MC/14/2863

Date Received: 24 September, 2014

Location: Kent Community Housing Trust, Lennox Wood, Petham Green, Twydall, Gillingham, ME8 6SZ

Proposal: Application for outline planning permission with some matters reserved (Appearance Landscaping and Scale) for construction of twenty 2 and 3-bedroomed houses with associated parking and bin storage (demolition of existing building)

Applicant: Mr Batten

Agent: Mr G Bunce Primefolio Ltd. 35 Albion Place Maidstone Kent ME14 5DZ

Ward Twydall

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3 December 2014.

Recommendation - Approval subject to;

A) The applicant entering into a unilateral agreement under the terms of Section 106 Town and Country Planning Act 1990 for:

- £2499 towards the Great Lines Heritage Park in particular towards maintenance of the footpaths in the Park.
- £46,930.80 towards enhancing play provision at Woodchurch Crescent in order to enable this to meet the needs of the population of the new development.
- £108,680 towards education and the provision of nursery, primary, and secondary school places
- £2,734.20 towards enhanced community centre provision in Medway
- £9,359 towards health development and improvements at a number of local practices:
  - The Medical Centre, 4a Waltham Road
  - Pump Lane Surgery
  - Maidstone Road Surgery
B) And the imposition of the following conditions:-

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

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

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

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

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

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

4 Prior to the commencement of the development hereby permitted, a construction code of practice that describes measures to control noise, dust and lighting impacts arising from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed construction code of practice should be complied with during the duration of the development.

Reason: To ensure that the impact on the neighbours is minimised during the construction phase of the development in accordance with policy BNE2 of the Medway Local Plan 2003.
No development should commence until a scheme detailing the disposal of surface water, based on sustainable drainage principles, and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation and thereafter retained.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding in accordance with the National Planning Policy Framework.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out, as part of an approved scheme of remediation must not commence until conditions 7 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 10 has been complied with in relation to that contamination.

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

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected...
in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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.

11 None of the dwellings approved shall be occupied until the area shown on the submitted layout as vehicle parking space and car ports has been provided, surfaced and drained in accordance with details that have been 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 of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

12 The details pursuant to condition 1 shall ensure that there are no flank wall windows in the southern elevation of plot 5, the western elevation of plot 1, the southern elevation of plot 16 or the northern elevation of plot 13 as shown on the approved plans.

Reason: To ensure that there is no un-neighbourly overlooking between properties in accordance with policy BNE2 of the Medway Local Plan 2003.

13 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) No development shall commence until tree protection measures and
methods of working, designed to protect retained trees on the site have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures and methods of working shall comply with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof and shall be implemented 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.

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.

14 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 approved boundary treatment shall be completed prior to first occupation of the dwelling to which it relates and shall thereafter be retained.

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 conclusion at the end of this report.

Proposal

This is an application for outline planning permission with some matters reserved (Appearance Landscaping and Scale) for the construction of twenty 2 and 3-bedroomed houses with associated parking and bin storage. The existing building on site is proposed to be demolished.

Approval is being sought for access and layout. The application proposes demolition of the existing buildings, which are a vacant care home facility with ancillary accommodation. Access is proposed from Petham Green through a new access road approx 4.5m in width.

Two terraces of 4 houses are proposed fronting onto Petham Green with 2 parking spaces to the west of plot one and 4 carports with 4 parking spaces to the south of plots 17-20.

A terrace of 4 houses is proposed fronting onto the new access road with a parking court to the north for 16 cars. A terrace of 4 houses is proposed to the north of the site and to the east are 3 carports and 3 tandem parking spaces.
A terrace of 4 is proposed to the east of the site with 3 carports and 3 tandem parking spaces to the rear of plot 17.

The rear gardens vary in length from approx. 10m to 15m.

40 car parking spaces are proposed across the site of which 10 are car ports with tandem parking spaces to the front.

**Site Area/Density**

Site area: 0.43 hectares (1.06 acres)
Site density: 55.8 dph (12.5 dpa)

**Relevant Planning History**

MC/14/0893 Application for outline planning permission with some matters reserved - (Appearance Landscaping and Scale) for construction of 20 x 2 and 3 bedroomed houses with associated parking and bin storage. (demolition of existing building)
Refused 12 June, 2014

MC/13/1522 Outline application with some matters reserved (appearance, landscaping and scale) for construction of 24 two and three bedroomed houses
Withdrawn 23 July, 2013

**Representations**

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

**Two letters** have been received raising the following points:

- Should built old peoples bungalows or another old peoples home otherwise the residents will have to put up with more noise from the houses
- Quiet area for elderly residents. Not ideal to have houses where children and dogs can run and play on the greens between the bungalows
- More traffic
- More noise
- Previous scheme was refused

**Southern Water** have written to advise of the location of the sewers and seek a condition to be added to submit foul and surface water sewerage details to be submitted.

**Southern Gas Networks** have written to advise that they have gas mains in the area of the enquiry
Development Plan

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents 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

Principle of Development

The application would result in the loss of a care home. The site is not designated for a particular use under the Medway Local Plan 2003, however the loss of a care home facility should be examined under policy CF1 of the local plan relating to community facilities. Policy CF1 states that development which would result in the loss of existing community facilities will only be permitted where it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop sites. Replacement facilities of a similar scale and kind will be sought. They should be easily accessible by the local population by a variety of means of transport, including public transport, cycling and walking.

The applicant has not provided any detailed information concerning the history of the site. However from the site visit and the application forms it is apparent that the care home is currently vacant and has been since 2009. Following correspondence with the Council's Housing and Property departments it has been advised that the property was disposed of by the Council due to the fact that it was no longer fit for purpose and was surplus to requirements and that the tenants were developing a new facility on a Council owned site in Palmerston Road in Chatham. As such, the redevelopment of the site is considered acceptable and in accordance with policy CF1 of the Local Plan.

The application site lies within the urban area, as defined in the Local Plan. Policy H4 of the Local Plan states that within the urban area, as defined on the proposals map, residential development will be permitted consisting of:

(i) the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use; or
(ii) the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result); or
(iii) mixed commercial and residential uses in proximity to town centres; or
(iv) the use of upper floors above commercial premises.

The previous use of the care home finished in 2009 and the site has been left vacant since this time. As such it is considered that as long as the development provides that a clear improvement in the local environment will
result (which will be set out in the report below) the scheme is considered to comply with policy H4 of the Medway Local Plan.

The development also accords with paragraph 51 of the NPPF which states that local authorities should identify and bring back into residential use empty housing and buildings.

**Street Scene, Design and Character of the Area**

Paragraph 56 of the NPPF and the Planning Practice Guidance (PPG) document on Design attach great importance to the design of the built environment. Policy BNE1 of the Medway Local Plan 2003 states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The application is for the demolition of the existing buildings and their replacement with 20 two and three bed houses. Indicative plans have been received that show two-storey houses. Appearance and scale have been reserved for future consideration and while there are indicative plans to show what the houses look like these are not for consideration.

The site is set on sloping land higher towards Petham Green and lower towards Newnham Green and Hollingbourne Road. As such the existing building has been designed to fit into the slope of the land and into the character of the area with single storey development at the front facing Petham Green and the single storey bungalows and two storey development as the levels drop fronting the two storey houses in Newnham Close and Hollingbourne Road.

The indicative floor plans show the units are set over two storeys and it is considered likely that the dwellings would be two-storey to achieve the level of accommodation that is sought. The indicative sections show that the houses would be sunk into the site thus reducing their bulk and mass. While the houses would be higher than the bungalows in Petham Green they have been moved further from the western boundary and are now set in approx. 14m from 1 Petham Green. It has been shown that the closest part of the dwelling could be built with a lower roof and as such this would integrate the two-storey development with the bungalows.

The layout has been altered from the refused scheme by providing more areas of soft landscaping to soften the appearance of the development, particularly around the front of units 9-12. The houses have been moved closer to the frontage of Petham Green thus creating a continuous frontage development and has moved the parking bays to the rear of the site which is not as visible within the street scene.

It is considered that the development would provide a clear improvement in the local environment through removing a redundant building, which has been vandalized and the proposal is considered to be in accordance with policies H4 and BNE1 of the Medway Local Plan 2003.
Amenity Considerations

Plots 5-8 have been moved further from the boundary with the properties in 5-7 Petham Green compared to the refused scheme and are now in excess of 26m away. While they are likely to be two storey and higher than the existing properties in Petham Green it is considered that there would be no unacceptable loss of privacy to the neighbours due to the distances involved.

The rear of plots 9 to 12 are set in the region of 26m from the rear of the houses in Hollingbourne Road with the flank of plot 13 some 16m away. As such it is considered the layout would not cause a detrimental issue with regard to overlooking, overshadowing or dominance. In addition to this there are no flank wall windows shown in plot 13 which could be conditioned on any approval.

The flank of plot 16 is set approx. 21m from the rear of the houses in Newnham Close which is considered to be an adequate distance to protect the privacy, sunlight, daylight and outlook for the occupiers of existing houses. The flank of plot 17 is approx. 7m from the flank of No. 11 Newnham Close, which is approximately the same distance away as the existing Care Home building. In addition to this there are no flank wall windows in the exiting house and as such it is considered that there would be no loss of outlook. The existing layout of the Care Home has a number of windows overlooking the rear garden area of the houses in Newnham Close and therefore the proposed layout could be seen as an improvement with only the flank of the new houses now fronting this existing neighbour.

Plot 8 is set approx. 5m from the flank of plot 9 which would lead to a loss of outlook to the kitchen and to a lesser extent the bedroom. The kitchen is not considered to be classed as a habitable room due to the small size and the fact that you are not able to use it as a dining room and as such the loss of outlook is not considered to be significant. At first floor the bedroom would be served by two windows, one of the windows would have a view to the south and as such the outlook, while compromised, is on balance considered to be acceptable.

The plans show the indicative houses to be in accordance with the minimum standards set out in the Medway Housing Design Standards as set out in the table below:

<table>
<thead>
<tr>
<th>Number of bedrooms</th>
<th>MHDS Min gross internal floor area</th>
<th>Gross internal floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>2b3p</td>
<td>77sqm</td>
<td>77sqm</td>
</tr>
<tr>
<td>3b4p</td>
<td>87sqm</td>
<td>87sqm</td>
</tr>
</tbody>
</table>
Due to the close proximity of the development to the existing houses in the area it is recommended that a condition is imposed on any approval to seek a Construction Code of Practice.

On balance for the reasons set out above the proposal is considered to be in accordance with policy BNE2 of the Local Plan 2003.

**Trees**

Trees on or adjacent to this site are concentrated on the north, east and west boundaries, with the addition of a small group of three trees on land to the rear of 46/48 Hollingbourne Road. In total there are 14 trees (including 6 Leyland Cypress adj to 3 & 4 Petham Green) on the site and three conifer hedges (Leyland Cypress G1, G2 & G3) growing off site in residential gardens to the north.

With the exception of tree T5 (Silver Birch), all trees on this site are low quality (Grade C British Standard 5837:2012) specimens and identified for removal. The three conifer hedges growing off site in residential gardens to the north are shown for retention. No objection is raised to the loss of trees identified for removal.

There is some concern with regard to the proximity of the proposed development to the existing conifer hedges adjacent to the site, due to potential impact on the future residents with regard to daylight and sunlight. While it is acknowledged that these trees are very tall and could have an impact it is also recognised that the trees are to the north of the site and as such would not impact the future residents with regard to loss of sunlight. In addition to this the houses are set some 9m to the south of the trees and while there may be an impact with regard to daylight and future pressure to remove them, as they are off site the future residents would have no control over their removal and indeed would move into the houses in the full knowledge that the trees are there and as such would make an informed decision on their potential impact on them. On balance the potential impact on plots 9 to 12 is considered acceptable and not so significant to refuse. On this basis the scheme is considered to be in accordance with policy BNE2 and BNE43 of the Medway Local Plan 2003. In order to protect the retained Silver Birch (T5) a condition is recommended on any approval.

**Highways**

The care home that used to operate on the site would have generated around 2 vehicle trips per resident, per day, based on data from the traffic generation database. The proposed development of 20 houses could generate in the region of 9 vehicle trips during each peak period. It is considered that this level of traffic would not have an unacceptable or material impact upon conditions of highway capacity and safety on the local highway network.

The application indicates a development mix of 10 two-bed and 10 three-bed houses, which would require a minimum of 35 spaces for future residents and
visitors. The layout plan shows a total of 40 spaces and therefore complies with the Council’s residential parking standards. At the time of the last Census, average car ownership in the immediate vicinity of the site was 0.99 per dwelling. On this basis, it is considered that the overall provision would adequately accommodate the parking demand generated by the development. The application uses vehicle swept paths to show how the access and internal layout would accommodate the manoeuvring requirements of a large vehicle, with a wide carriageway to the front of the site ensuring that parking opposite the access would not be affected.

Overall, it is considered that the proposed development complies with Policies T1, T2 and T13 of the Medway Plan, and no objection is raised on highway and transport grounds.

**Surface Water and flooding**

No details have been submitted to demonstrate how surface water will be discharged from the site. The Environment Agency’s surface water flood mapping does not indicate that the site is at risk, however there are known areas of risk nearby and therefore it needs to be ensured that the development does not increase flood risk, and where possible reduces the risk of flooding.

In order to ensure that surface water is dealt with in an appropriate manner a condition is recommended on any approval.

**Developer Contributions**

New residential development can create additional demand for local services, such as educational facilities. Policy S6 of the adopted 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 to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

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

- £2499 towards the Great Lines Heritage Park in particular towards maintenance of the footpaths in the Park.
• £46,930.80 towards enhancing play provision at Woodchurch Crescent in order to enable this to meet the needs of the population of the new development.

• £108,680 towards education and the provision of nursery, primary, and secondary school places

• £2,734.20 towards enhanced community centre provision in Medway

• £9,359 towards health development and improvements at a number of local practices:
  - The Medical Centre, 4a Waltham Road
  - Pump Lane Surgery
  - Maidstone Road Surgery
  - Thames Avenue Surgery
  - Rainham Medical Centre
  - Rainham Health Living Centre – All GP Practices within the Property
  - Malvern Road Surgery
  - Wigmore Medical Centre
  - Cleve Road Surgery
  - Gillingham Medical Centre

If the application were deemed acceptable these would be a requirement for the applicant to enter into a Section 106 to secure the provision of financial contributions. The applicant has confirmed they consider the financial requests acceptable.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for approval

The development is considered to be acceptable with regard to the principle, residential amenity, highways impacts and all other material planning considerations. As such the scheme is considered in accordance with the development plan and particular policies CF1, BNE1, BNE2, BNE12, BNE43, H4, T1 and T13 of the Medway Local Plan 2003.

The application would normally fall to be determined under delegated powers but has been referred to Committee at the request of Councilor Griffiths due to the affect the development may have on the amenity of the residents who live in Petham Green. The key issues are access arrangements along with the locating of family homes in what is currently an oasis for elderly residents. Many of the elderly persons’ bungalows front on to a large green which
currently provides a peaceful outlook - residents are concerned could become a play area for the children of residents moving into the planned new housing.

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://publicaccess.medway.gov.uk/online-applications/