

MC/14/2737

Date Received: 16 September, 2014

Location: Former Southern Water Site, Capstone Road, Chatham, Kent
ME5 7QA

Proposal: Demolition of redundant office and laboratory buildings and construction of 71 x three-bedroom houses; 11 x four-bedroom houses; 12 x one-bedroom flats; 8 x two-bedroom flats and 8 x three bedroom flats together with 193 car parking spaces and associated landscaping

Applicant: Brooke Homes Developments Ltd.

Agent: Mr Hicks CgMs Consulting 7th Floor 140 London Wall LONDON
Greater London EC2Y 5DN

Ward Luton & Wayfield

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 April 2015.

Recommendation Approval subject to:

- A) The applicant entering into an agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
- I. 25.5% affordable housing (28 units) comprising:
 - 12 x one bedroom & 4 x two bedroom apartments for affordable rent; and
 - 8 x three bedroom & 4 x two bedroom apartments for shared ownership;
 - II. The provision of a children's nursery in the Old Pump House or a contribution of £77,043.20;
 - III. Contribution of £136,640 towards primary school and secondary provision in the locality;
 - IV. The provision of a community hall in the Old Pump House or a contribution of £15,858.36;
 - V. Contribution of £47,652 towards improving pedestrian and cycle infrastructure in the vicinity;
 - VI. Contribution of £22,800 towards employment training and workforce development;
 - VII. The provision of landscaping in Luton Recreation Ground in accordance with drawing number 2160/14/B/13B plus £60,736.06 towards the maintenance of this landscaping for a period of 15 years;

- VIII. The provision of an emergency access to Nelson Terrace;
- IX. The submission and approval of a Construction and Environmental Management Plan (CEMP)

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: PL_001/01, PL_009/10, PL_010/10, PL_011/10, PL_012/10, PL_100/10, PL_101/10, PL_110/10, PL_111/10, PL_112/10, PL_150/04, PL_151/10, PL_152/10, PL_300/10, PL_310/10, 2160/14/B/3D & 2160/14/B/13B received on 11 March 2015;

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

- 3 No development above slab level 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 details shall also include details of suitable acoustic screening between the site and the retained southern water buildings to the north. The boundary treatment shall be completed before the occupation of the development 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 above slab level shall take place until details and samples of all materials to be used externally 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 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 side elevation of houses on Plots 12, 13, 57, 58, 70, 71 and 82 without the prior written approval of the Local Planning Authority.

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.

- 6 No development above slab level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft). 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 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.

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

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

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

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

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.

- 8 The roads, parking areas and any other public space within the site shall be lit in accordance with a lighting scheme installed on site before occupation of any building on site in accordance with details first submitted to and approved by the Local Planning Authority.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE1, BNE2 & BNE5 of the Medway Local Plan 2003.

- 9 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

Reason: To manage the risks of flooding during and post construction and for the lifetime of the development.

- 10 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 11 to 13 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 14 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.

- 11 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.

- 12 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.

- 13 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 occupation.

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.

- 14 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 11 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 12.

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 No part of the development shall be occupied, until the area shown on the submitted layout as vehicle parking space for that part of the development has been provided, surfaced and drained. 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 and garaging.

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

- 16 No development shall take place until full details of the methods to be incorporated in the precautionary approach related to protected species, as indicated in the submitted Ecology Phase 1 Habitat Survey by LaDellWood, dated July 2014, and the Bat Survey by Martin Newcombe dated 2 March 2015, especially in relation to bats and nesting birds have been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until these methods have been provided. Thereafter, the approved methods incorporated in the precautionary approach shall be maintained for the duration of the demolition and construction phases of the development.

Reason: In the interests of ecology and in accordance with the provisions set out under policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 17 No development above slab level shall take place until a parking management plan for the development has been submitted to and approved in writing by the Local Planning Authority. The parking management plan

shall include details of the allocation of spaces to individual dwellings, visitor parking, the marking out of the parking bays and arrangements for monitoring and enforcement. The parking management plan shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: To ensure an efficient management of residential and visitor parking within the development to preserve the amenity of existing and future residents in accordance with Policies BNE2 and T13 of the Medway Local Plan 2003.

- 18 No development above slab level shall take place until details of the traffic calming measures, shown on drawing PL_009 Rev 10 have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details prior to the occupation of the development and thereafter retained.

Reason: To safeguard interests of highway safety and amenity in accordance with Policies BNE2 and T2 of the Medway Local Plan 2003.

- 19 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place above slab level until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before occupation of the development and retained thereafter.

Reason: In the interests of security, crime prevention and community safety in accordance with policy BNE8 of the Medway Local Plan 2003.

- 20 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 approved details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework.

- 21 No development above slab level shall take place until details of mechanical ventilation for the habitable rooms of all properties and thermal glazing for all rooms of all properties has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of amenity in accordance with policy BNE2 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

The application, as amended, seeks consent for the demolition of redundant office and laboratory buildings and construction of 110 dwellings, comprising 71 three-bedroom houses; 11 four-bedroom houses; 12 one-bedroom flats; 8 two-bedroom flats and 8 three-bedroom flats together with 193 car parking spaces and associated landscaping.

The proposed development would be accessed via the existing roundabout on Capstone Road utilising the existing access road and leading to a series of internal access roads. The submitted layout shows a collection of primarily terraced housing ranging from five to ten houses per terrace. Four of these terraces would be located on the south-eastern side of the access road, adjacent to the recreation ground, with a north-east/south-west orientation. The remaining terraces would be on the north-western side of the access road. The dwellings are generally 3-storey. The scheme also includes flats that would be located in two 4-storey blocks in front of one of the retained Southern Water buildings to the northern part of the site. Across the site, parking is generally on-street. With regard the trees, there is a mix of retention and replacement proposed. The submission also shows a planting strip along the south-eastern boundary to the application site with a maximum width of 10 metres. This planting strip is outside the application site and within Luton Recreation Ground, which is owned by Southern Water and leased to Medway Council Greenspace Services.

The application, as originally submitted proposed 117 units, with 189 car parking spaces, but following negotiations the number of units has now been reduced to 110 and the number of car parking spaces increased to 193. Amendments during the course of the application have also included design and landscape changes.

Site Area/Density

Site Area: 2.03 hectares (5.02 acres)

Site Density: 54.18 dwellings per hectare (21.9 dwellings per acre)

Extant Permission - MC/05/0211

Site Area: 0.995 hectare (2.45 acres)

Site Density: 69 dwellings per hectare (28 dwellings per hectare)

Relevant Planning History

MC/12/0098	Application for a new planning permission to replace extant planning permission MC/05/0211 (construction of three blocks comprising 69 x one and two bedroom flats with associated landscaping, car parking and cycle store and upgrading of access road) in order to extend time limit for implementation Approved with Conditions, 20 March 2013
MC/05/0211	Construction of three blocks comprising of 69 one and two bedrooms flats with associated landscaping, car parking, refuse and cycle store and upgrading of access road Approved with Conditions, 2 April 2007

Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Environment Agency, Natural England, KCC Archaeology, KCC Biodiversity, Kent Police Crime Reduction Unit, EDF Energy, Southern Water Services, Southern Gas Networks, Rochester Airport, NHS Property Services, Sport England and Medway Fire and Rescue Service have also been consulted.

Initial Consultation

One letter has been received raising the following objections:

- Over development – 50 dwellings per hectare is inappropriate for an edge of town and a higher density than the surrounding area;
- There are conifers on site, covered by a Tree Preservation Order that need to be kept and those which need to be cut down should be replaced in accordance with recent court decisions and the NPPF;
- There is no open space on the site and this should be provided in addition to Luton Recreation Ground; and
- There has been inadequate local consultation.

The **Environment Agency** comment that the reports submitted with the application are in line with good practice although sampling has been limited to areas accessible to date and that further sampling may be required once demolition and clearance are complete. The Environment Agency recommend conditions to be attached to any planning permission.

Southern Water object to the submitted layout on the grounds that:

- There is inadequate protection to existing plant on the site. Significant easements are required to protect the apparatus or diversions at the applicant's expense under the terms of the Water Industry Act. The location of the apparatus must be confirmed on site and a layout produced which provides adequate easements;

- There are adits beneath the site, which link directly to the operational water supply well, within Southern Waters retained land. There is significant risk to public water supply through migration of potential contaminants and through ground disturbance causing turbidity to the water supply. The applicant must demonstrate that the proposed foundation design will not adversely affect the adits and that appropriate measures will be taken to protect the public water supply from contamination.
- Southern Water requests that the application is refused or deferred until such time as adequate protective measures are agreed between the applicant, Medway Council and Southern Water for the existing plant on site and that a safe method of working to reduce the risks to public water supply are agreed.

Sport England has raised no objection to the application as it consists of land incapable of forming part of a playing pitch and would lead to no loss of ability to the use or size of an existing playing pitch.

Southern Gas Networks has commented on the application and raised no objections to the proposal.

Kent Police have commented on the application with regards crime prevention through environmental design. The application considers crime prevention in the planning statement and this is welcomed. No objections are raised and a condition and/or informatives are recommended.

Re-consultation

Southern Water have written stating that the need to ensure the protection of their assets is paramount, particularly the ground water protection zone and water supply that are drawn from the adits beneath the site and via the operational public water supply wells within Southern Waters retained land. There is a significant risk to the public water supply from the proposed development through the migration of potential contaminants and ground disturbance causing turbidity of the water supply and disturbance to the structure of the adits.

The applicant has indicated that the proposed foundation design is unlikely to affect the adits and that they will undertake appropriate measures to protect the public water supply from any contamination, disturbance, etc during the demolition, construction and use of the land thereafter. Southern Water will therefore require that technical measures to protect the public water supply are incorporated in a Construction Environment Management Plan (CEMP) which is to be agreed with Southern Water and with which the applicant would be required to enter into a S106 Agreement to ensure compliance with. Southern Water advise that Brooke Homes has acknowledged that a CEMP will be required and they advise on the key elements that the CEMP would need to cover. A CEMP would need to be put in place prior to commencement of the development.

The proposed off site planting, i.e. buffer zone along the south-eastern boundary of the site as shown on Landscape Strategy Drawing 2160/14/B/3 and revision is on land owned by Southern Water. Southern Water is supportive of the landscaping subject to the need to safeguard the security of the operational site. There should be

no planting close to the boundary that would assist unauthorised entry to the site such as a tree which when mature someone could climb and get over the fence. Furthermore, no large standard trees should be planted over the line of the adit in the playing field.

Development Plan

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

Planning Appraisal

Background

This is the latest application for the development of this site, there having been previous applications in 2005 and 2012; the latter was approved in 2013 and is still extant. It should be noted that the current application site is slightly different from the area allocated for housing under Local Plan Policy H1 in so far as it excludes the large building to the rear of the site, and includes land to the south-east of the access road which is not within the allocated area but is within urban area. The current application site also differs from the site of the previous applications (MC/05/0211 & MC/12/0098), which only related to the front part of the site and at 0.995 ha (2.46 acres) were much smaller.

Principle

The principle of the development of this site is accepted in accordance with the provisions of Policy H1 of the Local Plan, which allocates the site for residential development with a nominal provision of 60 units. Policy H1 also states that mature trees should be retained, disused wells within the site should be backfilled before construction begins and any necessary mitigation measures should be implemented. Policy H4 of the Local Plan also supports the principle of residential development in urban areas, including the use of vacant or derelict land and/or the redevelopment of existing residential areas and infilling in such areas providing that a clear improvement in the local environment will result. As such a detailed consideration of the scheme is required to ascertain whether the local environment would improve as a result of the development and whether the proposal would provide an attractive living environment.

Streetscene, Layout and Design

The frontage of a scheme is a particularly significant element as it is the most prominent and with this scheme it is therefore important to present an attractive frontage to Capstone Road. The character of the immediate surrounding area is of grassy banks and verges facing the roundabout. These provide an attractive foreground for the existing suburban development and mitigate, to an extent, the impact of the traffic in Capstone Road. It is therefore appropriate that the frontage of the development should demonstrate the same sense of spaciousness and

greenness. The proposed layout shows a green strip along the site frontage. Most of the trees along the Capstone Road frontage are to be retained, although the north-eastern end of the green strip is open. The Landscape Strategy drawing shows native hedge and tree species along this part of the site frontage. The proposed development would, therefore be set back into the site and in this regard would respect the generally character and appearance of the locality which is one of openness with properties set back, contrasting with the tighter urban development of Luton to the north-west.

The general layout is of long streets of terraced houses with on-street parking. The proposed scheme has been amended to improve the site entrance and to provide some separation between the terraces. Apart from the five units at the end of the site, which face towards the south-east, all of the terraces and the proposed flats would have a south-west/north-east orientation. Planting areas have been provided within the parking areas to break up the car dominate appearance of the proposed development. The scheme has been amended so that the end of terraced houses fronting onto a highway incorporate features such as bay windows to give a return frontage. The blocks of flats have been revised, primarily to make them narrower and so free up room across the depth of the site to allow for more generous pavements and planting than hitherto.

The proposed scheme is now considered to be acceptable and in accordance with Policies BNE1 and H4(ii) of the Medway Local Plan 2003.

Landscape Mitigation

The Landscape Strategy Drawing shows mitigation planting within Luton Recreation Ground, adjacent to the south-eastern boundary of the application site. This planting is an important element of the scheme in so far as it would soften the proposed development when viewed from the south-east. The flank walls of the proposed houses would be close to the application site boundary (Units 25 and 25), and (Units 39 and 40), leaving little scope for screening within the application site. Furthermore, the application site boundary also forms the boundary between the urban area, and the Capstone, Darland and Elm Court Area of Local Landscape Importance (ALLI) as defined on the Proposals Map to the Local Plan. The provision of a robust landscape buffer along this boundary is a key element of the scheme, which is sought in accordance with the provisions of Policy BNE6 of the Local Plan and is supported by Paragraph 58 of the NPPF.

The proposed planting strip would be on land which is owned by Southern Water and leased to Medway Council and it could encroach upon existing sports pitches. There have been discussions between the developer and Medway Council's Greenspace Services regarding the planting scheme, who advise that this must not be to the detriment of the existing sports facilities (notably the 2 x football pitches and the 1 x cricket outfield) and any planting would need to ensure the guidelines of each these sports governing bodies are fully adhered to (for example the Football Association requires a 'run off zone' of a minimum of 6 metres which needs to be unobstructed both on the ground and 'in the air'). The latest drawings (2160/14/B/3D & 2160/14/B/13B) have been considered by Greenspace Services and are considered to be acceptable subject to the applicants paying a commuted sum of £60,736.06

towards the maintenance of the planting strip. The applicants have confirmed that they are agreeable to paying this sum. Accordingly, no objection is raised in term of landscape mitigation or the impact of the proposed planting on the existing sports facility under Policies BNE6 and L1 of the Local Plan and Paragraph 74 of the NPPF.

Trees

The site is covered by an Area Tree Preservation Officer. An Arboricultural Report was submitted with the application which identified 77 trees or groups of trees on the site and on the adjoining Southern Water land not forming part of the application site. These trees are in various conditions and some are shown to be retained under the submitted scheme and some to be removed. The important trees shown to be retained are those along the site frontage, either side of the site entrance, and a group of trees in front of the former pump house building. Other trees are to be removed either on account of their condition or poor amenity value, such as a group of conifers along the south-eastern boundary close to the compound. There has been extensive discussions with the applicants regarding the retention and the protection of trees both during the carrying out of construction work and following completion of the proposed development and the occupation of the houses and flats. The latest proposals, shown on drawing PL_010/10 are considered to be acceptable in this regard and no objection is raised under Policies BNE41 and BNE43 of the Local Plan and Paragraph 118 of the NPPF.

Amenity Considerations

The site is bounded by the recreation ground to the north-east and south-east and by Capstone Road to the south-west. The only side where it is bounded by built development is to the north-west. A public footpath runs along the north-western boundary, beyond which is the curtilage of a former public house which is currently empty. The curtilage of Nelson Court, a care home also adjoins this footpath, but the property is well screened. The proposal would not, therefore, result in any unacceptable overlooking, loss of light or loss of privacy to the occupiers of any neighbouring properties. The proposed development would not, in itself generate unacceptable levels of activity, noise and disturbance that would be detrimental to the amenities of the occupiers of any nearby properties. There is, however, potential for noise and disturbance during the carrying out of construction work. In the event of planning permission being granted, the submission and approval of a Construction Environment Management Plan (CEMP) would be a requirement of any S106.

The layout of the proposed development has been designed to ensure that in most areas a minimum back to back privacy distances of 20 metres between houses and a minimum of 15 metres from front/rear of properties to flank walls. The proposed development, would not, result in unacceptable loss of light or loss of outlook within the development. The Medway Housing Design Standards have now been superseded by the National Housing standards, which although not adopted by Medway Council, do provide a good guide in terms of the acceptability of the internal amenity of properties. The National Standards are very similar to the former MHDS.

Number of bedrooms and occupancy	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living/ Dining/ Kitchen Good practice Minimum floorspace	Proposed Living/ Dining/ Kitchen floorspace	MHDS Bedroom Good practice Minimum floorspace	Proposed Bedroom floorspace	MHDS Bathroom Good Practice Minimum floorspace	Proposed Bathroom floorspace
1b2p Flat	50 sqm	50/51 sqm	23 sqm	26 sqm	Double 12 sqm	14.7 sqm (Double)	4.4 sqm	4.7 sqm
2b4p Flat	70 sqm	70 sqm	27 sqm	28.2 sqm	Double 12sqm	12.4 sqm 15.3 sqm (Double)	4.4 sqm	3.75 sqm +2.5 sqm
3b5p Flat	86 sqm	82 sqm	29 sqm	28.2 sqm	Double 12sqm Single 8 sq m	12.4 sqm 15.3 sqm (Double) 10sqm (single)	6.8sqm	3.75 sqm +2.5 sqm
3b5p House	102 sqm	106 sqm	29 sqm	31 sqm	Double 12sqm Single 8 sqm	12.5 sqm 14.5 sqm (Double) 11sqm (single)	6.8 sqm	4.18 sqm (x 2) +2.2 sqm
4b6p House	113 sqm	113 sqm	31 sqm	36.5 sqm	Double 12 sqm Single 8 sqm	14.5 sqm 16.7 sqm (Double) 9.5 sqm 10.8 sqm (single)	6.8 sqm	5.28sqm + 3.96sqm +2,2 sqm

With the exception of the three bedroom/five person flats, the space standards meet the requirements of the MHDS. These flats contain two double and one single bedroom. However the units only fall by a small percentage (4sqm), and make up a small portion of the overall housing numbers. Furthermore this style of unit is less likely to have full occupancy. As originally submitted, garden lengths in several cases fell below 10 metres. The scheme has now been amended so that most gardens are 10 metres, with the exception of Units 58-71 which would be 9 metres deep. Tests have been done on the amount of daylight penetrating the rather deep plans of all dwellings. These appear to allow sufficient light if windows are to the full height of the rooms. In order to protect privacy between certain properties a condition is recommended restricting the insertion of windows in the side elevations of some plots.

A noise report has been submitted by the applicant, which notes that the main source of noise is from traffic using Capstone Road and some noise from Southern Water plant that would remain after development. Southern Water would still be operating some plant and equipment on its operational land adjacent to the application. Overall, the report finds that traffic noise would be reduced to a level below that recommended by BS8233:2014 by installation of standard thermal double glazing. The report identifies the need for some limited sound protection for nearby residential properties by way of fencing. A condition is recommended to secure these aspects together with appropriate mechanical ventilation.

Subject to the aforementioned conditions no objections are raised in terms of neighbour amenity and the provisions of Policy BNE2 of the Medway Local Plan 2003.

Transport and Highways

Trip Generation and Access

The applicant's Transport Assessment uses the TRICS database to predict the number of trips generated by the development. It estimates that there would be up to 45 two-way vehicle movements during each peak period, with each dwelling predicted to generate an average of around 3 vehicle movements per day. The extant planning permission for 69 flats was predicted to generate up to 17 two-way vehicle movements during each peak period, with each dwelling predicted to generate an average of 2.7 vehicle movements per day. The previously approved scheme with an extant permission (MC/12/0098) would retain the existing Southern House and Laboratory building with Class B1 use, which are proposed to be removed as part of the current scheme. It is estimated that these Class B1 uses would have generated 24 vehicle movements during each peak period and a total of 309 movements per day. On this basis, the current proposal would generate around 4 additional vehicle movements during each peak period than the extant planning permission and a lower number of trips across the whole day. The additional traffic at peak times would not have a significant material impact on the operation of the local highway network over that previously considered and therefore no objection is raised in respect of Policy T1 of the Local Plan.

No alterations to the existing vehicle access junction are proposed which, in light of the traffic generation analysis, is considered acceptable and in accordance with Policy T2 of the Local Plan. An emergency access to the site is also proposed using the existing gated access off Nelson Terrace and this would be secured in a S106. The application also proposes a pedestrian/cycle access to Nelson Terrace, which would afford residents a shorter route to the local shopping area. The submitted drawings show 1.5 metre wide footpaths. Generally pedestrian movement into and within the site is acceptable and so no objections are raised.

The internal roads would be between 5.5 metres and 6 metres wide, which would easily accommodate two-way traffic flow and a vehicle-tracking diagram demonstrates how a large refuse vehicle would negotiate the layout. Some indicative traffic calming measures have been shown on the plan to encourage lower vehicle speeds and assist in pedestrian crossing points and a condition is recommended to

agree further details of these measures.

Car Parking

The Council's Parking Standards indicate that a minimum of 232 spaces (compared to 240 spaces on the scheme as originally submitted) should be provided, comprising 204 spaces for residents and 28 spaces for visitors. The application proposes 193 spaces (compared to 189 spaces on the originally submitted scheme), of which 110 spaces (one per unit) would be allocated to the dwellings and 83 spaces would be available for general use. At the time of the last Census, average car ownership in the area was 0.96 per dwelling. The government guidance document 'Residential Parking Research (CLG 2007) contains a formula for calculating parking demand for new developments using existing car ownership data and making adjustments based on dwelling size and tenure. Applying the methodology to this development produces an estimated demand for 130 parking spaces. Based upon the proposed allocation of one space per dwelling, this number increases to 147 spaces, with a further 22 spaces recommended in order to accommodate visitor parking. The evidence based approach therefore suggests that the proposed development provides at least 169 spaces. A condition is recommended requiring the submission and approval of a car parking management plan, together with hard surfacing materials.

The site is located within 800 metres of local amenities in Luton, and public transport frequency along Capstone Road is high. Whilst the site is accessible by modes other than the private car, some improvement to pedestrian and cycle infrastructure is considered necessary in order to properly connect the site with the wider network. The existing cycleway on the south-eastern side of Capstone Road, for example, could be extended northwards along the site frontage and linked to the western side of the carriageway through improvements to the crossing island. The Transport Assessment considers the Council's Guide to Developer Contributions and suggests a financial contribution. This would fund improvements to pedestrian, cycle and public transport infrastructure in the vicinity of the site that would promote sustainable travel and provide safe routes to local schools.

In light of existing car ownership data for the area, the proximity of public transport links and subject to a section 106 contribution towards improved pedestrian, cycle and public transport infrastructure in the vicinity of the site, the number of car parking spaces proposed is considered acceptable and no objection is raised in relation to Policy T13 of the Medway Local Plan 2003.

Ecology

A Phase 1 Habitat Survey has been submitted with the application advising that there are areas of grassland that have not been cut for sometime and this is likely to increase ecological interest. There is potential for the grassland to have been used by protected reptiles species, although according to the report there are no records of reptiles of the site. Following the submission of the survey the applicant confirmed that for a number of years the grass has been cut back at least twice a year. While twice-yearly cutting does not completely rule out the presence of reptiles, taking into account the extent of hard standing across the site and some points of clarification

provided by within the Further Ecology Submission, the potential for reptiles being present and affected by the proposed development is sufficiently minimal so as not to require a reptile survey prior to determination. It has been confirmed that the on-site pond is not suitable for great crested newts.

There is potential for nesting birds on the site and any tree or shrub (or ivy) work should be carried out outside of the bird nesting season to minimise the potential for impacts to and offences against nesting birds. One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". In addition to any necessary mitigation, ecological enhancements within the proposed development should be provided. An outline of the proposed landscaping has been submitted and this demonstrates the potential for securing benefits for biodiversity on the site. A bat survey has been submitted in support of the application. No evidence of the presence of bats was found on site however the survey does recommend a series of precautionary measures which should be implemented during construction.

The applicant has also provided information with regards the habitats regulations assessment within the 'further ecology submission'. The applicant has highlighted the distance from the European sites in the Medway estuary as being over 3km and that connections to these sites through the urban area is difficult. Furthermore access from the site to the Capstone Country Park and footpath network on the North Downs is good providing a full range of suitable alternative recreation facilities. Work is ongoing with regards the impact of development on bird disturbance in North Kent but currently the level of information provided by the applicant is considered sufficient with regards the habitat regulations and an appropriate assessment is not required.

Subject to an appropriate condition relating to bats and nesting birds the application is considered to be acceptable with regards ecology matters and accords with the provisions of policies BNE35 and BNE37 of the Local Plan and paragraph 109 of the NPPF.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) was submitted with the application, which identifies the site as being within Flood Zone 3, which is representative of a high risk of flooding. The risk of flooding from rivers or seas is minimal, there is, however, a risk of surface water flooding. The area is a known water hotspot during periods of intense and prolonged rainfall events. Shallow soakaways are proposed and this approach is acceptable in principle. Any sustainable drainage scheme (SuDs) should be designed in accordance with the SuDs management train principles utilising source, site and regional controls where necessary, this may include the use of soakaways in conjunction with other SuDs techniques. The reduction in the extent of impermeable area across the site is welcomed, as this would facilitate the design of an appropriate drainage strategy for the site. A holistic approach should be taken to SuDS design in order to gain the most benefit from its inclusion. A condition is therefore recommended requiring the submission and approval of a scheme of surface water drainage.

Contaminated Land

The applicant has submitted a report on the Geo-Environmental Ground Investigation, which 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 be undertaken to support the conceptual site model. The intrusive investigation which has been undertaken at the site has involved the excavation of 4 boreholes and 14 window sample holes. Soil samples have been taken and tested for an appropriate suite of contaminants. Elevated levels of benzo(a)pyrene, benz(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(123-cd)pyrene and dibenz(ah)anthracene. Gas monitoring has been undertaken at the site and nothing of concern has been detected. No groundwater was encountered at the site. The report states that piled foundations would not be used at the site, however, if this changes a piling risk assessment would need to be submitted to ensure that a pathway is not created for contaminants to impact the groundwater in the vicinity of the site. The submitted report is considered to be acceptable and a series of conditions are recommended. On this basis no objections are raised with regards contaminated land issues and the provisions of policy BNE23 of the Medway Local Plan 2003.

Air Quality

The air quality assessment, submitted with the application, finds that the air quality objectives as detailed in the Air Quality Regulations would not be exceeded and makes recommendations on work methods to ensure dust and fine particles be minimised during the demolition and construction phase of the development. The recommendations contained in this report are acceptable and they would form part of the Construction Environmental Management Plan secured by S106. On this basis no objections are raised with regard to air quality and the provisions of Policy BNE24 of the Medway Local Plan 2003.

S106 Matters

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 Section 106 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 are necessary, acceptable and are fairly and reasonably related in scale and kind.

- 25.5% affordable housing (28 units) comprising:
12 x one bedroom & 4 x two bedroom apartments for affordable rent; and

- 8 x three bedroom & 4 x two bedroom apartments for shared ownership;
- The provision of a children's nursery in the Old Pump House or a contribution of £77,043.20
- Contribution of £136,640 towards primary school and secondary provision in the locality
- The provision of a community hall in the Old Pump House or a contribution of £15,858.36
- Contribution of £47,652 towards improving pedestrian and cycle infrastructure in the vicinity
- Contribution of £22,800 towards employment training and workforce development
- The provision of landscaping in Luton Recreation Ground in accordance with drawing number 2160/14/B/13B plus £60,736.06 towards the maintenance of this landscaping for a period of 15 years;
- The provision of an emergency access to Nelson Terrace;
- The submission and approval of a Construction and Environmental Management Plan (CEMP)

The applicant has confirmed they consider the above financial requests acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development of this site is acceptable and in accordance with its housing allocation under Policy H1 of the Local Plan. The proposal is considered to be acceptable in terms of design and layout, amenity, landscaping, tree protection and retention, traffic generation, access, parking, ecological mitigation, flood risk, contamination mitigation measures, air quality and Section 106 contributions. The application is, therefore considered to comply with Policies BNE1, H4(ii), BNE2, BNE6, BNE23, BNE24, BNE35, BNE37, BNE41, BNE43, T1, T2, T13 and S6 of the Local Plan and is recommended for approval.

The application is being reported to planning committee due to the size of the scheme and members previous involvement in the project.

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/>