

MC/19/2404

Date Received: 11 September 2019

Location: Avenue Tennis Club Glebe Road Gillingham Medway

Proposal: Construction of seven 4-bedroomed dwellings with associated parking and access road

Applicant Jarvis Residential (Medway) Ltd,
Glen Jarvis

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Ward: Watling Ward

Case Officer: Paul Ives

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15th January 2020.

Recommendation - Approval subject to:

- A. Section 106 agreement to secure £1718.92 towards Wildlife Mitigation
- 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: 021 Rev C, 023 Rev C, 024 Rev C, 025 Rev C, 026 Rev A, 027 Rev B, 028 Rev B, 029 Rev C, 030 received on 9 December 2019; and 3111 - 022A received on 16 December 2019.

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

- 3 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.

- 4 Notwithstanding the submitted plans, all rear first floor windows serving the en suite shower rooms, shall be fitted with obscure glass. The balustrade glass to the front Juliette balconies to the dwellings (on Plots 1 to 7) shall be fitted with obscure glass to a height of no less than 1.7m above the internal finished floor level of the area it serves. This work shall be completed before the room it serves 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.

- 5 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) no development shall be carried out within Schedule 2, Part 1 Classes A, B and E 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.

- 6 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.

- 7 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting 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: To enable the Local Planning Authority to manage such development in the interests of neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 During the commencement of works, including site clearance, all precautionary mitigation measures and/or works for reptiles will be carried out in accordance with the details contained in the Precautionary Reptile Mitigation Strategy (KB Ecology September 2019).

Reason: To enable the careful management of any reptile habitat during the course of any development works on site in accordance with the objectives of paragraph 175 of the NPPF and Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 Prior to occupation of any new dwelling, full details of biodiversity enhancements to serve the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented in accordance with an agreed programme of implementation and following implementation thereafter maintained.

Reason: To provide improvements through biodiversity enhancements to wildlife habitat in accordance with the objectives of paragraph 175 of the NPPF and Policies BNE 37 and BNE39 of the Medway Local Plan 2003.

- 10 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, phasing (where appropriate) 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 in accordance with the objectives of paragraphs 155 and 163 of the NPPF.

- 11 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space/garaging has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)

Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/ garaging.

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

- 12 The dwellings shall not be occupied until details of secure private 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 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 occupation of any dwelling full details of 1 Electric Vehicle charge point per dwelling within the dedicated parking spaces proposed shall be submitted to and approved in writing by the Local Planning Authority. Such charging points shall be implemented prior to occupation of each dwelling they are proposed to serve and maintained thereafter.

Reason: In the interests of sustainability in accordance with paragraph 110E of the NPPF.

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

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 15 Prior to the first occupation of the development herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Details for hard landscape works shall include specification of means of enclosure; all paving and external hard surfacing. Soft landscape works shall include details of 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 numbers/densities.

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.

- 16 Prior to the first occupation of any dwelling herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas that are not privately owned for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

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

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

Proposal

This application seeks planning permission for the construction of seven detached 4-bedroom dwellings with associated parking and access road.

To improve the access to the site from Second Avenue, side extensions at Nos. 26 and 28 have been demolished to increase the width to the access road to the backland site and also provide a new footpath approx. 1.9m wide linking from the pavement on Second Avenue. The reduction in the rear gardens of these properties also allows provision for additional parking spaces within the development. This results in the rear gardens of nos. 26 and 28 to be reduced to 7m and 12m (respectively).

In addition, a parking space will be provided to the front of no. 26 while two spaces will be provided to the rear of no. 28. The new access road will be accessed via Second Avenue, running along the side boundaries and to the back of no. 28, ending in a broadly 'T' form road access which the new plots are arranged around.

The proposed development comprises seven, two-storeys, detached dwellings in two house types. The proposed dwellings with integral garages and parking spaces will be accessed off this new access road.

House Type A (Plots 1, 2, 3, 4, 6 and 7)

Plots 1, 2, 3 and 4 are arranged along the north-eastern side of the site, while plots 6 and 7 are along the western side. House type A would have the following dimensions; floor area of 149m², height of approx. 5m to eaves and 8.3m to ridge, width of approx. 11.2m and depth of 11m.

The house design incorporates a Juliette style balcony within the projecting gable bay window at first floor. Each dwelling comprises of an integral garage, porch leading to the main entrance with living room to the front, toilet and utility room, and

kitchen/dining to the back leading to a private rear garden on the ground floor. On the first floor, there are four bedrooms (two with en suite shower rooms) and a family bathroom.

House Type B (Plot 5)

Plot 5 is located mid/centre of the site nearer the southern side and sits as a 'book end' along this mid-section of the land. House type 2 is also two storey and would have the following dimensions; floor area of 167m², height of approx. 5.2m to eaves and 8.2m to ridge, width of 11.2m and depth 16m (including a single storey rear projection).

This dwelling comprises an integral garage with additional parking space to the front of the garage, entrance door leading to living room to the front, toilet, utility room and kitchen/dining to the back leading to a private rear garden. A storeroom is provided within a small projection to the back of the garage.

The dwellings (plots 1-4) will each have integral garages with additional two parking spaces to the front. The dwellings on plots 6 and 7 also have integral garages but with one additional parking space to the front of the garage.

Additional parking is provided for plots 6 and 7, with three visitor spaces and one parking for existing house at no. 26 along the south side of the new access to the site.

Material would consist of a mix of brick, render and roof tiles.

A landscape scheme is proposed with indicative planting scheme consisting a mix of trees to be retained, and new planting.

The application is accompanied by a Design and Access Statement and a desk based ecological study.

Site Area/Density

Site Area: 0.3 hectares (0.07 acres)

Site Density: 23dph (100dpa)

Relevant Planning History

MC/18/3114	Construction of eight 4-bedroomed dwellings with associated parking and access road (demolition of existing extension to 26 Second Avenue) Decision: Refused Decided: 20 February 2019 Appeal dismissed on 8 November 2019
MC/15/1751	Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area Decision: Approved With Conditions Decided: 29 July 2015

MC/16/3217 Application for non-material amendment to planning permission MC/15/1751 - for enclosure and canopy over external dining area adjacent to restaurant
Decision: Approved with conditions
Decided: 7 September 2016

MC/15/3205 Application for a variation of condition 2 for minor material amendment to planning application MC/15/1751 - Revised vehicle entrance position off Featherby Road, hard courts repositioned adjacent to the clubhouse with the parking positioned along Featherby Road, entrance position into club house building revised, balcony to club house at first floor removed, minor elevation change to materials on North East elevation, minor revisions to end elevation to North East and minor revisions to South West elevation (club house only)
Decision: Approval with conditions
Decided: 4 November 2015

Adjacent land:

MC/17/2328 Construction of a single terrace of four town houses with associated parking and refuse storage - resubmission of MC/17/1708
Decision: Approved with conditions
Decided: 18 October 2017

Representations

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

49 letters (this includes multiple letters from same addresses/households) have been received raising the following objections:

- Overdevelopment of the site where housing will not be for locals
- Backland and garden grabbing
- Adverse impact on Conservation Area
- Adverse impact and pressure on local schools and services
- Loss of trees and green land
- Noise impact from traffic and construction process
- Impact on health and community lifestyle
- Inadequate waste management facilities
- Loss of leisure facility
- Increased traffic flow
- Inadequate access and provision of footway for pedestrians resulting in poor highway safety;
- Width of access inadequate for both vehicle and pedestrian use.

- Competition for parking on the existing public highway
- Potential flash flooding and inadequate surface water drainage
- Loss of flora and fauna
- Impact on amenity through loss of outlook, privacy, daylight and sunlight
- Impact on sewer network
- Loss of historic clubhouse

Sport England raise no objection.

Councillor C Stamp has written in objecting to the proposal on the following grounds:

- Garden-grabbing"/back-land development: the development effectively amounts to back-land development or 'garden grabbing', as the development is being facilitated by the part-demolition of an existing residential property with inadequate access and egress from the site in breach of Policy H9 of the Local Plan.
- Over-development of the site: building 7 properties on a back land site of this nature is excessive and constitutes an over-development of the site. The proposed garden sizes are also very small. The proposals are cramped and overbearing; it will cause overlooking to the properties on Second Avenue and Glebe Road, particularly the 4 new builds, where there is only approximately a 10 metre garden separating the 4 new houses and plot 5 in breach of Policy BNE2 of the Local Plan. Furthermore, plot 6 runs down the side of the garden of one of these houses. This will cause loss of daylight.
- Inadequate parking provision: parking is already at a premium on Second Avenue and the surrounding area. The proposed development will make the existing parking problems even worse. While there appear to be 2 parking spaces provided per property, the provision of 4 bedroom family homes means it is inevitable that each household will have more than 2 vehicles, resulting in an over-spill of vehicles parking on Second Avenue and the wider surrounding area. This is supported by the fact that the development is in a suburban area where public transport links are poor and day-to-day facilities are not within easy walking distance, which means residents are likely to be reliant on the use of a car.
- Road safety: Second Avenue is an increasingly busy residential street which is being used more and more as a 'rat-run'. Cars are parked on both sides of the road, leaving just a single lane thoroughfare for vehicles despite it being a two-way street. The shortage of available on-street parking means there are very few passing places for vehicles travelling in opposite directions, which encourages vehicles to speed up and down the road. The cramped on-street parking situation also means there is very poor visibility for vehicles turning into and out of the existing junctions with Keeley Mews, Portree Mews, Ashburn Mews and Glebe Road. The new access to the proposed development will have no clear sight lines looking up and down Second Avenue. This poses an unacceptable additional road safety risk. The proposed new access is located opposite Keeley, Portree and Ashburn Mews, which will exacerbate existing road safety issues.

- There is no proposed footpath for pedestrians to safely enter and leave the development.
- Poor access and egress: cars parked on-street on Second Avenue (on both sides of the new access road and opposite the new access road) will restrict access to and egress from the proposed development. This will make it extremely difficult for the emergency services (particularly the fire service) and refuse collection lorries to access the development when turning into the development and when turning back onto Second Avenue. It is also unclear whether the access will be wide enough for 2 way traffic? It is only wide enough to comfortably accommodate one vehicle width, this could force cars wanting to enter the development into having to reverse back onto Second Avenue, increasing the likelihood of road traffic collisions and causing more congestion in the road.
- Environmental Impact: the proposed development will result in the unacceptable loss of trees and green space which will be detrimental to both the visual amenity of the area and to local wildlife. The application does not provide sufficient reassurance that the necessary ecological and reptile surveys have been conducted.
- The Revised Access and Design Statement is flawed in terms of the location of the site to Gillingham Station and potentially has other inaccuracies.

Rehman Chishti MP in relation to the planning matter has requested that the Local Planning Authority take full consideration of all the points raised by his constituents.

Matters raised concerning land ownership, covenants, loss of view and depreciation in property value are not material planning considerations.

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

A recent application for 8 dwellings under ref: MC/18/3114, was refused on 20 February 2019 for the following reasons:

1. The proposed development by reason of its design, layout, scale, restricted access and poor relationship to surrounding neighbouring occupiers results in a cramped form of development that would have a negative adverse impact on the character and appearance of the area. The three-storey town houses would result in increased levels of overlooking that would have a detrimental impact on the amenity of the neighbouring occupiers. The proposal as such would result in overdevelopment of this

backland site and would not result in a clear improvement of the local area. The proposal is therefore contrary to Policies H4, H9, BNE1 and BNE2 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

2. Without evidence to the contrary, the applicant has not provided sufficient evidence to demonstrate the safety and suitability of the proposed access to adequately serve the proposed development without any detrimental impact on the highway (Second Avenue). Therefore, the proposal would be contrary to Policies T1 and T2 of the Medway Local Plan 2003 and paragraph 109 of the NPPF.

In a subsequent appeal to the Planning Inspectorate, the appeal was dismissed by notice dated 8 November 2019. The Planning Inspector considered the main issues to be impact of the development on:

- a) The living conditions of current and future neighbouring occupants;
- b) The character and appearance of the area; and
- c) Vehicular and pedestrian access to and from Second Avenue.

On the first issue, the Inspector comment (paragraphs 7 – 10) that ‘the 2 three-storey properties within the development are located close to the rear of the properties along Glebe Road... I consider that due to overlooking from the upper floors from the proposed development there would be a substantial loss of privacy in the gardens of the Glebe Road properties for current and future occupants’. Para. 8 ‘the 3-two storey properties proposed on plots 1-3 will overlook the rear of properties along Second Avenue... the level of separation between principal facing windows is around 30 metres but considerably less between the windows of the new dwellings and the gardens of the existing ones. There is some degree of visual mitigation provided by the fencing. Nevertheless, I find that the loss of privacy that would be experienced by current and future occupants in the gardens of the relevant Second Avenue dwellings would be unacceptable’. Para. 10 ‘conclude that the proposed dwellings at plots 1-3 and 7-8 will result in an unacceptable loss of privacy in the gardens of the relevant properties along Second Avenue and Glebe Road’.

On the second issue, the Inspector comment (paragraphs 12 – 13) that ‘the introduction of 8 dwellings onto the site will change the character and appearance of the area... Nevertheless, because of the small back gardens I consider that the proposed development is too cramped for the site. I also find that, notwithstanding the 4 recently constructed townhouses to the rear of Glebe Road referred to earlier in this decision, the introduction of 2 three-storey dwellings will be very dominant and incongruous and thus harmful to the character and appearance of the area’. The Inspector conclude that the proposal will breach Policy BNE1 of the local plan.

On the third issue on the poor access, the Inspector comment in paragraph 14 that ‘whilst it will be wide enough for emergency access there is no provision for any pedestrian pavement or pedestrian refuges, presenting a daunting prospect for those negotiating its length’. The Inspector concludes (para. 15) that ‘I do find that the lack of a pavement linking the site to Second Avenue, combined with the existing level of on-street parking, is likely to present an unacceptable safety hazard to pedestrians walking to and from the scheme’.

This current application has attempted to address the issues raised.

Principle

The previous application raised no objection to the loss of the former tennis courts and the appeal decision corroborates this. The site is in a sustainable location in an urban area, and Policy H4 supports residential development in urban areas. Policy H9 supports backland development subject to a number of criteria being met.

Subject to compliance with detailed matters that are subject to assessment below, the principle of the redevelopment of the site for residential purpose is considered acceptable given the residential nature and character of the area.

Design, character and appearance

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

In terms of design, the proposed development is not too dissimilar to the previous scheme and no objection was raised to the previous scheme on design grounds. The design approach touches on the use of contemporary materials with features from existing housing styles in the immediate area. Due to the backland nature of the site, the development would not cause harm to the streetscene.

In terms of the scale, in paragraph 11 of the appeal decision, the Inspector comment that 'the site is hidden and virtually invisible to those passing along the three thoroughfares which bound it. For neighbouring occupants, however, the former lawn tennis courts present a haven of tranquillity surrounded by shrubs and trees and high ivy-entwined fencing'. The Inspector (para. 12) considered that 'because of the small back gardens I consider that the proposed development is too cramped for the site'. It continues 'the introduction of 2 three-storey dwellings will be very dominant and incongruous and thus harmful to the character and appearance of the area'.

The current scheme proposes seven houses, this reduction has enabled larger gaps between the houses as such not resulting in a cramped development on the site. The houses are all two storeys and as such would not be dominant or incongruous, and would not be harmful to the character or appearance of the area.

Consequently, it is considered that the current scheme has sought to address the second issue raised by the Inspector, as such, the proposed development would not result in a cramped form of development on the site, and would not be harmful to the area.

Subject to condition to secure the materials and appropriate landscaping, the proposal would be in accordance with Policies BNE1 and BNE6 of the Local Plan and the objectives of paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. The Inspector also considered this in paragraphs 5 – 10 of the appeal decision.

Living conditions

In paragraph 6, the Inspector comment 'the proposed development consists of 6 two-storey dwellings (plots 1-6) and 2 three-storey dwellings (plots 7 and 8). The area surrounding the former tennis club is generally well established and the properties overlooking the site largely comprise semidetached properties (First Avenue) and terraced family properties (Second Avenue and Glebe Road). An exception to this however is a more recent development of 4 three-storey town houses built on land to the rear of Glebe Road and overlooking the south-eastern boundary of the site following planning permission granted in 2017'.

The Inspector considered (para. 7) the 2 three-storey properties within the development located close to the rear of the properties along Glebe Road and there would be around 30 metres of separation between the respective principal facing windows of the existing and the proposed properties, and around 10 metres of separation between the existing garden and the proposed properties. Although there were some established trees within the curtilage, I consider that due to overlooking from the upper floors from the proposed development there would be a substantial loss of privacy in the gardens of the Glebe Road properties for current and future occupants.

The current scheme has been amended, whereby the properties on plots 6 and 7 located close to the rear of these properties along Glebe Road would be 2 storeys and have been arranged in a way that the separation distance between the respective elevations would be approx. 40.5m and around 12m of separation between the gardens. This includes the 1m buffer along the western boundary of plots 6 and 7.

The increased separation distance and the staggered orientation of the buildings would result in minimal levels of overlooking or loss of privacy to the neighbouring occupants. These distances are similar to existing established pattern of development in the area and as such would not be over and beyond what is currently experienced in the area.

In paragraph 8, the Inspector comment 'the 3-two storey properties proposed on plots 1-3 will overlook the rear of properties along Second Avenue. Again, the level of separation between principal facing windows is around 30 metres but considerably less between the windows of the new dwellings and the gardens of the existing ones. There is some degree of visual mitigation provided by the fencing. Nevertheless, I find that the loss of privacy that would be experienced by current and future occupants in the gardens of the relevant Second Avenue dwellings would be unacceptable. As regards those properties on First Avenue, the issue of potential loss of privacy does not arise because of the length of their rear gardens, meaning that the new (plots 4-6) and existing properties would be around 40-45 metres apart'.

The current proposal arranges plots 1-4 aligned along the eastern boundary of the site as such removing the concerns noted by the Inspector to the appeal scheme. However, this arrangement results in the rear and rear gardens of these plots closer to other properties also on Second Avenue, to the east. These properties have significantly long rear gardens, over 60m. Given the layout and orientation of the houses (plots 1-4), the distances to the closest rear garden would range between 10m and 12m, with additional hedging providing a further 1m buffer along this neighbouring garden. It is considered that, the section of the garden that is likely to be affected would not be significant as to result in harm to the living conditions of the occupiers of that property. In addition, the first floor rear windows would also have oblique views over these neighbouring gardens. To mitigate this, it is recommended that the rear first floor windows serving the en suite shower rooms be conditioned to be fitted with obscure glass.

There would be no issue of potential loss of privacy to the properties on First Avenue in respect of plot 5 given the distances to these properties being 'around 40-45m apart'.

Consequently, the current scheme would present no significant amenity issues in terms of overlooking or loss of privacy to the neighbouring properties to levels that would be harmful to the living conditions of both the existing and future occupiers.

Accommodation

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). A 4 bed 2 storey 7 person dwelling would require a min. of approx. 115m². The proposed approx. gross internal floor areas (GIA) of each house would exceed the minimum standard for each specific house type as follows:.

- House Type A measures approx. 149m²; and
- House type B 167m²

All double bedrooms would meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed gardens range between 9.8m and 12.5m and, as such meet the set standards.

In terms of refuse provision, no objection was raised to this in the previous scheme. In addition, the access is considered to be adequate for access for service and or emergency vehicle.

In order to control development within the site, it is necessary to remove permitted development rights for enlargement to the houses and to ensure the houses remain in single family occupancy. As such, a condition removing permitted development right for extensions under Classes A, B and E would be appended in addition to the removal of rights for small HMOs. These conditions are necessary in the interest of amenity.

Consequently, the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Highways

The current scheme makes provision for at least 2 parking spaces and integral garages to plots 1-4, and one parking space and garage to plots 5-7. There is also provision for 3 visitor parking spaces. One of the parking spaces for no. 26 is to the rear and 2 parking spaces for no. 28 is also to the rear of the property off the new access road.

The access to the site has been amended, to increase the road width of 6.8m maintained throughout the site in addition to incorporating a new footpath (approx. 1.2m). It is also provided with visibility splays onto Second Avenue and give way sign on the exit. The Inspector comment (para. 14) that the 4.8m wide access proposed under the appeal scheme 'will be wide enough for emergency access there is no provision for any pedestrian pavement or pedestrian refuges, presenting a daunting prospect for those negotiating its length'. The Inspector conclude (para. 15) that 'I do find that the lack of a pavement linking the site to Second Avenue, combined with the existing level of on-street parking, is likely to present an unacceptable safety hazard to pedestrians walking to and from the scheme'.

The current proposal, as stated above, proposes a 6.8m wide access road with a new footpath for pedestrian, visibility splays, together with the increased level of parking in addition to visitor parking, would be sufficient and adequate to mitigate any potential safety or highway hazard.

At this stage, it is not clear if there is an intention to offer the internal road for adoption. However if the applicant wishes to have the road adopted they will need to enter into a Section 38 agreement. No objection is raised to the proposed access and the proposal would provide sufficient vision for road users at the entrance to the site onto the highway. It is noted that no drainage details or surfacing materials have been provided and therefore a suitably worded condition is recommended to secure the details.

There is a requirement for new developments to be fitted with Electric Vehicle charging points and therefore a condition is recommended that would require each individual property to have one fitted prior to occupation.

The proposal would comply Policies T1 and T2 of the Local Plan and paragraph 109 of NPPF.

Other matters

Construction and Environmental Management Plan

It is considered that a Construction Environmental Management Plan (CEMP) is required before commencement of development in order to minimise the impact of the construction process on the amenities of nearby residents.

Sustainable Drainage

The proposed development is located in a drainage catchment with some areas 'downstream' that are prone to flooding. The government's Flood Risk and Coastal Change guidance states any development should not increase flood risk off-site and elsewhere, so a drainage scheme needs to be appropriately secured including surface water drainage mitigation through soakaways for example. As the site will have increased impermeability, surface water runoff is likely to increase. Soakaways are likely a suitable option to manage surface water, but need to be ensured they have capacity to cope. In addition, the applicant would also need to demonstrate how water quality will be managed across the site. The site is located above an area of groundwater, which is of moderate susceptibility to contamination. It is therefore required that any infiltrating water (such as that from soakaways) should be free of contaminants. Permeable paving however is likely to be appropriate. The use of rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. Using these systems may allow smaller soakaway units to be used, as there will be alternative storage for rainwater under storm conditions.

A maintenance scheme would need to be submitted and approved for any Sustainable Urban Drainage Systems (SuDS such as soakaways and permeable paving) on site. This includes details of when and what maintenance will be carried out, as well as who will be carrying it out. If the proposed SuDS systems are not properly maintained, there is potential for flooding. Accordingly, an appropriate planning condition is recommended to be imposed to address this.

Impact on wildlife

Although the site has relatively poor habitat connectivity and has been well maintained, suitable reptile habitat (ruderal vegetation) is present which will mostly be retained. As all species of reptile are protected, a precautionary mitigation strategy for reptiles has been submitted. This includes:

- The provision of reptile-proof fencing;
- A destructive search, under supervision of an experienced ecologist;
- Creation of a brash/log pile;
- Habitat manipulation.

The proposed strategy is adequate to ensure any present reptiles are not harmed in the construction phase of the development and can be retained on-site. A planning condition may be imposed to secure the implementation of these measures.

Bird-nesting habitat had previously been present on-site. As breeding birds are protected, any site clearance works should be undertaken outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation will be impacted during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. An informative is recommended to remind the applicant of their responsibilities in respect of this.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, in accordance with paragraph 175 of the NPPF which states “...opportunities to incorporate biodiversity improvements in and around developments should be encouraged”. Therefore, an enhancement plan for biodiversity will be required (incorporating enhancements that are in addition to the necessary mitigation measures), secured by planning condition.

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 £245.56 per dwelling 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 submitting a SAMMs agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Low NOx boilers and electric car points will be secured by condition, while all hard standings will be self-draining.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private gardens or within garages, as such the development offers the opportunity for a sustainable transport solution.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE6, H4, H9, T1 and T2 of the Medway Local Plan 2003 and the objectives of paragraphs 109, 124 and 127, 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/>