

MC/17/4357

Date Received: 18 December 2017

Location: Greatfield Lodge Darnley Road Strood Rochester

Proposal: Proposed part demolition of existing communal facilities block and addition of first floor to create a two-storey building (block 3), addition of new storey to block 1 to create a three/four storey building and extension to front and external staircase to block 2 and other associated works to facilitate conversion of Greatfield Lodge Residential Hostel into 14 one bed and 10 two bed residential self-contained flats including creation of an access road onto the site from Hawthorn Road and inclusion of derelict land to the rear of No. 276 Hawthorn Road to form part of the overall site

Applicant Ms Binta Suleiman

Agent Mr Matthew Scholes  
50 Oak Road  
Glinton  
Peterborough  
PE6 7LD

Ward: Strood South Ward

Case Officer: Doug Coleman

Contact Number: 01634 331700

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21st November 2018.**

**Approval subject to:**

- A. The applicant entering into a Section 106 agreement to secure:
- A contribution of £2,496 towards nursery school provision at Bligh Infant School;
  - A contribution of £7,488 towards primary school provision at Bligh Infant and Junior Schools;

- A contribution of £11,230.80 towards improvements to Court View Surgery in Darnley Road to accommodate potential new patients arising from the proposed development;
- A contribution of £28,000.00 towards off site provision and/or maintenance of outdoor open space to be spent on improvements to Northcote Recreation Ground, Sycamore Road play area and/or Broomhill Park.
- A contribution of £13,700.40 towards the provision of Street furniture in the grounds of Temple Manor.
- A contribution of £4,200.00 towards waste and recycling to be used to provide adequate facilities to cover the impact of the development.
- A contribution of £5,750.64 towards Strategic Mitigation measures in the Special Protection Areas;
- An agreement that when any future stage of the development is undertaken (of all or any of the land outlined in blue on the submitted site plan) that it will include the provision of a minimum of 25% of affordable homes calculated on the basis of the number of dwelling across the site as a whole, the trigger being when 25 or more dwellings are proposed across the joint sites.
- Payment for traffic calming measures in the proximity of the proposed access onto Hawthorn Road.
- Payment for the diversion of and improvement to the public footpath linking Darnley Road and Hawthorn Road

B. And the following conditions:-

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

Drawing numbers GW/227/03/D, GW/227/04/D, GW/227/05/C, GW/227/06/C, GW/227/07/A, GW/227/08/C, GW/227/09/B, GW/227/10/B, GW/227/11/D, GW/227/12/B, GW/227/13/B, GW/227/14/C, GW/227/15/A, 38492/2001/006/A, 38492/2001/SK01/B, 38492/2001/SK02/B and 38492/1501/001/P01 received on 18 December 2017; Site Plan received on 8 January 2018; and 38492/2001/007/F, 38492/2001/009/B, 38492/2001/010/B, 38492/2001/011/B, 38492/2001/012/B, 38492/2001/012, LSDP 10949.01/J, 9537-KC-XX-YTREE-TCP01Rev0 Sheet 1 of 2 and KC-XX-YTREE-TPP02RevA Sheet 2 of 2 received on 28 June 2018.

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

- 2 No further development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the remainder of the construction phase of the development as well as site site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 3 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
- A) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- B) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- C) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Tree Protection Plan 9537-KC-XX-YTREE-TPP02 Rev A prepared by Keen Consultants and received on 28 June 2018 before any further equipment, machinery or materials are brought on to the site for the purposes of carrying out of the remainder of the development. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: 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.

- 4 No vegetation clearance or development shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing).

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 5 No development shall take place until the following vegetation clearance works have been carried out in accordance with the details specified below and under the supervision of an experienced ecologist:
- Ground works in the area of any vegetation should be carried out outside of the reptile hibernation season (November to March inclusive);
  - The works area should be mowed using hand held machinery only (to 15cm height minimum), during sunny conditions in order to force the animals out of the area;
  - A second cut should be given to ground level, 2 days following the first cut, during sunny conditions;
  - The height of vegetation should be kept lower than 5cm until the start of the works;
  - Appropriate checks prior to careful removal of debris, litter, top soil and other suitable reptile refuges and to be kept away from the areas to avoid reptiles colonising those.

Reason: Required prior to commencement of development to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003

- 6 No part of the development herein approved shall be occupied until details of all external lighting of the car parking areas has been submitted to and approved in writing by the Local Planning Authority. Details shall include height, exact position, cabling, relationship to existing and proposed trees, external appearance, any shielding, light intensity, colour and spillage. In addition a lighting design strategy for biodiversity which includes the following:
- A) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - B) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

The external lighting shall be implemented in accordance with the approved details prior to occupation and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure no detrimental harm to bats and in order to limit the impact of the lighting on the landscaping of the site and nearby residents, and with regard to Policies BNE1, BNE2, BNE6 and BNE37 of the Medway Local Plan 2003.

- 7 No part of the development hereby approved shall be occupied until details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved biodiversity enhancements shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings herein approved and thereafter retained.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 8 No part of the development herein approved shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is 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.

- 9 Prior to the first occupation of any dwelling herein approved the refuse storage arrangements for the dwellings, including provision for the storage of recyclable materials, shall be provided on site in accordance with drawing number GW/227/03D received on 18 December 2017. All approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 No dwelling shall be occupied until details of secure private cycle parking provision in the form of individual lockers have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 11 No part of the development herein approved shall be occupied until the area shown on the approved layout drawing number LSDP 10909.01 Rev J as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 12 Prior to first occupation of any unit within the proposed development hereby permitted a minimum of 3 electric vehicle charging points shall be provided within the car park and thereafter retained.

Reason: To promote sustainable transport and reduce greenhouse gas emissions in accordance with Paragraph 105e of the National Planning Policy Framework.

- 13 During the first planting season following the first occupation of any part of the development herein approved, the hard and soft landscape works shown on drawing number LSDP 10949.01 Rev J received on 28 June 2018 shall be implemented in full. 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.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 In addition to the landscaping proposals shown on drawing number LSDP 10949.01 Rev J, a hedge with a minimum width of 1m shall be provided along the eastern side of the access road to the site from Darnley Road in the first planting season after the first occupation of the development herein approved. This hedge shall not result in the width of the access road being less than 3m and at such pinch points, the width of the hedge shall be reduced to allow the 3m road width.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 15 The approved landscaping shall be maintained in accordance with the Maintenance Schedule prepared by Land and Sculpture Design Partnership and received on 18 December 2017.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 16 No more than 50% of the parking spaces within the development as shown on approved layout drawing number LSDP 10909.01 Rev J shall be allocated to individual dwellings.

Reason: To ensure an efficient and flexible parking arrangement that meets the demand generated by future residents and visitors in accordance with Policy T13 of the Medway Local Plan 2003.

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

## **Proposal**

This application is a re-submission of application MC/17/1677 which was withdrawn on 18 August 2017 and was itself a re-submission of application MC/13/1469, which was approved on 31 January 2014 following the completion of a Section 106 agreement. Work has already commenced to implement that development.

No changes to the buildings are proposed under the current application and there will be no change in the number or size of units. The proposed changes from the previously approved scheme are:

- The inclusion of a triangular area of land to the north-east within the application site. This land measures approx. 30m (max) by 20m (min). This land is outside the previous application site and is not owned by the applicant. Attempts have been made to ascertain ownership and the application was advertised on site and in the press by the applicant in accordance with Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The land is currently unused and somewhat overgrown and is separated from the main site by a public footpath. It is proposed to use this land to provide additional parking for this development, and for Phase 2 - the northern part of the site. A total of 27 spaces are shown for the proposed development (for the previously approved scheme), plus 8 for Phase 2. It is also proposed to divert the public footpath around the site (which will require additional approval under the Highway Act).
- It is proposed to create a new vehicular access onto the site off Hawthorn Road. This access will be through the embankment to the rear (south) of the site, which

is heavily tree covered, and under the previously approved scheme was proposed as a landscaped buffer to the south. These trees are subject to a Tree Preservation Order. It is submitted that six trees would be lost to facilitate the construction of the road. The road would fall approx. 4m from Hawthorn Road to the site. At the top, the road would cross an area of highway land, currently informally used by residents for parking. It is proposed to install a barrier between this site and the land to the north to prevent it being used as a 'rat run' between Hawthorn Road and Darnley Road, with access only for emergency purposes.

- Consequent changes to parking layout and landscaping are proposed.

The current application has been submitted to address concerns raised by application MC/17/1677 in respect of the impact of the proposed development on the tree covered embankment to the rear. Instead of cutting through the embankment it is proposed to build a bridge, approx. 21m long by up to 3m high, over the tree roots.

As the application site includes additional land to that covered by application MC/13/1469 a new application is required and the changes cannot be dealt with under a minor material amendment.

## **Site Area/Density**

### Current application

Site Area: 0.53 hectare (1.3 acres)  
Site Density: 45 dph (18.3 dpa)

### Previously approved scheme

Site area: 0.34 hectares (0.84 acres)  
Site density: 70.6 dph (28.6 dpa)

The difference is due to the inclusion of additional land within the application site.

## **Relevant Planning History**

MC/17/1677

Proposed part demolition of existing communal facilities block and addition of first floor to create a two-storey building (block 3), addition of new storey to block 1 to create a three/four storey building and extension to front and external staircase to block 2 and other associated works to facilitate conversion of Greatfield Lodge Residential Hostel into 14 one bed and 10 two bed residential self-contained flats including creation of an access road onto the site from Hawthorn Road and inclusion of derelict land to the rear of No. 276 Hawthorn Road to form part of the overall site.

Withdrawn by Applicant 18 August, 2017

- MC/16/4261 Details pursuant to conditions 8 and 13 of planning permission MC/13/1469 - Proposed part demolition of existing communal facilities block and addition of first floor to create a two-storey building (block 3), addition of new storey to block 1 to create a three/four storey building and extension to front and external staircase to block 2 and other associated works to facilitate conversion of Greatfield Lodge Residential Hostel into 14 one bed and 10 two bed residential self-contained flats (Resubmission of MC/12/2898)  
Discharge of Conditions 8 December, 2016
- MC/16/0332 Application for a non-material amendment to planning permission MC/13/1469 (Proposed part demolition of existing communal facilities block and addition of first floor to create a two-storey building (block 3), addition of new storey to block 1 to create a three/four storey building and extension to front and external staircase to block 2 and other associated works to facilitate conversion of Greatfield Lodge Residential Hostel into 14 one bed and 10 two bed residential self-contained flats (Resubmission of MC/12/2898)) for alterations to windows, doors, balconies and internal layout.  
Approved 10 March, 2016
- MC/15/4311 Details pursuant to conditions 4,5,6,7,8,10,12 and 15 on planning permission MC/13/1469 for proposed part demolition of existing communal facilities block and addition of first floor to create a two-storey building (block 3), addition of new storey to block 1 to create a three/four storey building and extension to front and external staircase to block 2 and other associated works to facilitate conversion of Greatfield Lodge Residential Hostel into 14 one bed and 10 two bed residential self-contained flats (Resubmission of MC/12/2898)  
Discharge of Conditions 2 February, 2016
- MC/13/1469 Proposed part demolition of existing communal facilities block and addition of first floor to create a two-storey building (block 3), addition of new storey to block 1 to create a three/four storey building and extension to front and external staircase to block 2 and other associated works to facilitate conversion of Greatfield Lodge Residential Hostel into 14 one bed and 10 two bed residential self-contained flats (Resubmission of MC/12/2898)  
Approved With Conditions 31 January, 2014

## Representations

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

**Natural England, Kent Wildlife Trust, KCC Biodiversity, Kent Police, NHS, Southern Water Services, EDF Energy and Southern Gas** have also been consulted.

**22 letters (4 from same household)** have been received raising the following objections:

- Proposed access would be in a dangerous location with poor visibility;
- Cars parked on public highway further reduce visibility;
- Loss of on street parking;
- Proposed access road would be very steep and unusable in bad weather;
- Proposal would affect adjoining footpath which is used as route to school;
- Impact on wildlife and birds on site;
- Loss of trees;
- Increase in noise;
- Increase in flood risk.

All other comments made are non-material

**Natural England** has written making the following comments:

- The net increase in residential accommodation would impact on the coastal Special Protection Areas and Ramsar Sites and an appropriate financial contribution should be sought;
- The site is within or close to the Kent Downs AONB and regard should be paid to Paragraph 15 of the NPPF;
- NE have not assess the site for impacts on protected species;

The application may provide opportunities for biodiversity enhancements and landscape enhancements.

**KCC Biodiversity** has make the following comments:

- The ecological scoping survey and bat survey are over five years old and may no longer be valid. An updated ecological scoping survey must be carried out and submitted prior to the determination of the planning application;
- A bat scoping survey was carried out in December 2016 and identified a number of trees that have some potential for roosting bats. This is now over a year old and the information may no longer be valid. An updated survey will be require and should be submitted prior to determination;

- The submitted landscaping plan has confirmed that native species will be incorporated in to the proposed planting scheme. However, a greater mix of species could be incorporated in to the site. The proposed hedgerow only contains hornbeam and at hedgerow of mixed species is recommended rather than just single species. The updated scoping survey makes recommendations for enhancements that can be incorporated in to this site if planning permission is granted. The inclusion of enhancements in to the development is in accordance with Paragraph 118 of the NPPF.

**Kent Police Crime Prevention Design Advisor** has written stating that the applicant/agent have not demonstrated that they have considered crime prevention or have attempted to apply the seven attributes of CPTED in the Design and Access Statement and no communication has been received from the applicant, although details of some fencing specifications are noted. There has been no further communication from the applicant/agent since they met on 20 June 2017.

**Southern Water** has written with a plan showing approx. position of foul sewer crossing the site and advising on conditions to be attached to any planning permission.

**Southern Gas Networks** has written advising that all gas pipe locations must be viewed online.

### Re-consultation Responses

All consultees and objectors have been consulted on revised plans and the following further representations received.

**A petition (54 signatures) and 24 letters** have been received raising the following objections:

- Proposal would generate additional traffic onto Hawthorn Road which cannot cope with existing traffic;
- Proposed access would be located on a bend which is a dangerous;
- Parked cars in Hawthorn Road further reduce visibility;
- The proposed access would result in the loss of existing parking spaces;
- The proposed access would be across a path which leads to local schools;
- The proposed access would obstruct access to the adjoining property;
- Increase in noise, disturbance and pollution to residents in Hawthorn Road;
- Loss of trees;
- Revised plans do not address previously identified problems;

In addition, the following objections have been made to the proposed flats and the building which already exists:

- Overlooking and loss of privacy from proposed flats;

- Loss of light;
- School, doctors surgery etc. already at capacity and cannot cope.
- Proposed building would be out of keeping with character of area;
- Noise and disturbance during construction;

**Kent Police Crime Prevention Design Advisor** has written stating that the comments previously made still stand and he has no additional comments to make. He then goes on to give advice to the applicant.

**KCC Biodiversity** has commented on the revised ecological report, advising that subject to appropriate conditions this is now acceptable in terms of the impact on reptiles, bats, breeding birds, and in terms of biological enhancements.

**Medway Local Access Forum** has written expressing concern that the access is on a tight corner and seeks assurances that it is safe and not a risk to the public

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2018 and are considered to conform.

## **Planning Appraisal**

### *Background*

Discussions were held between the applicant and Council Officers in an attempt to address concerns which had been raised. Several suggestions were made at the meeting, the main points being:

- The proposed access onto Hawthorn Road be realigned so that at the point of egress is closer to 90 degrees to the curvature in Hawthorn Road.
- As physical barrier is installed between the proposed access road and the diverted public footpath. There would need to be some form of access between road and the parking area at 276 Hawthorn Road.
- Several suggestions were made with regard to the trees, essentially suggesting the removal of certain trees that were in a poor condition, and replacement where appropriate.
- The land south-west of 319 – 333 Darnley Road, which it is proposed to use for parking should be re-graded.
- Trees be planted between proposed flat 13 & number 19 Portsmouth Close to provide privacy.

The applicant has considered the suggestion to realign the proposed access to Hawthorn Road, but this was found to be unfeasible due to the impact on more trees than the current

scheme and the gradient being too steep. However, a physical barrier is now proposed between the proposed access road and footpath and the other suggestions made have been taken on board.

### *Principle*

The principle of residential development of this site was established with the previous grant of planning permission on 31 January 2014 under MC/13/1469. In accordance with Policies H4 and CF1 of the Local Plan and Paragraphs 47 and 68 of the NPPF, no new matters of principle are raised by the current proposal and accordingly no objection is raised to the principle of the development.

### *Street Scene and Design*

No changes to the external appearance of the building are proposed and accordingly, no new design issues are raised. No objection is raised under Paragraphs 124 and 127 of the NPPF and Policy BNE1 of the Local Plan.

### *Amenity*

#### Occupier Amenity

No changes are proposed to the number and sizes of flats and therefore no new issues are raised in terms of occupier amenity.

#### Neighbour Amenity

No new issues are raised in terms of light, privacy or outlook.

In terms of noise and disturbance, new issues are raised insofar as the proposal would bring car parking closer to the rear gardens of neighbouring properties. In the case of the additional land, this would not be an issue as the properties in Darnley Road have long rear gardens and the proposed parking would be approx. 40m from the rear of the houses. However, the re-arranged parking on the site would result in the loss of a grassed area and planting and bring the parking close to the boundary with the rear gardens of houses in Portsmouth Close. However, there is a drop in land levels and the boundary would be defined by a 3-4m high gabion retaining wall. Furthermore, whilst there would be some disturbance from vehicles using the parking spaces, the number would not be excessive and therefore not detrimental to the amenities of the occupiers of the properties in Portsmouth Close.

In addition, there is potential for disturbance to the side and rear of 276 Hawthorn Road from traffic using the proposed vehicular access. However, given the configuration of the access and the low vehicle speeds, it is considered that any impact would not be detrimental to the amenities of the occupiers of this property.

Accordingly, no objection is raised under paragraph 127f of the NPPF and Policy BNE2 of the Local Plan in terms of neighbour amenity.

### *Trees and landscaping*

A Tree Preservation Order (TPO) protects many of the trees on the site, including the belt of trees on the embankment along the southern boundary. The current proposal involves cutting through this tree belt to create the access road.

A Tree Survey was submitted with the application, which initially identified 6 trees to be removed. The Tree Survey was revised following discussions between the applicant and Council Officers and now identifies 10 trees to be removed for the construction of the road (T25-T29, T39, T42-44 and T2146). All are birch trees, apart from T2146 which is hazel. All trees are grade C2 (trees of low quality with a life expectancy of 10+ years in groups of woodland offering low or temporary screening benefits. It is submitted that from a visual perspective, the removal of these trees would not have a significant impact, and could be addressed by new planting as set out below.

The Tree Report states that appropriate measures will be in place to ensure minimal impact on remaining trees. The proposed bridge structure will ensure that excavations are kept to a minimum as the bridge will span the root systems of remaining trees. Any lighting on the bridge will be incorporated into hand rails. The construction of hard surfaces adjacent to the bridge has been designed to have minimal impact.

Whilst the loss of trees should be considered carefully, in this instance, the individual trees themselves have little merit and it is the group value that should be taken into account. The proposal would result in the loss of 10 low quality trees, on a site that has many trees.

However, under this scheme, it is proposed to extend the landscape area, immediately onto what was previously a parking area, immediately adjacent to the proposed bridge. This would result in the planting of an additional 21 trees.

Concerns have been raised with the applicant in terms of the impact of the proposed access road on this landscaped area, both in consideration of this application and the previous application (MC/17/1677). However, having regard to the poor quality of the existing trees to be removed and the benefit of replacement and additional planning proposed under the current scheme, it is considered that, on balance, the proposal would make a positive contribution to the character of the area and enhance the appearance of the landscaped embankment.

In addition to additional planting on this embankment, planting is also proposed along the northern and eastern boundaries of the proposed additional planting area, and along the western boundary to the site adjacent to the rear gardens of houses in Portsmouth Close.

Having regard to the above considerations, no objection is raised to the proposal in terms of the impact on protected trees and the landscaped embankment Policies BNE1, BNE6, BNE41 and BNE43 of the Local Plan and Paragraphs 170 of the NPPF.

### *Ecology*

Paragraphs 170, 174 and 175 of the NPPF seek to protect and enhance biodiversity. Policies BNE37 and BNE39 of the Local Plan also seek the protection of wildlife habitats and protected species.

A Revised Ecological Constraints Survey has now been submitted which considers the impact on reptiles, bats, breeding birds and ecological enhancements.

### Reptiles

A reptile survey is not required as the footprint of the proposed development is small and has limited suitable habitat for reptiles. The proposed development will result in the loss of semi improved grassland, rubbles and top soil clearance and those habitats offer a low suitability for reptiles to be present. In order to minimise any residual risk of harm or impact to reptiles, precautionary measures will have to be undertaken and an appropriately worded condition is recommended.

### Bats

The updated ecological report states that none of the trees present on site nor the building offered potential for roosting bats and thus no further survey work is recommended with regard to bats. However, lighting can be detrimental to roosting, foraging and commuting bats and the Bat Conservation Trust's *Bats and Lighting in the UK* guidance should be adhered to in the lighting design for the works undertaken and the new buildings. Again, an appropriate condition is recommended.

### Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). An appropriate conditions is recommended in this instance.

### Enhancements

The proposed tree and hedge planting is welcomed, but it is recommended that bat and bird boxes should be installed on suitably mature trees within the southern wooded area in order to help promote biodiversity alongside development. This again can be addressed by a condition.

No objection is, therefore raised in terms of the ecological impact of the proposal under Paragraphs 170, 174 and 175 of the NPPF and Policies BNE37 and BNE39 of the Local

Plan.

### *Highways*

The Transport Statement submitted with the application uses the TRICS trip generation database to predict that the proposed development would generate up to 10 vehicle movements during each peak period and up to 92 vehicle trips over the course of a day. This would represent a small increase over existing traffic flows on Hawthorn Road and, subject to the provision of a suitable means of access, is unlikely to have a detrimental impact on conditions of highway safety or the free flow of traffic, and accordingly no objection is raised in terms of traffic generation under Paragraph 102 of the NPPF and Policy T1 of the Local Plan.

The access onto Hawthorn Road is proposed to be 4.25 metres wide and would be private. A swept path analysis has been submitted for the proposed access to demonstrate that cars would be able to manoeuvre on and off the access where it meets Hawthorn Road. The applicant confirms that larger vehicles would not access from Hawthorn Road due to the geometries at the site boundary and within the site (the hair-pin bend in particular), but would utilise the existing access via Darnley Road. A sightline diagram indicates that vehicles leaving the access would have sufficient visibility in each direction along Hawthorn Road, commensurate with the relatively low speed of traffic in the vicinity of the access. No objection is, therefore, raised in terms of access under Policy T2 of the Local Plan.

The Council's Parking Standards indicate that the proposed development should provide 29 spaces for residents and 6 spaces for visitors. The application proposes 27 spaces, which is the same as that shown under the previously approved scheme. However, the parking layout has been re-arranged. Several spaces to the rear of the site have been removed to accommodate the access road. Additional parking is shown towards the front (north) of the site, encroaching into the previously grassed area between the car park and the western boundary to Portsmouth Close. Three additional parking spaces would be provided on the additional land. Most of the parking shown on this land is indicative parking for Phase 2. No objection is raised in terms of parking under Policy T13 of the Local Plan and Paragraph 105 of the NPPF.

The inclusion of the additional land within the application site would necessitate the diversion of the public footpath between Darnley Road and Hawthorn Road. The application states that improvements would be made to the footpath, including new lighting. Whilst no objection is raised to the diversion of the footpath in planning terms, in the event of planning permission being granted, the applicant would also need to seek approval for the diversion of the footpath under the Highways Act

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination,

on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have indicated that they are agreeable to paying this tariff and this will be included within a Section 106 agreement in the event of the Committee resolving to grant planning permission. Subject to the Section 106 agreement, no objection is, therefore raised under in this regard under Paragraphs 56, 170, 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 and Paragraph 56 of the NPPF 2018 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. The obligations proposed comply with these tests because because they have been calculated based on the quantum and location of the development in accordance with Medway Council's Developer Contributions Guide (2018). Contributions were sought in respect of the previous scheme and a Section 106 agreement was completed. However that application pre-dated the 2018 Guide so, where appropriate, the contributions have been re-assessed accordingly. In the event of the application being recommended for approval and planning permission being granted the following contributions will be sought:

- A contribution of £2,496 based on a pupil product ratio (PPR) of 0.03 for flats (excluding one bedroom) and 0.11 for houses (excluding one bedroom) and a contribution of £8,320 per pupil towards nursery school provision at Bligh Infants

School;

- A contribution of £7,488 based on a PPR of 0.09 for flats (excluding one bedroom) and 0.11 for houses (excluding one bedroom) and a contribution of £8,320 per pupil towards primary school provision at Bligh Infants and Junior Schools;
- A contribution of £11,230.80 towards improvements to Court View Surgery in Darnley Road to accommodate potential new patients arising from the proposed development;
- A contribution of £28,000.00 towards off site provision and/or maintenance of outdoor open space to be spent on improvements to Northcote Recreation Ground, Sycamore Road play area and/or Broomhill Park.
- A contribution of £4,200.00 towards waste and recycling to be used to provide adequate facilities to cover the impact of the development.
- A contribution of £13,700.40 towards the provision of Street furniture in the grounds of Temple Manor.
- A contribution of £4,200.00 towards waste and recycling to be used to provide adequate facilities to cover the impact of the development
- An agreement that when any future stage of the development is undertaken (of all or any of the land outlined in blue on the submitted site plan) that it will include the provision of a minimum of 25% of affordable homes calculated on the basis of the number of dwelling across the site as a whole, the trigger being when 25 or more dwellings are proposed across the joint sites.
- Payment for traffic calming measures in the proximity of the proposed access onto Hawthorn Road.
- Payment for the diversion of and improvement to the public footpath linking Darnley Road and Hawthorn Road.

#### *Local Finance Considerations*

There are no local finance considerations raised by this application.

#### **Conclusions and Reasons for Recommendation of Approval**

The principle of the proposed development is acceptable under Policy H4 and CF1 of the Local Plan and Paragraphs 49 and 70 of the NPPF, and has already been accepted with the previous grant of planning permission. In addition no new issues or concerns are raised in term of design and appearance, occupier amenity, traffic and parking and no objection is raised so far as these matters are concerned under Paragraphs 47, 68, 124 and 127 of the NPPF and Policies BNE1, BNE2, T1 and T13 of the Local Plan.

The inclusion of additional land for parking raises no new concern as such and therefore, no objection to this aspect of the proposal and to the consequent diversion of the public footpath.

Concern have been raised with regard to the creation of a new vehicular access and the potential impact on the woodland embankment. However, the proposal has been designed to ensure that there would be no significant loss of protected trees and overall, the area would be enhanced by the extension of this wooded area and new tree planting. No objection is, therefore, raised under Paragraph 170 of the NPPF and Policies BNE1, BNE6, BNE41 and BNE43 of the Local Plan.

Subject to appropriate traffic calming measures in Hawthorn Road, no objection is raised to the proposed new access in highway terms under Policy T2 of the Local Plan

Previous concerns with regard to the ecological impact of the proposal have now been addressed and no objection is raised under Paragraphs 170, 174 and 176 of the NPPF and Policies BNE37, BNE39 and T2 of the Local Plan.

Contributions are sought in respect of strategic mitigation measures, education, health and open space by means of a Section 106 agreement, together with a clause to include the 24 units proposed under this development, within the total for calculating affordable housing when subsequent stages are considered.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

---

## **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://publicaccess1.medway.gov.uk/online-applications/>