

**MC/20/0846**

**Date Received:** 7 April 2020

**Location:** Land North Of Clarendon Drive Strood  
Rochester Medway

**Proposal:** Construction of 6 detached and semi-detached, 2-storey, private residential dwellings together with engineering works and other associated site works. Retention of existing boundary planting with the inclusion of visual open space with new landscaping to suit the surrounding context.

**Applicant** c/o Roadhouse Building and Civil Engineering Ltd  
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Offset Architects Ltd.

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**Agent** London Road  
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**Ward:** Strood North Ward

**Case Officer:** Wendy Simpson

**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 11th November 2020.**

### **Recommendation - Approval with 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: 6807-PD-RS-07-A2 MC FULL REV C, 6807-PD-RS-08-A2 MC FULL REV C, 6807-PD-RS-09-A2 MC FULL REV C, 6807-PD-RS-10-A2 MC FULL REV C, 6807-PD-RS-100-A2 MC FULL REV C, 6807-PD-RS-101-A3 MC FULL, 6807-PD-RS-102-A2 MC FULL REV B, 6807-PD-RS-103-A2 MC FULL REV B, and 6807-PD-RS-104-A2 MC FULL REV D received 21 September 2020.

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

3. 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; parking of operatives vehicles; 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: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

4. No development shall commence until ground gas monitoring has been completed, in accordance with section 6.3.6 of Paddock Geo Engineering report P20-068gi dated March 2020 including the completion of a risk assessment, the results of which must be submitted to and approved in writing by the Local Planning Authority together with proposals for gas protection measures, where necessary. Gas protection measures must be carried out as approved and a verification report submitted to the Local Planning Authority and agreed in writing prior to the commencement of development beyond the installation of the gas protection measures.

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

5. Notwithstanding the submitted details, no development shall commence until a scheme showing details of 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 in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):
  - i. a timetable and construction method statement for its implementation (including phased implementation where applicable).
  - ii. a pre and post development topographical survey to demonstrate that overland flow routes are preserved.
  - iii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
  - iv. proposed arrangements for future adoption by any public body, statutory undertaker, or management company.

The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

Reason: To manage surface water during and post construction and for the lifetime of the development with regard to paragraph 165 of the NPPF.

6. Prior to the occupation of any of the dwellings hereby approved (or within an agreed implementation schedule) 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 agreed surface water system has been constructed in line with the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere with regard to paragraph 165 of the NPPF.

7. No development shall commence until details of flood resilience and resistance measures specific to Plots 1 and 2, as shown on drawing 6807-PD-RS-07-A2 rev C, have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The development shall be carried out in accordance with the approved details and be maintained as such thereafter.

Reason: These works need to be agreed prior to commencement to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime and mitigate harm to residents through flood risk in accordance with paragraphs 155 to 165 of the NPPF.

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:
  - i. Temporary drainage systems.
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.

The works shall take place in full accordance with the approved details for the duration of construction.

Reason: To manage surface water during construction with regard to paragraph 165 of NPPF.

9. Notwithstanding the submitted details, within three months of works commencing an ecological enhancement plan, must be submitted to and approved in writing by the Local Planning Authority, detailing what ecological enhancements will be incorporated on the site. The plans must be incorporated into the site as detailed in the approved plan and retained as such thereafter.

Reason: In order to enhance the biodiversity on the site with regard to Policy BNE39 of the Medway Local Plan 2003 and paragraph 175 of the NPPF.

10. 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.

11. Notwithstanding the submitted landscaping details prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be provided:

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters, podium decks and green roofs), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

A timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timetable 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. Prior to the first occupation of the development 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 hard and soft landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed 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.

13. 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 implemented 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 or neighbours amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

14. Tree removal, pruning and tree protection works shall take place in accordance with the report 'Arboricultural Impact Assessment and Method Statement rev A' (Canopy Consultancy, ref 18-739-Report-A, dated April 2020) and tree protection drawing 18-739-TPP-A. The erection of fencing for the protection of any retained tree as shown in that report shall be undertaken in accordance with the above report and 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: 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.

15. No part of the development shall be occupied until the area shown on the submitted layout as access road and 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 the parking/garaging space 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.

16. Prior to the first occupation of any of the units hereby approved one electric vehicle charging point per dwelling (slow charge or fast charge) shall be installed and the charging units shall be maintained in place and in good working order thereafter.

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

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

## **Proposal**

The application seeks full planning permission for the construction of six two-storey houses, both detached and semi-detached, together with engineering works and other associated site works.

The arrangement of the housing is such that there would be two detached houses fronting onto Clarendon Drive with a central access road running between them. To the rear of the frontage houses would be two pairs of semi-detached dwellings, sited along the western side, facing onto the access road.

The frontage houses are to be set back from Clarendon Drive and in line with the rear boundary of the adjacent property in Sherbourne Drive. These houses are to be elevated above the existing footway level by about 2m, as part of a package of flood mitigation works related to surface water flooding. The location of these frontage houses, around 10m from the backedge of the highway footway, would allow for the soft landscaping of the whole frontage of the site as part of the holistic open, green streetscape of Clarendon Drive.

The two pairs of semi-detached dwellings in the rear of the site would step up in ground level incrementally, following the rise in land levels in this area. In the higher parts of the site some excavation is proposed, with a series of low level retaining walls to allow for a better gradient of land for the intended use.

The exterior materials is proposed as brick, contrasting brick dentil detail, hanging tiles at first floor level on some projections/elevations, and a profiled roof tile. All dwellings would have a barn-hip roof style. Retaining walls would have a 'Kentish Ragstone' tile finish and boundary walls would be of matching brick to the houses. Windows are proposed to be of white upvc.

Each house would have two parking spaces within its boundary and there would be a bay of 3 parking spaces for visitor parking on the eastern side of the access road together with a turning head.

The application has been revised during the course of its consideration changing the style of the housing from a contemporary to a more traditional aesthetic and the reduction in the number of frontage houses by one and an increase in the number of houses to the rear of the site by one.

### **Site Area/Density**

Site Area: 0.29 hectares (0.72 acres)

Site Density: 20.67 dph (8.33 dpa)

### **Relevant Planning History**

MC/20/0104 Outline application with some matters reserved (Landscaping, Appearance and Scale) for the construction of up to six detached and semi-detached dwellings  
Withdrawn by applicant

MC/03/0530 Outline application for construction of one 4-bedroomed house with garage  
Decision: Approved  
Decided: 7 May 2003

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Ecology/Biodiversity, Kent Wildlife Trust, RSPB, Natural England and Southern Water have also been consulted.

**10** letters have been received from 6 neighbours raising the following objections:

- Overlooking into existing properties
- Loss of value to existing housing
- Spoil the view from neighbouring houses
- Loss of light to existing neighbours
- Noise and disturbance during construction by the construction of the proposed location of plot 2, these houses will also
- The plot was cleared of vegetation prior to the application being submitted but was a haven for wildlife
- The land has been used as allotments up until a few years ago
- Loss of open space
- Site will be cramped
- Housing not needed with development at Hoo
- The sewers struggle to cope during heavy rainfall
- The site character will change from semi-rural to high density estate
- 'Parking will become an issue on Clarendon Drive'
- More traffic will impact child safety
- The density of the development will not fit in the surroundings
- Noise pollution to neighbouring properties
- Impact on the structural integrity of neighbouring properties
- The introduction of semi-detached houses as not in keeping with the immediate surrounding area

**KCC Ecology** raise no objection subject to recommended conditions.

## **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*

Planning permission was granted in 2003 for one dwelling on part of the current application site. Earlier this year the same applicant as the current proposal submitted an outline planning application for 6 houses on the site but withdrew the application of their own accord part way through its assessment.



Historically this area has been redeveloped for housing, but privately owned plots remained that were not developed as landowners did not wish to sell. The site has a lawful use as privately owned allotments. Over time some of these left-over spaces have come forward for development. The applicant documents a couple of these redevelopment sites close to the application site in their planning statement. These are discussed in the report below.

### *Principle*

The site is within the urban area and as such falls to be assessed under Policy H4 of the Local Plan which contains a presumption in favour of residential development in the urban area including infilling, providing a clear improvement to the local environment will result. This presumption in favour of residential development in the urban area is supported by paragraph 59 of the NPPF which seeks to boost the supply of homes.

The proposal is for the development of a former allotment. Annex 2 of the National Planning Policy Framework lists 'allotments' as being excluded from the definition of 'Previously Developed Land'. As such the site is a 'greenfield' site, notwithstanding that it is within the urban area.

A key element of national housing policy within the National Planning Policy Framework is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities on brownfield sites in urban areas.

However, material to the current consideration is that the council currently lacks a five-year housing land supply. If the council could demonstrate a five-year housing land supply, then a proposal on unallocated greenfield land would be unacceptable in principle. It would be deemed contrary to the Local Plan and the NPPF, which directs development to allocated and brownfield sites. However, the council cannot demonstrate a five-year housing land supply at this time.

Where no five-year housing land supply can be demonstrated, Local Plan housing policies are deemed to be automatically out of date. Paragraph 11 d) and footnote 7 of the NPPF indicate in this scenario planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, or there are particular policies in the Framework that provide a clear reason for refusing the development proposed. In which case the 'tilted balance' would apply. As such a proposal still has to be assessed in line with other relevant policies of the NPPF and any harms or benefits from the proposed development, when taking the NPPF as a whole, must be weighted and balanced.

Consequently, it is considered that the location of the site in an urban area being a sustainable location would make a positive contribution to the housing stock and support the local economy without detriment to the environment. As such, the proposal is considered to be acceptable in principle from a sustainable development perspective.

It needs also to be taken into account that paragraph 177 of the NPPF indicates that 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 (AA) has concluded that the plan or project will not adversely affect the integrity of the habitats site. In this case the applicant has agreed to the payment of an obligation to mitigate the cumulative impact of additional development on the Medway RAMSAR/SPA. As such it cannot be concluded that the proposal would have a significant effect on a habitats site.

These matters will be discussed further in the report below.

### *Open Space*

The site is designated as protected open space on the Proposal Map to the Local Plan. Policy L3 of the Local Plan and paragraph 97 of the NPPF contain a presumption against the development of such areas of open space. The site has historically been used as private allotments although it has not been used as such for the past few years.

Policy L3 states that development that would result in the loss of protected open space will not be permitted unless it is a small part of the site, to enhance sports and recreation facilities on the rest of the site, or alternative open space within the same catchment area is being provided and the loss is acceptable in terms of amenity value. In this case the site forms only part of the protected open space provision at this location. The publicly owned green area adjacent to the site is also designated as open space within the Local Plan. The applicant is not proposing to provide any alternative space or enhance recreation facilities.

The planning agent refers to other planning history in the area that they consider pertinent to this case. MC/09/0849 was for "Former allotment site (adjacent to 7 Clarendon Drive and rear of 9-17 Lychfield Drive - Construction of one detached 4-bedroomed dwelling and a pair of semi-detached 3-bedroomed dwellings; garaging and new road". Planning permission was granted on 28 September 2009. In that case the fact that the land was no longer actively used as allotment was considered sufficient to allow the loss of the site under Policy L3 of the Local Plan.

What needs also to be taken into account is that the site is in private ownership as allotment space, which the council cannot require to continue in this operation and it is noted that the council has not listed the site on its allotment provision in Medway. There is no recorded reason that the site was designated as 'open space' in the Local Plan but it is therefore assumed that the reason was for visual amenity reasons.

In this case, the proposed development is laid out so that the whole of the frontage of the site will remain undeveloped, other than for access. At this time the site is enclosed

with fencing and hedging and is out of character with the pattern of green open amenity space along the road. Under this proposal the frontage will be opened up, appropriately planted and provided as publicly accessible amenity land. This will reflect the green open frontage which exists on either side of the this road, much of which is also protected open space. It is considered that the proposal does provide a betterment to the street scene by the continuation of the green space in this way.

It also has some significance that other allotment sites during this Local Plan period have been allowed to be redeveloped for housing and part of this site was also granted planning permission in 2003 for a single house.

Therefore on balance of the above matters no objection is raised to the loss of part of this allocated open space on this part of the road to be redeveloped for housing and the proposal is considered to comply with Policy L3 of the Medway Local Plan 2003.

### *Design/Landscaping*

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. Policy BNE6 of the Local Plan requires landscaping schemes to enhance the character of the locality. Policy BNE43 relates to trees on and adjacent to development sites.

In this vicinity are seen to be mostly generously sized detached dwellings to the north and west of the site, with a smaller amount of semi-detached dwellings being present, such as opposite the site on Clarendon Drive and in Morland Drive. Moving to Dongola Road to the south east of the site there are seen to be terraced dwellings.

The layout of the development is such that the more generously scaled detached dwellings front onto Clarendon Road and the with their traditional styling would sit comfortably within that street scene. The opening up of the frontage of site, which is currently an anomaly within the streetscape, enclosed and of an unkempt appearance, will be sympathetically landscaped to contribute to the pleasant green and open character of Clarendon Drive.

The houses to the rear are more tightly arranged than the frontage dwellings but will be two storey in form and with the use of hipped roofs and a gradual stepping up of levels with each house the bulk of the build form is broken up. These houses are seen at some distance from between the frontage houses up the access road from Clarendon Drive, across from the adjacent parkland open space, set some distance into the site, or from Sherbourne Drive again set some distance into the site and away from the site boundary edge. Whilst the development is of a greater density than the immediate vicinity it is not resulting in harm to the character or appearance of the area. The development will also be seen from surrounding dwellings.

In respect to landscaping it is noted from aerial photographs that most of the trees in the centre of the site appear to have been removed. There are no Tree Preservation Orders on or near the site, and the site is not in a Conservation Area.

An Arboricultural report has been submitted in support of the application and works will need to adhere to tree protection measures and can be secured by planning condition.

The access road, turning and parking spaces does result in a large area of hardsurfacing within the site however the north eastern, sloped part of the site affords opportunity for a green backdrop and other opportunities for planting to the front of the houses. The largest area of soft landscaping is the swathe of land across the frontage given over to enhance the streetscape of Clarendon Drive. Conditions are required in relation to a detailed landscaping plan, which includes ground levels details, a Landscape Management Plan and details of boundary treatment.

Overall, subject to conditions the proposal complies with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

### *Amenity*

Paragraph 127 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for existing users, which is reflected in the requirements of Policy BNE2 which seeks to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

### Existing Neighbouring amenity

This site has remained undeveloped for many years. The proposal to develop the site has led to a number of concerns being raised by neighbours.

In respect to privacy, the layout has been carefully considered. The frontage houses face existing dwellings across Clarendon Drive, as is common for residential street layouts, but are set back significantly into the site so the resultant separation is generous.

The frontage house in plot 2 is located close to the boundary with the adjacent dwelling in Sherbourne Drive but no windows are proposed in the western flank and no overlooking will occur. There are existing houses with their gardens immediately adjacent to the site to the north/northwest and west. Due to the plot layouts of both these existing dwellings and the angling, window arrangement and separation of the proposed dwellings from those properties no loss of privacy will occur to existing properties at close range.

Due to the separation from existing dwellings, the layout of garden space of adjacent properties and the orientation of the development no overshadowing will occur to

neighbouring/adjacent land to an extent or duration that would be deemed harmful to residential amenity.

In terms of outlook, for reasons of the relative layout of existing dwellings and their plots within the area and the proposed layout of the site together with the development, will not dominate the outlook from existing dwellings or be overbearing from within their garden space. For these same reasons neighbouring living conditions will not be compromised by a loss of daylight.

Concerns in respect to construction noise and dust can be controlled by a Construction Environmental Management Plan, which can be requested by condition.

### Future Occupiers

Each dwelling would comply with the Technical Housing Standard and would provide an acceptable internal space for the level of occupation proposed.

In terms of the garden depth, the Medway Housing Design Standards (MHDS) is used as a guide as the national standard only relates to internal floorspace. The MHDS sets a minimum garden depth in most cases of 10m and the full width of the house. There is the allowance to reduce to 7m in urban situations if not overlooked. In this case each of the gardens meets or exceeds a depth of 10m and meets the adopted standards for garden space for new housing.

Due to the relative angle of the adjacent dwellings in Sherbourne Drive and their location away from the western boundary of the site the gardens of the new dwellings will not be directly overlooked at close range.

In summary, the proposal is not considered to result in harm to neighbours' living conditions or those of future occupiers and complies with Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

Policy T1 relates to the impact on new development on the highway network, Policy T2 is related to new accesses onto the highway and Policy T13 is related to parking standards. Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety. Paragraph 110E outlines that development should provide electric charging facilities.

The Medway Councils Interim Parking Standards require 2 car parking spaces for every 3+ bedroom dwelling and a minimum of 2 visitor spaces. The proposal meets with these standards.

It is not indicated whether there is an intention to offer the internal roads for adoption. If the applicant wishes to have the roads adopted, they will need to enter into a Section 38 agreement. A planning condition will be required to address matters of surfacing and drainage of the internal road.

The site access is to provide a crossover with an internal footpath to separate pedestrians and vehicles. The proposed arrangements are acceptable and there will be detrimental impacts arising to the local highway network. In order to implement the arrangements, it may be necessary for the applicant to enter into a Section 278 Agreement with the Highway Authority. This can be advised by the use of an informative.

Paragraph 110E of the NPPF requires new developments to be fitted with electric vehicle charging points and therefore a condition can be used that would require each individual property to have one fitted prior to occupation.

Given the location of the proposed site, it is considered that a suitably worded condition be used requiring the applicant to provide a Construction Environmental Management Plan to help limit the impact of the development to the surrounding properties and highway network.

Subject to the use of suitably worded planning conditions the proposal is considered to comply with policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 109 and 110E of the NPPF.

### *Contamination*

Policy BNE23 of the Local Plan require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment. The policy also requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. This is in accordance with the NPPF requirements to take the likely effects into account in decision making.

In support of this application has been submitted a desk top study and preliminary contamination risk assessment report.

In this case the former use of the site as allotments and the report also suitably addresses contamination risk, which it concludes is low. It is accepted that contamination risk is not an issue.

Some gas monitoring however has taken place and the findings from the initial round of monitoring show low levels of ground gas, due to the proximity of an infilled pit. The site investigation report recommended further monitoring over an extended period and this is currently in progress.

The results of this further monitoring is required before building could commence in case gas protection measures are required but it is acceptable that this is controlled by the use of a planning condition, to ensure gas monitoring is completed and any necessary mitigation measures are carried out if required.

Subject to condition the proposal is considered to comply with Policy BNE23 of the Medway Local Plan 2003.

### *Drainage*

Paragraphs 155 to 160, 163 and 165 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

The site is within Flood Zone 1 as shown on the Environment Agency flood maps and is therefore at low risk of flooding from tidal flooding and is suitable for residential development. However the site is also situated within an area considered to be at significant risk of surface water flooding, in accordance with the most up to date Environment Agency flood mapping for surface water flood risk.

In support of the application a drainage statement has been submitted with associated drawings.

The submitted drainage statement states that the existing flood flow routes will be preserved, and that dwellings will be elevated a minimum of 600mm where possible. A series of flood resistant and intervention measures are show within the development design, such as the elevation of units at the front of the site, a low wall constructed at the north eastern corner of the site to direct overland flow routes. Whilst the whole package of measures are not agreed at this time it is agreed that a suitable package of measures can be put in place to ensure that the development be safeguarded against a medium risk flood event via localised land raising and with mitigation (flood resilience) in place for low risk events. The final agreement of a package of flood reliance measures, a Construction Surface Water Management Plan (CSWMP), and a detailed surface water plan can be agreed by conditions.

Subject to condition the proposal is considered to comply with paragraphs 155 to 165 of the NPPF.

### *Ecology*

Policy BNE39 of the Local Plan states that "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained". NPPF Paragraph 175 states that "the planning system should contribute to and enhance the natural and

local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'

In support of the application has been submitted an ecological appraisal.

KCC Ecology has advised that habitats are present on and around the site that provide opportunities for breeding birds and works to vegetation should be outside of these bird breeding season or with prior ecologist consent and it is suggested an informative be attached to any grant of planning permission in relation to responsibilities under the Wildlife and Countryside Act 1981.

To secure enhancements for biodiversity in the development of this site a condition is recommended.

Subject to condition the proposal is considered to comply with Policy BNE37 of the Medway Local Plan 2003 and paragraph 175 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 £250.39 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 submitted a unilateral undertaking, which is currently under review. 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 advised that in order to achieve an energy efficiency within the buildings the following measures are envisaged:

- All work to be carried out in accordance with any local bye-laws and Codes of Practice and British Standards
- All construction and site works to comply with the current UK Building Regulations and in particular to Part L (Energy use)
- Materials used within the construction to adhere strictly to current thermal requirements with external cavity wall construction to achieve a U-Value:  $<0.22 \text{ W/m}^2\text{K}$ , roofs to achieve a U-Value  $<0.18 \text{ W/m}^2\text{K}$ , floors to achieve U-value  $<0.15 \text{ W/m}^2\text{K}$  and all glazing to be no less than double glazed units with a U-value  $<1.4 \text{ W/m}^2\text{K}$
- SAP calculations will be provided to substantiate
- Energy efficient lighting fixtures and fittings will be used throughout the development; along with the installation of energy efficient white goods (A+ rated as far as possible) internally; including any possible washing machines, tumble dryers, dishwasher, and fridge/ freezers in kitchens/utility areas
- All Sanitary fittings (i.e. wc's, taps, showers and fittings). will be low water consumption units
- Boilers to be used: WORCESTER BOSCH GREENSTAR CDi28 / CDi32. Both of which have a NOx rating of 25
- ROLEC EV 'Basic SERV' / 'Street SERV' electrical vehicle charging points will be installed onsite, for each unit's use.

In tandem with these measures a Final Drainage strategy and Landscape & Management plan will be developed alongside specialist consultants and engineers.

### *Local Finance Considerations*

No local finance considerations.

## **Conclusions and Reasons for Approval**

Planning policies and guidance seeks that new development be directed to urban, sustainable locations and in the first instance on previously developed land. This site is urban and sustainable but due to its lawful use as allotments is classed as 'greenfield' land.

However, where no five year housing land supply can be demonstrated, Local Plan housing policies are deemed to be out of date and planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

The proposed development would not cause harm to the character or appearance of the area, would not have a detrimental impact on amenity or highway.

Subject to conditions, the proposal is considered to comply with policies related to open space, design, landscaping, amenities, parking, contamination, ecology, drainage and bird mitigation under Policies L3, BNE1, BNE2, BNE3, BNE6, BNE23, BNE23, BNE35, BNE37, BNE43, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 109, 110, 155 to 165 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.

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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 on Medway Council's website.