

MC/14/2866

Date Received: 24 September, 2014

Location: Safety Bay House, Warwick Crescent, Borstal, Rochester, ME1 3LE

Proposal: Construction of 9 x four-bedroomed houses with garaging provision and the improvements to the site entrance and widening of the private access road

Applicant: Tuncrol Holdings Limited

Agent: Mr Curtis Prime Building Consultants Ltd 1A Prime House Queen Anne Road Maidstone Kent ME14 1HU

Ward Rochester West

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**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 with 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: 014.1568-010/P2, 014.1568-011/P2, 014.1568-012/P2, 014.1568-016/P1, 014.1568-020/P1, 014.1568-021/P1, 014.1568-022/P2 & 014.1568-032/P2 received on 24 September 2014; 014.1568-005/P3, 014.1568-013/P1, 014.1568-014/P1, 014.1568-015/P2, 014.1568-030/P2 & 014.1568-031/P2 received on 9 October 2014; 014.1568-007/P2 received on 27 November 2014; 014.1568-002/P6, 014.1568-003/P4, 14.1568-004/P3, 14.1568/006P4, 14.1568-008/P2 & IJK/6646/001 Rev D received on 5 March 2015; 14.1568-009/P3 & 6645/03 Rev B received on 17 April 2015; Geo-Environmental Report received on 13 October 2014; Flood Risk Assessment received on 27 November 2014; and Noise Report received on 10 December 2014..

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 approved boundary treatment shall be completed before any of the dwellings are occupied 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.

- 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 No development above slab level shall take place until there has been submitted to and approved in writing 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 Local Planning Authority gives written consent to any variation.

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

- 6 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. Any development other than that required to comply with the condition may impact on contamination and have safety issues.

- 7 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 hereby approved shall be occupied, until the area shown on the submitted layout as vehicle parking space and garaging 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 to accord with Policy T13 of the Medway Local Plan 2003.

- 12 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage such as light contour or lux level plans showing the existing and proposed levels shall be submitted to and approved in writing by

the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site.

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

- 13 The internal floor height for the ground floor of the proposed dwellings shall be no less than 6.12 metres above Ordinance Datum Newlyn.

To protect the occupiers of the proposed dwellings from flood risk.

- 14 The route of the public footpath RR14 along the river frontage to the site shall be maintained and kept free from obstruction at all times during the carrying out of the development and at all times thereafter.

In the interest of amenity and in accordance with Policy L10 of the Medway Local Plan 2003.

- 15 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.

d) All works on site which could impact on retained trees, including the provision of utilities serving the proposed development and the installation of tree protection barriers shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement prepared by Ian Keen (ref JTK/6646/so) received by the Local Planning Authority on 5 March

2015.

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.

- 16 No development above slab level shall commence until a scheme for protecting the proposed development from transport related noise, has been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 30dB in bedrooms and 35dB in living rooms with windows open, the scheme shall incorporate appropriately acoustically screened mechanical ventilation.

The scheme shall include details of the feasibility of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupants of the proposed development in accordance with Policy BNE3 of the Medway Local Plan 2003.

- 17 No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of for the widening of the access to the site, the provision of passing bays and an on site turning facility. The access, passing, bays and turning facility shall be provided, prior to the first occupation of the development hereby approved and shall be retained thereafter.

Reason: In the interest of the occupiers of the proposed development and the neighbouring development and in accordance with Policies BNE2 and T2 of the Medway Local Plan 2003.

- 18 Prior to any works starting on site a detailed reptile mitigation report shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must provide the following information:

- Translocation methodology
- Location of receptor site
- Reptile surveys of receptor site
- Details of ecological enhancements to increase carrying capacity

- Timetable of the proposed works.

All works must be carried out in accordance with the approved mitigation strategy.

Reason: To safeguard protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 19 Prior to the commencement of any site clearance, a mitigation strategy for bats, detailing how trees will be felled shall be submitted to and approved in writing by the Local Planning Authority. The site clearance shall be undertaken in strict accordance with the approved strategy.

Reason: To safeguard the ecological interests on the site, in accordance with Policy BNE39 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 proposes a development of 9 x four bedroom detached houses, accessed via an existing 130m long private drive off Warwick Crescent which also serves a detached bungalow, Bridgeside. The proposal involved extending the drive along the shoreline to enter the main part of the site from the south-west and it would continue across the site frontage. An access road would be constructed to serve the proposed houses, two of which would front towards the river and the remaining houses fronting onto the access road. A gabion retaining wall is proposed to the rear of the site.

The site is undulating and there are several protected trees on the site and along its boundaries, including trees within neighbouring gardens. The site has recently been cleared but all protected trees remain.

## **Site Area/Density**

Site Area: 0.48 hectares (1.19 acres)

Site Density: 18.75 dph (7.5 dpa)

## **Relevant Planning History**

### Safety Bay House

MC/11/2135

Application for approval of reserved matters (landscaping) pursuant to outline consent MC/2008/0223 for outline application for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Refused 23 November, 2011  
Appeal dismissed 28 June 2012

MC/11/1745 Details pursuant to conditions 04, 10 - 15, 17, 18 & 21 - 24 on planning permission MC2008/0223 for Outline application for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings and planning permission MC2008/1879 for Application for approval of reserved matters (layout, scale and external appearance)  
Conditions 10, 23 & 24 discharged 9 August 2011  
Conditions 4, 11, 12, 13, 14, 15, 17 18 21 & 22 not discharged

MC/08/1879 Application for approval of reserved matters (layout, scale and external appearance) pursuant to outline permission MC2008/0223 for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Approved 18 February, 2009

MC/08/0223 Outline application for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Approved 2 October, 2008

MC/06/2210 Outline application for construction of a 4/5 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings  
Refused 13 December, 2007  
Appeal withdrawn

MC/03/2386 Construction of seven 5 bedroom detached houses with detached garages and new moorings for 7 boats (demolition of existing building and removal of existing mooring)  
Approved 25 August, 2004

MC/03/0845 Construction of 3No 5 bedroom houses with integral garages, 2No 5 bedroom houses with detached garages and new moorings for 5 boats (demolition of existing building and removal of existing mooring)  
Withdrawn 11 November, 2003

#### Bridgeside

MC/12/0334 Outline application with some matters reserved (landscaping) for construction of a terrace of twelve 2-bedroom houses  
Approved 21/05/2013



|            |   |
|------------|---|
| MC/11/1743 | Application for approval of reserved matters (landscaping) pursuant to outline consent MC/09/0520 for outline application for the construction of three blocks comprising of fifteen 2 bedroomed flats with associated parking and access<br>Refused 26/09/2011 |
| MC/11/1637 | Construction of a floating pedestrian Jetty<br>Approved 26/10/2011  |
| MC/09/1247 | Construction of a floating jetty<br>Refused 26/10/2009  |
| MC/09/0520 | Outline application for construction of three blocks comprising of fifteen 2-bedroomed flats with associated parking and access (Resubmission of MC2008/1810)<br>Approved 13/04/2010  |
| MC/08/1810 | Outline application for construction of three blocks comprising of fifteen 2-bedroomed flats with associated parking; access and floating jetty<br>Refused 04/02/2009   |
| MC/03/1050 | Construction of four 4-bedroomed houses with garages and associated moorings, improvements to access.<br>Approved 09/10/2003  |
| MC/02/0036 | Construction of 4 detached dwellings with garaging together with landing stage with moorings (demolition of existing dwelling)<br>Approved 18/10/2002   |

## Representations

The application has been advertised on site and in the press as development that would affect a public right of way and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Environment Agency, Natural England, Kent Wildlife Trust, Kent Police, Medway Ports Authority, the Highways Agency and Rochester Airport Consultative Committee have also been consulted

**Eight letters** have been received from local residents raising the following objections:

- Loss of light;
- The proposed house on Plot 9 appears taller than other houses and would result in loss of light to neighbouring houses in Brambletree Crescent;
- Overlooking and loss of privacy both to and from the site;

- Loss of outlook;
- Loss of trees;
- Damage to trees along access road by vehicles;
- The proposed development would bring more traffic into the village with a consequent increase in congestion particularly during school drop off and pick up times;
- Inadequate visibility at end of access road;
- The pedestrian access to the site is inadequate and not suitable for wheelchairs and pushchairs;
- The local school is over subscribed and the pre school is full;
- The gas, electric water and sewage systems are already stretched;
- Flood risk from sewers - no pumping station is shown;
- Light pollution from proposed houses and from street lighting.

**One letter** has been received raising no objection to the development of the site providing access is achieved from the west side of the railway bridge and not via Warwick Crescent.

**The Environment Agency** originally wrote objecting on the grounds that the flood risk assessment is deficient.

**Southern Water** attach a plan showing the location of foul and surface water sewers crossing the site and make the following comments:

- No development or new tree planting should be located within 3m of either side of the centre line of foul or surface water sewers;
- No new soakaways should be located within 5m of public sewers;
- All existing infrastructure should be protected during the course of construction;
- Should any sewer be found during construction works an investigation will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site;
- There is currently inadequate capacity in the local network to provide foul and surface water sewerage disposal to serve the proposed development and the proposed development would increase the flow in the public sewer system increasing the risk of flooding. Additional off site sewers or improvements to existing sewers will be required.
- The off site pumping station, proposed under this development should be located at least 10m from the nearest habitable room;
- Suggest conditions to be imposed in the event of planning permission being granted.

**Natural England** has written advising that the proposal is unlikely to affect any statutorily protected sites and does not wish to comment on the proposal. EN then makes the following comments:

- The development relates to the Kent Downs AONB and Medway Council should seek the advice of Kent Downs AONB Partnership as to whether it accords with the aims and policies set out in the AONB management plan;
- The site has not been assessed for protected species and the Standing Advice

- on protected species should be applied to the application;
- If the site is on or adjacent to a local site, the LPA should ensure that it has sufficient information to understand the impact of the proposal on the local site;
  - The LPA should consider securing measures to enhance the biodiversity of the site in accordance with Paragraph 118 of the NPPF;
  - The application may provide opportunities for landscape enhancement;

**Kent Police** comment that the applicant has considered crime prevention and attempted to apply the seven attributes of CPTED in the Design & Access Statement. However, there are other issues that need to be addressed including boundary treatments and security for individual houses.

All consultees and objectors have been notified of the receipt of revised plans and information.

**The Environment Agency** has written advising that they are satisfied with the additional information and the objection can be removed. A condition is requested requiring the development to be carried out in accordance with the Flood Risk Assessment. A further condition is requested in relation to groundwater and contaminated land.

**Southern Water** has written re-iterating its previous comments and adding that the proposed pumping station should be constructed in accordance with Sewers for Adoption 7th Addition and should not be located within the proposed turning head.

**The Highways Agency** has written raising no objection.

**Natural England** has written stating that its previous advice still stands.

**Seven letters** have been received from local residents re-iterating previous objections.

## **Development Plan**

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

## **Planning Appraisal**

### *Background*

This is the latest application for the development of this site, there having been several previous applications, the last being for a development comprising 24 flats in a four storey block with undercroft parking, which was approved in outline form on 2 October 2008 (MC/08/0223) with the subsequent approval of all reserved matters apart from landscaping on 18 February 2009 (MC/08/1879). An application for the approval of the remaining reserved matter (landscaping) was submitted and was refused on 23 November 2011 (MC/11/2135) and was subsequently dismissed on

appeal on 28 June 2012. There is, therefore, currently no extant planning permission in relation to this site. Prior to that planning permission was granted for 7 detached houses and new moorings (MC2003/2386). However, there is an extant planning permission for 12 x two bedroom houses on the adjoining land at Bridgeside (MC/12/0334) which is served by the same private drive as the application site.

### *Principle*

The site is within the built up area of Borstal as defined in the proposals map to the Medway Local Plan 2003 (the Local Plan) and, therefore, no objection can be raised to the principle of development for residential purposes. The principle of residential development has already been accepted with the previous grants of planning permission on this site and on the adjoining site at Bridgeside. The submitted application is therefore considered to accord with the provisions of Policy H4 of the Local Plan

### *Design and appearance*

The proposal is for a development of 9 detached two/three storey houses to a modern design with brickwork at ground floor level, cedar weather boarding and white render on the upper floors and eternit slate roofs. Some have features such as balconies. Three house types are proposed: Type A (Plots 5, 8 & 9), Type B (Plots 1,2, 6 & 7) and Type C (Plots 3 & 4).

In terms of context, Borstal is essentially a linear village (Borstal Road/Wouldham Road) with a number of developments off this road leading down to the river. The character of the immediately surrounding area (Warwick Crescent and the roads off it) is that of 1950's/1960's semi-detached and terraced houses. That of the adjoining development to the north-east (Farmdale Avenue) consists of detached and semi-detached houses and bungalows (1950's/1960's). The only other feature is the Pilgrim Community School in Warwick Crescent.

The site itself is relatively isolated being hidden from the public highway and in its immediate context only visible from the rear of houses in Brambletree Crescent and Kennard Close. There is, however a public footpath adjacent to the site along the river frontage and any development would be visible to walkers using that footpath. In its wider context, the site is visible from the Medway Bridge (M2) which includes a pedestrian footbridge and cycle way directly overlooking the site and from Medway Valley Park on the opposite side of the river.

The current proposal for a two/three storey development would be less prominent than the previously approved four storey block and would not be out of character with its surroundings. No objection is, therefore raised in design terms under Policy BNE1.

### *Internal Amenity*

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.

House type A - 3 storey (x 3)

| Number of bed rooms                            | MHDS Min gross internal floor area | Gross internal floor area proposed | MHDS Living Good practice Minimum floorspace | Proposed Living floorspace       | MHDS Dining Good practice Minimum floorspace   | Proposed Dining floorspace       | MHDS Kitchen Good practice Minimum floorspace | Proposed Kitchen floor space |
|--|------------------------------------|------------------------------------|--|----------------------------------|--|----------------------------------|---|------------------------------|
| 4b 7p 3s                                       | 113 sq m                           | 180 sq m                           | 17 sq m                                      | 25 sq m                          | 14.4sq m                                       | 10.8 sq m                        | 9.6 sq m                                      | 10.8 sqm                     |
| MHDS Bed room Good practice Minimum floorspace | Proposed Bedroom floorspace<br>1   | Proposed Bedroom floorspace<br>2   | Proposed Bedroom floorspace<br>3             | Proposed Bedroom floorspace<br>4 | MHDS Bathroom Good practice Minimum floorspace | Proposed Bathroom floorspace     |   |                              |
| Double 12 sqm<br>Single 8 sqm                  | 14.7 sq m + dressing area          | 16.5 sq m                          | 13.7 sq m                                    | 8.25 sq m                        | 6.8 sq m                                       | 6.8 sq m + two ensuite & one wc. |   |                              |

House type B - 3 storey (x 4)

| Number of bedrooms                                   | MHDS Min gross internal floor area | Gross internal floor area proposed | MHDS Living/ Dining/ Kitchen Good practice Minimum floorspace | Proposed Living/ Dining/ Kitchen floorspace |  |                                  |
|--|------------------------------------|------------------------------------|---|---|--|----------------------------------|
| 4b 7p 3s   | 113 sq m                           | 187 sq m                           | 31 sq m   | 52 sq m                                     |  |                                  |
| MHDS Bedroom<br><br>Good practice Minimum floorspace | Proposed Bedroom floorspace 1      | Proposed Bedroom floorspace 2      | Proposed Bedroom floorspace 3                                 | Proposed Bedroom floorspace 4               | MHDS Bathroom Good practice Minimum floorspace | Proposed Bathroom floorspace     |
| Double 12 sqm<br>Single 8 sqm                        | 13.6 sq m + dressing area          | 16 sq m                            | 12 sq m   | 8.25 sq m                                   | 6.8 sq m                                       | 4.8 sq m + two ensuite & one wc. |

### House type c - 3 storey (x 2)

| Number of bed rooms                                    | MHDS Min gross internal floor area     | Gross internal floor area proposed    | MHDS Living Good practice Minimum floorspace | Proposed Living floorspace           | MHDS Dining Good practice Minimum floorspace          | Proposed Dining floorspace       | MHDS Kitchen Good practice Minimum floorspace | Proposed Kitchen floorspace |
|--|--|---------------------------------------|--|--------------------------------------|---|----------------------------------|---|-----------------------------|
| 4b 7p 3s   | 113 sq m                               | 168 sq m                              | 17 sq m                                      | 18 sq m                              | 14.4sq m  | 14 sq m                          | 9.6 sq m                                      | 18.3 sqm                    |
| MHDS Bed room<br><br>Good practice Minimum Floor space | Proposed Bed room floor space<br><br>1 | Proposed Bedroom floor space<br><br>2 | Proposed Bedroom floorspace<br><br>3         | Proposed Bedroom floorspace<br><br>4 | MHDS Bathroom<br><br>Good practice Minimum floorspace | Proposed Bathroom floorspace     |   |                             |
| Double 12 sqm<br>Single 8 sqm                          | 17.6 sq m + dressing area              | 14.4 sq m                             | 12.25 sq m                                   | 9.25 sq m                            | 6.8 sq m  | 6.8 sq m + two ensuite & one wc. |   |                             |

### *Neighbour Amenity*

Although surrounded on three sides by the rear gardens of residential properties: Brambletree Crescent to the east, Kennard Close to the south and Bridgeside to the west, the site is relatively isolated and generally lower than the surrounding development. There are considerable distances from the site boundaries to these properties; the nearest properties to any existing development would be the proposed house on Plot 9 which would be a minimum of 25m from the rear of houses in Brambletree Crescent and the proposed house on Plot 7 which would be 23m from the rear of houses in Kennard Close. There would, therefore be no unacceptable issues in terms of overlooking, loss of light or loss of privacy to existing dwellings.

The scheme has been carefully designed to ensure no unneighbourly overlooking or loss of privacy within the site within back to back privacy distances of 20m. No objection is, therefore raised in this regard under Policy BNE2 of the Local Plan

### *Trees*

There are three Tree Preservation Orders (TPOs) relating to this site or to adjoining properties.

A Tree Survey has been submitted identifying 92 trees on the site, on the access road leading to the site and on adjoining land. All of the trees within the development site, including some protected trees would be removed to facilitate the proposed development. In addition, several trees along the south-western boundary, are to be removed to avoid overshadowing and amenity problems for the occupiers of the

proposed development. These trees would have been lost to facilitate the development proposed under the extant planning permission on the adjoining land. Two trees, an Atlas Cedar and an Ash, on this boundary are shown to be retained, and another Ash tree on the boundary to 53 Brambletree Crescent is also shown to be retained.

Most of the trees along the access road are shown to be retained, although some are to have the crown lifted to a height of 5m to allow clearance for vehicles entering the site. A few trees along the access road are to be removed on account of their poor condition.

In addition to the removal of these trees, replacement planting is shown within the site and along the access road. A condition is recommended requiring the submission of a landscaping scheme, securing the implementation of these planting proposal. Subject to this condition, no objection is then raised in terms of tree loss under Policy BNE43 of the Local Plan.

### *Highways*

The submitted drawing shows at least two parking spaces per dwelling with two properties having double garages and the others having a single garage with parking in front. In addition two visitor parking spaces are shown. The proposal, would, therefore comply with the Council's adopted vehicle parking standards and with Policy T13 of the Local Plan.

A traffic assessment was carried out for the previous application for 24 flats and it was found that the development would have generated an additional 17 vehicular movements per day and that this was acceptable. The current proposal would generate less traffic.

The 2.5 metres wide access track will be widened to 3.7 metres wide with passing bays that will increase the width to 5 metres in places. This is sufficient for large vehicles such as fire appliances to access the site. The access widens to 4.1 metres where it meets Warwick Crescent; this together with the improved access to Pilgrim School will result in improved turning facilities. Subject to the submission of details of the passing bays and the provision of an on site vehicle turning facility, no objection is raised under Policies T1 and T2 of the Local Plan.

### *Flood Risk*

Following concerns raised by the Environment Agency, a revised Flood Risk Assessment has been submitted and the EA have written withdrawing their objection. Subject to appropriate conditions, no objection is now raised in terms of the Flood Risk Assessment. Further conditions relate to groundwater and contaminated land.

### *Contamination*

A contamination assessment was submitted as part of the application. This assessment is the same as that submitted with the previous application. The

applicant has confirmed that there have been no changes in circumstances on site, since the previous application was submitted.

### *Noise*

An Environmental Noise Survey and Noise Impact Assessment Report was submitted as part of the application. This report has been assessed by the Council's Environmental Protection Officer who comments that the findings and conclusion of the report are accepted although no reference is made to ventilation of the habitable rooms or to the external noise levels. If the windows are open for rapid ventilation then the noise levels in the rooms will be greater than the levels specified in BS8233:2014. To address this, it is recommended that a condition be imposed requiring the submission and approval of details of the of the ventilation system.

In order to ensure compliance with the above noise report recommendations window specifications are to be submitted to the LPA for approval.

With regard to external noise levels in amenity space, such as gardens, the BS does acknowledge that achieving the desirable upper guideline value of 55dB LAeq close to high noise areas, such as strategic transport networks may not be met. It suggests that development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited. Due to the elevated position of the motorway, screening of the gardens by acoustic fencing may not be feasible. Subject to the conditions, no objection is raised in terms of noise under Policy BNE2 of the Local Plan.

### *Local Finance Considerations*

There are no Local Finance Considerations raised by this application.

### **Conclusions and Reasons for Approval**

The principle of the development of this site is acceptable and in accordance with Policy H4 of the Local Plan. The current proposal is for a smaller scheme than that previously approved and subject to appropriate conditions is acceptable in terms of design and appearance, internal amenity, neighbour amenity, highways, flood risk assessment, noise and contamination and would comply with Policies BNE1, BNE2, BNE23, BNE43, H4, T1, T2 and T13 of the Local Plan and is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Planning Committee due to the extent of the representations received expressing a view contrary to the recommendation.

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### **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/>