposals to Members, which resulted in the negotiation of the current scheme.

Principle

One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed.

Policies S1 and S2 of the Medway Local Plan support this principle, seeking to prioritise re-investment in the urban fabric and maintain and improve environmental quality and design standards. Policy H4 of the Local Plan allows residential development within the urban area, consisting of the redevelopment of existing residential areas, provided that a clear improvement in the local environment will result.

The application site currently contains a two storey block of 25 flats, forming sheltered accommodation for the elderly, owned and managed by MHS Homes, and is therefore a previously developed site. As such, and as the site has no specific designations in development plan terms and lies within the urban area, the general principle of residential development as proposed is acceptable.

Design

Development Plan policy places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. The NPPF promotes good design and the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces. Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

The redevelopment of the site for residential purposes would be in keeping with the existing use of the site and the character of the area.

The application site is bounded by Miller Way on its main street frontages and by the rear gardens of two storey, semi-detached houses on Jarrett Avenue to the rear. The site has a moderate change of level across it, sloping down from its northernmost corner. The surrounding buildings consist predominantly of bungalows and two storey semi-detached houses. The houses are set back from the road by front gardens or communal amenity spaces, which gives the area a relatively spacious feel.

The existing building on the site is a two storey sheltered housing development. It has a linear form that presents a series of gable ends to the street. This gives it a distinctive appearance that is different from the more modest housing that makes up the surrounding neighbourhood. Mature trees line the site frontage and are very important to the character of the site and the wider neighbourhood.

The proposed scheme is composed of a terrace of eight two storey houses arranged in two terraces of four facing the main Miller Way road, and a three storey flat block containing eleven flats on the corner of Miller Way where it turns through 90 degrees.

As a general principle, the two blocks of four terraced houses would be acceptable as a replacement for the existing building. The proposed terraced houses are similar in scale to housing in the area. They will, however, have more modern proportions and detailing and will also have a deeper plan form. Roof pitches will be longer and

shallower in order to span this extra bulk and gable ends walls will be similarly longer. However, the set-back of the proposed houses from the road will mean that these differences will not be unduly prominent. Overall, it is considered that the new terraced housing will fit comfortably in the neighbourhood.

The proposed block of flats, at three storeys in height, will be higher than the buildings elsewhere in the neighbourhood. It will also be bulkier. However, the building will be partially dug into the slope of Miller Way at this point. Its ridgeline will also be considerably lower (approximately 2m) than that of the property to the north-west of the site (Nos. 41-51), further up the hill of Miller Way. This means that, whilst the building will stand out within the street scene, it will not be unduly large or dominant.

The design of the flat block features gable ends that allude to the form of the sheltered housing to be replaced. Metal balconies will provide private outdoor amenity space, as required by the Medway Housing Design Standards. Such features will give the building a distinctive and reasonably attractive character in its own right. This is entirely appropriate for a building in a prominent corner location such as this.

The drawings indicate that the buildings will have precise modern detailing, which is welcome. It will, however, be a challenge to maintain this quality when the buildings are constructed. Crude and unresolved detailing could result. Accordingly, a condition is recommended requiring the submission of typical construction details at 1:5 (through eaves, verges, gable end, window/ wall junctions and balconies).

The existing green buffer along the site frontage is considered important in terms of the character of the area. Like the previous sheltered housing, the overall scheme would be set back from the road in order to maintain the mature trees on site. This will help maintain the character of the area, will provide a degree of screening and will help to integrate the overall scheme into the neighbourhood.

It is unfortunate that some of the grassed area around the trees will be by taken up by car parking. However, the parking standards are such that this is inevitable. It will therefore be particularly important to use high quality materials for the hard landscaping along the frontage to negate the loss of soft landscaping. An appropriate condition is therefore recommended.

On this basis, the design of the proposed development is considered to be acceptable, and will result in a modern development that will complement the character and appearance of the street scene, which would be in accordance with the NPPF and Policies S4, BNE1 and H4 of the Medway Local Plan 2003.

Amenity

According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

The redevelopment of the site for continued residential purposes would be in keeping with the character of the area, and therefore activity levels are not likely to be any different.

The main properties that would be affected by the proposed development would be those to the rear on Jarrett Avenue, and those to each side and opposite on Miller Way. The houses opposite and adjacent to the south-east are bungalows. The houses to the rear of the site and the flats to the north-west of the site on the other side of Miller Way (nos. 41-51) are two storeys in height.

The buildings around the application site are at a higher level. This is particularly noticeable with regards to the properties to the rear of the site on Jarrett Avenue and the flats to the north-west.

In relation to the impact on the existing houses to the rear of the site on Jarrett Avenue, it must be considered that they already experience a certain degree of impact from the existing flat block on the site in terms of outlook and privacy. The existing flat block is located approximately 5m away from the rear boundary, along the majority of the site. The proposed buildings would be located further away from this boundary in the main, with the exception of part of the proposed flat block behind No. 68 Jarrett Avenue, which would be a minimum of 2m away from the rear boundary. However, the minimum distance between the rear elevation of No. 68 Jarrett Avenue and the flat block would be approximately 23m, which is in excess of the minimum recommended 20m between rear facades referred to in the Medway Housing Design Standards (Interim) 2011 (MHDS). The distance between the existing and proposed buildings then increases to in excess of 29m. Whilst it is accepted that the introduction of a third storey of accommodation would have an additional impact on outlook and privacy from the properties in Jarrett Avenue, due to the land level differences and distances between buildings, together with the fact that there is already an impact from the existing flats, on balance it is considered that the proposed impact would not be significant enough to warrant refusal on this basis.

The introduction of the proposed car parking area at the bottom of some the rear gardens on Jarrett Avenue would possibly create a certain degree of disturbance, but this will be at a lower level than the gardens and could be mitigated with appropriate landscaping and boundary treatment.

The properties to the north-west (Nos. 41 to 51 Miller Way) are separated from the proposed block of flats by the road. This two storey building is located at a higher level than the proposed block (the ridge height of the proposed block is more than 1m lower than the ridge height of Nos. 41 to 51, and then steps down even further). It is considered that the separation and land level difference, together with the impact experienced by the existing flats, negates any additional impact from the proposed development.

The existing dwellings to the south-east are on a slightly higher land level to the proposed houses, but as bungalows are obviously lower in height than the proposed terrace housing. However, the proposed houses would be positioned 9m away from the immediately adjacent bungalow at No. 15 at the closest point, and thus are

considered to be separated sufficiently so as not to cause any serious adverse impact in terms of loss of outlook, light or privacy.

With respect to the amenities of the prospective occupiers of the proposed dwellings, it is important to consider the proposed accommodation. In terms of the internal arrangement, this is assessed against the MHDS:

Dwelling Type	Dwelling Size	MHDS Min GIFA (m²)	Proposed GIFA (m²)
Houses 1 - 8	3b5p	96	103.4
Flats 1 and 2	1b2p WC	-	71.4
Flats 3, 5, and 9	1b2p	50	53.2 / 58
Flats 4, 6, 7, 8, 10 and 11	2b4p	70	71.4

In terms of internal space standards, it is considered that adequate standards of accommodation will be provided for future occupants in line with those set out in the MHDS.

The proposed rear gardens for the houses would be in excess of 10m, and would therefore meet recommendation in the MHDS.

With regard to refuse storage, the application includes sufficient waste and recycling storage for the flats. This conforms to the Councils' waste guidance. The proposed houses all have side or rear access, which is acceptable for the kerbside collection system that operates in Medway.

A report on daylight and sunlight to the proposed buildings and to existing surrounding buildings has been submitted as part of the application in response to Member concerns about light levels to the proposed flats. The study has been undertaken in accordance with the Building Research Establishment (BRE) Report 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.

In terms of the daylight to the proposed rooms, an initial report showed there were two rooms on the first floor that fell below the guidance; these rooms have had a window added and the width of a window increased and now both rooms exceed the daylight guidance. The proposed development also achieves the guidance levels for sunlight. The overshadowing diagrams show the amenity spaces on the northern elevations of the flats would not be able to receive at least some sunlight during 21st March, but most other areas would benefit from at least 2 hours of sunlight during this period, which is in excess of the BRE guidance.

In terms of existing buildings, none of the properties tested would experience significant reductions in daylight and similarly would achieve more sunlight than the BRE guidance levels.

In an urban environment the BRE recognises that achieving the guidance levels for sunlight is rarely possible, and having due consideration to this, it is concluded that

the scheme causes minimum impact on daylight and sunlight to existing surrounding dwellings, whilst achieving acceptable levels within the proposed development.

In summary, the proposed development will be acceptable in terms of the impact on amenities, and therefore the proposal is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003 and the MHDS.

Highways

The principle of the site generating vehicle movements is established, given its existing use. Each proposed dwelling is likely to generate between 2 and 4 vehicle movements per day. Whilst this may be higher than the existing use, it remains a relatively modest level of traffic that will not have a material impact on conditions of highway safety or capacity. The existing vehicular access will be repositioned as part of the development proposals. Notwithstanding the submitted plan, all accesses to the parking areas should be via dropped kerb pavement crossings, and it is recommended this be secured by planning condition.

The application proposes 2 off-street parking spaces per house, which complies with the Council's Parking Standards. A total of 11 spaces are proposed to serve the flats, which is below the Council's requirement for 14 spaces (5 spaces for the one-bed flats and 9 spaces for the two-bed flats). Census data indicates that average car ownership in the immediate vicinity of the site is 1.26 per dwelling, although this includes all types of dwellings. Assuming that each flat is allocated one parking space, and taking into consideration the size and tenure of the dwellings (parking demand is generally lower for socially rented accommodation), it is considered that the provision of one parking space per dwelling will satisfactorily accommodate the demand generated by the development. The proposal also provides for cycle storage for the houses and flats.

On this basis, no objection is raised in respect of Policies T1, T2, T4 and T13 of the Medway Local Plan 2003.

Trees

The existing trees on the site are considered an important feature in relation to the character of the site, and add to the visual amenity of the area. The line of trees along the front of the site, together with the line of trees opposite, provide a valuable 'green' element in the street scene. In recognition of the importance of the trees on the application site a Tree Preservation Order (TPO) was made on 7 March 2013 in the interests of amenity.

The site has been the subject of detailed negotiations with the applicant and agents on all matters relating to trees. Initial proposals involved the removal of the most important trees on the site. The current scheme is the result of detailed negotiations and seeks to retain 5 out of the 7 existing trees. It does, however, necessitate the loss of trees T1 and T2 in the north-west corner of the site. Nevertheless, there is no objection to the removal of these two trees, which should be replaced as part of a landscape scheme for the development. The retained trees will complement the development.

Tree T4 (Acer) is identified for retention, but was damaged by contractors working on behalf of MHS in June 2013. The damage was not caused by contractors associated with this development and is coincidental. This damage is significant in terms of its impact on the health and structural integrity of the tree. The applicant has submitted a separate tree report concerning the impact of damage to this tree, which recommends that it is retained and pruned to remove the damaged parts. The report mentions that the diameter of the damaged limb is equivalent to approximately 47% of the diameter of the parent stem and that British Standard 3998:2010 recommends that the diameter of branches being removed should not generally exceed 33% of the parent stem. In spite of this recommendation in the British Standard, the submitted tree report recommends the removal of the limb, stating that it would not be detrimental to the visual amenity of the tree and that the tear down the parent stem has only occurred on one side of the point of damage and appears not to extend to such a depth within the sub-stem as to present current health and safety concerns. However, there is concern about the safety and long-term viability of retaining this tree and it would be preferable to see it removed and replaced. However, the best process to deal with the issues surrounding this tree would be the required TPO application for its pruning. An informative is accordingly recommended.

In terms of the current scheme for the site, the proposed tree protection measures for the retained trees are well specified and detailed in the RPS Arboricultural Method Statement dated 19 December 2013, and on the tree protection plan JMK7716-Figure 3.02 Rev D, and there is no reason to doubt their suitability, subject to appropriate conditions relating to tree protection and arboricultural monitoring.

The retention of the most significant trees on this site as a result of the proposed development would be in keeping with the character and visual amenity of the area, and would therefore comply with the requirements of Policies BNE1, BNE6, BNE41 and BNE43 of the Medway Local Plan 2003.

Contamination and Environmental matters

As the site is previously developed land, it is normally expected that an application would be accompanied by a desktop study. However, given that the existing and proposed use is domestic, a condition relating to contamination is considered appropriate in this instance.

Due to the close proximity of existing residential dwellings there is a risk of impact of noise, dust and light during demolition and construction. However, these issues can be addressed through the imposition of conditions including a construction management plan, construction hours, and restrictions on loading/unloading/waiting.

On this basis, the application is considered to be in accordance with Policy BNE23 of the Local Plan.

Local Finance Considerations

There are none relevant to this application.

Section 106 Matters

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

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission made after 6 April 2010, a planning obligation (a S106 agreement) may only be taken into account if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development:

- A contribution of £2,374.05 towards routine inspections of new footbridges in Great Lines Heritage Park as a result of opening up new public access into Fort Amherst

The applicant has confirmed they consider the financial requests acceptable. As such, if the application were deemed to be acceptable there would be a requirement for the applicant to enter into a Section 106 Agreement to secure the provision of the financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Local Plan.

Conclusions and Reasons for Approval

The design of the proposed development will complement the character and appearance of the street scene, 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 the National Planning Policy Framework 2012, Policies S1, S2, S4, S6, BNE1, BNE2, BNE6, BNE23, BNE41, BNE43, H4, T1, T2, T4 and T13 of the Medway Local Plan 2003, and the Medway Housing Design Standards 2011 (interim). 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 number of representations received contrary to the recommendation.

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/donline/AcolNetCGI.gov>