

MC/19/0273

Date Received: 1 February 2019

Location: Garage Block Rear Of 15-17 Doddington Road Twydall Gillingham

Proposal: Demolition of 26 lock up garages and construction of three 3-bedroom town houses and a block of flats comprising of two 2-bedroom and two 1-bedroom flats with associated parking and refuse storage (resubmission of MC/18/0683) with on-site parking for 13 cars

Applicant Mr Rodger Dudding

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Ward: Twydall Ward

Case Officer: Mary Smith

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 26th June 2019.

Recommendation – Approval subject to:

- A. A Section 106 under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:
 - i. Contribution to bird disturbance mitigation (unless secured separately by a SAMMs Mitigation Contribution Agreement)
- 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 numbers (11)01 rev D, (11)02 rev D, (11)03 rev D, (11)04 rev D, (11)05 rev D, (11)06 rev D and (11)07 rev D received 11 June 2019 and the floor area details 1 and 2 received 29 April 2019.

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

- 3 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in 4 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, lighting, 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 arising from the construction phase of the development 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 Policies BNE2 and T1 of the Medway Local Plan 2003.

- 8 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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.

- 9 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected (including sections to show the height of the boundary treatment from both the site and the adjoining land) 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.

- 10 No dwelling shall be occupied until full details of both hard and soft landscape works (including new tree planting and details of the surfacing of the access, turning and parking areas) and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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.

- 11 No dwelling shall be occupied until details of the refuse storage arrangements including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Local Planning Authority and the approved arrangements have been fully implemented. All approved refuse storage arrangements shall thereafter be retained.

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

- 12 None of the flats hereby approved shall be occupied until details of secure cycle parking provision 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 the flats are 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.

- 13 Prior to the installation of any external lighting on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on nearby residential properties and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on nearby residents and with regard to Policies BNE1, BNE2 and BNE5 of the Medway Local Plan 2003.

- 14 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking and turning 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 (as amended) (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 and turning space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and

turning and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A and B 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 visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 Policy BNE2 of the Medway Local Plan 2003.

- 17 No development shall take place until details of a Waste Management Strategy have been submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall provide details of how waste collection vehicles are able to enter and exit the site as well as the frequency of collection of both recyclable materials and general household waste. The management of waste within the site shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure adequate waste collection without prejudice to the amenities of existing and future residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

The reasons for this recommendation for approval please see Planning Appraisal section and Conclusions at the end of this report.

Proposal

It is proposed to demolish 26 lock up garages and to provide a terrace containing three houses and four flats. The three 3-bedroom houses would be located at the southeast end of the terrace, nearest to the site access, with the flats to the northwest. The flats

would consist of two 1-bedroom flats on the ground floor with two 2-bedroom flats above, each of these 2-bedroom flats consisting of living accommodation and one bedroom on the first floor with a second bedroom in the roofspace above. The proposed houses would also have a bedroom within the roofspace, all of the roofspace accommodation being served by roof lights to the front and pitched roof dormers to the rear elevations.

The terrace would be positioned just to the southwest of the site access facing northeast, with gardens to the rear including a communal garden for the flats. Vehicular access would also be retained to the rear of 45 Hollingbourne Road on the southwest side of the site. To the front of the terrace each of the houses would have a parking space partly recessed below the upper floors above with a further 9 parking spaces and a refuse storage area opposite, giving a total of 12 parking spaces. The site is accessed from Doddington Road by an approximately 3.3m wide drive located between 15/17 and 19 Doddington Road.

This is a revised scheme following the refusal of two previous schemes. The original scheme, MC/17/4042, consisted of one detached and one semi-detached pair to the southwest side of the site facing towards the side of a second semi-detached pair on the northeast side of the site. Application MC/18/0683 then initially proposed a mixed terrace of flats and houses orientated to face towards the southeast (towards the access), however amended plans subsequently re-orientated it to face towards the southwest. The current scheme consists of a similar terrace however it has been reversed to face towards the opposite (northeast) end of the site, with the parking and gardens areas also reversed to the opposite side of the site in association with this.

Site Area/Density

Site Area: 0.13 hectares (0.32 acres)

Site Density: 53.8 dph (21.8 dpa)

Relevant Planning History

MC/18/0683	Demolition of 26 lock up garages to form 3 three bedroom town houses and a block of flats comprising 2 two bedroom flats and 2 one bedroom together with associated parking for 13 cars with waste storage (Resubmission of MC/17/4402) Decision Refusal Decided 24/04/2018
MC/17/4042	Demolition of 26 lock up garages to form 4 semi-detached and 1 detached three bedroom town houses with associated parking for 10 cars and waste storage Decision Refusal Decided 30/01/2018

Representations

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

One petition signed by 18 people from 11 addresses opposing the development due to the increased parking and overdevelopment of Doddington Road and the surrounding area has been received. In addition **18 individual letters from 15 addresses** have been received raising the following concerns:

- Three storey out of place;
- Loss of privacy, trees may not always be there, two storey or bungalows may be more acceptable;
- Loss of light and adverse impact on ambience of neighbours gardens;
- Out of place, will not enhance/fit in with surrounding properties, too much development;
- Noise, pollution and disruption both during construction and afterwards, including from use of parking and refuse storage area by neighbours fence;
- Impact on wildlife in neighbouring gardens, more sound and light pollution;
- Trees should not be touched;
- Access will cause disruption to residents either side;
- Access road is concealed and use may cause accidents;
- Emergency services and refuse vehicles struggle in the area and would to get in to the site;
- Parking on site is likely to be inadequate for potential residents and visitors even though it may meet parking standards;
- Already very limited parking and congestion in Doddington Road, increase if visitors overspill onto street, the site should be used for parking for existing residents;
- Any parking restriction on the road by the access would further reduce the limited spaces for local residents;
- Area is already struggling, accommodation for disabled or elderly for rent preferable;
- Inadequate infrastructure for existing/more dwellings (hospital, doctors and schools);
- Security measures needed during demolition/replacement boundary treatment period;
- Access to 248 Beechings Way would be blocked by parking;
- Access to rear of 13 Doddington Road for parking in rear garden is requested if scheme approved;
- Revised plans do not overcome concerns.

One letter of support has been received:

- Long overdue development would add to security of the site and surroundings;

- Garages not used for many years, risk to life from danger to teenagers etc;
- 750 houses in Pump Lane would add much greater stress to local area;
- Retention of trees might help overlooking.

Former Councillor Griffiths had requested that the application be reported to the Planning Committee if officers are recommending approval due to questions around the impact on local residents.

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 2019 (the NPPF) and are considered to conform.

Planning Appraisal

Background

The site currently contains blocks of garages. Although no planning history for these has been found it is noted that a planning officer site inspection in May 2012 found that with the exception of two garages that were in use at this time the rest had not been occupied for many years and were in very poor and dilapidated condition. Previous submissions stated that the site had suffered from vandalism and antisocial behaviour over a sustained period of years which drove away former and potential tenants, the garage site no longer being viable and having been closed for over two years. A recent site inspection has confirmed that the garages are in a very poor state although a neighbour previously confirmed that one was still in use.

There have been two recent applications for the redevelopment of the site. Application MC/17/4042 for 5 houses was refused for the following reason:

The proposed development, by reason of the cramped, contrived/over-engineered layout which is dominated by hardsurfacing, including the lack of adequate parking provision and the poor relationship between the proposed dwellings, would result in a poor form of development detrimental to the character and appearance of the site and its surroundings and harmful to amenity (both of the living conditions of potential occupants of the site itself and of local residents due to potential overflow parking onto local streets which are already heavily used). Such development would be contrary to Policies BNE1, BNE2, H9 and T13 of the Medway Local Plan 2003 and paragraphs 17, 56 and 64 of the National Planning Policy Framework 2012.

Informatives also drew attention to the need for further information regarding levels and trees; that a communal bin storage area would not usually be required for houses; and that bird disturbance mitigation should be addressed as part of any subsequent appeal.

Application MC/18/0683 attempted to address these concerns by changing the proposals from three separate blocks (two semi-detached and one detached houses) into a single terrace (three houses and four flats). However this was then refused for the following reason:

The proposals would result in a poor form of development, being a contrived layout with no sense of place which would not relate well to its surroundings particularly when approaching from Doddington Road. The entrance would be uninviting and somewhat intimidating and the lack of visibility and distance between the highway and the parking area would be inconvenient for drivers, indicative of the poor layout. The development would be detrimental to the character and appearance of the site and its surroundings and to the amenities of potential occupants of the site, contrary to Policies BNE1, BNE2 and H9 of the Medway Local Plan 2003 and paragraphs 17, 56 and 64 of the National Planning Policy Framework 2012.

Informatives also drew attention to the fact that the impact on trees had not been properly addressed and that bird disturbance mitigation should be addressed as part of any subsequent appeal.

Principle

There is no objection in principle to the addition of dwellings within this primarily residential urban area including with regard to Policy H4 of the Local Plan and the advice in the NPPF (paragraph 68). It is recognised that the site is in a backland position but its development would not threaten the comprehensive development of a wider area, therefore subject to details there is no overriding objection with regard to Policy H9 of the Local Plan and paragraph 70 of the NPPF. The acceptability of the scheme will depend on detailed matters.

Design

The site is located in an area of two storey housing, some terraced and some semi-detached. Two previous applications for the redevelopment of the garages for housing have been refused due to concerns regarding the poor design/configuration of these schemes. The current application has similarities to the most recent of these, MC/18/0683, in that it is for a single 'terrace' containing three houses and four flats. However the proposed terrace has been re-orientated by 180 degrees, with the access from Doddington Road now shown to provide direct access to the proposed house frontages and parking areas, rather than immediately turning to the southwest side past proposed rear gardens and the side of the terrace. It is considered that this would create a much better sense of place when arriving at the site, with the 'public' areas straight in front of the access driveway and the private gardens relatively concealed to the rear.

With regard to the design of the terrace itself the original plans included a gable roof projection containing a circular window in the high gable and a virtually full length window on the first floor below to the front, with two roof lights in each roof space to the rear. This

has been amended to reduce the scale/height of the front roof gable projection and the size of the first floor front windows. A roof light has been added to each front roof space, with the rear roof spaces now each to contain a single pitched roof dormer.

Overall it is considered that the changes both to the proposed layout and to the detailed design of the dwellings has resulted in an acceptable form of development which will not harm the character and appearance of its surroundings. This aspect of the development is now considered acceptable with regard to Policies H9 and BNE1 of the Local Plan and paragraph 127 and 130 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbours and the level of amenity which would be experienced by potential future occupants of the site itself.

Neighbours Amenity

With regard to neighbours the main part of the site is surrounded by the back of rear gardens of neighbouring houses, the access running between the houses and gardens of 15/17 and 19 Doddington Road. Due to the previous use of the site, for some 28 garages, it is not considered that the use of the access or the site itself for the proposed dwellings would result in unacceptable levels of noise and disturbance to neighbours subject to suitable boundary treatment being in place (this would be secured by condition).

With regard to the physical impact of the proposed dwellings the neighbouring houses to the northwest and southwest in Frinsted Close and Hollingbourne Road are over 20m from the site boundary, with the land levels sloping up towards the northwest such that any impact of these neighbours would be limited. The flank of the block would be close to the back of the rear gardens of neighbours to the northwest, however as it would be adjacent to the ends of these reasonably sized rear gardens, it would be at a lower level and there would be no windows on this side elevation this relationship is considered satisfactory.

To the northeast the house at 248 Beechings Green is at an angle to the site, a minimum of approximately 10m from the end of its rear garden, and the proposed terrace would be set off this boundary by a minimum of 14.5m. It is considered that this would provide sufficient distance between the dwellings to provide adequate privacy and that no harmful light/outlook impact would result. In addition revised plans have been submitted to reduce the impact of the proposed frontage design on its surroundings, reducing the gable feature and depth of first floor glazing. It is noted that there are currently some large conifers on the boundary which mean that at present there are limited views between this neighbour and the site, however this assessment has been made on the basis that these trees are not a permanent feature and therefore cannot be relied upon to ensure adequate privacy levels.

To the southeast the houses in Doddington Road have shorter rear gardens, a minimum of approximately 12.5m, and are also at a lower level. The proposed terrace would flank onto these rear gardens across the internal site access (which is a minimum of 2.35m wide). On balance it is considered that this relationship would be satisfactory, there being a separation distance of approximately 16m between the side of the proposed block and the nearest house which although at a lower level is to the south. One secondary ground floor lounge window is shown on the side facing towards this neighbour however with the intervening vehicular access and boundary treatment it is not considered that this would result in an unacceptable loss of privacy.

A condition to require a construction environmental management plan is proposed, in order to help limit the impact of the construction period on the amenities of neighbours. Details of boundary treatment would also be required by condition (this is particularly important as the rear walls of the existing garages are on the boundaries).

Future Occupiers Amenity

With regard to the level of amenity which would be experienced by occupants of the site itself the proposals have been assessed against the minimum space standards set out in the technical housing standards – nationally described space standard (the national standard). The proposed dwellings would comply with the minimum internal space standards. In addition the proposed rear garden depths for the houses would meet the minimum standard recommended by the Medway Housing Design Standards (MHDS) (interim) 2011, with a communal rear garden shown for the proposed flats.

In summary subject to conditions the amenity impact of the proposed development is considered acceptable including with regard to the advice in Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

Contamination

Although a desk top study has not been submitted with the current application one was submitted with previous a redevelopment application. Whilst this did not raise contamination issues such as to preclude the redevelopment of the site for residential purposes it is noted that access to the garages was not possible at that time. As some contamination could have occurred from use of the garages it is recommended that conditions to address contamination matters be attached if permission is granted. Subject to such conditions, the development is considered acceptable with regard to Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

Highways

The existing garages are in a very poor state of repair and aside from one do not appear to have been used for vehicle parking for several years. In addition, no planning permission which requires them or the wider site to be made/kept available for vehicle parking has been found. In these circumstances an objection to the loss of the site for

general parking cannot be sustained, as there is no planning requirement for it to be made available for parking purposes. It is noted that at the time of the site visit for this and the previous applications there have been a small number of cars (up to three) parked on the open area of the main part of the site. It is also noted that there are high levels of on-street parking in the local area, including Doddington Road, during the working day, pressure for the limited spaces being even higher during the evening and at weekends. It is therefore important that any development provides adequate parking for itself, such that there would not be an increase in existing local parking pressures.

The adopted Interim Residential Parking Standards require the provision of a minimum of eleven parking spaces for the proposed development (1 per 1 bedroom flat, 1.5 per 2 bedroom flat and 2 per 3 bedroom house) plus one visitor parking for a development of seven units, a total of twelve spaces. The proposed layout shows twelve spaces, one directly in front of each of the proposed houses with nine opposite the frontages. In these circumstances, as these adopted parking standards would be met in compliance with Policy T13 of the Local Plan, it would be unreasonable to refuse permission on the basis of lack of parking. In addition, there is no objection in principle to the use of the existing access from Doddington Road to serve the development of the site, including with regard to Policies T1 and T2 of the Local Plan and paragraphs 108 and 109 of the NPPF. It is noted that some neighbours have a private right of way across the site (vehicular and pedestrian) and these have been provided for as part of the layout.

Lengthy consideration has been given to how refuse collections can be made from the site. Whilst it may be possible for regular refuse collection vehicles to collect from the site by reversing up the access way, this would mean that new parking restrictions would be needed on Doddington Road to ensure that there would be adequate space for such vehicles to manoeuvre in and out of the access. However, due to the heavy demand for the limited on-street parking spaces in this area such additional restrictions/loss of on-street spaces is considered unacceptable. One alternative would be for refuse to be presented to kerbside (or near kerbside) on collection days, however this is unrealistic due to the length of the access (over 28m) and the limited space for bins to be stored at the road end. In these circumstances a site specific solution is necessary. The agent has agreed that a private refuse collection company would collect from the main part of the site (smaller collection vehicles can then be used). This is to be secured by a condition and subject to this the development is now considered acceptable in this respect.

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 agreed in principle to pay this tariff and to submit an appropriate mechanism to do so if a resolution to approve the application is made. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Other Matters

There are a number of trees around the edges of the main part of the site, many within neighbouring gardens. Previous applications have included a Tree Survey Report, however the information provided was considered to be poor and inaccurate and did not comply with the recommendations of British Standard 5837:2012. This is not ideal however whilst the trees provide greenery and some screening within the area they do not appear to be worthy of a tree preservation order, including the tall conifers on the northeast boundary. Replacement planting with more suitable species may be preferable, however the developer would need to consult with affected neighbours prior to removal of their trees or would need to undertake tree protection measures if they are to be kept. A condition to require new planting within the site and an informative regarding the potential impact on existing trees is proposed.

It is noted that local residents may prefer the site to contain bungalows or be for elderly residents only, however it is not considered that there is planning justification to require such restricted development in this case.

Local Finance Considerations

There are no relevant local finance considerations.

Conclusions and Reasons for Approval

In summary it is considered that the changes have overcome the reasons for refusal of the previous schemes and that the current proposal would result in an acceptable form of development within its surroundings. There would be no unacceptable harm to amenity

and the proposed parking provision would comply with adopted standards. There is no objection to the continued use of the existing site access, however private arrangements are to be made to secure suitable refuse collection, to be secured for the lifetime of the development by a legal agreement. A contribution to bird disturbance mitigation will also be secured. Approval is therefore recommended including with regard to Policies S6, H4, H9, BNE1, BN2, BNE23, BNE35, T1, T2 and T13 of the Local Plan and paragraphs 68, 70, 108, 109, 127, 130, 175, 176 and 178 of the NPPF.

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/>