

MC/16/0370

Date Received: 27 January, 2016

Location: Land At 185 Walderslade Road, Walderslade, Chatham, ME5 0ND

Proposal: Demolition of 3x existing properties and construction of 20no dwellings consisting of 1x two bedroom, 10x three bedroom, and 9x four bedroom dwellings with associated parking and new access road.

Applicant: Mr Mara

Agent: Mr M Carter Mark Carter Design Design Studio, Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward Walderslade

Case Officer Chris Butler

Contact Number 01634 331700

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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 16 November, 2016.**

**Recommendation – Approval subject to;**

A). The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) securing:

i) £90117, consisting of: £15,558 towards Nursery provision; £32,733 towards Primary provision; £33,112 towards Secondary; and £8,714 towards Sixth Form education;

ii) £46,527 towards specific improvements to Hook Meadow and Princes Ave public open spaces ;

iii) £4,471.60 (£223.58 additional dwelling) towards Natural England's Designated Habitats Mitigation;

iv) £4,499 towards the Great Lines Heritage Park in regard to footpath maintenance required due to increased provision of housing and therefore increase population resulting in increased usage of the GLHP and creating deterioration on the parks footpaths.

B. And the following conditions;

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing Number(s): 2044-007 Rev A; and 2044-011 received on 04 February 2016.
- Drawing Number(s): 2044-006 Rev D; and 2044-009 Rev B received on 01 March 2016
- Drawing Number(s): EMC-2016-029-01 Rev 00; EMC-2016-029-03 Rev 00; EMC-2016-029-04 Rev 00; EMC-2016-029-05 Rev 00; EMC-2016-029-06 Rev 00; and 2044-014 received on 22 April 2016
- EMC-2016-029-02 Rev 01; EMC-2016-029-07 Rev 01; EMC-2016-029-08 Rev 01; and EMC-2016-029-09 Rev 01 received on 09 May 2016
- Drawing Number(s): 2044-003 Rev E; 2044-004 Rev F; 2044-005 Rev E; 2044-008 Rev B; 2044-010 Rev D; 2044-012 Rev A; 2044-013 Rev A; 2044-014 Rev A; and EMC-2016-029-10 Rev 00 received on 12 August 2016
- Drawing Number(s): EMC-2016-029-10 Rev 01; and EMC-2016-029-11 Rev 0 received on 19 October 2016

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

- 3 No part of the development 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 associated dwelling 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 shall take place above slab level 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 ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first 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: Required prior to commencement of development to prevent any irreversible harm to the street scene and 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 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 7 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include, amongst other matters, details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out 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: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The vehicular access to the development shall not be used until the area of

land and any planting or boundary treatment within the vision splays of 2m by 2m at the point where the vehicular access emerges from the site over the public footpath, has been reduced in level, as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the pedestrian footpath. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 9 Prior to occupation of any part of the development hereby approved, details of secure cycle storage to serve these new properties shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details prior to the occupation of the development.

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 T4 of the Medway Local Plan 2003.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A, B, C or 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.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

- 12 Prior to the commencement of the development, hereby permitted, full details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The details of the foul and surface water sewerage disposal as approved in writing by the Local Planning Authority shall thereafter be implemented only in full accordance with the approved details and the foul and surface water sewerage disposal shall thereafter be retained.

Reason: To ensure that an appropriate means of foul and surface water sewerage disposal is supplied to serve the development and to manage the risks of flooding during and post construction and for the lifetime of the development.

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

Those details shall include:

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

Reason: To manage the risks of surface water flooding pre and post construction and for the lifetime of the development.

- 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.

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

## **Proposal**

This proposal seeks full planning permission for the demolition of three existing properties and construction of twenty dwellings consisting: of two x two bedroom; ten x three bedroom; and nine x four bedroom dwellings with associated parking and new access road.

## **Site Area/Density**

Site Area: 0.6298 hectares (ha) / 1.5563 acres)

Site Density: 33.343 dph (13.49 dpa)

## **Relevant Planning History**

MC/05/1165	Construction of detached one bedroom dwelling with storage area above <b>Decision Approval with Conditions</b> <b>Decided</b> 11 August, 2005
MC/02/1447	Construction of conservatories to rear and side of dwelling <b>Decision Approval with Conditions</b> <b>Decided</b> 6 September, 2002
ME/94/0113	Erection of a detached double garage with storage area above. <b>Decision Approval with Conditions</b> <b>Decided</b> 21 March, 1994
ME/93/0779	Proposed side extension incorporating swimming pool and first floor bedrooms with front and rear dormer windows <b>Decision Approval with Conditions</b> <b>Decided</b> 20 December, 1993

## **Representations**

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

EDF Energy, The Environment Agency, The Kent and Medway Fire and Rescue Service; Kent Police; Natural England, NHS Property Services and Southern Water Services have also been consulted

The **Environment Agency** (EA) has written advising planning consent could be granted to the proposed development as submitted if planning conditions are included in relation to: unsuspected contamination; and no infiltration of surface water

drainage into the ground being permitted without express written consent from the Local Planning Authority. Without these conditions, the EA advise that the proposed development would pose an unacceptable risk to the environment and they would object to the application.

In addition to the above the EA also confirm that sustainable surface water drainage systems are endorsed by them and that the collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However the EA stresses that dispersal into the ground through soakaways will always require a site specific investigation and risk assessment and that the detailed design at any site can be negotiated on a site specific basis dependant on environmental setting and drainage design proposals. The EA have requested an informative in regard to this matter be attached should planning consent be granted for this development on the site.

Finally, the EA have advised that the additional information provided by the applicant, in relation to the proposed drainage system, is acceptable in terms of the pollution prevention control measures, although they stress that regular maintenance will be required to ensure that they operate effectively. The EA also stresses that the drainage installations should be constructed as per the specified drawings and an as-built report must be submitted, should consent be granted and the development constructed, to confirm the installations are adequate to protect the groundwater resource and public water supply from the nearby abstraction. Finally, due to vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

**Kent Police** have written advising that they had considered this planning application with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the National Planning Policy Framework 2012 and the DCLG Planning Practice Guidance March 2014 (Paras 10 & 11) and the Crime Prevention and the Kent Design Initiative (KDI) - Design For Crime Prevention document dated April 2013. They have also referred to guidance documents that they produced to guide applicants seeking planning consent to address crime prevention and CPTED issues.

In regard to the current scheme Kent Police have reviewed the submitted plans and documents and note that the applicant/agent has considered crime prevention and has attempted to apply the seven attributes of CPTED in their Design and Access Statement. However, Kent Police advise that to date they have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate.

Kent Police have requested that these comments be draw the applicant's attention, including the KDI, which will also assist them with Crime Prevention and Community Safety. They advise that they would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail. Additionally they point out that if the applicant fails to contact them, this may have an effect on the development with regards to Secure By Design (SBD) and BREEAM, as awarding these items

retrospectively can prove difficult & costly and potentially this could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.

**Natural England** (NE) advice that the application site is within or in close proximity to a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations') and that as the application would increase the number of dwellings in the area, NE consider that the development has potential to result in a higher level of recreational disturbance to the coastal designated sites within North Kent. As detailed within NE's letter of the 6 January 2015, increased recreational pressure from new residential developments within close proximity to the coastal designated sites has the potential to result in a likely significant effect upon the Special Protection Areas and Ramsar Sites if no avoidance or mitigation measures are to be provided by the applicant.

NE consider that clarity on how the increased recreational disturbance to coastal designated sites in North Kent will be avoided and/or mitigated as a result of the increased number of dwellings will be provided at this site. NE state that this could, for example, be via the appropriate financial contribution to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy.

Where no such contribution is secured NE advise that an Appropriate Assessment will need to be undertaken, by the Council, as the competent authority, under the provisions of the Habitats Regulations.

Finally NE refer the Local Planning Authority to their Standing advice in regard to protected species.

**Southern Water** (SW) has written advising that following initial investigations, they can provide foul sewage disposal as well as a water supply to the site. However, they have advised that a formal applications related to these services will need to be made by the applicant / developer. As such should planning consent be forthcoming SW have requested the imposition of appropriate conditions and informatives related to these matters. They have also advised that the Council's own technical staff / Building Control Officers should be asked to comment on the adequacy of soakaway to dispose of surface water drainage from the development.

SW have also commented on changes in legislation regarding the future ownership of sewers, detailed design for the proposed basement needing to take into account the possibility of potential surcharging of the public sewers and in regard to the applicant / developer needing to contact them in regard to the proposed development of this site. In the light of the above comments, should planning permission be granted for the development, appropriate conditions and informative are recommended to be attached.

SW have noted that the development site lies within a Source Protection Zone and have advised that the Environment Agency should be consulted in regard to Ground Water Protection Policy and the protection of the public water supply.

Finally SW have advised that due to vibration, noise and potential odour generated by



sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

**UK Power Networks** has written advising that they have no objections to the proposed works.

**Ten letters from Local Residents of objection** have been received raising the following objections:

- Development will be visible from adjoining properties and will have a negative impact on the surrounding residential area, including increased pressure on local facilities and adverse impacts on local residents;
- Development will result in an overdevelopment of the site, increasing the population and number of cars in an area that is already overcrowded. Such development will result in noise, dust, litter, crime and increased pollution from extra cars; Such a volume of housing on this site is considered to be excessive and can only be detrimental to neighbouring houses/properties;
- The development will have an adverse impact on the windows of a property that adjoins the proposed access, one of which serves a bedroom to a disabled person where they spend most of their time. The development will result in a loss of amenity to the occupiers of that property and especially the disabled occupier
- The proposed design is out of keeping with the surrounding area;
- Loss of outlook and tranquillity to existing gardens;
- Loss of amenity, resulting from the overlooking of gardens and car headlights shining onto/into the fronts of the properties located opposite the access;
- Proximity of the access to the bungalow located at 165 Waldersalde Road;
- Development will result in an increased feeling of vulnerability with regard to safety;
- The development will place an additional strain on health care, schools, public transport and other public services, with no mention within the submission as to additional investment for the increase in provision for such services;
- Increased traffic generation, exacerbating the existing traffic conditions and making the existing road layout more complex;
- Proximity of the access road to existing housing and schools, especially Greenacre School, and concern that the development will make it more difficult for adjoining properties to access/egress from those properties;
- A new road access would be dangerous. This location cannot sustain another road access and if permitted would be an accident waiting to happen;
- Area is already heavily congested due to the proximity of schools, doctors and other road accesses, particularly at rush hour which is exacerbated by sixth former's parking on adjoining roads, adding to the congestion;
- Inadequate level of parking within the development will result in resident and visitor parking being displaced onto the Waldersalde Road, which is already used as an overflow car park. This would be very dangerous, especially due to the fact that this stretch of road is used as a drop off point and pedestrians in general due to the proximity of the site to five local schools and other public services.
- The road access is very narrow, which makes it difficult for refuse and emergency vehicles to access the site, especially if all the parking spaces are occupied within the development. The access road is considered to be dangerous for this reason

and the fact that no footpaths are shown within the development, which would make it unsafe for pedestrians, especially children;

- Construction work will impede access to adjoining gardens via the alley to the rear, which must remain open;
- Construction work, including vibration during building operations, has the potential to damage adjoining properties; and
- A similar development was refused, for the construction of 14 dwellings, in 2008.

*Officer Comment: the 2008 refusal referred to above does not relate to the development site the subject of this application. It relates to a proposal located on a different parcel of land located on the opposite side of the Waldersalde Road, at No's 156 and 158 Waldersalde Road. This being the case, the 2008 planning refusal has not been referred to in the planning history section above, as it does not relate to the red line site of this current development proposal.*

**1 letter from a local resident** has been received advising that the writer has **no adverse comment** to make, but seeks clarification as to the future use of the existing driveway between 183 and 185 Waldersalde Road. The writer considers that if public access is to be allowed along this route then a high close boarded fence or wall should be erected along the common boundary with the adjoining properties to deter litter constantly being thrown over into adjacent properties and to obscure the constant stream of people who will use the access at all hours of the day and night.

## **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 lies within the urban area of Chatham, as defined in the Medway Local Plan 2003 (the Local Plan). Policy H4 of the Local Plan that allows for residential development within such areas, including the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result). The site meets this requirement, subject to a clear improvement in the local environment resulting. This matter is discussed further below, but in general principle terms this development is considered to be compliant with saved Policy H4 of the Local Plan.

Additionally, it should be noted that Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and Paragraphs 17 and 111 of the NPPF support the development of previously developed land provided it is not of high environmental value. Whilst the site does not fall within the definition of previously developed land, as that definition excludes residential gardens, the Council's own saved policies do not prevent such loss specifically. Indeed saved policy H4(ii) of the Local Plan, allows

for residential development within such areas, including the redevelopment of existing residential areas and infilling in such areas.

In terms of sustainability, the site is located reasonably close to public transport and there are various local retail outlets in the vicinity, with Waldersalde Village close by and Chatham Town Centre a short bus ride away. Development also has other infrastructure facilities close by such as doctor's surgeries, dentists, schools, etc., within a reasonable distance to the proposed development site. Bearing these points in mind, the proposed development is considered to be in a sustainable location and subject to the assessment of the detailed matters of the application, the principle of proposal is considered to be in accordance with Policy H4 of the Local Plan 2003 and Paragraphs 17 and 111 of the NPPF.

This site is located in a sustainable urban location and is considered to be an acceptable site for redevelopment for residential use. This being the case, the general principle of the development is considered to comply with the requirements of paragraphs 17, 49 and 111 of the NPPF and Policies S1, S2 and H4 of the Medway Local Plan 2003 and is considered to be acceptable in principle.

#### *Housing Density, Mix and Tenure*

Paragraph 50 of the NPPF states that key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. Policy H5 of the Medway Local Plan 2003 supports the provision of high density housing within or close to town centres and where there is good public transport access. The application site is within the urban area and is well located for public transport access.

In terms of the mix and tenure, the proposed development would see a mix of housing typologies in the form of one x two bedroom, ten x three bedroom, and nine x four bedroom dwellings. The housing typologies and size are considered appropriate for this urban location. The tenure proposed is market housing as the proposal is for a total of 20 units, with an increase in dwelling numbers of 17 over and above those that already exist on the site. As the site is located within an urban area, which is less than 1 ha, and less than the trigger of 25 residential units or more there is no policy requirement for affordable housing to be provided.

The proposal is considered acceptable in this regard and in accordance with paragraph 50 of the NPPF and Policies H3, H5 and H10 of the Medway Local Plan 2003.

#### *Design*

Paragraphs 56 and 58 of the NPPF offers advice on the importance of design in the consideration of planning applications and in particular, paragraph 56 states, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. At the local level, Policies S4, H4, BNE1, BNE6 and BNE8 of the Local Plan all emphasise the importance of achieving high quality in landscape and urban design that results in

safe and attractive environments. In particular, Policy BNE1 of the Local Plan supports development that respects the character of the locality.

The proposed development is on a irregularly shaped plot of land that is currently a residential garden. The dwellings within the site and the buildings within its curtilage offer no particular architectural merit and do little to enhance the overall appearance of this part of Waldersalde. The existing dwellings are functional, but of their time. Due to the nature of the site, including the proposed pedestrian and vehicular access point, and the public footpath that runs immediately to the north and east of the plot, it is considered that this parcel of land is reasonably prominent. The surrounding area is predominantly residential with both bungalows and two storey dwellings located immediately adjoining and on the opposite site of the Waldersalde Road. Other than the adjoining school, the immediate area does not have a strong overall character. The proposal is to replace three existing properties with twenty new dwellings of two and three storeys in height. The housing proposed is of a modern design in terms of the architectural style that is unrelated to the existing dwellings elsewhere in the area, but will nevertheless form an assemblage that has its own worthwhile character.

A contrast would exist between the residential properties surrounding the site and the general design approach of the proposal. However this contrast is considered to work well and overall the scheme will provide a positive design addition to the area. The layout has a number of qualities, which particularly refer to the site constraints. A number of trees are to be retained which is considered to help integrate the new development into its surroundings. This would be reinforced with further planting and landscaping. Furthermore, the development has been designed using a clear hierarchy within the development design, which is considered to provide a coherent structure and a sense of place to the layout. Overall, the design is well considered, attractive and the proposed re-development of the site would result in an improvement.

With the use of appropriate conditions it is considered that the development would be in accordance with the objectives of paragraphs 56 and 58 of the NPPF and Policies S4, BNE1, BNE6 and H4 of the Medway Local Plan 2003.

#### *Sustainable and Inclusive Development*

Paragraphs 50, 57, 61 and 69 of the NPPF identify the explicit need for development to achieve sustainable, inclusive and mixed communities which facilitate social interaction and create healthy communities. Planning decisions should aim to achieve places in which communities can meet, in which crime and disorder do not undermine the quality of life of local residents and in which there is safe and accessible developments, containing clear and easily identifiable pedestrian routes, etc. The concept of sustainability is a 'golden thread' that runs through the NPPF and has been discussed above under the sub-heading 'principle'. Policy BNE7 of the Local Plan also relates to the issue of inclusive societies and access for all.

Achieving sustainable and inclusive development can result from any number of factors. As stated above, paragraph 50 of the NPPF examines the benefits which come from a good housing mix, whilst paragraph 57 talks about incorporating public and private spaces within the wider area. It is imperative that development functions

well and adds to the overall quality of the area.

The development is considered to be located in a sustainable location, with good communication links to existing facilities and services. The design of the development is inclusive, safe and accessible and is considered to comply with the sustainability objectives of paragraphs 50, 57, 61 and 69 of the NPPF and Policy BNE7 of the Medway Local Plan 2003.

### *Boundary treatment*

The details of the proposed boundary treatments are vague with references to the erection of 1.8 metre high fencing within the design and access statement and on the submitted application forms. Additionally the submitted block plan (drawing number 2044-003 Rev E) makes reference to the close boarded fencing around the edges of the site, as defined by the red line on the site location plan, but makes no reference in regard to the remainder of the boundary treatments within the site and the internal boundaries to the gardens of the proposed houses. However, some of the plans, those plans that detail the proposed streetscene (drawing numbers: 2004-007 Rev A; and 2004-008 Rev B) and the Proposed Site Plan Roof Layout (drawing number: 2004-010 Rev D) and Vehicle Tracking (drawing number: 2004-014 Rev A) are suggestive that some of the boundary treatments within the development proposals are a mixture of 1.8 metre high close boarded fencing and brick walling of a similar height.

Irrespective of the nature of the boundary treatment the general nature of the majority of the types of boundary treatment are considered to be acceptable in general principle. However, for the reasons set out in the amenities section below, the boundary treatment along the southern boundary of the vehicular access will need to be looked at in more detail. In terms of all of the other elements of the boundary treatments, it is considered that this can be dealt with appropriately by way of planning condition, thus ensuring that the finalised details of the boundary treatments will be appropriate. Such an approach would be in conformity with policy BNE1 of the Local Plan.

### *Amenity*

In general terms it is considered that the provision of a residential use in an existing residential area is appropriate and would not generally cause concerns for nearby properties. Concerns have been raised about the relationship of the development with residential properties close by and the access to the site impacting on the residential amenities of occupiers of the dwelling located opposite the access.

Turning to the wider issue of backland development, there are existing examples in this area, not least the applicants own property at number 185 Waldersalde Road. However, this does not mean that this proposal should not be considered in more detail regarding the backland nature of the development.

In terms of the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance. It is clear that the access will have the greatest potential for impacts from use of the newly created

access between nos. 161 & 165 Waldersalde Road. However, No 161 lies within the ownership of the applicant and no specific objections have been received from the occupiers of that property. Irrespective of this fact, the Council needs to consider the impact of this development on the amenities of the occupiers of that property, as well as the potential impact on the occupiers of number 165 Waldersalde road and the amenities of any other occupiers, who's amenities may be impacted by the development proposal.

The dwelling at Number 163 Waldersalde Road, which is proposed to be demolished as part of this development proposal with a view to creating the vehicular access into the site, already has a vehicular access that is located on the southern side of the boundary of this dwelling, close to Number 165 Waldersalde Road.

The vehicular access to Number 163 currently provides vehicular access and parking, which does not seem to be a formalised, as no hard surfacing exists. There is clear evidence on this site that this access and parking area has been in continual use for the parking of vehicles and access onto the public highway. During the officer's site visit a car was parked in this area, immediately adjoining the windows in the side elevation of number 165 Waldersalde Road, which serve a bedroom. These windows are fronted on the northern side by a brick wall which is stepped in height, as you move from the west to the east with the wall being some 1.2 metres (4 feet) in height at a distance of approximately 0.5 metres from these windows.

Clearly the proposal to create the access, in this location, that will serve 20 residential units. This will have the potential to increase vehicular movements from approximately 8 per day to approximately 160 vehicular movements per day.

The creation of a more centralised vehicular and pedestrian access has resulted in the road and footpath being moved further away from these windows from the existing access and the previously proposed access design. Rather than being located within 0.3 metre (1foot) of the existing boundary it is proposed to relocate the access road further into the centre of the site. This means that the back edge of the footpath will be some 1.6 metres from the common boundary with both dwellings located either side of Number 163.

In general terms the creation of this new access into the site needs to be considered in the context of the background noise levels owing much to traffic on the busy Waldersalde Road. Only the dwellings located north and south of this access will be impacted in terms of noise from vehicles and pedestrians moving between these dwellings (Numbers 161 and 165), which are likely to necessitate mitigation measures, should planning permission be forthcoming. This primarily related to the fact that Number 165 has windows facing this access point and there would be the possibility of sleep disturbance at night, if bedroom windows are open, in this property.

The nature, design and revised location of the proposed access driveway is such that vehicles would unlikely to travel at speeds likely to result in a significant increase in noise levels above those currently experienced from the adjoining Waldersalde Road. Furthermore with the provision of mitigation measures along the northern and

southern boundaries, such as acoustic boundary fencing concerns about the increase of noise and disturbance arising from the level of use of this new access could adequately deal with the potential adverse impact in the bedroom of the property located on the southern boundary (Number 165 Waldersalde Road). This can be secured by condition.

More formalised fencing alongside the boundaries to the north and south of the access road, with numbers 161 and 165 would also be of benefit in screening these 2 dwellings rear gardens from both vehicle noise and possible nuisance such as that arising from vehicle headlights.

In terms of the impact on views from the windows in the north facing side elevation of number 165 Waldersalde Road, loss of view is not a material planning consideration. In terms of loss of outlook, on the amenities of existing and future residents to this property, especially with regard to the impact on the bedroom windows located within the north facing side elevation, the fall back position in planning terms needs to be borne in mind.

Permitted Development (PD) rights, allows in most circumstances, fencing to be erected up to 2 metres (6 feet 6 inches) in height without requiring a formal planning consent. Bearing this fact in mind, fencing up to 2 metres could be created along these boundaries in any event without the need of any planning consent and therefore whilst there would be an impact on the outlook from these windows to object to the development on this basis would be unsustainable on appeal, as the 'fall back' position would heavily influence any concerns related to this matter.

The adjoining properties, in the vicinity of the site have generous gardens of considerable length, albeit some of these gardens being longer than normal front gardens and rear garden of a more average size. Thus, irrespective of the layout of dwellings within the appeal site, in most cases there would be around 21m or more between existing dwellings and the proposed dwellings on the main part of the application site. It is considered that this distance is sufficient to ensure that there would be no significant adverse effects in terms of noise and disturbance in those garden areas closest to existing dwellings, which tend to be the most intensively used garden areas.

Even in those parts of neighbouring gardens immediately adjacent to the site, activity associated with the 20 new dwellings on this site would not cause noise and disturbance significantly greater than that typically experienced in residential areas such as this. There is sufficient space and scope within the site to ensure a developments design and layout is appropriate in terms of protecting the amenity of adjoining occupiers.

Given the separation distances and relationships that would be created, the existing vegetation and the scope for new boundary treatment and landscaping, the proposal would not cause any harmful loss of privacy or outlook to occupiers of neighbouring properties. Overall therefore the proposal would not harm the living conditions of neighbouring occupiers. Nor would it conflict with those elements of Policies BNE2 and H9 of the Local Plan which seek to protect residential amenity.

Bearing all of the above mentioned factors in mind, the proposal would satisfy the criteria for backland development set out in Policy H9 of the Local Plan, and thus that it would not give rise to the problems often associated with tandem or other forms of backland development subject to conditions relating to noise mitigation measures and boundary treatments.

Turning to other matters related to amenity, the proposed layout achieves appropriate front and rear distances between elevations of the development and adjoining properties, including those located opposite the development. The separation distances between the residential development and adjoining uses, including the adjoining school and those properties located opposite the development site, are all considered acceptable in terms of protecting the amenity of existing and future occupiers of both adjoining properties and the occupiers of the development itself, especially with regard to overlooking and loss of privacy. These separation distances ensure that all residents, both existing and the future occupiers of the proposed development, achieve good levels of outlook and light to habitable rooms.

In terms of space standards, the internal floor area of all the proposed units within the scheme, have been amended to ensure that they exceed the floor areas required by the Nationally Prescribed Space Standard (NPSS) both in terms of the Gross Internal Area (GIA) and the floorspace required for the bedrooms. In line with the Medway Housing Design Standards (MHDS), private amenity space for the occupiers of the development meets acceptable standards.

The development is considered to be acceptable in terms of the NPSS and the outdoor amenity space standards in the MHDS and considering all of the above in relation to general amenity, it is not considered that there would be any conflict with Policy BNE2 of the Medway Local Plan 2003

#### *Daylighting and overshadowing.*

The location of the development will be in close proximity to the housing fronting the Waldersalde Road. However, due to the siting and design of the proposed development, together with the orientation of the plot on which the development is being undertaken all means that no reduction in daylight or sunlight is likely to occur and whilst there would be some overshadowing as a result of the development, this will be within the development itself and relatively minor. Therefore, this development is considered to be acceptable in terms of daylight and overshadowing issues and therefore in accordance with Policy BNE2 of the Medway Local Plan 2003.

#### *Noise and Dust*

There is potential for noise and dust during the construction phase but this issue can be appropriately dealt with by planning condition seeking to secure a Construction Environment Management Plan to be put in place for the duration of the construction works. Subject to the imposition of such a condition it is considered that the development would accord with Paragraph 123 of the NPPF and Policy BNE2 of the Medway Local Plan 2003.



## Highways

The proposed development is likely to generate in the region of 100 vehicle trips per day. Of these, 10 vehicle trips are predicted to occur during the morning peak and 8 vehicle trips between 1400 and 1500. Whilst the adjoining highway is relatively busy at these times, due to school-related traffic, this number of movements is relatively low and unlikely to have a material impact on highway capacity or safety, subject to the provision of a satisfactory means of access.

It is proposed to construct a new priority junction with Waldersalde Road to serve the development, with a 4.8 metre wide carriageway and 1.8 metre wide footways to each side. Sight lines of 60 metres in each direction along Waldersalde Road are shown, protected by double yellow line waiting restrictions on the junction radii. Vehicle swept path analysis demonstrates that large vehicles would be able to negotiate the junction satisfactorily. Whilst they would use the majority of the access width to turn on to the site, forward visibility is acceptable and this type of vehicle movement would occur infrequently. The access design takes in to account the recommendations of a Road Safety Audit undertaken by the Council's Highways Engineers. It is recommended that a planning condition be imposed to secure the provision of the priority junction and associated pedestrian facilities and parking restrictions, prior to occupation of the first residential dwelling.

In light of the above, it is considered that the access proposals are acceptable and development would not have a detrimental impact on highway capacity or safety. On this basis, no objection is raised in respect of Policies T1 and T2 of the Local Plan.

The application proposes a total of 41 car parking spaces. The Council's Parking Standards require a minimum provision of 40 spaces for residents and 5 spaces for visitors. At the time of the last Census, average car ownership in the vicinity of the site was 1.2 per dwelling. Based on the size of the proposed dwellings, it is estimated the development would generate a demand for 36 spaces for residents and 4 spaces for visitors. Some car parking could take place on the internal access road, away from the areas required by service vehicles for manoeuvring. On this basis, the application is considered to make satisfactory provision for vehicle parking, and no objection is raised in respect of Policy T13 of the Local Plan.

## Ecology / Biodiversity

The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*" Furthermore, Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*"

Natural England has responded referring the Council to their Standing Advice on protected species and commented on their concerns related to clarity on how the

increased recreational disturbance to coastal designated sites in North Kent will be avoided and/or mitigated as a result of the increased number of dwellings will be provided at this site. NE have advised that this could, for example, be via the appropriate financial contribution to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. The applicant has been made aware of these comments from Natural England and has agreed to meet the financial contribution, as set out in the Natural England letter of the 6th January 2015, as set out in the recommended heads of terms above.

In terms of the ecological advice received from the Council's Consultant Ecologists they initially commented on the lack of information submitted in regard to ecology with this application...

*Other comments from County Ecologist -*

- *As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application we advise that the proposed development may have potential to result in ecological impacts.*
- *To enable us to fully consider the suitability of the site to contain habitat for protected/notable species we require current up to date photos of the site to be submitted. The photos will enable us to assess if there is a need for an ecological surveys to be out.*
- *If required, a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys prior to determination to ensure that all relevant material considerations are addressed in making the decision.*

An appropriate condition is recommended.

*Planning Obligations / Section 106*

In terms of other planning obligations it is recognised that new residential development can create additional demand for local services. Policy S6 of the Medway Local Plan 2003 says that conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provides 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:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The obligations/contributions requested in this case are considered to comply with these tests because they have been calculated based on the quantum and location of the development.

Developer contributions as set out in the Recommendations section above has been made and agreed by the applicant and accord with the Council's adopted supplementary planning document, Guide to Developer Contributions 2014.

Paragraph 205 of the NPPF states: "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled." The Council recognises the Governments position in this regard at paragraphs 4.5 and 4.6 of the Council's Guide to Developer Contributions 2014 it states:

*"The Council's initial negotiations will generally be based on this guide. Only where there are good and valid reasons for departing from the guide will alternatives be considered.*

*An example might be where the 'normal' level of contribution is genuinely unaffordable in which case the developer should inform the Council as quickly as possible and provide detailed financial evidence to substantiate the claim. Only where comprehensive evidence is provided will it be possible for the Council to consider such departures and in these cases an 'open book' approach will be required."*

In the light of the above the development is considered acceptable subject to the completion of a Section 106 agreement securing the heads of terms set out in the Recommendations section above.

### *Drainage*

The site is located in Flood Zone 1 in accordance with the Environment Agency Flood Zone Mapping. Flood Zone 1 is associated with a low risk of flooding. Further, according to the Environment Agency's mapping, the site is not at risk of surface water flooding. Notwithstanding this fact, the Council, in its role as Lead Local Flood Authority (LLFA) enable the Council in this role to seek an assessment in relation to the proposed scheme and the details of the management of surface water to ensure there is not an increased risk to flooding on or off the site as a result of the development.

The applicant submitted indicative drainage layouts that refer to the use of water butts and connections to rain water pipes and eventual discharge to soakaways. Micro Drainage outputs have also been submitted relating to soakaways. However detailed design and outputs will need to be submitted for the entire built development and include outputs for all storms up to and including the 100 year +40% scenario. Updated planning guidance "*Flood Risk Assessments: climate change allowances*" published in March 2016 includes revised peak rainfall intensity allowances within Table 2: *Peak rainfall intensity allowance in small and urban catchments* and states that both the central and upper end allowances included should be assessed to understand the range of potential impact. Therefore, assessment of the +40% rainfall intensities quoted above should be assessed to ascertain if additional resilience can be built into the system to accommodate the increased runoff.

Furthermore urban creep, whereby the permeable surfaces are converted to impermeable over time should be considered as part of the design calculations. In this instance an additional 5% impermeability should be included and the developer will need to demonstrate that any SuDs structures provided on site will be maintained for the lifetime of the development. Details of maintenance can be submitted at a detailed design stage. Bearing in mind the above, it is considered that this matter can be dealt with by way of the recommended planning condition.

#### *Local Finance Considerations*

None relevant.

#### **Conclusions and Reasons for Recommendation**

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, highway safety and parking. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions as set out above. The proposal accords with the provisions of paragraphs 17, 49, 50, 56, 57, 58, 61, 69, 118, 121, 123 and 205 of the NPPF and Policies S1, S2, S4, S6, H3, H4, H5, H10, BNE1, BNE2, BNE6, BNE7, BNE8, BNE35, T1, T2, T4 and T13 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being reported to Committee due to the level of representations received that raised objection to the proposal contrary to officer 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/>