

MC/19/1299

Date Received: 17 May 2019

Location: Land West Of Elm Avenue And South Of Broadwood Road
Chattenden Rochester

Proposal: Construction of 6 no dwellings, associated access, infrastructure,
parking and landscaping - Demolition of the existing building

Applicant Esquire Developments Ltd,

Agent DHA Planning
Mr John Collins Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
England

Ward: Strood Rural Ward

Case Officer: Majid Harouni

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 August 2019.

Recommendation - Approved Subject to;

- A. The applicant entering into agreement under Section 106 of the Town and Country Planning Act to vary the S106 entered into with the adjacent outline application to incorporate the following additional S106 requirements for the additional 6 dwellings:
- i. A minimum of 25%(based on a total of 69 dwellings units on the whole site, equal to 17 affordable dwelling houses) equal to 1 affordable dwelling house under the current application.
 - ii. £5,419.20 towards nursery school provision at Chattenden or Hundred of Hoo Primary School.

- iii. £13,478.40 towards the provision of new primary school facilities at Chattenden or Hundred of Hoo Primary School towards the expansion to 2FE.
- iv. £13,634.40 towards the provision of secondary school facilities at Chattenden or Hundred of Hoo Secondary School.
- v. £3,588.00 towards the Council towards the provision of sixth form facilities at the Hundred of Hoo School.
- vi £932.64 toward waste and recycling and providing bins for the dwellings.
- vii £2807.7 towards Hoo St. Werburgh GP Practice to increase capacity.
- viii £3,425.1 towards Heritage, museums improvement of facilities in the Sergeant's Mess building at Upnor Castle.
- ix £8017.43 towards Open space in the Hoo area. A leap is to be provided by the applicant on-site and maintained thereafter.
- x £749.7 toward the Great Lines Heritage Park.
- xi £548.09 towards improvement and new wearing course for PROW RS105, RS106 and RS127.
- xii £3,809.53 towards measures to improve pedestrian facilities at Elm and Broadwood Avenues and on the Main Road. To improve pedestrian link from the application site to Hoo School.
- xiii £17,925.01 towards new community facilities including a new sports complex, new village community centre and/or the provision of 2 new country parks in the wider Hoo St Werburgh area.
- xiv £1,483.3 toward Habitats Regulations.

Total £75,818.5 =£12,636.41 per dwelling

B. Conditions

- 1 The development hereby permitted shall be begun before the expiration of 2 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:
23709B/65 Rev A, 23709B_70A, 23709B_71, 23709B_80, 23709B_81, 23709B_82 Rev A, 23709B_83 Rev A, 23709B_84, 13457 H-01 Rev P2, 13457 H-02 Rev P1, 13457 T-01 Rev P2, 13457 T-02 Rev P2, 13457 T-03 Rev P2, 13457 T-04 Rev P1, 13457 T-05 Rev P1. received 30/05/2019 and 26/07/2019.

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

- 3 No development above ground floor slab level of any part of the development hereby approved shall commence until schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and guttering of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 Local Plan

- 4 No development shall be carried out until a landscape scheme that shall include full details of hard and soft landscaping and a programme for implementation on site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:-

i. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed umbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.

ii. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier or in accordance with a programme to be submitted to and agreed in by the Local Planning Authority.

iii. The programme for the implementation of landscaping scheme shall include details of strategic planting and open space provision that will be delivered prior to the occupation of the dwelling. These details shall have regard to the Construction Environmental Management Plan required under condition 15 to ensure that these early landscaping works are not undertaken abortively.

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

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

- 5 Prior to the commencement of any development and before any equipment, machinery or materials are brought onto the site, the approved Tree Protection Measures as shown in the Biodiversity method statement dated April 2019 and associated appendices produced by TWIG shall be implemented in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations" shall be erected and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with Policy BNE 43 and NPPF.

- 6 Any tree and/or shrub planted pursuant to condition 4 being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and green infrastructure, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

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

- 8 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 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.

- 9 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended no development within Schedule 2, part 1, Class A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

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.

- 10 No dwelling herein approved shall be occupied until the area shown on the submitted layout 23709B/70 Rev A as vehicle parking space and garaging has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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.

- 11 No development above slab level shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards.

No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

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

- 12 Prior to the occupation of any of the dwellings hereby permitted the access junction radii, vehicle sightlines from the access in each direction along the Elm Avenue as shown in drawings 13457 H-01 rev P2 and 13457 H-02 rev P1, shall be made available and maintained as such for the life time of the development.

Reason: To provide an attractive and safe means of vehicular and pedestrian access in accordance with policy T3 of the Medway Local Plan 2003.

- 13 Prior to the first occupation of each individual dwelling of the development hereby permitted details of the refuse storage arrangements for that dwelling, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building shall be occupied until the approved refuse storage arrangements for that building are in place and 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.

- 14 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016), and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The Mitigation Statement shall include full details of the following standard air quality mitigation measures:
- All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh;
 - Parking spaces to be provided with electric vehicle charging points at the following rates:
 - a) 1 electric vehicle charging point per dwelling with dedicated parking
 - b) 1 electric vehicle charging point per 10 unallocated parking spaces
 - Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction
- The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Local Plan.

- 15 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 at all times in accordance with the approved Construction Environmental Management

Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

- 16 If, during development (including the demolition works), contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with.

The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

- 17 Prior to the occupation of any of the dwellings hereby permitted the applicant, or their agents or successors in title, shall submit the results of the site archaeological investigation to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved specification.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 18 No development shall take place until a scheme showing details for 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 (if applicable):
- 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 surface water during and post construction and for the lifetime of the development.

- 19 Prior to the occupation of the development , a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans. This should also include details of whom will be undertaking the management and maintenance of all SuDs features.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 20 No development shall commence until details of ecological mitigation have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted pursuant to the requirements of this condition shall include details of:

- i. Provision of bat boxes within new buildings and/or on retained trees;
- ii. Provision of bird boxes on new buildings and/or on retained trees;
- iii. Provision of log piles;
- iv. Native species within the landscape planting specification;
- v. Landscape planting that provides food and replacement nesting opportunities for birds;
- vi. Surface water infiltration basin that provides opportunities for wildlife in addition to any SuDS function.

The development shall not be occupied until the ecological mitigation has been provided in accordance the approved details.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework 2019.

- 21 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following.

- A. Details of ecological enhancements to be incorporated in to the site.
- B. Description and evaluation of features to be managed;
- C. Ecological trends and constraints on site that might influence management;
- D. Aims and objectives of management;
- E. Appropriate management options for achieving aims and objectives;
- F. Prescriptions for management actions, together with a plan of management compartments;
- G. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;

H. Details of the body or organisation responsible for implementation of the plan (including details of how it will be funded)

I. Ongoing monitoring and remedial measures.

J. Management plan reviews.

The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

22 No development shall take place (including any ground works, site or vegetation clearance) until a biodiversity method statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

A. Updated ecological surveys (If older than 2 years).

B. Purpose and objectives for the proposed works:

C. Detailed design(s) and/or working method(s) necessary to achieve stated objectives;

D. Extent and location of proposed works,

E. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

F. Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;

G. Use of protective fences, exclusion barriers and warning signs;

H. Initial aftercare and long-term maintenance (where relevant);

I. Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

23 The first floor flank landing and bathroom windows shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room or landing area it serves, shall be non-opening. This work shall be completed before the relevant dwelling is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 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 is a full application seeking permission for the demolition of the existing pavilion building on-site and construction of 6 no dwellings houses, associated access, infrastructure, parking and landscaping, to be constructed as an integral part of the development approved for 63 dwellings on the adjacent land.

The access to the development would be from the same access point off Elm Ave that was approved as part of the outline permission granted for 63 dwellings under ref MC/18/0620.

Site Area/Density

Site Area: 0.9hectares (2.22 acres)

Site Density: 7 dph (2.7 dpa)

Relevant Planning History

MC/19/1287 Details pursuant to conditions 6 (Materials), 8 (Site and Slab Levels), 9 (Tree Protection), 11 (Landscape Management Plan), 13 (Cycle Parking), 14 (Refuse), 15 (Air Quality), 16 (CEMP), 18 (Archaeological), 21 (Surface Water), 25 (Ecological Mitigation), 26 (LEMP), 27 (Biodiversity) for planning permission MC/18/0620 Outline application with all matters reserved for construction of up to 63 dwellings alongside associated parking, access, infrastructure, engineering, landscaping works and creation of publicly accessible open space.

To be decided

MC/18/0620 Outline application for the erection of up to 63 dwellings with all matters reserved except for the means of access
Approved 04/03/2019

MC/19/1300 Reserved Matters application pursuant to the outline planning permission granted under ref MC/18/0620
Also on this agenda

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.

One letter of representation has been received expressing concern about the following

- The outline planning application MC/19/1300 was an application by Shaftesbury Homes, a charity and we presume the permission was given partly due to the statement that the retaining of the Pavilion and adjoining land as a public facility. This application is to demolish the existing building and build a further 6 houses in addition to the 63 already proposed, which will take away this facility for the public.
- Elm Avenue and Broadwood Road are not suitable roads for additional traffic. Broadwood Road, has bends and the visibility when one comes from Elm Avenue direction is limited, residents are wary of the bend but unfortunately, others that use the road as a cut through are not.
- The additional development of a further 6 houses is that it will have a detriment effect on surrounding properties, a major impact on the two roads in and out of the Estate and it will add congestion to the already heavily used Four Elms Hill and surrounding roads.

Hoo Saint Werburgh Parish Council have made the following comments:

- The proposal to demolish the existing building is a change to the original planning application granted whereas this building (a sports pavilion which is only a few years old) was to be turned into a community asset and retained.
- In this part of our Parish Community buildings are in short supply and the local inhabitants need and deserve a community meeting place.
- We believe that more houses on this site would add further problems to access to the site and even greater pollution problems to Four Elms Hill, this is a well know dangerous hotspot for traffic pollution.

The Parish Council, therefore, objects to this application and request that this is refused, should Medway Council Planning Officers be minded to approve the application, we would request that this is determined by the Planning Committee.

KCC ecology has reviewed the ecological information submitted with the planning application and are satisfied that it provides a good understanding of the ecological interest of the proposed development site.

The boundaries of the site provide the greatest ecological interest and the submitted site plan indicates that the majority of these habitats will be retained as part of the proposed development – therefore we are satisfied that sufficient survey effort has been carried out to determine the planning application.

We understand that no boundary trees or hedgerows will be removed to facilitate this development – this is confirmed by the tree survey.

From the submitted landscaping plan, it appears that a few of the trees will be within the residential curtilage. Condition 9 of application MC/18/0620 requires the following to be submitted: *Prior to the commencement of any development, a scheme for the protection of trees, hedges and green infrastructure to be retained on site and along the full length of the boundary shall be submitted to and approved in writing by the local planning authority.* We

advise that the submission for condition 9 must clearly set out how the applicant will ensure that the any trees within the curtilage will not be felled by future owners.

An updated Preliminary Ecological Appraisal has been submitted and it has focused on the proposal for an additional 6 houses where the club house is located. We are satisfied with the conclusion of the submitted report and advise that the precautionary mitigation is similar to what has been recommended for the wider site. We highlight that as part of C 27 for application MC/18/0620 there is a need for a biodiversity method statement to be submitted and therefore we advise that the biodiversity method statement must cover the whole site and not only the red line boundary for application MC/18/0620.

KCC Archaeology has no objection to the programme of archaeological works proposed on site.

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 and are considered to conform.

Planning Appraisal

Background

The application site is located to the southwest edge of Chattenden settlement and west of Elm Avenue. The site is grade 1 (excellent quality) agricultural land. Aerial photo shows that the land has not been farmed since the 1940s. The site, therefore, has not been in agricultural use/production at least over the last 8 decades.

The application site forms part of a relatively flat field with a pavilion type building on the southern half of the site. The land and the building was used as ancillary facilities by Shaftesbury Young People and the Arethusa Venture Centre for many decades.

A belt of trees and hedge along the eastern, southern and western boundaries of the site screens the site from the wider surrounding.

A 15m high wind turbine granted in 2015 is situated just outside the southeast corner of the site.

There are residential properties to the east and north sides of the site. Also, footpath RS105 forms the northern boundary, the RS106 forms the western boundary and the RS127 forms part of the Saxon Shore Way.

Chattenden Woods and Lodge Hill SSS are some distance away from the application site.

The Jet Petrol Station, Spar shop and A228 Peninsula Way are just to the northwest of the application site.

As the planning history shows an outline planning permission has already been granted for up to 63 dwellings with associated access on the land to the north. The Reserved Matters application pursuant to the outline permission has also been submitted which forms part of the agenda for consideration by this Committee.

The proposal seeks to utilise the same vehicular and pedestrian access point of Elm Ave to service the proposed 6 houses as that proposed for the 63 dwellings.

The proposed 6no houses and the 63 dwellings approved under MC/19/0620 will in all intents and purposes appear as one seamlessly and well integrated housing development.

The applicant has agreed to provide policy compliance affordable housing and developer contribution for the total of 69 dwellings.

The above section 106 heads of terms are pro-rata contribution for the additional 6 dwelling houses proposed.

The total size of the site is about 3.38hectars= (8.35 acres). The proposal for 69 dwellings on the whole site would represent a density of 20.8dph (8.26dpa).

Principle

Paragraph 47 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Bearing this in mind, the relevant starting point would be the consideration of the general principles of the development when assessed against the Government's National Planning Policy Framework (The Framework), The Government's National Planning Practice Guidance Notes (NPPG) and the relevant saved policies of the Medway Local Plan 2003.

Paragraph 11 of the NPPF sets out a clear presumption in favour of sustainable development. For decision making this means approving development that accords with an up to date development plan or (paragraph 11d) where the policies in the development plan are out of date because the LPA cannot demonstrate a 5 year supply of deliverable housing sites, assessing proposed sites in terms of their sustainability.

The application site is outside the built confines of Chattenden and within the countryside. Policy BNE25 of the local plan is relevant. This policy seeks to control the supply of land for housing. Those elements of the policy which seek to control the supply of land for housing are considered to be out of date, as the LPA cannot demonstrate a 5 year supply

of deliverable housing land. However, those parts of the policy which seek to set out particular landscape characteristics that should be protected are relevant.

Also relevant are Policy S1 which seek to prioritise development within the existing urban fabric and Policy S2, which implements that strategy.

The principle of the residential development of the adjoining land to the north which uses the same access as the proposal for 6 houses has already been approved under ref MC/18/0620 and Elm Avenue is considered to be in a sustainable location.

Paragraph 8 of the NPPF sets out the 3 overarching objectives of sustainability—economic, social and environmental.

Taking the NPPF 3 objectives of sustainable development in turn:

Economic

The development would also boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be during the construction period. Future occupants of the development would also support businesses and facilities within the local area. These benefits weigh in favour of the proposed development.

Social

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The proposed 6 dwellings together with the 63 dwelling houses already approved under MC/18/0620 will provide a range of much-needed housing including policy-compliant 25%=17 affordable dwellings and 52 market housing. This would represent an increase in the number of affordable dwelling units based on 69 dwellings on the whole site.

The mix of market and affordable dwellings proposed and as shown in drawing 23709B/17 would be satisfactory and in compliance with policies H3 and H10 of the local plan.

It is therefore considered that the proposed development meets the economic and social objectives of sustainable development as set out in the NPPF.

Environmental

While the site is outside of the built-up area of Chattenden, it is bounded from the north and east with the residential development in Broadwood Road, Elm Avenue and from

south and west by Hoo Common and Beacon Hill Wood SSSI which are situated on lower ground levels.

The proposal would retain substantial part of the existing boundary hedge and trees and re-enforce with additional landscaping and tree planting throughout the site as part of a wider ecology and landscape strategy for the site, therefore acceptable.

Furthermore, NPPF advice is clear that the decision has to be made in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the requirement of the NPPF to support the Government's objective of significantly boosting the supply of homes and this is considered to be a material factor in favour of the development taking into account the absence of a 5 years supply of housing.

Conclusion to Principle

It is considered having regard to the balancing of all the above factors, the proposed development would represent a sustainable development in terms of the definitions set out in paragraph 11 of the NPPF and the principle of the proposal is acceptable.

Layout, scale and Design

NPPF Chapter 12 'Achieving well-designed places' reinforces that design is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 12 also confirms that high-quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development responds to local character and history and reflects the identity of local surroundings and materials, to create distinctive places, with a consistent and high-quality standard of design. However, the level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.

The proposal is largely underpinned by the vision to create a residential development of high quality which maximises the efficient use of the land whilst respect the natural feature and character of the area and pedestrian connectivity to the adjoining PROW and road.

When the two application sites (for the 6 and 63 dwellings) are combined, the density of the development is reduced from 26dph to 20.9 dph for the whole Elm Avenue development.

Bearing in mind that the proposal also involves retention of the existing boundary hedge, trees and provision for a Locally Equipped Area of Play (LEAP) and on-site surface water management pond, the site density would be largely comparable with the nearby development (at a density of approx. 27 dwellings per hectare). It is considered that the proposed scheme makes efficient use of the land and relates well with its surroundings.

The proposal has been designed to contain a mix of 2 storey height detached 3, 4 and 5-bed houses which largely reflect the house type and design of the houses proposed as part of 63 dwellings for the wider site and in particular those that are adjacent to these 6 dwellings houses.

The layout of the proposed development is therefore complementary to the proposed layout for the 63 dwellings scheme submitted under ref MC/19/1300 and pursuant to the outline permission MC/18/0620.

Housing mix proposed is as follows:

Detached house	Market housing no
3-bed house	3
4-bed house	2
5-bed house	1
Total	6

Overall, it is considered that the scale, form, massing, layout and design of the development are appropriate and represent a continuation to the wider site and sit comfortably with the natural feature of the site.

Although the proposal does not provide any affordable units within the application site, none the less these 6no additional houses have resulted in an increase in the total number of affordable units provided on the wider site from 16 to 17 units and this additional unit will be secured by a variation in the S106.

External Finish Materials

The external finish materials proposed are substantially the same as those approved by this committee for the residential development at Street Farm, Stoke Road case which is currently under construction.

These are as follows:-

- Roofing: Marley Rivendale Man-Made Slate Colour: Blue/Black and Terreal Rustique - Clay Tiles Colour, Pruple
- External Brickwork: Bespoke Brick Company – Safier, Zircon and Avorio
- Vertical Tile Hanging: Terreal Rustique - Clay Tiles , Colour: Normandy Sandfaced
- Weatherboard Marley Cedral Colour White

- External Windows and Doors: uPVC Doors and Windows, Georgian Feature Bars and Wood Grain Effect. Colour: Cream and White
 - Colour to front doors vary
- Rainwater Goods: Black uPVC Half Round, Finished Black
- Patio Areas and Paths: Indian Sandstone, Colour: Autumn Brown
- Block Driveways and Permeable Paved Access Road Bretts Alpha Flow Colour Autumn Gold

A recent site visit and assessment of the completed houses at Stoke Road, Hoo where similar materials are proposed showed the pleasing finished result. It is considered that the use of the same materials would relate well with the context of Elm Avenue development and its surrounding.

The proposal is considered to represent a complementary and satisfactory form of development in terms of its impact upon the character and appearance of the area. The layout and design of the development would create a high quality and attractive streetscape and would accord with the provision of Policies S4, BNE1, H3 and H10 of the local plan and paragraphs 124 and 127 of the NPPF.

Amenity

Policy BNE2 of the Medway Local Plan 2003 seeks to ensure an adequate level of amenity is afforded to the future occupiers of new development as well as protecting the amenities of existing surrounding residents. The main issue to consider for the future occupiers of the development is whether adequate space has been allowed for within the new dwelling houses. The Technical Housing Standards – nationally described space standard 2015 sets out the Government's internal standards for new residential development. This is used as a guide for assessment.

The proposed dwellings are all of a good size and above the Government spaced standards. As such the proposed development complies with the Nationally Described Space Standards and provides for a good standard of natural light, outlook, privacy and private amenity spaces proportionate to that garden size of the modern houses in the area.

With respect to outdoor garden space, the nationally described standard does not provide any guidance. However, the Medway Housing Design Standards 2011 document does provide guidance in this regard and recommends a garden depth of 10m. Each of the dwelling houses proposed would have a rear private garden depth of 10m or more.

The proposal also makes provision for refuse storage within the curtilage of each dwelling house to allow refuse bins to be stored in the rear garden area and brought forward for collection. This refuse storage arrangement is considered to be acceptable.

A Construction Environmental Management Plan (CEMP) has been submitted as part of discharge of condition imposed with respect to the outline permission for 63 dwellings. The same CEMP will also cover the construction works associated with this 6no houses.

The proposed development would not cause any adverse impact on the amenities of the other dwellings within the site as proposed under application MC/19/1300 pursuant to the outline permission MC/10/0620 for 63 houses. With adequate internal and external space being provided, no objection is, raised in this regard in considering the proposal against Policy BNE2 of the Medway Local Plan 2003.

Landscaping

The application site is an indivisible part of a larger field where outline permission for 63 dwellings has been granted and is substantially screened by tall boundary hedge and trees. The landscaping scheme proposed is a blanket scheme that covers the whole Arethusa recreational ground. The scheme seeks to retain where possible the existing trees and hedges on site and to incorporate ecology, surface water, children's play area and open space into one landscaping package. The proposed scheme seeks to mitigate the visual impact of the development through various landscape features and substantial new trees and hedgerow planting within the site.

The proposed layout provides a large landscape buffer along the eastern, southern, western boundaries of the site which would help to screen the development from the adjoining properties and highway and soften the development's impact on the countryside to the south and west and provide a very leafy appearance to the development's frontage with Elm Avenue and boundaries of the site.

The proposed houses along the eastern part of the site would be set between 40m to about 70m back from Elm Avenue and this wide landscape buffer would retain the existing green frontage of Elm Avenue and protect the amenities of the properties to the east.

The proposed landscaping scheme drawing 0201/19/B/2A would enhance the access to the existing paths to the north and west of the site and also introduce a pedestrian link along the south-east corner of the site with Elm Avenue which would benefit the residents of the application site and the wider community.

A children play area (LEAP) of no less than 400m² will also be provided along the southwest corner of the site. In addition, the proposed landscape scheme seeks to incorporate swales/surface water attenuation basins associated with the management of surface water drainage for the development, which are to be designed as wet ponds into the landscaping scheme in order to create natural features and create new wildlife habitat within the landscape parts of the development.

The landscape areas and play facilities will be managed and maintained privately by the

applicant or their successor and will be funded by the future residents of the dwellings.

The site levels drawing IDL/955/05/100 Rev P2 and landscaping drawing 0201/19/B/2A received on 24/07/2019 shows details of the new levels with respect to each dwelling and across the site. The proposed new level would not adversely impact on the amenities of the surrounding residential properties or future residents of the development or unduly add to the visual prominence or impact of the development in its wider surrounding. The proposed levels would be in compliance with Policies BNE1 and BNE6 of the local plan and are considered acceptable. This aspect of the development is therefore acceptable.

The drawings 23709B/15 Rev A and IDL/955/06/100 Rev P3 show Details of the boundary treatment which comprises 1.8m brick wall, 1.8m timber close-boarded fence and 1.2m cleft chestnut post and rail fence facing.

It is considered that subject to appropriate condition the proposed boundary treatments would relate well with the street scene and wider landscape area and as such would be acceptable and in compliance with Policies BNE1 and BNE6 of the local plan.

With respect to the ecological issues KCC ecology officer has no objection provided conditions relating to tree protection measures and landscaping conditions are imposed in line with the outline permission and submission of biodiversity method statement also cover in this application site for the 6no houses. The requested conditions are imposed as conditions no 4- landscaping, no 5- tree protection measures, no 7- Landscape Management Plan and no 22- Bio diversity method statement.

Overall, it is considered that the landscaping proposal would meet the objectives of the local plan policies BNE6 and BNE34 by softening and minimising the impact of the development on the wider surrounding and enclosing the site by providing extensive landscape buffer area resulting in the creation of an attractive high quality amenity value that would enhance the visual appearance of the site to the benefit of the development and amenities of the future residents as well as surrounding residents. Therefore subject to appropriate conditions regarding landscaping, trees and hedgerow protection measures and biodiversity mitigation measures the proposal is considered to be acceptable and in accordance with Policies BNE1, BNE2 and BNE6 of the Medway Local Plan and NPPF 2019.

Air Quality

Air pollution has a wide-ranging impact on human health and new development can have an adverse impact on air quality through increased transport movements and congestion. The application site is located such that traffic generated by the proposed development will impact on the highly sensitive Air Quality Management Areas (AQMAS) in and around Chattenden area. An air quality assessment report is included with the application. To mitigate the impact of the development on the air quality the report includes a damage costs assessment in accordance with the requirements of the Medway Air Quality Planning Guidance. The value of the damage costs is used as the basis for developing a

development specific air quality mitigation scheme. In line with our guidance, this includes the following standard air quality mitigation measures:

- Installation of low NOx gas-fired boilers
- Installation of electric vehicle charging points at the rates detailed in the guidance
- Construction phase mitigation in accordance with the referenced IAQM guidance.

On the basis that an air quality management plan will be implemented in full an appropriately worded condition is recommended. Therefore subject to this the proposed development will not cause adverse air quality effects and would comply with Local Plan policy BNE24 and paragraphs 103 and 181 of the NPPF.

Highways

Given that the wider site already has permission for 63 units, it is not considered that the additional 6 units would cause significant impact on the highway network or highway safety and therefore no objection would be raised.

The proposal makes on site cycle storage facility in the rear garden of the individual dwelling.

The proposal makes sufficient on-site car parking spaces for the respective dwelling houses proposed. It is considered subject to appropriate condition the proposal would be in compliance with Policy T1 and T13 of the local plan.

Flood Risk

As it was established during the assessment of the outline application for 63 dwellings, the site is situated within flood risk zone 1 area as defined by the Environmental Agency and as such it is not necessary to undertake either a Sequential Test or the exception test.

The applicant has submitted a Flood Risk and Sustainable Drainage Assessment report with the application. The report states that the site soils and underlying geology is London Clay, silt, sand and gravel and as a result, only limited infiltration at the site will be possible. Also as there is no watercourse nearby that runoff water can be discharged into. It is, therefore, most likely that surface water that is not infiltrated at the site would be conducted into the nearby Southern water's public sewer system.

It is also considered that use of on-site SuDs measures at the site would deal with the surface water at the development site and at the same time this would help to provide an opportunity for creating a wetland habitat to the benefit of the environment and biodiversity. The surface water management proposed would cover the wider site for the 63no dwellings.

It is therefore considered that subject to appropriate condition there is no objection to the surface water management and drainage scheme proposed for the development and this application is considered to be acceptable.

Southern Water stated there is an increased risk of flooding unless network enhancement is undertaken. This enhancement will be provided through the New Infrastructure charge however, Southern Water will need to work with and understand the development program and to review if the delivery of network enhancement aligns with the occupation of the development. Southern Water has no objection to the proposal.

Archaeology

The applicant has submitted details of specification for an archaeological evaluation for the site. The proposal involves undertaking trial trenches to investigate potential archaeological remains on site. This investigation will be carried out as part of the wider site evaluation. It is considered that the proposed programme of archaeological investigation prepared by Swale Thames Survey Company received on 20/05/2019 to be acceptable subject to condition that the results of the site investigation are submitted to the Local Planning Authority for approval prior to the occupation of any of the dwellings hereby permitted.

Lighting

A lighting scheme has been submitted that covers the whole development site. To respond to the rural edge location of the site the scheme involves 5m high galvanised steel lamp column with ASD Highway Diamond LED lantern for the main spine road and Holophane Denver Elite with LED lights bollards for the rest of the estate.

The proposed lighting scheme would help to provide the minimum lighting necessary to avoid light pollution, provide safe environment for the future residents and safeguard adverse impact on the local wildlife.

It is considered that subject to appropriate lighting scheme condition the proposed would be acceptable and on compliance with policy BNE5, BNE8 and BNE37 of the local plan and the NPPF.

Climate Change and energy efficiency

As required by Planning Committee the applicants have made the following comments regarding Climate Change and Energy Efficiency with respect to their proposals:

“ All dwellings will be designed in accordance with the latest building regulations and in particular to Part L (Energy Use). We have also carried out our SAP and EPC assessments of the properties and adhered to the improved Part G water use calculations so again reducing the amount of waste water per property per day.

As part of the application we have also submitted our proposals for our SuDS design. At Elm Avenue, we have carefully designed a fully sustainable surface water strategy, which requires no point of connection to any mains drainage and therefore allowing the site to be self-sufficient. The use of a balancing pond to the front of the site, not only providing the volume for water storage that we need, but also creating a habitat for potential ecology.

Lastly, we have submitted a report from our Air Quality assessors which states our proposal to implement 1 electrical vehicle charging point to all dwellings and a further 1 per 10 visitor spaces, in addition, we have included garden sheds for cycle storage to all dwellings without garages and finally all our boilers will have a minimum standard of <40mgNOx/kwh.

In terms of our construction process and site wide landscaping we have proposed a comprehensive landscaping planting schedule, with trees planted along the main spine roads within the development to assist in dust pollution. As part of the Esquire ethos we aim to source all materials from our Kent suppliers where possible, with our labour also locally employed. “

Bird Mitigation and Appropriate Assessment

The application site is close to the North Kent Marshes SPA/Ramsar Sites, and the proposal for new dwellings is likely to have some 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. As a consequence of the recent European Court case (People v's Wind), an appropriate assessment is required to be undertaken to consider the impact and need for mitigation.

Paragraph 177 of the NPPF states:

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The development requires an appropriate assessment because of its potential impact on a habitats site being planned or determined.

Natural England was consulted with regard to the wider site and they undertook an assessment of the potential impact of the development and to mitigate the harm resulting from recreational use of the habitats by the future residents of the development and asked for a financial contribution of per dwelling (see section 106, developer's contribution below).

It is therefore concluded that given the small scale of the development in this location it is unlikely that a significant impact on the integrity of the estuary protected area and nearby SSSI will result from the development.

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 to pay this tariff and have/are in the process of submitted/submitted a unilateral undertaking. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

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

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

The obligations proposed comply with these tests.

- i) a minimum of 25% (based on a total of 69 dwellings units on the whole site, equal to 17 affordable dwelling houses) equal to 1 affordable dwelling house under the current application.

- ii) £5,419.20 towards nursery school provision at Chattenden or Hundred of Hoo Primary School.
- iii) £13,478.40 towards the provision of new primary school facilities at Chattenden or Hundred of Hoo Primary School towards the expansion to 2FE.
- iv) £13,634.40 towards the provision of secondary school facilities at Chattenden or Hundred of Hoo Secondary School.
- v) £3,588.00 towards the Council towards the provision of sixth form facilities at the Hundred of Hoo School.
- vi) £932.64 toward waste and recycling and providing bins for the dwellings.
- vii) £2807.7 towards Hoo St. Werburgh GP Practice to increase capacity.
- viii) £3,425.1 towards Heritage, museums improvement of facilities in the Sergeant's Mess building at Upnor Castle.
- ix) £8017.43 towards Open space in the Hoo area. A leap is to be provided by the applicant on-site and maintained thereafter.
- x) £749.7 toward the Great Lines Heritage Park.
- xi) £548.09 towards improvement and new wearing course for PROW RS105, RS106 and RS127.
- xii) £3,809.53 towards measures to improve pedestrian facilities at Elm and Broadwood Avenues and on the Main Road. To improve pedestrian link from the application site to Hoo School.
- xiii) £17,925.01 towards new community facilities including a new sports complex, new village community centre and/or the provision of 2 new country parks in the wider Hoo St Werburgh area.
- xiv) £1,483.3 toward Habitats Regulations.

Total £75,818.5 =£12,636.41 per dwelling

Local Finance Considerations

None

Conclusions and Reasons for Approval

The proposal is considered to be in a sustainable location and principle of the proposed development is acceptable. No objection is raised in terms of design, siting, appearance, impact on residential amenity, highways and parking, the impact on ecology, archaeology and surface water subject to appropriate conditions.

Therefore. subject to the Section 106 contributions sought and the suggested conditions, no objection is raised under Paragraphs 11, 47, 73, 78,124, 127, 165, 175, 177 and 178 of the NPPF and Policies S6, BNE1, BNE2, BNE6, BNE23, BNE25, BNE35, BNE39, BNE43, H3, H10, T1, T2, T3, T13 and of the Medway Local Plan 2003 and the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the representation received from the Parish Council 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/>