

MC/20/2107

Date Received: 27 August 2020
Location: Bridgeside Warwick Crescent
Borstal Rochester
Proposal: Outline planning application with some matters reserved (landscaping) for construction of a terrace of 12 two-bedroom dwellings and associated parking.
Applicant: Crowncoast Ltd
Agent: Miss S Sweeney
Ward: Rochester West Ward
Case Officer: Karen Cronin
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 26 May 2021.

Recommendation - Approval subject to:

A. The applicant's entering into an agreement under S106 of the Town & Country Planning Act 1990 to secure:

- £88,883.09 towards education
- £7737.48 towards health services
- £2,242.08 towards community services
- £29658.58 to enhance open space facilities at Borstal Recreation Ground and/or Priestfields Recreation Ground
- £1560.98 towards the Great Lines Heritage Park
- £2,020.80 towards libraries
- £958.32 towards youth services
- £2,117.40 towards waste services
- £3004.68 towards bird disturbance mitigation
- £17,500 towards the upgrade of the public right of way

B. And the imposition of the following conditions:

- 1 Approval of the details of the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Drawing numbers: 18-17-600 A, 18-17-601 G, 18-17-602 C, 18-17-604 A, received 27 August 2020; 18-17-601 H and 18-17-605 B, received 21 September 2020 and 4770-2003-T-001, received 6 April 2021.

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

- 5 The development shall be implemented in accordance with the submitted materials palette (BRIDGESIDE - MATERIAL PALETTE_REV 0 and MIRATO-STOCK-768X590) received 21 September 2020, and shall be retained thereafter.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. 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.

- 7 The approval of reserved matters in relation to landscaping application to be submitted pursuant to Condition 1 shall include full details of external lighting and both hard and soft landscape works. These details shall include the exact position, colour, intensity and spillage of the lighting; all paving and external hard surfacing; minor artefacts and structures. Soft landscape works shall include details of planting, 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 where appropriate; and implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation.

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

- 8 The root protection measures specified in the tree protection plan contained within the Arboricultural Method Statement dated 18 March 2020 shall be implemented on site before construction commences and shall remain in place until development is complete.

Reason: Required before commencement of development to avoid any irreversible detrimental impact to trees in order 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.

- 9 No development shall commence above slab level until details of the refuse storage arrangements for the development, including provision for the storage of recyclable materials, has been submitted to and approved in writing by the Local Planning Authority. Details of the refuse storage shall include elevations, plans and materials. No dwelling shall be occupied until the refuse storage arrangements have been implemented in accordance with the approved details and 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 BNE1 of the Medway Local Plan 2003.

- 10 No dwelling hereby approved shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details to be 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.

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

- 11 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, 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. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be completed in accordance with the approved detail and maintained thereafter.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 165 of the NPPF.

- 12 Prior to occupation (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 as per 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: This is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 13 No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (1 per dwelling) has 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 in working order.

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

- 14 The dwellings approved shall not be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for secured cycle storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 15 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 4788_001R_2-0_JE dated 19.08.2020, shall be submitted and approved in writing by the Local Planning Authority.

The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmax) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 The finished internal ground floor levels shall be no less than 6.47m Ordnance Datum Newlyn for living accommodation and no less than 6.77m Ordnance Datum Newlyn for sleeping accommodation. There shall be no residential accommodation (habitable or otherwise) provided below that level.

Reason: To safeguard the amenities of the occupants of the proposed flats in the event of tidal flooding in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 18 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 19 to 21 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 22 has been complied with in relation to that contamination.

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

- 19 An intrusive site investigation, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

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

- 20 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 21 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 20 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

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

- 23 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, Class[es] 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.

- 24 Prior to occupation of the dwellings herein approved, the highway improvements as outlined in drawing number 4770-2003-T-001-A, shall implemented in full and retained thereafter.

Reason: To ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 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 outline planning permission for the construction of a terrace of twelve 2-bedroom houses. Matters of access, appearance, layout and scale are to be considered as part of this application. Landscaping is reserved for future consideration should planning permission be granted.

The submitted layout shows the terrace located with the frontage facing the northwest onto the River Medway and set back from the river's edge by approx. 17m to 27.5m. The footprint shows a varied building line to the front and rear of the terrace. Each property would have a footprint of approx. 12m x 3.6m. The height of the terrace to the ridge would vary between 6.6m to 8.6m. The design of the terrace shows four projecting gable features to the front and four to the rear and a lowering of the height of the (six) properties between the two central gable features to give the impression of two separate terraces.

21 parking spaces are shown located to the front and side of the terrace. Vehicular and pedestrian access would be from Warwick Crescent.

The proposal is consistent with the scheme that was previously approved in May 2013, under reference MC/12/0334. However, the scheme included proposals for a private access road to connect the development to Warwick Crescent. The access road has now been constructed in association with the neighbouring development at Safety Bay House. No changes to this access are proposed as part of this planning application.

Site Area/Density

Site area: 0.28 hectares (0.69 acres)

Site density: 42 dph (17 dpa)

Relevant Planning History

Bridgeside

MC/20/0734 Outline application with some matters reserved (landscaping) for

	<p>construction of a terrace of twelve 2 bedroom dwellings together with 18 parking and 12 cycle spaces Withdrawn by applicant 15 June 2020</p>
MC/19/0691	<p>Outline application with some matters reserved (landscaping) for construction of 11 no. three bedroom houses over 2 floors and an attic floor together with 22 parking spaces Withdrawn by applicant 29 May 2019</p>
MC/16/2951	<p>Application for non-material amendment to planning permission MC/12/0334 – relocation of 1 x parking space to allow for landscaping required Approved 16 August 2016</p>
MC/16/1252	<p>Application for approval of reserved matters being details of landscaping pursuant to condition 1 of MC/12/0334 Approved 16 August 2016</p>
MC/12/0334	<p>Outline application with some matters reserved (landscaping) for construction of a terrace of twelve 2 bedroom houses Approved 21 May 2013</p>
MC/11/1785	<p>Details pursuant to conditions 07, 09, 12, 13, 21, 23 and 25 on planning permission MC/09/0520 for Outline application for construction of three blocks comprising of fifteen 2-bedroomed flats with associated parking and access (Resubmission of MC2008/1810) Discharge of conditions 5 October 2011</p>
MC/11/1743	<p>Application for approval of reserved matters (landscaping) pursuant to outline consent MC/09/0520 for outline application for the construction of three blocks comprising of fifteen 2 bedroomed flats with associated parking and access Refused 26 September 2011</p>
MC/09/0520	<p>Outline application for construction of three blocks comprising of fifteen 2-bedroomed flats with associated parking and access (Resubmission of MC2008/1810) Approved, 07 April 2010</p>
MC/08/1810	<p>Outline application for construction of three blocks comprising of fifteen 2-bedroomed flats with associated parking; access and floating jetty Refused, 04 February 2009</p>
MC/03/1050	<p>Construction of four 4-bedroomed houses with garages and associated moorings, improvements to access. Approved, 8 October 2003</p>
MC/02/0036	<p>Demolition of the existing house and construction of 4 detached</p>

houses with garages together with the erection of landing bays and moorings
Approved, 17 October 2002

Safety Bay House

- MC/20/0370 Details pursuant to condition 16 (Noise) of planning permission MC/14/2866 - Construction of 9 x four-bedroomed houses with garaging provision and the improvements to the site entrance and widening of the private access road
Discharge of condition 21 July 2020
- MC/15/3572 Details pursuant to conditions 7,8 and 21 of planning permission MC/14/2866 for Construction of 9 x four-bedroomed houses with garaging provision and the improvements to the site entrance and widening of the private access road
Approved 4 December 2015
- MC/15/2870 Details pursuant to conditions 18 and 19 of planning permission MC/15/2866 for construction of 9 x four-bedroomed houses with garaging provision and the improvements to the site entrance and widening of the private access road
Approved 7 October 2015
- MC/14/2866 Construction of 9 x four-bedroomed houses with garaging provision and the improvements to the site entrance and widening of the private access road
Approved 30 April 2015
- MC/11/2135 Application for approval of reserved matters (landscaping) pursuant to outline consent MC/2008/0223 for outline application for construction of a 4 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings.
Refused 23 November 2011
Dismissed at appeal 28 June 2012
- MC/08/1879 Application for approval of reserved matters (layout, scale and external appearance) pursuant to outline permission MC2008/0223 for construction of a 4-storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings
Approved, 18 February 2009
- MC/08/0223 Outline application for construction of a 4-storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings
Approved, 2 October 2008

- MC/06/2210 Outline application for construction of a 4/5 storey block comprising 24 flats with associated access road and car parking with replacement of jetty and moorings
Refused, 13 December 2007
- MC/03/2386 Construction of 7 x five-bedroom detached houses with detached garages and new moorings for 7 boats (demolition of existing building and removal of existing mooring)
Approved, 25 August 2004
- MC/03/0845 Demolition of the existing dwelling and the erection of Five 5-bedroom houses with integral double garages
Withdrawn

Representations

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

Environment Agency, Natural England, Kent Wildlife Trust, RSPB, NHS, Kent Fire Service, Kent Police, LLFA, KCC Ecological Advice Service, Medway Ports Authority, Southern Gas Networks, EDF Energy and Southern Water have also been consulted.

12 letters have been received raising the following concerns and comments:

- Increased traffic, congestion and parking issues
- Heavy site traffic from the site will cause road safety issues
- Poor site access
- Insufficient infrastructure to support this development
- Drainage issues
- Noise issues
- Overdevelopment/cramped site
- Visitor parking is incorrect
- Removal of trees
- No demand for housing in this area – adjoining development not sold
- Concerns over enforcement of junction improvement measures

Natural England has no comments to make on this application.

KCC Ecological Advice Service initially requested additional ecological information. This information was submitted, and they were satisfied that sufficient information has now been provided. The site holds negligible biodiversity value. Suggested condition relating to biodiversity enhancements.

Southern Water has made the following comments:

- The exact position of the foul sewer must be determined on site

- No development or new tree planting should be located within 3 metres either side of the centre line of the foul sewer.
- A formal application should be made to Southern Water for connection to the sewer. A condition is suggested regarding formal connection.

Southern Gas Networks has made the following comments:

No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3m of the intermediate pressure system. The position of the mains should be confirmed using hand dug trial holes.

UK Power Networks enclosed a copy of electrical lines and important safety information regarding high voltage equipment.

Environment Agency raised an objection to the proposal because it does not demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. A preliminary risk assessment has been requested.

The applicant has submitted a desk study and preliminary site investigation report to overcome these concerns.

The **Environment Agency** have written to withdraw their objection

Development Plan Policies

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 under reference MC/12/0334, in May 2013, for a similar development. The layout and design have not changed. The permission has expired so this new application has been submitted.

The access has been built since planning permission was granted to serve the adjoining Safety Bay House development granted planning permission under reference MC/14/2866.

Principle

The proposal is for a residential development within the existing urban area of Borstal as set out in the Local Plan Proposals Map.

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy is to prioritise re-investment in the urban fabric,

which will include the redevelopment and recycling of under-used and derelict land within the urban area. It further states that the focus will be on a number of areas including the Medway riverside areas and Chatham. The proposed development would accord with this broad strategy.

Policy H4 of the Local Plan sets out certain development that will be permitted within the urban area including infill sites. The impact on the local environment will be addressed below but in principle there is no overriding objection to the development with regard to this policy or to the more recent advice in the NPPF, including paragraph 10 which says that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

The site is within the built-up area of Borstal as defined on the proposals map accompanying the Local Plan and the principle of residential development on the land has been accepted as demonstrated by the previous grant of planning permission.

The proposed development, as such, is in accordance with Policies S1 and H4 of the Medway Local Plan 2003 and paragraph 10 of the NPPF.

Design

The scheme is the same design that was previously approved planning permission. The application is in outline form with all matters to be considered at this stage, except landscaping. The application proposes a two-storey terraced development with four projecting gables on the front (river facing) and rear elevations.

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

This part of the village, like other parts of Borstal, has developed in a piecemeal fashion. Borstal is essentially a linear village (Borstal Road/Wouldham Road) with a number of developments located off of this main road. Apart from Shorts Way, which links to The Esplanade, the developments on the north-west side of Borstal Road take the form of cul-de-sac developments (Manor Lane and Warwick Crescent). The character of the immediately surrounding area (Warwick Crescent and the roads off it) is that of 1950's/1960's semi-detached and terraced houses. The adjoining development to the north-east (Farmdale Avenue) consists of detached and semi-detached houses and bungalows (1950's/1960's). At the end of Warwick Crescent is the Pilgrim Community School.

The application site is relatively isolated and hidden from the public highway. It is

currently unused and overgrown. There is a change in levels across the site of approx. 2m S-N and approx. 1m W-E. In its immediate context it is visible from the rear of houses in Brambletree Crescent, Kennard Close and the property at Bridgeside.

Although there is no street scene to relate to, a public footpath crosses the site along the river frontage and any development would be clearly visible to walkers using that footpath. The site is also visible from the Medway Bridge (M2), which includes a pedestrian footbridge and cycle way connecting to Medway Valley Park on the opposite side of the river. The site is visible from within Medway Valley Park itself.

The main impact of the proposed development in terms of character and appearance will be how it is viewed from the river and the riverside opposite. Here, it will be seen against the backdrop of the remainder of Borstal, which would include any development on the immediately adjoining sites at Safety Bay House and Medway Bridge Marina. However, this bank of the river already contains a variety of development types, as is evidenced by the development along Rochester Esplanade. The terrace of properties would therefore not appear out of character with the surrounding area. The design of the terrace is such that there appears to be a break in the roof line and the position of the gables also 'break up' and add verticality to the linear nature of the terrace so that it doesn't form a solid and consistent wall of built development with horizontal rhythms. The siting of the development within close proximity to the river and the land rising up beyond, results in the development being viewed against a green backdrop when viewed from Medway Valley Park.

The site would also be visible and prominent from the public right of way running along the riverbank. The treatment of the frontage area between the flats and river would therefore be important. The submitted application shows parking, vehicle turning facilities and landscaping to the front. The landscaping is a reserved matter and so will be considered at a later stage. However, it is important to note here that the landscaping should be carefully selected and reflect the character of the area in terms of the river frontage location.

The submitted application provides a detailed schedule of proposed materials. The materials palette is considered acceptable and it is recommended that a condition be attached to require the development is built in the materials submitted.

The proposal is considered acceptable in design terms and would be in accordance with Policies BNE1 of the Medway Local Plan 2003 and Paragraphs 124 and 127 of the NPPF.

Amenity

In relation to the amenities of the future occupiers, the proposal has been considered against the Medway Housing Design Standards (interim) (MHDS) that were adopted as a material consideration in November 2011.

In addition to meeting the floorspace requirements, the rooms also comply with the relevant minimum widths prescribed in the MHDS document as well as the minimum depth of 10m for private open space.

Neighbour amenity

Turning to the issue of the amenities of neighbours, the nearest property to the proposed development is the existing bungalow at Bridgeside, which would, at its closest point be approx. 19 metres from the rear of the proposed development (the northeast corner). The existing property at Bridgeside is also set at an angle to the proposed development, which would be located to the north. As such, it is considered that the proposal would not result in a detrimental impact on the amenities of adjoining neighbours in terms of daylight, sunlight, privacy or outlook.

In addition, given the size of the gardens ranging in depth and plot size, it is necessary to ensure that these are maintained. It would therefore be necessary to control future enlargement to the houses and within the gardens, as such a condition to remove permitted development rights for enlargement under Classes A, B and E, of the GDPO (as amended) has been recommended.

The other amenity issue is the potential noise. Paragraph 170 of the NPPF seeks to prevent new and existing development from being put at unacceptable risk from noise pollution. In terms of activity and traffic generation, it is considered that the proposal would not result in an unacceptable level of noise and disturbance for occupiers of existing properties particularly when taking account of the existing noise generated by the elevated M2 motorway that is within close proximity to the site.

In relation to the M2 motorway, a noise impact assessment was submitted as part of the application. This demonstrates that the site is within noise exposure category (NEC) B during the day and night. At this level the applicant should demonstrate that adequate mitigation measures are included in the proposal or an appropriate condition is imposed. The applicant has demonstrated that with high specification glazing reasonable and good internal noise levels can be achieved in living rooms and bedrooms with windows closed. The assessment recommends a format of construction that would ensure that the internal noise levels would conform to the reasonable and good design ranges. To ensure that this is achieved within the development it is recommended that a condition be attached requiring the acoustic mitigation measures.

The proposed development is considered acceptable in terms of the impact on the amenity of the nearby occupiers in terms of daylight, sunlight, outlook and privacy. The development would also ensure that the amenity of the future occupants would be protected from noise sources and adequate amenity provision to create a good quality environment, and as such the proposal accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 127 of the NPPF.

Highways

The application site includes the existing access track from Warwick Crescent. This track was also included within the application site for the flats at Safety Bay House. The submitted drawing shows four passing bays to be constructed on the north-east side of the track, behind the houses in Kennard Close. Concerns have been raised regarding access and increased traffic generation by virtue of this

proposal. Having regard to previous planning permissions it was not considered that a justifiable objection could be raised to the proposed development under Policy T2 of the Medway Local Plan 2003.

The trip generation of proposed development of 12 houses has been previously approved in this location and therefore it is considered that this additional traffic would not have a detrimental impact on conditions of highway safety and capacity. The proposed private access remains as previously approved with the exception of some minor widening where it meets Warwick Crescent and along the private access road in order to facilitate large vehicle access.

In relation to parking, the development proposes 20 spaces to serve the development which accords with the Council's parking standards for 2 bedroomed houses (1.5 spaces per dwelling). Six of the parking bays are proposed to be unallocated which will allow for variations in car ownership and visitor parking. It should be noted that the NPPF 2019 has put sustainable development as a central core and Paragraph 110E outlines that development should provide electric charging facilities, therefore a suitably worded condition has been attached to fulfil this objective.

The proposal is considered to be in accordance Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 109 and 110E of the NPPF 2019.

Effect on public footpath

Policies L10 and L11 of the Medway Local Plan 2003 require that development take into account public rights of way and that they should be safeguarded wherever possible. Paragraph 98 of the NPPF seeks to enhance public rights of way and take opportunities to provide better facilities for users.

A public footpath (RR14) abuts the river and runs across the whole river frontage to the site. A contribution towards the upgrading of the public right of way has been requested that would be secured through a legal agreement under s106. With the inclusion of such an obligation it is considered that the proposal would be in accordance with Policies L10 and L11 of the Medway Local Plan 2003 and paragraph 98 of the NPPF.

Effect upon trees

Some of the trees located on the site boundary adjacent to the newly built Safety Bay House scheme are subject to a Tree Preservation Order. The tree survey submitted with the approved Safety Bay House scheme shows that some of these trees were to be removed. The trees that currently remain on site are to be retained. No trees will be lost as a result of this proposal.

An Arboricultural Impact Assessment, Method Statement and Survey have been submitted as part of this application. It is recommended that a condition be attached to secure tree protection measures set out in the Arboricultural Method Statement. Subject to the suggested condition, the application is considered to be acceptable and in accordance with Policy BNE43 of the Medway Local Plan 2003.

Flood Risk

The site is located in Flood zone level 1 on the Environment Agency flood map but given the close proximity to the River Medway a Flood Risk Assessment and Drainage Strategy has been submitted as part of this application. The Flood Risk Assessment identified a low risk of flooding. The surface water runoff will be managed through sustainable means. The wastewater from the site will outfall to the existing public foul water sewer.

The Lead Local Flood Authority have suggested a condition relating to disposal of surface water and verification report to confirm that the sustainable drainage system has been constructed in accordance with the agreed scheme.

Subject to conditions and carrying out appropriate management of surface water, ground water and foul water storage and disposal the development would be in accordance with Policy CF13 of the Medway Local Plan 2003 and paragraphs 149, 155, 163 and 165 of the NPPF.

Notwithstanding, when the application for Safety Bay House was considered, a condition was attached to the planning permission to the effect that finished floor levels for living accommodation is a minimum of 300mm above 6.17m OD and sleeping accommodation 600mm above 6.17m OD. To ensure consistency, it is recommended that similar condition be applied to this proposal.

Contaminated Land

Policy BNE23 of the Medway Local Plan 2003 and paragraph 178 of the NPPF seek to ensure that development sites are adequately investigated for contamination and that appropriate remediation (where necessary) is implemented to minimise the risk to human health.

Given that the previous use as a gravel pit there is the potential for contamination on the site. Also, the site is not currently maintained and that it is accessible by the public, there is the possibility that fly-tipping has occurred. Environmental Protection have raised no concerns but suggested contamination conditions. The Environment Agency raised an objection based on the risks of pollution to controlled waters. The applicant has provided a desk study and site investigation report that found no contamination on site but concluded that a formal remediation strategy and verification would be necessary.

It recommended that conditions be attached to secure an up-to-date investigation into contamination on the site and any necessary remediation measures. With the inclusion of the suggested conditions, the proposal is considered to be in accordance with Policy BNE23 of the Medway Local Plan 2003 and paragraph 178 and 179 of the NPPF.

Climate Change

The submitted proposal is outline only, however it proposes measures in order to achieve an energy efficiency within the buildings. The following measures are envisaged:

- All materials will meet the requirements of the latest Building Regulations and in particular Part L (Energy Use)
- Energy consumption will be reduced through energy saving devices
- Fixed light fittings will have energy efficient fittings
- The use of energy efficient goods including all kitchens fridge, freezers, washing machines, dishwashers and tumble dryers to be A+ rated as far as possible
- Taps, fittings and WCs to be low water consuming
- All gas-fired boilers to meet a minimum standard of < 40 mg NO_x/kWh
- 1 Electric Vehicle charging point (best available technology) per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)
- Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies
- All windows are double glazed and will achieve a u-value of 1.4W/m²K

In addition to the above, there is biodiversity net gain, SUDs proposals and improvements to the public footpath, being secured by the development.

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 this will be covered as part of the S106 agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development. The contributions have been partly reflected in a formulae-based approach, as final quantum of the development is not known. The contributions are based on an occupancy level of 2.45 people. New residential development can create additional demand for local services. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

- £88,883.09 towards education
- £7737.48 towards health services
- £2,242.08 towards community services
- £29658.58 to enhance open space facilities at Borstal Recreation Ground and/or Priestfields Recreation Ground
- £1560.98 towards the Great Lines Heritage Park
- £2,020.80 towards libraries
- £958.32 towards youth services
- £2,117.40 towards waste services
- £3004.68 towards bird disturbance mitigation
- £17,500 towards the upgrade of the public right of way

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards Policy S6 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Recommendation

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities and parking. The development is considered acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions and the terms of a section 106 as set out above.

The proposal accords with Policies S1, S6, H4, BNE1, BNE2, BNE3, BNE23, BNE35, BNE43, T1, T2, T13, CF13, L10 and L11 of the Medway Local Plan 2003 and paragraphs 10, 109, 110E, 124, 125, 127, 128, 130, 149, 155, 163, 165, 170, 175, 176, 178 and 179 of the NPPF.

The application would normally be determined under delegated powers but is being reported to Committee due to the number of representations received expressing view contrary to officer's recommendation.

This application was originally presented at the Planning Committee meeting held on 31 March 2021 but was deferred due to Members wanting to explore the possibility of highway works to the junction with Warwick Crescent. A meeting took place with Ward Councillors and the Council's Highway Transport Officer to discuss the options, which were reviewed by the Road Safety Team. The applicant has submitted a highway junction improvement plan including extending double yellow lines at the junction to improve visibility splays and a keep clear box to deal with the previous concerns and this has been circulated to Members prior to this committee.

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/>