

**MC/19/3107**

**Date Received:** 26 November 2019

**Location:** Site Adjacent To Woodchurch Crescent Twydall Gillingham Medway

**Proposal:** Construction of 9no. one-bed two-person (1B2P) residential terraced bungalow dwellings and ancillary car parking accessed from Woodchurch Crescent together with the refurbishment of the existing playground equipment and relocation within the site

**Applicant** Medway Council - HRA Housing Services,  
Mr Adam Spokes

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**Ward:** Twydall Ward

**Case Officer:** Tom Stubbs

**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th February 2020.**

**Recommendation – Approved Subject to:**

- A. A Section 106 under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:
  - i) Contribution to bird disturbance mitigation (unless secured separately by a SAMMs Mitigation Contribution Agreement)
- B. And the following conditions:
  - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Drawing numbers 1210 Rev P3, 3140 Rev P3, 3141 Rev P2 and 3142 Rev P2 received on 5 December 2019 and drawing numbers 1140 Rev P8, 2090 Rev P3 and 2091 Rev P3 received on 13 January 2020.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, 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: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Tree protection/removal plan - Appendix 3; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) No development, no site clearance and/or no excavation works shall take place until a method statement for the protection of trees during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include: the storage of any materials, waste or equipment and site compound to avoid the root protection areas and measures to protect the soil if the area is to be used as future tree planting. The approved

details shall be implemented on site prior to commencement of development and shall be maintained on site for the duration of the construction phase.

d) The remaining tree protection measures shall be implemented in accordance with Impact assessment plan - Appendix 4. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on the trees and future tree planting which form an important character to the area, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 No development shall take place above slab level until an Ecological Enhancement Plan which shall include details of biodiversity enhancements and a timetable for delivery of these enhancements shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Plan shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: In order to enhance biodiversity in accordance with Policies BNE37 and BNE38 of the Medway Local Plan 2003.

- 6 No development above slab level shall take place until details of the final design of the fenced of play area which should include the provision of a minimum of 9 pieces of equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwellings herein approved.

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.

- 7 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.

8 No development shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

- Details of brick blends to create variation in the proposed dwellings
- Window/wall and door/wall junctions- elevations and sections at a scale of 1/10
- Gutters and down pipes - manufacturer's details and specification
- Eaves, parapets and verges - elevations and sections at a scale of 1/20

The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

9 No development shall take place above slab level until details of the provision of 1 electric vehicle charging point per dwelling have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

10 No development above slab level shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference P1354/01 dated June 2019, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

11 No dwelling shall be occupied until full details of both hard and soft landscape works (including, details of increased provision of retained trees within the retained open space and in the development, final details of bin stores to front, pedestrian footpaths and parking areas and others) and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and

any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 12 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 Policy BNE1 of the Medway Local Plan 2003.

- 13 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking and associated hardstanding has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and turning and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 14 No dwellings shall be occupied until the cycle storage shall be implemented in accordance with the approved drawing number 1140 Rev 8. The cycle storage 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.

- 15 Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling 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.

- 16 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

**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 nine 1-bed two-person (1B2P) residential terraced bungalows and ancillary car parking accessed from Woodchurch Crescent together with the refurbishment of the existing playground equipment and relocation within the site.

The development would take the form of 3 terraces of 3 brick built bungalows fronting Woodchurch Crescent. The dwellings would be set back approx. 8-10m to provide individual bin storages to the front, two parking areas, tree planting and pedestrian footpaths. Each dwelling would measure approx. 9m wide, approx. 7.5m deep and approx. 2.4m in height to the eaves and approx. 6m to the ridge. They would consist of a hall, bathroom, bedroom and open plan kitchen/lounge at ground floor. The rear gardens

would benefit from a brick wall and hedge boundary treatment and cycle storage. A new pedestrian path to the rear would be provided for access to rear gardens. A third bay of parking (including a relocated disabled bay) would be located to the north of the dwellings. The scheme would provide 12 parking spaces in total.

The scheme would alter the existing open space providing a relocated fenced play area with 9 items of equipment (design and equipment to be finalised). Replacement tree planting is proposed to be located facing Sturry Way and Romany Way and to the rear of the bungalows. Land level changes required to provide the dwellings would also result in the creation of a sloped bank to the rear of the dwellings.

### **Site Area/Density**

Site Area: 0.73 hectares (1.81 acres)

Site Density: 19.18 dph (7.73 dpa)

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties and KCC Biodiversity, Kent Wildlife Trust and the Royal Society for the Protection of Birds have also been consulted.

**18** letters of objection have been received from 15 different addresses raising the following concerns:

- Building on protected green space already previously developed on, contrary to government guidance and policy. Reduced play space.
- Stag beetles and slow worms within vicinity
- Removal of mature trees and climate impact/air quality impact.
- Impact on surface run off due to development on green space.
- Affordable housing need not greater than protection of open space.
- Development should be built on brownfield first.
- Noise pollution and disruption during construction.
- Impact of development on roads in the area which has high pressure especially in school times.

**Rehman Chishti MP** has written to object to the application stating: "It cannot be right that the Local Housing Authority propose to substantially reduce the size of a greenspace

in one of the most densely populated part of my constituency, and partially build over the existing site of the play area on the green. This development would be detrimental to the existing residents of the area who will be unable to enjoy their homes as they presently do, particularly residents of Woodchurch Crescent, whose homes will no longer face onto the green as they do at present but onto the new homes proposed.”

**The Medway Green Party** have objected. Unacceptable loss of pocket parks, government advice to protect and hence not develop on. Provision of social housing on green open space is not the way to achieve it in view of climate change due to loss of carbon capturing trees. Not compliant with Kent ad Medway Energy and Low Emissions Strategy.

**KCC Biodiversity** have confirmed the ecological information provided with the application is sufficient to determine the application. As the proposal includes the removal of trees that provide suitable habitat for nesting birds an informative regarding nesting birds should be included. NPPF paragraph 175 encourages ecological enhancements and a condition to ensure enhancements such as native species planting, installation of bat/bird boxes and could include provision for stag beetles as referred to in representation responses. An ecological enhancement condition is proposed.

The scheme was amended and re-consultation was carried out. **Four** further letters of objection were received raising no new ground of objection. One objector did provide a link to an online petition which currently has 1,387 (signatures at the time of writing) against building on the park. However, this petition appears to have been created prior to the submission of the application. The petition refers to a layout with 20 houses which is not reflective of the scheme as submitted and therefore has limited weight.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 (the NPPF) and are considered to conform.

## **Planning Appraisal**

### *Principle*

The application site is within the urban area of Gillingham but is allocated as protected open space under Policy L3 of the Local Plan. This policy states the loss of existing formal open space will not be permitted unless recreational facilities can be implemented, retained and enhanced through the development of a small part of the site or alternatives provided or children’s play space is in excess of required provision. In this case there is no surplus provision or alternative space provision, however the development of under half the site would result in the redesign of the play area which as indicated within the plan as approx. 40m<sup>2</sup> in area. The items of play equipment would increase from 5 to 9. It is

considered that a wider variety shown in the indicative plans would be required of the equipment itself however this would be controlled by condition for a final design and specification of equipment if the application were to be approved.

Paragraph 97 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements or the loss from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Open space is not in surplus and replacement cannot be provided. Paragraph 98 of the NPPF indicates that an access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. It is clear the area of open space will be reduced and therefore there will be less open space provided. However, formal facilities will be improved under the proposal.

Policy H4 of the Local Plan states that the use of infilling in urban areas providing there is a clear improvement in the local environment. Policy H3 indicates the need for affordable housing which includes social housing. The proposal would provide 9 social housing units of which there is a demand. As of December 2019 Medway currently has 342 people in temporary accommodation and 3420 people on the housing register.

Whilst paragraphs 117 and 118 of the NPPF encourage making efficient use of land and encourage development on brown field sites rather than greenfield, the Council does not currently benefit from a five year land supply and the application is therefore required to be considered against the presumption of sustainable development under paragraph 11 of the NPPF. It's emphasis on Economic, Social and Environmental considerations form the three dimensions of sustainable development. It also indicates that determination of the application should be refused where adverse impacts would significantly outweigh the benefits when considered against the framework as a whole.

The scheme would provide the economic benefits of the short term construction of the housing and the provision of workforce thereafter and the social benefits of providing additional housing to this urban area especially being of a social housing tenure where there is demonstrated need. The housing type of the proposed development being bungalows can provide required provision for single people both waiting and currently in social care which can also free up family homes in social provision. The clear negative of the scheme is the loss of an area of green open space. The presence of green open space brings social and environmental benefits in terms of having a positive impact on the well-being of residents and the contribution that trees and greenery have in terms of climate change and biodiversity.

The scheme does have an impact on the environment as a result of the loss of the green space, however, the impact has been limited to the development of only part of this green space. This particular area has been demonstrated to have low ecological value. Over half of the open space will be retained and the plans show an indicative mixed play area for toddlers and elder children within a larger fenced area. There will be a benefit in terms of play provision by an increase in number of items of equipment. The commitment to a

redeveloped play area with more equipment provides some mitigation in response to the impact of the loss of some of the open space on social wellbeing.

Replacement tree planting on the remainder of the site to a greater level than lost as a result of the proposed development would mitigate the loss of trees within the site. This also provides an opportunity to provide a more diverse variety of trees. It should also be noted that the scheme has also been designed to maximise the number of bungalows development site and the size and scale would be less dominant with regard to the relationship with the retained open space.

The site is also considered a sustainable location in the traditional sense with access to shopping facilities, employment and play spaces in the form of the retained open space and play equipment.

Whilst it is acknowledged there is harm with regard to the impact on the environment and social well being of residents as a result of the partial loss of green open space, it is considered that the provision of much needed social housing outweighs this harm particularly given that mitigation is proposed with the replacement tree planting and improved play area.

Subject to compliance with the detailed matters of the abovementioned policies which is set out in the assessment below, the principle of the proposal is considered acceptable.

### *Design and trees*

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.

The surrounding streets of Woodchurch Crescent, Sturry Way and Romany Road are predominately a mixed residential character including flats and sheltered housing but predominantly two storey nature and a variety of garden sizes.

The proposed bungalows are of a suitable size and scale with a design that would ensure it was not dominant when viewed from the retained play area especially with the land level changes. Bungalows are also a feature in nearby Wright Close so not alien to the immediate area. The bungalows have a very similar appearance and it is considered that the use of brick would be more in keeping and help to provide variation in the design. Consequently, conditions requiring materials and architectural details are recommended to ensure a high quality of design. The layout is considered acceptable with parking areas softened by street tree planting fronting Woodchurch Crescent. The rear garden boundary treatment is proposed as brick wall with hedge planting which will futureproof the development from an unsightly mixture of boundary treatment as the scheme matures. If the application were considered for approval landscaping and boundary treatment conditions will be required.

The redevelopment of the open space will result in the loss of existing mature trees. A tree survey was submitted in support of the application. However after a site inspection there were errors in the tree types and some trees were in a poorer condition than assessed. As a result of this and the redesign of the scheme a new tree report was submitted which indicates that 13 trees will be removed (10 B category from the development and 3 C category within the greens space which are in a poor condition). The proposed plan indicates that 22 replacement trees will be provided. The species are to be confirmed by details to be submitted pursuant to a condition requiring a Landscape and Management Plan. It is considered the replacement trees would be a more diverse provision. It is proposed to provide a tree line along the top of the embankment behind the proposed dwellings and within the open space as well as along the frontage to Woodchurch Crescent. This is considered to reduce the impact of the loss of the trees to the properties opposite.

The tree protection measures and protective fencing submitted are considered to be acceptable, however further information is required regarding storage of building materials and compound during the construction phase of the development to ensure suitable ground protection measures are provided to any area designated for tree replacement planting within the compound. This would be controlled via a condition.

The proposal is considered to be in accordance with Policies BNE1, BNE43 and H4 of the Local Plan and Paragraphs 124 and 127 of the NPPF subject to a materials, landscaping, and boundary treatment conditions.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127 (f) of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

With regards to privacy, outlook, sunlight and daylight the scheme would have habitable windows within the front and rear elevations of the proposed dwellings. By virtue of the single storey nature, siting, size and scale of the development and the distance and relationship to neighbouring properties their windows and their gardens, path of the sun and orientation of the site the development would not result in unacceptable loss of privacy or overlooking from these windows from neighbouring gardens.

Concerns have been raised within consultation responses regarding the disruption during construction. Due to the close proximity to a number of neighbouring properties, there is a potential impact from noise and dust during construction, and accordingly a condition is recommended for a Construction Environment Management Plan (CEMP).

## Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard) and all the bungalows would exceed the required gross internal floor areas of 50m<sup>2</sup> for a one bedroom 2 person dwelling over one storey. All double bedrooms meet the national standards area and width requirements and all habitable rooms would also be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should 10m in depth and 7m when constraints exist. The proposed depth of the gardens would measure between approx. 7m and approx. 9.9m and therefore no objection.

Due to the site fronting Woodchurch Crescent, there is potential for future occupiers to be impacted by noise from transport related sources. The application has been supported by an acoustic assessment which is considered to be acceptable and demonstrates subject to recommendations for mitigation, there would be no detrimental impact from vibration or noise. Consequently, if the application were considered acceptable a condition would be required.

Subject to the recommended conditions, no objections are raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2, H4 and H9 of the Local Plan and paragraphs 127f and 180 of the NPPF.

## *Highways*

Concerns have been raised in consultation responses regarding the impact on highways safety with regard to school traffic and parking pressure on neighbouring roads. The proposed dwellings would be accessed from Woodchurch Crescent and are provided with one car parking space each, which is considered sufficient. It is also proposed to provide two parking bays for visitors which complies with the Medway Interim Parking Standards and the disable bay located along Woodchurch Crescent has been relocated off the highway. A swept path analysis has been undertaken to ensure that vehicles can manoeuvre into the parking spaces provided. It should be noted that the NPPF has put sustainable development as a central core and Paragraph 110E outlines that development should provide electric charging facilities. In terms of cycle provision, the site plan indicates sufficient space to accommodate cycle storage within the rear gardens. It is recommended that this provision, together with the electric charging points, be secured by planning condition

The trip generation database estimates that during the morning and evening peak hours a total of 3 and 4 trips would be generated respectively with a total of 31 trips during the 12 hour daily period. These roads are residential in nature and, whilst they are subject to kerbside parking and not particularly wide, there have been no collisions recorded in the past five years. The development would generate a relatively low level of additional traffic which, subject to suitable car parking provision (as shown), would not have a

significant impact on conditions of highway safety or capacity on the local highway network.

With regards to pedestrian infrastructure, a new footway is proposed for the western boundary of the site on Sturry Way through the area of open space linking with a footpath which would run along the rear gardens of the proposed dwellings.

Subject to the above, the application is considered to comply with Policies T1, T2, T3, T4 and T13 of the Local Plan and 109 and 110E of the NPPF and no objection is raised.

### *Contamination*

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The application has been supported by a ground investigation report combined with a desk top study and ground investigation contamination analysis documents. The report is considered acceptable. Subject to a watching brief condition, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

### *Ecology*

The application is supported by a preliminary Ecological Habitat Appraisal which is considered sufficient to consider the application.

Representations have been received raising concerns regarding slow worms and stag beetles in the area and the impact on ecology. The supporting details indicate that the development would not likely have a significant ecological impact due to its low ecological importance and negligible for amphibians reptiles and bats. Due to the potential for the site providing habitat for nesting birds an informative regarding tree removal will be added. A condition is recommended to provide biodiversity improvements which could include enhancements for stag beetles and slow worms. Subject to condition for biodiversity enhancements no objection is raised under Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

### *SUDs*

Concerns have been raised within consultation responses regarding the impact of development and surface run off.

The site is located on the edge of an area at risk of surface water flooding and in an area with a chalk geology. Any surface water that lands on site needs to be managed on site, there should be no runoff on to adjacent land or properties. The scheme is not of a size that requires to be controlled via conditions, however it is recommended that soakage

testing to be undertaken to ensure there are suitable ground conditions for a soakaway and only if the results are positive should they be used. It is recommended that permeable paving is used for the drive to reduce silt build up on proposed soakaways (this would be controlled via the landscaping condition). Following the set design, surface water simulations should be undertaken to ensure pipes and soakaways are suitably sized for a range of storms up and including a 100 year +40% for climate change to ensure flood risk is minimised. A maintenance scheme should also be written up to ensure the drainage system is maintained for the lifetime of the development. It is considered that this can be achieved from the submitted documentation and the application is accordance with paragraph 165 of the NPPF.

### *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 (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 paid this tariff and completed a SAMMs Mitigation Contribution Agreement form. 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 provide dwellings with EPC ratings of B. The dwellings would utilise efficient boilers, extraction fans and energy efficient lighting.

Sustainable drainage where possible and hard piped water storage butts for each unit for garden watering purposes.

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. Electric car points are also conditioned as part of this application.

#### *Local Finance Considerations*

There are no local finance considerations.

### **Conclusions and Reasons for Approval**

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, L3, H3, H4, BNE1, BNE2, BNE23, BNE35, BNE37, T1, T2, T3, T4 and T13 of the Medway Local Plan 2003 and the advice in paragraphs 11, 56, 109, 110, 124, 127, 165, 175, 176, 178 and 180 of the NPPF. Accordingly, 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 applicant being Medway Council, objection from MP and the number of representations received expressing a view contrary to officer's recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>