

MC/14/1685

Date Received: 16 June, 2014

Location: Land To Rear Of 187- 193 Princes Avenue, Rear Of 32/41 Gatcombe Close And North Of Peacock Rise Walderslade, Chatham ME5 8AR

Proposal: Application for approval of reserved matters being external appearance, landscaping and layout pursuant to condition 1 (reserved matters approval), condition 6 (materials), condition 10 (risk assessment), condition 16 (refuse storage), of outline application MC/08/1043 for the construction of 15 dwellings with integral garages and associated parking

Applicant: Enemetric

Agent:
Ward Princes Park

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7 January, 2015.

Recommendation - Approval with Conditions

- 1 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not prejudice conditions of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 2 The internal visibility splays shall be provided in accordance with the approved plans and thereafter maintained to ensure that no planting or structures within them exceeds 0.6 metres in height.

Reason: In the interests of highway safety in accordance with Policy T2 of the Medway Local Plan 2003.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: B386TCP Rev R1 received 13 June 2014, 215/14/A/2, received 1 October 2014, T1440/SL/08 received 16 June 2014, T1440/SL/11 Rev C, T1440/SL/12 Rev B, T1440/SL/ 13 Rev A, T1440/SL/15 Rev A, T1440/PL/23 Rev B, T1440/PL/25, T1440/PL/26 Rev B, T1440/PL/28, T1440/PL/29 Rev A, T1440-30, T1440-31, T1440-32, T1440/PL/33, T1440/PL/34 Rev A, T1440/PL/35, T1440/PL/36 rev A, T1440/PL/37, T1440/PL/38 Rev A, received 1 October 2014 and T1440/PL/09 Rev E, T1440/SL/10 Rev E, T1440/PL/23 Rev F, T1440/SL/24 Rev F received 4 November 2014

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

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

Proposal

This is an application for the approval of reserved matters being external appearance, landscaping and layout pursuant to condition 1 (reserved matters approval), condition 6 (materials), condition 10 (risk assessment), condition 16 (refuse storage), of outline permission MC/08/1043 (construction of 15 dwellings with integral garages and associated parking).

The access road is to the south east of the site and bears round to the west. A pair of semi-detached 3-bedroom houses is set at the entrance to the site each with an integral garage and car parking spaces to the front.

To the north of these semi-detached properties are 6 units arranged as a terrace of three, with each property having its own front door. One bedroom maisonette flats are located at ground floor level with two bedroom maisonette flats at first floor level. There is a small area of soft landscaping to the front and private gardens to the rear for each pair of maisonette flats to share e.g. plot 3 and 4 share, plots 5 and 6 share etc.). To the front of these properties are 7 car parking spaces. A further 6 parking spaces are located to the west of plots 7 and 8.

To the north west of the site are 4 units arranged to appear as a pair of semi-detached units. On the ground floor are one-bedroom maisonette flats and on the first floor two-bedroom maisonette flats. An area of soft landscaping is proposed to the front of the site and private rear gardens to the rear for each maisonette flat to share.

To the south is a terrace of three 3-bedroom houses each with an integral garage and a parking space to the front.

In total there are 27 car parking spaces for the 15 dwellings of which 4 are shown to be visitor spaces. Cycle storage is provided for the maisonette flats. Bin stores for the maisonettes are located to the front or side of each plot. Refuse storage is shown within the integral garages for the dwelling houses.

Substantial earthworks are required to facilitate this development with large retaining walls shown around the boundaries of the site

The materials proposed for the site include:-

Tiles - Cambrian Slate in Slate Grey
Bricks – Ibstock Anglian Red Multi Rustic

Site Area/Density

Site area: 0.49ha (1.2 acres)

Site density: 30 d.p.h (12 d.p.a)

Relevant Planning History

- MC/13/2588 Construction of 3 terraces consisting of a total of 15 dwellings together with associated parking, cycle and bin storage (Resubmission of MC/12/1886).
Withdrawn 17/06/2014.
- MC/12/1886 Construction of two blocks containing a total of 20 flats with associated parking.
Withdrawn 16/04/2013.
- MC/08/1043 Outline application for construction of 15 dwellings with integral garages and associated parking.
Approved 9/12/2011.
- MC/04/2180 Outline application for construction of 5 dwellings with private access road.
Approved 25/10/2005.

Representations

The application has been advertised on site, by site notice, in the press and neighbour notification letters have been sent to the owner/occupiers of neighbouring properties.

The following organisations have also been consulted: Environment Agency; Medway Fire Safety Officer; Kent County Constabulary; EDF Energy; Southern Gas Networks; Southern Water; Kent Wildlife Trust; Natural England.

Southern Water has written to advise that it has no objection to the application based on the original and amended plans

Southern Gas Networks has written to advise that it has gas mains in the area of the enquiry

Kent Fire and Rescue has written to advise that the means of access for the Fire and Rescue Service is considered satisfactory. **Kent Police** has written to request a s106 contribution – *this is a reserved matters application and as such no contributions can be sought.*

Kent County Constabulary Architectural Liaison Officer has written with the following comments with regard to the original plans:

- Take the comments from the original application MC/13/2588 into account:
- Concerns are expressed regarding orientation and positioning of the dwellings relative to the permeability of the development. Too many routes through a development offer additional escape routes for potential offenders. Reference is made to the possible appearance of a route alongside No.193 Princes Avenue adjacent to plot 15. *(The case officer notes that the pedestrian access from the north of the site onto Gatcombe Close is at the request of officers to increase permeability, whilst the additional access alongside the side of No.193 Princess Avenue has now been designed out of the scheme.)*
- If the above footpath was removed it might be possible to re-orientate some of the units so that they overlooked the dwellings in Princes Avenue to increase natural surveillance. *(The case officer notes that as this would cause loss of privacy and over looking issues, the developer had been asked to design the scheme with no main windows overlooking onto Princes Avenue).*
- The design of the development may leave boundary elevations comprising of high close boarded fencing or similar adjoining the public domain and footpaths, which may attract graffiti or damage and reduce surveillance. Also the flow of primary routes could see desire lines being created across the front gardens of properties adjoining, such as units 10, 11, 3 and possibly 2 and 15. *(The applicant has been asked to consider this aspect when submitting details pursuant to conditions for the boundary treatment).*
- A robust and efficient lighting scheme is recommended.
- Welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail, if no contact is made then they suggest a condition/informative to seek that the scheme comprises measures to minimise the risk of crime

Following the receipt of amended plans the Police advise that concerns from a Crime Prevention Through Environmental Design aspect regarding the design and layout have been addressed with regard to:

- The removal of the footpath and steps to the common area,
- Gating and fencing the common land that had an informal footpath between Gatcombe Close and Princes Avenue
- The removal of the common bin storage area in favour of plot bin and cycle storage areas
- Detailed boundary treatments

- The use of the Association of Chief Police Officers Secured by Design initiative to address security of the individual units

Environment Agency has written to advise:

- The recommendations and analysis of risks and liabilities detailed in the submitted site investigation report are agreed in principle and the proposals for remediation works at the site are generally acceptable. However any relevant planning condition should not be discharged until all the works are complete and a verification report submitted.
- Further clarification should be sought from the Local Authority EHO with respect to issues related to harm to human health.
- No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approval details.

Natural England has written to advise the following:-

- Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that *'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'*
- If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- This application may provide opportunities to incorporate features into the design, which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat,*

restoring or enhancing a population or habitat.

- Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Kent Wildlife Trust – has written to advise that it has no comment.

Three letters have been received from members of the public with regard to the first set of plans in summary raising the following concerns:

- Loss of privacy to the garden and bedroom
- Fence is not high enough
- Resident lost part of their garden
- Loss of green outlook
- Highway safety due to increased traffic movement. To the south the road curves away and cars park on the pavement – reduced vision.
- Concern that there will be debris left on the road
- Adequate trees/high hedges and maintenance are included in any conditions along with all the conditions from MC2004/218- onwards.
- Design not high quality and not in keeping with the area
- How can the land owner be trusted to maintain the retained trees as they do not maintain them at present
- Tree report is out of date
- Noise disturbance by cars
- Parking insufficient
- Development will lead to crime and vandalism due to the secluded areas on the plan where groups can congregate
- Vehicle and pedestrian access is compromised as there is one access route in and out of the development
- Un-recognised footpath, which runs from Princes Avenue between 193 and 15 Downland Walk. This path is used as a short cut. If the development goes ahead this unauthorised use will increase.
- Strip of land would need closing at the top and bottom otherwise the land will be used for fly tipping

Seven letters have been received since the receipt of amended plans in summary raising the following concerns:

- The entrance to the new development would be directly opposite and will have a direct impact on both the view from our property and the access to our own driveway.
- Parking along Peacock Rise is already tight at weekends and the new development does not have enough allocated parking to reasonably assume that there would not be a significant increase.

- Amount of foot traffic, traffic and littering.
- Loss of privacy in garden
- Impact on the overall price of property
- The position of the entrance will not only increase traffic along the road as a whole but will make it significantly harder to reverse off our driveway
- Property currently not overlooked but will be if the development goes ahead
- Noise pollution
- Light pollution
- Foot traffic using land to the side of 193 Princes Avenue
- Increased volume of traffic on Peacock Rise will restrict safe access for residents of Peacock Rose, it is a blind corner coming up and down the hill – particularly hazardous when it snows/icy
- Other road users park their cars on the Peacock Rise making it very tight for two way traffic
- Design not high quality and not in keeping with the area
- How can the land owner be trusted to maintain the retained trees as they do not maintain them at present
- Trees with TPO's on the site
- Overlooking, loss of privacy
- Noise disturbance by cars
- Parking insufficient
- Development will lead to crime and vandalism due to the secluded areas on the plan where groups can congregate
- Vehicle and pedestrian access is compromised as there is one access route in and out of the development
- Un-recognised footpath, which runs from Princes Avenue between 193 and 15 Downland Walk. This path is used as a short cut. If the development goes ahead this unauthorised use will increase.
- Strip of land would need closing at the top and bottom otherwise the land will be used for fly tipping
- This land has been used as a through way for numerous years by a large number of school children on route to school. Concern regarding their safety as the increase traffic at this site. Medway council has instigated traffic calming and road crossings along the route that the school children take; this will be undermined by this application.
- Increased traffic during construction
- Loss of green space, which will affect the local wildlife.
- Family walk the dogs on the land.
- Affect the scenery and leave little open space

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

Background

The application site relates to land to the rear of 187/193 Princes Avenue, rear of 32/41 Gatcombe Close and north of Peacock Rise. The application concerns a rectangular parcel of land, which slopes steeply from the west down to the east. The land to the north of the application site is an area protected under policies L3 (Protection of existing open space) and BNE36 (Princes Avenue Site of Nature Conservation Interest and/or Local Nature Reserve) of the Medway Local Plan 2003.

The application site is overgrown with a scattering of mature trees, including two ash trees in the north-west corner of the site, which are subject to a Tree Preservation Order (TPO).

An outline application for the construction of 15 dwellings with integral garages and associated parking was approved with conditions in December 2011. Access and scale were approved and as such the only matters for consideration in this application are layout, appearance and landscaping.

This application is a reserved matters application pursuant to the original outline and as such the principle of the development is not a matter for consideration. In addition, matters such as developer contributions are also not available for consideration at this stage.

Main Issues

The main issues for consideration in this matter are:

- Street Scene, Design and Landscaping
- Neighbour Amenities
- Drainage and Flooding
- Ecology
- Trees
- Contamination
- Impact on the Highway and Parking

Street Scene and Design

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.

Para 001 of PPG Design states "*Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place.*"

The design strategy for the site has been based around a “typical” street scene found in the local area comprising a spine access road serving the housing to each side with formal frontages overlooking the street and providing a sense of place whilst offering some natural surveillance. The houses have been designed to make use of traditional pitched roof forms and traditional materials, which are widely used in the area.

The height of the buildings reflects the properties further along in Peacock Rise, which are 2-storey. These buildings also have a line of dwellings below them which adds to the overall mass and character of the area. The height of the buildings will remain below the adjoining development height.

The developer has advised that the proposed scheme places sustainability at its core. The buildings are to be constructed using an off-site modular building method, which is pioneering in its use of steel frame to create highly insulated, high performance homes. Buildings can achieve up to passive house standards in terms of the building envelope specification. In addition the development is designed to scheme Level 4 of the Code for Sustainable Homes as well as Lifetime Homes Criteria. This is accordance with Para 004 of PPG Design, which states *“Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques.”*

Para 040 of PPG Design states, *“In terms of parking, there are many different approaches that can support successful outcomes, such as on-street parking, in-curtilage parking and basement parking. Natural surveillance of parked cars is an important consideration. Car parking and service areas should be considered in context to ensure the most successful outcome can be delivered in each case.”* Parking has been provided in a mixed way with on-curtilage car parking spaces in the houses (in garages and to the front) and on off-plot for the maisonette flats and visitors. In addition the houses have been designed to overlook the street and in turn the parking areas and as such provide some natural surveillance.

Waste storage has been provided to meet Medway Council’s standards and is provided on plot for the houses and in the form of bin stores for the maisonettes, which while not ideal within the street scene are necessary and have been designed into the scheme and as such will not be overly dominant within the development.

The site is situated on an east facing chalk slope and is surrounded by medium density housing on the west, south and east with the northern boundary flanked by the Local Wildlife Site, which is mostly chalk grassland with scattered copses and tree belts. It is proposed to provide each house with private front and rear gardens, with the maisonette flats sharing gardens.

Due to the slope of the site a lot of material will need to be removed to provide a suitable access and as such retaining structures will form an integral part of the development of the site. The new roadway, whilst following the existing contours of the site, will still need to be supported at the eastern side by means of a retaining bank.

Soft landscaping is proposed to the front of each property comprising ornamental shrubs and hedging. This together with trees and shrubs along the access road will seek to soften the appearance of the development. Some of the existing trees on the site are proposed to be retained (see the section below on trees).

There is currently an existing pathway leading down from the site to Princes Avenue. This was formerly the original driveway to the single house previously on the site. The pathway is informally closed at Princes Avenue. It is proposed to fence this area off to prevent crime in this area.

Currently there is a pedestrian route through the site connecting Peacock Rise to Gatcombe Close. This is not a formal right of way. Condition 8 of the outline application MC2008/1043 seeks that there are measures to prevent the pedestrian link in the south west corner of the site being accessed by motorcycles. The proposed scheme blocks off this area to prevent it from being used by the general public as a thoroughfare.

The development is considered to be in accordance with policies BNE1 and BNE6 of the Medway Local Plan and with the NPPF.

Neighbour Amenities

Policy BNE2 of the Local Plan seeks to ensure that the amenities of existing and future residents are safeguarded. The closest property to the site is No.26 Peacock Rise; due to the land levels the site is set some 5.5m lower than the neighbour. The flank of plot 9 is approx. 15m from the flank of the neighbour, there are no windows proposed for the flank of this property and as such due to the level differences it is considered that there will be no significance issues with regard to the loss of outlook, daylight, sunlight or privacy. No.26 Peacock Rise will have an oblique view across the rear garden of plot 2. However the garden is set in excess of 15m away and is very wide (over 18m) and as such it is considered there is ample space for a private area to be created and no objection is raised.

No.10 and 11 Peacock Rise are set opposite the access drive approximately 14m to the south. Plots 1 and 2 are set in excess of 21m from the houses and as such are not considered to cause a negative impact with regard to loss of outlook, daylight, sunlight or privacy. It is acknowledged that car lights may affect the houses as vehicles access and egress the site. However, this was not seen as an issue in the outline application and the site access has not moved. As such this aspect is deemed acceptable.

The pitched roofs of the proposed dwellings are set approx.2-3m below the ground level of the properties in Gatcombe Close and as such it is considered that there will be negligible impact on these houses with regard to loss of outlook, daylight, sunlight and privacy.

The proposed houses are set in excess of 40m to the west of the houses in Princes Avenue with the flank wall of plot 3 and 4 set facing the existing houses with no flank wall windows proposed. The flank wall of these units are just 10m in width which

combined with the distances involved is not deemed not to cause a significant loss of privacy, daylight, outlook or sunlight. While it is regrettable that the development will alter the outlook of the houses in Princes Avenue by removing the current green backdrop and replacing it with a housing development set some 16m above the ground floor level of the houses it is on balance deemed acceptable with regard to policy BNE2 of the Medway Local Plan 2003.

The proposed dwellings are all in accordance with the minimum standards set out in the Medway Housing Design Standards as set out in the table below:

Plot	Number of bedrooms	MHDS Minimum gross internal floor area	Gross internal floor area (minimum)
1	3b5p	96sqm	99.5sqm
2	3b5p	96sqm	99.5sqm
3	1b2p	50sqm	57.97sqm
4	1b2p	50sqm	57.97sqm
5	1b2p	50sqm	57.97sqm
6	2b3p	61sqm	62.36sqm
7	2b3p	61sqm	62.36sqm
8	2b3p	61sqm	62.36sqm
9	3b5p	96sqm	99.5sqm
10	3b5p	96sqm	99.5sqm
11	3b5p	96sqm	99.5sqm
12	1b2p	50sqm	57.97sqm
13	1b2p	50sqm	57.97sqm
14	2b3p	61sqm	62.36sqm
15	2b3p	61sqm	62.36sqm

In addition to this gardens for the houses are provided in excess of 50sqm with the gardens of plots 2 and 9 over 63sqm. Gardens are also provided for the maisonette flats with each pair sharing a garden e.g. plots 3 and 4 share a garden, plots 5 and 6 share a garden etc. This is seen as a very positive aspect of the scheme where gardens of this nature are not normally provided. It is acknowledged that the rear of the maisonette flats will be limited with regard to outlook, daylight and sunlight due to the retained trees/hedges along the northern boundary but this is a regrettable consequence of a housing development on this site, which has so many constraints (e.g. topography, ecology, trees etc).

Taking all the above into account and in light of the extant outline permission the development is considered to be in accordance with policy BNE2 of the Medway Local Plan 2003.

Drainage and Flooding

The site lies close to an area which is considered to be at risk of surface water flooding in accordance with the Environment Agency 'Risk of Flooding from Surface Water' flood map. The principle of the proposed drainage included within the Design and Access statement is considered to be acceptable. However further information is required. This is dealt with by way of the conditions on the outline permission, which seek to control the drainage and are required to be discharged prior to commencement.

Ecology

The site is located within the urban boundary but is set adjacent to Chalk Bank Local Wildlife Site and Princes Avenue Site of Nature Conservation Interest and is protected under policy BNE36. This wildlife site is an attractive and important landscape feature, which provides a valuable open space close to a large urban area providing a green backdrop to residential development along Princes Avenue and the built up areas to the west.

The site is dominated predominately by unmanaged and unimproved chalk grassland on gentle and steep slopes. Native shrubs and trees border the northern and western boundaries of the site. The predominant species are hawthorn, hazel whitebeam, elder, dogwood, ash sycamore, field maple and cherry. The chalk grassland is typically formed from a diverse mix of grasses and herbaceous plants. The relatively flower rich grassland consists of species such as yellow oat grass, kidney vetch, ox-eye daisy, meadow vetchling and ribwort plantain among others.

Policies BNE36, BNE37, BNE38 and BNE39 of the Local Plan seek to protect the countryside and wildlife habitats, features and statutory protected species for their own sake and any development should be sited, designed and landscaped to minimise harm to the areas landscape character and function.

The NPPF at paragraph 109 seeks to ensure that the planning system contributes to and enhances the natural local environment. One of the ways to do this is through "*minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*". The outline permission laid down a number of conditions to try and ensure that the loss of wildlife is minimal. These are set out below:

Condition 19 states:

Prior to the commencement of any development works, a site investigation shall be undertaken to determine whether any protected species such as slow

worms, newts, dormice, common lizards or bats (including their roosts) are on site. No development or other work at the site shall take place until the results of the survey investigation and any mitigation measures required to safeguard these species on site (as well as their roosts/habitats) from the proposed development has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures and any long term management shall be undertaken in their entirety within the timescales set out in the approved document.

Condition 20 states:

The details submitted pursuant to condition 1 shall include provision for artificial bat roosts and bird nest boxes within the buildings, together with details of other measures for enhancing the biodiversity of the site. The roosts, nest boxes and other measures shall be provided prior to the occupation of any of the buildings and shall be maintained thereafter in accordance with the approved details.

An Ecology Survey has been submitted with the application. However it is considered that there is insufficient detail in order to discharge these conditions at this stage and as such it is recommended that the conditions are retained for discharge prior to commencement.

Trees

The committee report relating to outline planning application MC2008/1043 took into account the trees acknowledging that there are also a number of medium sized deciduous trees and hedgerow around the perimeter of the site in particular to the north, west and east. Therefore the development needs to be considered in terms of policies BNE41, BNE42 and BNE43 of the Local Plan which seek to safeguard existing trees and hedgerow of merit when considering new development. *The report states:*

Given the topography the development will require extensive earth works and ground leveling works and the removal of a number of trees (at least 20) internally within the site due to these land level changes and to facilitate the construction of an access road. However, although as a collective group the trees provide a significant green screen between neighbouring housing development, as individual trees many have been categorized as low or poor value making them unsuitable for retention in any case within the development.

The most prominent trees on the site are growing on the western boundary of the development. These form a valuable screen between the proposed development and the properties in Gatcombe Close. In addition the existing hedgerow along the northern boundary provides a very important division from the adjacent ecological enhancement area along with areas of informal and formal public open space and Princes Avenue Site of Nature Conservation Interest. It is considered that very important that this natural native hedgerow be retained and enhanced as part of any development on the site. The hedgerow adjacent the rear properties along Princes Avenue is also considered important to retain.

It is also important to retain planting on the boundary with Peacock Rise and boundary treatment needs to be carefully planned to support retention of boundary planting where possible. This will be considered within any reserved matters submission.

The outline planning permission contains a condition which takes the above matters into account. Condition 8 of this permission is set out below:

The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting. The details shall include provision for the retention of the historic stone that exists on site; existing and proposed site levels including cross sections through the site; measures to prevent the pedestrian link in the south west corner of the site being accessed by motorcycles; measures to retain and protect the two protected ash trees in the north west corner and all perimeter trees and hedgerow plants; shall provide areas of soft landscaping along the boundary facing onto Peacock Rise; shall include areas of soft landscaping within the site and frontage private garden areas; and implementation date. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. 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 Authority gives written consent to any variation.

The submitted tree survey identifies most of the trees on the eastern and southern boundary to be removed. It is not clear from the plans and survey which trees will be removed/retained on the northern boundary. With the exception of tree T41 (Field Maple), all existing trees on the west boundary are identified for removal, including the two Ash trees protected by Tree Preservation Order M151/2006. This is contrary to condition 8 of the outline permission but is perhaps an inevitable consequence of development of 15 units on this site, which has so many constraints.

Contamination

The report submitted with the application includes a desk top study and a site investigation. The desk top study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desk top study recommends that a site investigation is undertaken to support the conceptual site model.

An intrusive investigation has been undertaken at the site and has involved the excavation of 6 trial pits and 6 exploratory boreholes. Soil samples have been taken and tested for an appropriate suite of contaminants. Elevated levels of lead (5-990mg/kg), PAH's and Zinc (10-6100mg/kg) were detected at the site.

The report sets out that remediation is required at the site on plots 1, 2, 3 and 4 of

the proposed development. The remediation strategy, which has been submitted, is considered to be acceptable in principle. However, validation sampling will need to be undertaken to demonstrate that all of the contaminated material has been removed from plots 1, 2, 3 and 4. The relevant planning conditions attached to outline permission MC/08/1043 cannot therefore be discharged until all the works are complete and a verification report submitted to and approved by the local planning authority.

Impact on the Highway and Parking

The principle of the development in highway terms was established by the outline permission. The access arrangements have been subject to a Road Safety Audit undertaken by the Council. Suitable visibility is provided in each direction along Peacock Rise and a rumble strip is proposed adjacent to the access junction in order to slow vehicle access and egress. The access road is around 5.5 metres wide and follows the existing contours at a maximum gradient of 1:15, cutting into the contours towards the northern and western boundaries and supported on the lower side (east) by a retaining bank. The design of the access road allows for large vehicles to access the site, turn, and leave in a forward gear. A total of 27 parking spaces is proposed, through garages, individual driveways and parking areas adjacent to the access road. This complies with the Council's Residential Parking Standards, which require a provision of 26 spaces to serve the development.

In light of the above, the application is considered acceptable in highway terms and no objection is raised in respect of Policies T1, T2 and T13 of the Local Plan.

Local Finance Considerations

Not relevant.

Conclusions and Reasons for approval

The application seeks approval of reserved matters relating to external appearance, landscaping and layout for 15 dwellings with integral garages and associated parking. The principle of the development has already been established as a result of outline permission MC/08/1043. In design, amenity and highways terms the scheme is considered acceptable in accordance with the Development Plan; particularly policies BNE1, BNE2, BNE23, H4, T1, T2, T13 of the Medway Local Plan 2003.

This application would normally fall to be determined under delegated powers, but is being reported for Members' consideration due to the number of letters of objection that have been received contrary to officer recommendations.

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/>