

MC/15/0958

Date Received: 24 March, 2015

Location: Former St Matthews Playing Field, Borstal Street, Borstal, Rochester, ME1 3HJ

Proposal: Construction of 9 two bedroom and 9 three bedroom houses with associated access and parking and formation of community open space (Resubmission of MC/14/2862)

Applicant: King & Johnston Homes Ltd.

Agent: Mr Shaw Shaw Design Services Ltd. Dalquieth Northlands Road Holbrook Horsham, West Sussex RH12 5PW

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 3 June, 2015.**

**Recommendation - Approval subject to:**

- A. The applicant/owner entering into an agreement under S106 of the Town and Country Planning Act to secure:
- A contribution of £1,051.79 to assist with the support for youth activities to meet Every Child Matters objectives to provide greater opportunities for young people in the local area and to increase accredited outcomes for the young people in the local area
  - A contribution of £40,000 for the creation and maintenance of the open space to the north of the development. This sum is in addition to the works identified on the planning application which are to be completed by the Developer on the development site
  - A contribution of £8,423.10 to enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. The proposed development is expected to result in a need for contributions towards development and improvements at a number of local practices
  - A contribution of £2,460.78 towards the provision of new community facilities in the local area
  - A contribution of £2,249.10 towards costs for electricity supply to feature lighting at the Great Lines Heritage Park
  - A contribution of £56,908.80 towards nursery and primary school provision.

B. And the Conditions set out above

- 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:  
KJH14/01, 02 Rev A, 03 Rev B, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 14 received 24 March 2015.

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

- 3 No property shall be occupied 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 the property it relates to is first 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 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 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.

7 Notwithstanding the details submitted in support of the planning application, no development shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A finalised tree retention and removal plan with numbered and colour coded trees identified for retention and removal, overlaid onto the proposed layout.

b) A tree constraints plan showing root protection areas and any other relevant constraints plotted around each of the trees to be retained overlaid onto the proposed site layout plan.

c) An arboricultural impact assessment for all trees identified for retention that evaluates the direct and indirect effects of the proposed design, including the buildability of the scheme in terms of access, adequate working space and provision for storage of materials; and where necessary recommends mitigation.

d) A tree protection plan on a scale drawing, informed by descriptive text where necessary, based upon the finalised proposals, showing trees for retention and illustrating the tree and landscape protection measures.

e) Arboricultural method statements (methodology), appropriate to the proposals, for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained. The details should incorporate relevant information from other specialists as required. Particular attention should be given to:

i) preparatory works for new landscaping including works to clear and enhance the aesthetic appearance of the bank, southeast of the public open space.

Details shall accord with the recommendations contained in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof and shall be carried out as described and approved before any equipment, machinery or materials are brought on to the site for the purposes of the development. No alterations or variations to the approved details shall be

made without prior written consent of the local planning authority and they shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 8 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans) and ecology and of how this effect has been minimised 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 and it shall only be used within the hours approved pursuant to this condition.

Reason: In order to limit the impact of the lighting on the nearby residents and wildlife and with regard to Policies BNE2, BNE5 and BNE39 of the Medway Local Plan 2003.

- 9 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 10 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 13 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.

- 10 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.

- 11 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.

- 12 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.

- 13 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 10, 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.

- 14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

- 15 The buildings shall not be occupied, until the area shown on the submitted layout as vehicle parking space and garaging has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space 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 T2.

- 16 No development shall commence until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management

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

Reason: In order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39) of the Medway Local Plan 2003.

- 17 No development shall commence until the developer has advised the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public foul sewers. The sewers shall be diverted in accordance with these agreed measures.

Reason: To ensure that the development including during construction does not prejudice conditions of amenity.

- 18 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: This agreement needs to be undertaken prior to commencement to provide the necessary sewers to ensure that the development does not prejudice conditions of amenity.

- 19 Prior to the first occupation of the development full details, including areas of responsibility and maintenance, of the proposed Residents Management Company shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality.

- 20 Notwithstanding the details submitted in support of the planning application, no development shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) Details of means of access for maintenance into the bank, southeast of the public open space and the hedgerow on the southwest boundary, adjacent to the public footpath
- b) Details of proposals to renovate or replace the hedgerow on the southwest boundary, adjacent to the public footpath
- c) Details of landscape works to clear and enhance the aesthetic

appearance of the bank, southeast of the public open space

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003. These details need to be agreed prior to commencement to ensure development is undertaken without prejudice.

- 21 No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development herein approved shall be undertaken in accordance with the approved Site Waste Management Plan.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety during and post construction .

- 22 No development shall commence on site until a detailed mitigation strategy and management plan is submitted and approved in writing by the Local Planning Authority. The translocation must be completed prior to works starting on the development site. The mitigation strategy and management plan must include the following:

- Reptile population estimate survey (of the receptor site)
- Details of enhancements for the receptor site
- Translocation methodology
- Timings of the proposed works
- Management plan for the pocket park.
- Details of who will be managing the pocket park long term (and confirmation that they have
- agreed to manage it)

Reason: To ensure that the development does not prejudice the biodiversity of the site during and post construction.

- 23 Prior to the felling of tree number 6 shown on plan number KJH14/03 rev B received 24 March 2015 a bat survey shall be carried out and the results of the surveys are details of any mitigation shall be submitted to and approved in writing by the Local Planning Authority. The recommendations and mitigation detailed in the approved report shall be implemented prior to the felling of the tree.

Reason: To ensure that the development does not prejudice the biodiversity of the site.

- 24 Any works to remove vegetation that is suitable for breeding birds must be carried out outside of the bird breeding season (March-August). In the event that this is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease until all the young have fledged.



Reason: To ensure that the development does not prejudice the biodiversity of the site.

- 25 An ecologist shall be present on site when the scrub is cleared and, in the event a badger sett is identified, all works shall cease in that area until details of the necessary mitigation is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the biodiversity of the site.

- 26 No development above slab level shall take place until full details of ecological enhancements to be incorporated into the proposed development site, including the public open space, has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall be undertaken prior to first occupation of the development in accordance with the approved details.

Reason: To ensure that the development does not prejudice the biodiversity of the site.

- 27 Prior to occupation of any of the dwellings hereby permitted, Hill Road shall be widened and the affected street lighting column replaced and relocated in order to provide two parking bays parallel to the carriageway, in accordance with drawing KJH14/13 received 24 March 2015.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and highway safety.

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

## **Proposal**

This application seeks planning permission for the construction of 9 two bedroom and 9 three bedroom houses with access from Hill Road and Elm Tree Drive together with parking and cycle spaces, waste storage areas and formation of community open space.

The access will be from Elm Tree Drive where the land levels are fairly consistent. The proposed houses are set around the central access and proposed parking area. Plots 1-6 have been designed to face directly onto Hill Road.

Plots 1-6 are two storey properties facing Hill Road increasing to three stories to the rear. They are three pairs of semi detached dwellings approx. 9.9m wide (whole building) and between 9.525m and 10.4m deep. They will have a barn hipped roof with one semi having a front projecting pitch. There will be four small pitched roof dormers to the rear. They will have Juliet balconies to the rear at first floor. The accommodation will provide a family room and kitchen at ground floor, living room, study and WC at first floor. At second floor one of the pair will have two bedrooms

and a bathroom and the other will have three bedrooms, one en-suite and a family bathroom. They will be finished with red/brown multi stock facing bricks, red/brown concrete roof tile, vertical tile hanging at first floor level with projecting brick dentil course at ground floor window head and white painted joinery to porch roof.

Plots 7-10 is a terrace of four. The total width of the terrace will be approx. 19.2m wide and will be a maximum of 10.4m deep. These will be two storey with heights between 5m and 8m with a hipped roof. The accommodation will provide a lounge/diner, kitchen and WC at ground floor and two bedrooms and bathroom at first floor. The end properties will have a living room, WC and kitchen/diner at ground floor and three bedrooms, en-suite and bathroom at first floor. They will be finished with red/brown concrete roof tile, vertical tile hanging at first floor with projecting brick dentil course at ground floor window head and red/brown multi stock facing brick. The end terrace property will be rendered with decorative rendering.

Plots 11-14 is another terrace of four. The total width will be approx. 19.4m wide and the depth will be a maximum of 10.4m. They will have a hipped roof with a front pitch. They will be two storey. The accommodation will provide a lounge/diner, kitchen and WC at ground floor and two bedrooms and bathroom at first floor for the middle properties and living room, kitchen and WC at ground floor, three bedrooms, en-suite and bathroom at first floor for the end of terrace properties. They will be finished with concrete red/brown roof tiles, vertical tile hanging at first floor with projecting brick dentil course at ground floor window head and red/brown multi stock facing brick work. They will have front canopies over the entrance doors.

Plots 15-18 is another terrace of four. The total width will be approx. 19.3m wide and will be a maximum of 10.4m in depth. They will have a hipped roof with a front pitch. They will be two storey. The accommodation will provide a lounge/diner, kitchen and WC at ground floor and two bedrooms and a bathroom at first floor in the middle two properties. The end of terrace properties will have a living room, kitchen, WC at ground floor and three bedrooms, en-suite and bathroom at first floor. They will be finished with concrete red/brown roof tiles, vertical tile hanging at first floor with projecting brick dentil course at ground floor window head and red/brown multi stock facing brick work. They will have front canopies over the entrance doors.

Access to the Public Open Space for maintenance purposes will be via the existing footpath. The Public Open Space will be approx. 0.3ha in area and works involve the erection of a 3m wide access gate for maintenance purposes (served from the existing public footway) together with a 1.2m wide informal footpath and 85ltr refuse bin finished in dark wood. There will also be approx. 0.03ha of landscaping adjacent to the entrance from Elm Tree Drive.

### **Site Area/Density**

Site Area (not including pocket park): 0.45 hectares (1.11 acres)

Site Density: 40 dph (16 dpa)

## Relevant Planning History

- MC/14/2862                      Construction of 9 two bedroom and 9 three bedroom houses with associated access and parking and formation of community open space  
**Decision** Withdrawn by applicant
- MC/05/0136                      Outline application for residential development and provision of open space and community park  
**Decision** Withdrawn by applicant (reason unknown)  
**Decided** 30 March, 2005

## Representations

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

KCC Ecology; Kent Wildlife Trust; Southern Water, EDF, Kent Police Architectural Liaison Officer, Medway Fire Service, Sport England; the Environment Agency and the Open Spaces Society have all been consulted.

**KCC Ecology** are raising no objection but have suggested conditions (which have been incorporated in the report)

**Southern Water** offer advice regarding the possibility of relocating sewers. They also advise that a public sewer may run across the site and provide contact details if this is found to be the case during construction. They request a condition and an informative to be imposed on any permission granted. In their previous letter of representation submitted under planning reference MC/14/2862 they also stated that the site lies within a Source Protection Zone and the Environment Agency should be consulted and confirmed there is a water communication pipe within the site.

**Kent County Constabulary** in their previous letter of representation in relation to MC/14/2862 confirmed that they have no objection to the proposal and the development could achieve full Secured By Design certification. In their letter relating to this current application they have stated their previous comments remain valid.

**Sport England** stated in their letter of representation under reference MC/14/2862 that they are not aware that the site has ever been marked out for a formal playing pitch and remind the Local Authority that paragraph 74 of the NPPF needs to be complied with. Their letter of representation for this current application states that their previous comments still apply.

The **Environment Agency** were happy for the previous (MC/14/2862) application to be approved subject to conditions. They have not commented on this resubmission however, as the application is identical, the same conditions are recommended to be imposed.

**19 letters** of representation were received against the previous application MC/14/2862 and **20 letters** have been received for this current application. All concerns are listed below:

- Site is too cramped
- The surrounding area cannot handle the additional vehicles and residents
- Parking already occurs on the pavement
- Proposed houses are of differing designs to surrounding properties
- Loss of wildlife
- Safety of children playing in the road
- There are cesspits in the proposed area of open space
- Loss of light
- Loss of privacy/overlooking
- Increase in noise
- There is no space for large lorries
- The proposals do not comply with Policy BNE7 of the Local Plan
- The loss of protected trees
- The proposed pocket park has no proper means of access and will result in attracting vandalism and anti-social behaviour
- No consideration has been given to the old school buildings and what happens to them
- Local schools are oversubscribed
- There is Japanese knot weed on the site
- The provision of a pocket park instead of the Open Space protected by L3 is not the same
- Impact on the footpath due to increased vehicular movements
- The proposals are contrary to Policies S4, BNE1 and H9
- The developer has not engaged with the community
- The site is close to a Scheduled Ancient Monument
- It is not clear where the off road parking is for plots 1-6
- Impact on the narrow highway both during construction and when complete
- Over subscription to schools
- Doesn't meet housing standards

All other matters raised not listed above are non-material (subsidence, maintenance of walls, cesspits, time scale, disruption during construction)

### **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

### Principle

The application site comprises of the former playing fields of St. Matthews C of E Infant School and has access points from Elm Tree Drive and Hill Road. The site lies on the south western fringes of the established residential urban area with a mix of Victorian and post war housing. There is open farm land to the south and the west of the site, as well as Fort Borstal which is a Scheduled Ancient Monument to the south west. There are a number of protected trees on the site. The ground levels rise significantly from the northern portion with a large central embankment containing a number of semi-mature trees. The southern part continues to rise towards Hill Road however Elm Tree Drive also leads to the central part of the site essentially forming two separate terraces.

The site is located within the urban area as defined in the Local Plan, the south eastern-most element is designated as open space and therefore Policy L3 applies. This Policy states that development which would involve the loss of existing formal open spaces, informal open space, allotments or amenity land will not be permitted unless an alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value.

Policy L4 requires open space provision to be made within residential development where there is a proven deficiency. It states that residential development likely to be occupied by between 50 and 100 people should include well located local open space for children's play and casual recreation on-site at a standard equivalent to 0.7ha per 1,000 population. The submitted application provides for 0.3ha of open space to compensate for the loss of 0.45ha of open space. On top of this Policy L4 requires a further approx 0.04ha for the approx. 54 new residents. There is a communal amenity area shown on the plans that is approx. 0.034ha. Whilst overall there is a net loss in terms of what is to be provided it is considered the current open space is not inviting and does not appear to be utilised by the public and is poorly maintained. The proposed 0.3ha for a pocket park laid to grass providing a new footpath and bin facilities will improve this part of open space provided for the existing and proposed residents and therefore is considered acceptable in terms of Policy L3 and L4 of the Medway Local Plan 2003 and para. 74 of the National Planning Policy Framework (NPPF). In view of this the application is not considered to be a departure from the Local Plan and it is therefore not necessary to report the application to the Secretary of State for determination.

Policy H4 allows for residential development within the urban area if it consists of the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use or the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result). This site is vacant and the proposal could be considered as infilling. The land is not well maintained and the introduction of a mix of well designed houses in an area which is already mixed, together with the introduction of a new, well maintained pocket park is considered to result in an improvement to the local environment. The density of housing on the element of site that is purely residential is approx. 40dph which is within the recommended 30-

50dph stated in Policy H5 of the Medway Local Plan 2003 and therefore the proposed development makes good use of the land.

The principle of residential development on this site meets with the above named Policies and therefore is considered acceptable in principle. The application therefore needs to be determined against the headings below

### *Design*

The application site is located on the top of a hill which slopes down to the northwest. There are properties to the south and east of the site, former school buildings to the north and open countryside to the west. The properties within the street scene are mixed in design, type and age although predominantly semi detached.

The proposed new dwellings are to be of modern design but are also mixed. Those facing Hill Road will be three storey to the rear and semi detached and the remainder will be two storey terraces. There will be parking to the front of the properties with one space each being allocated for plots 7-18. There will be a communal area adjacent to the entrance of the site. The proposed design, due to the mixed character of the existing area, will complement those existing dwellings and are considered in keeping with the street scene both in terms of design and scale.

In terms of landscaping a condition is recommended to ensure that all details of landscaping and boundary treatment is submitted to and approved in writing by the Local Planning Authority.

The proposed development is considered to accord with Policies BNE1, BNE5 and BNE6 of the Medway Local Plan 2003 and the advice given in the NPPF (section 7).

### *Amenity*

Number 43 Hill Road is situated to the east of the site. This is a two storey property with a two storey side extension containing four windows which serve a bedroom at first floor and a lounge at ground floor. The bedroom at first floor is also served by a front and rear window and therefore is dual aspect. No concerns are raised with regard to loss of outlook to this bedroom as there are other windows serving it. At ground floor there are two windows serving a lounge which is also served by patio doors and a window to the front and therefore no concerns are raised with regard to loss of outlook as this is a dual aspect room also.

The closest property will be Plot 1 which will contain one flank window at first floor serving a bathroom fitted with obscure glass. Whilst there may be some overlooking from rear windows into the rear garden of this property mutual overlooking is common in urban areas such as this and no concerns are raised. Due to the position of this property and the path of the sun there will be no detrimental impact in terms of loss of sunlight or daylight from Plot 1.

Number 5 Elm Tree Drive is located to the northeast of the application site and therefore adjacent to Plot 7. This property is two storey and has four flank windows

(two first floor and two ground floor). These windows serve habitable rooms but those rooms are also served by other windows and therefore are dual aspect and therefore no concerns are raised with regard to loss of outlook.

The only windows proposed in the flank of Plot 7 serve bathrooms and are fitted with obscure glass and therefore there will be no loss of privacy to this neighbour. There will be some mutual overlooking from first floor windows but this already exists. Due to the path of the sun and position of Plot 7 there will be no detrimental impact in terms of loss of sunlight or daylight.

Nos. 30-36 are directly opposite Plots 1-6 and the distance between the principle elevations will be over 20m and therefore no concerns are raised with regards to loss of outlook, privacy, sunlight or daylight.

The Medway Housing Standards have now been superseded by the National Housing Standards but as there is not a specific policy referring to them in an up to date Local Plan, the standards can only be used as a guide for internal amenity consideration.

Overall, all of the proposed houses meets the National Standards and six of the houses fall short of the former Medway Housing Standards by 1 sqm however they did not fall short on any other criterion such as the size of living areas and widths of bedrooms. Provided permitted development rights are removed as a condition the proposed garden sizes offer reasonable levels of amenity.

The proposed development therefore accords with Policy BNE2 of the Medway Local Plan 2003 and the fourth core planning principle in paragraph 17 of the NPPF.

### *Secure By Design*

Kent County Constabulary, under the previous application MC/14/2862, provided a letter stating that the proposed development would achieve full Secured by Design certification and therefore the proposed development is considered to accord with Policy BNE8 of the Medway Local Plan 2003.

### *Contamination*

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

The site is located within a source protection zone III, so therefore the Environment Agency have been consulted and their opinion sought. The Environment Agency have no concerns providing their suggested conditions are imposed on any permission granted.

Contamination conditions are recommended as is a condition requiring a Construction Environmental Management Plan (CEMP) to include details of: hours of construction working; measures to control noise affecting nearby residents; wheel

cleaning/chassis cleaning facilities; dust control measures; pollution incident control, lighting, effect on wildlife and site contact details in case of complaints. This is particularly important given the number of objections received with regard to the construction phase.

The proposals therefore accord with Policy BNE23 and paragraph 121 of the NPPF.

### *Drainage*

The proposed development is not in an area at risk of flooding. There is an existing foul water public sewer that crosses the site it is proposed that the development will connect to this. Surface water disposal will be via soakaways. It is noted that there are cesspools serving nos. 41 and 43 Hill Road within the site and these are to remain and the surrounding area will be left as communal and soft landscaped.

The site is located over vulnerable aquifer and National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The Environment Agency (EA) have written in support of the application providing certain conditions are imposed relating to contamination and water pollution. Without these conditions the proposed development would pose an unacceptable risk to the environment and the EA would object to the application.

The proposed development therefore accords with the objectives of para. 109 of the NPPF.

### *Waste*

There is space within the boundary of the properties themselves for up to 3 x 240ltr bins and residents would place their bins and black sacks at the kerbside. This arrangement is acceptable.

### *Public Rights of Way*

Public footpath RR15 runs along the south eastern edge of the site. The application mentions that this path will be used to access the public open space as well as providing an access route for vehicles maintaining said open space. The path is tarmaced and is not wide enough for vehicles. The applicant has confirmed that no improvements other than some additional planting between this and the rear of the proposed houses will be undertaken. The applicant has confirmed with the Council's Greenspaces department that the pocket park would only require infrequent grass cutting and this could possibly be done with one or two men using heavy duty trimmers. At most it may require a small ride on mower. Whilst the maintenance of the pocket park will be something that will be at the control of the Local Authority



Parks and Recreational Services Team, it is envisaged that this area will only receive between 2 – 4 high grass cutting visits per annum.

It was agreed that the existing path is sufficient for this purpose and no additional works would be required as the development proposals include the planting of a new landscape buffer within the site as part of the general maintenance and clearance works which would be beneficial along this existing path.

The proposed development therefore accords with Policy L10 of the Medway Local Plan 2003 and para. 74 of the NPPF.

### *Lighting*

Low level lighting is proposed for the developments communal area and no lighting for the pocket park. A condition is recommended that any additional lighting to that which has been stated shall be submitted to the Local Planning Authority. This is particularly important in relation to bats that may be on site.

The proposals therefore accord with Policy BNE5 of the Medway Local Plan 2003.

### *Trees*

An arboricultural report has been produced by Chartwell Tree Consultants including a Tree Report and Arboricultural Impact Assessment. The report makes recommendations regarding the removal of some trees that need removing whether the development is permitted or not and also makes recommendations regarding the long term maintenance of the site. The tree report recommends the removal of more trees than the developer is intending and the applicant has confirmed that they wish to review the trees once on site. A condition is recommended in order to deal with this.

No details of tree protection measures have been submitted and therefore a condition is recommended to deal with this.

The arboricultural report states that the hedgerow adjacent to the footpath is to be removed due to its poor condition, but the site layout plan shows it to be retained. An email from the applicant/agent dated 9 January 2015, indicates that the intention is to generally clear the boundary in accordance with the recommendations contained within the arboricultural report with new planting except where there are existing trees that may be appropriate to retain. A condition is recommended to provide a submission of a detailed scheme showing where trees/shrubs are to be retained or removed and replaced, following advice from the applicants arboriculturist using a mix of hawthorn, Blackthorn & Field Maple, interspersed with 10-12cm girth Oak standards.

The southwest garden boundaries of plots 6 & 11 - 18 appear to be fenced off, and there is a chain link fence on the boundary of the adjacent public footpath. Access to maintain the existing/new hedgerow would be nigh on impossible. An email from the applicant/agent dated 9 January 2015, indicates that it would be expected that this area would be managed by the Residents Management Company. As there is no

obvious means of access to maintain this area a condition is recommended

The applicant has confirmed, in an email dated 9 January 2015 in relation to the previous application MC/14/2862, that there are no proposals to include any works to the existing bank, located centrally within the application site. They have however stated that there would be some general clearance works to enhance the aesthetic appearance of this area. It is not clear what impact these works could have on the retained trees and therefore a condition is recommended to require the submission of details of any works within the root protection areas of all existing trees.

The northwest garden boundaries of plots 7 - 11 appear to be fenced off, and there is a chain link fence on the boundary of the public open space therefore access to maintain the existing trees would be difficult. Seeing as there is no obvious means of access to maintain this area a condition is recommended.

Subject to conditions the proposed development therefore accords with Policies BNE41 and BNE43 of the Medway Local Plan 2003.

### *Sustainability*

The developer will implement a scheme for on site recycling through the construction process with the re-use of construction waste such as incorporating brick and block wastage for areas of hardstanding, the setting aside of damaged or surplus plasterboard for collection and recycling by the plasterboard manufacturers in accordance with new Legislation that came into force April 2008 relating to Site Waste Management Plans to increase the amount of construction waste that is recovered, re-used and recycled and to improve materials resource efficiency. A condition is recommended that a Site Waste Management Plan is submitted prior to the commencement of development.

The applicant recognises the need to ensure new development utilises high quality housing including consideration of energy efficiency. These proposals include construction specification levels exceeding industry standards for Building Regulations compliance and shall be suitable to seek to achieve Level 3 – Code for Sustainable Homes.

Although under the current Building Regulations there is not a requirement for new private housing to achieve Level 3 Code for Sustainable Homes, it is proposed that this development shall incorporate such measures as will satisfy this rating and will respond to the need for new development to include measures of sustainable construction and technology.

The proposed development therefore accords with Policy BNE5 and para. 56 of the NPPF.

### *Ecology*

The main habitats/features within the survey area are:

- Tall semi-improved grassland - The majority of the development footprint is

composed of this habitat type. Abundant species include perennial rye grass, Common species include, false oat grass, field bindweed and cleavers, Frequent species include, dandelion, common ragwort, broadleaved dock, common nettles, ribwort plantain and creeping thistle.

- Tall ruderal – Areas of this habitat were located around the boundary and dense scrub habitat. This habitat is composed of common, creeping thistle, false oat grass, cock's foot grass, common nettle and field bindweed. Frequent species included common ragwort, yarrow, teasel and broad leaved dock.
- Mature treelines – along boundaries of site. Species included common sycamore and ash with frequent elder, hawthorn, hazel, field maple, black thorn and elm.
- Dense bramble scrub areas and fringes at the site boundary – suitable for reptiles, breeding birds, small mammals and invertebrates. Composed of bramble, frequent field bindweed and creeping thistle.
- Ditch – there is a small ditch which may hold water at certain times of the year, running along the north west boundary of the site.

The main protected species potential at the development footprint were considered to be: bats, reptiles and breeding birds.

The information originally submitted within MC/14/2862 was not considered to fully address the concerns of the KCC Ecologist and therefore further clarification was sought.

The reptile surveys covered the residential site but not the site of open space. It was important that this land was included in surveys as it needed to be ascertained whether this site had the capacity to accommodate more reptiles. It was also unclear whether the concrete slabs on the open space land were to be removed. It was clarified by the applicant that they were to remain in situ and no concerns were raised with regard to this. Further information was provided with regard to the management of the site. This included managing the site as a wildflower meadow and retaining the cuttings on site to act as reptile refuge. This is considered acceptable providing a condition is imposed to provide a detailed mitigation strategy and management plan.

The report showed that there could be the possibility of foraging bats within the ivy on the tree to be removed. The information submitted is considered satisfactory however a condition is recommended that a bat survey is carried out prior to this tree being felled and the results and details of mitigation to be submitted to the Local Planning Authority for comment. Lighting is also a concern to bats and therefore a condition, as already discussed, is recommended.

Work to remove vegetation which is suitable for breeding birds must be carried out outside of the breeding bird season which is March-August. In the event that this is not possible an ecologist must examine the site prior to work starting and if nesting birds are recorded all works must cease and a condition is recommended to reflect this.

The submitted report states that there is suitable habitat within the site for badgers

and there could be the possibility of a set within the dense scrub. Further information submitted indicated that no badger sett was present however badger faeces were identified. No information was provided clarifying if a badger set was present within the pocket park or the boundary between two sites. It was not possible for the applicants to survey all the dense scrub so a condition is recommended that an ecologist is present on the site when the scrub is cleared. In the event that a set is found all works on site shall cease until details of the necessary mitigation is submitted to the Local Planning Authority.

Due to the time that has lapsed between the previously withdrawn application and this current one the Ecologist has raised concerns regarding reptiles (primarily due to the different time of year this application is being considered). Further information has been sought and provided regarding this. To date (5 May 2015) the Ecologist has not yet responded.

One of the principles of the National Planning Policy Framework is that 'opportunities to incorporate biodiversity in and around development should be encouraged. No information has been provided on ecological enhancements and therefore a condition is recommended that details of ecological enhancements to be incorporated into the proposed development site (including the public open space) is submitted for comments.

Subject to the above conditions the proposed development is considered to be in accordance with Policy BNE37 of the Medway Local Plan 2003 and para 118 of the NPPF.

### *Highways*

Plots 1-6 will be served directly from Hill Road and a separate vehicle access is proposed from Elm Tree Drive together with an on-site turning facility suitable for refuse collection and emergency vehicles.

Following on from concerns regarding the site layout of the previous application amended plans were received and have been submitted within this current application. These show a 5.5m wide 'shared surface' access road from Elm Tree Drive to serve plots 7-18. In addition the refuse collection store has been removed and two additional parking bays along Hill Road have been introduced. The intention is to allocate one space to each property and the remaining spaces to be shared.

A swept path analysis has been undertaken to ensure that the site can be satisfactorily served by a refuse vehicle and the tracking manoeuvre indicates accordingly. Two parking lay-bys to the front of plots 1-6 have been introduced along with the widening of the carriageway to 3.3m to provide two additional spaces to address concerns regarding visitors spaces and also improve the current access arrangements along this part of Hill Road.

The trip generation database estimates that each dwelling would generate, on average, between four and five vehicle trips per day. At peak times the development could generate around six vehicle movements on Elm Tree Drive and three movements on Hill Road. These roads are residential in nature and, whilst they are

subject to kerbside parking and not particularly wide, there have been no collisions recorded in the past five years. The development would generate a relatively low level of additional traffic which, subject to suitable car parking provision, would not have a significant impact on conditions of highway safety or capacity on the local highway network.

The proposed dwellings accessed from Hill Road are provided with two car parking spaces each, which complies with Medway Council's Parking Standards. It is also proposed to provide two parking bays parallel to the carriageway to the front plots 1 to 4. These bays would provide on-street parking for visitors that could also serve as informal passing bays when not in use. It is recommended that this provision, together with the replacement and relocation of the affected street lighting column, be secured by planning condition.

For the dwellings accessed from Elm Tree Drive, the Parking Standard requires the provision of 24 spaces, comprising 1.5 spaces for each two bed dwelling, 2 spaces per three bed dwelling and a total of 3 spaces for visitor/casual use. The application proposes 22 spaces in marked bays. The proposed shared surface carriageway is appropriate for a lightly-trafficked cul-de-sac and sufficiently wide to accommodate some on-street parking. This would enable the development to make provision for at least 24 vehicles, in compliance with the Parking Standards. A vehicle tracking diagram has been submitted to demonstrate how refuse vehicles could use this shared space to turn, a facility that does not currently exist on Elm Tree Drive.

Subject to the above, the application is considered to comply with Policies T1, T2 and T13 of the Local Plan, and no objection is raised.

#### *S106 matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is;

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

A need has been identified for contributions towards supporting youth activities to meet Every Child Matters objectives to provide greater opportunities for young people in the local area and to increase accredited outcomes for the young people in the local area; for the creation and maintenance of the open space to the north of the development; to enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all; the provision or enhancement of community facilities; the costs for electricity supply to feature lighting at the Great Lines Heritage Park; and towards nursery and primary school provision

### *Local Finance Considerations*

None relevant

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

The proposed development will have no detrimental impact on the character of the street scene in terms of design or scale, amenities, highways, ecology or trees and therefore accords with the abovementioned Policies of the Local Plan and the NPPF. and is recommended for approval.

This application would normally fall to be determined under officer's delegated powers but is being reported for Members' consideration due to the number of letters of representation expressing a view contrary to the officers' recommendation.

The Planning Committee should be aware that when the previous application (MC/14/2862) was reported, the Committee then determined to defer consideration to enable a site visit to be undertaken, but that application was withdrawn before the site visit could take place.

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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/>