

MC/21/2750

Date Received: 22 September 2021
Location: Land Between 18-20 Alamein Avenue Wayfield
Chatham ME5 0HZ
Proposal: Construction of two pairs of 3-bedroom semi-detached dwellings
with associated parking, landscaping and cycle/bin refuse
Applicant Chelvaa Homes (PVT) Ltd
Mr. Chella Thiruchelvam
Agent Kompas London
Mrs N Dar 16 Electric Parade
Seven Kings Road
Ilford
IG3 8BY
Ward: Luton And Wayfield Ward
Case Officer: Nick Roberts
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 12th January 2022.

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:

Received 22 September 2021

Proposed Block Plan
Proposed Site Location Plan
KL -1289-12 REV A - Proposed Floor Plans
KL -1289-13 REV A - Proposed Elevations
KL -1289-14 REV A - Proposed Elevations and Sections
AA/WPP/1405-01-A - Woodland Planting Scheme
20115_130A - Site Layout and Landscape Details

20115_131B - Boundary Treatment Details Part 1

20115_134B - Paving Details

20115_135C - Location of EV Charging Points and Boundary Treatment Heights

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

3 The dwellings hereby approved shall be constructed and retained in accordance with the following approved external materials:

- Wienerberger Topaz multi-stock facing bricks
- Fortecrete V2 Red Roof Tiles
- OSMA Black Rainwater Goods
- White UPVC Casement Windows

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

4 No dwelling shall be occupied until the hard and soft landscape works have been provided in accordance with the following details: Woodland Planting Plan AA/WPP/1405-01-A, External Hard Works Plan 20115-130A, Railings, Fencing, and Pavement Plan 20115-131B and Footway Section and Materials Sample Plan 20115-134B received 22 September 2021. The hard and soft landscape works shall thereafter be retained 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.

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

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

6 No dwelling shall be occupied until 4 dedicated electric car charging points have been provided in accordance with the details submitted (BP Smartcharge Electric Vehicle Charging Unit) and in the locations as shown on drawing number

20115_135C received 22 September 2021. 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 112e of the National Planning Policy Framework 2021.

- 7 No dwelling shall be occupied until the cycle and refuse storage facilities have been provided in accordance with the details submitted in drawings numbers 20115_132 and 20115_135C received 22 September 2021. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 8 No dwelling shall be occupied until the boundary treatments have been erected in accordance with the details submitted on drawings numbers 20115_131B, 20115_134B and 20115_135C received 22 September 2021. The approved boundary treatments shall thereafter be retained 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.

- 9 The construction works shall be undertaken in accordance with the details specified in the Construction Environment Management Plan (dated 28 May 2020) and received on 26 October 2021.

Reason: To ensure that the construction period of the development minimises the impact on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 10 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6 of MC/19/2924.

Following completion of the measures identified in the approved remediation a verification report providing details of the data collected in order to demonstrate that the works set out are complete and identifying any requirements for long 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.

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

- 11 The tree protection measures as identified in Paragraphs 11.0 - 14.0 (pages 13-17) and appendix B of the Arboricultural Report reference SA/1404/18 and as shown on the Tree Protection Plan AA/TPP/1404-02-A received 22 September shall remain in place throughout the construction phase and the development shall be implemented in accordance with the construction recommendations set out within the report.

Reason: To ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 12 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Energy Efficiency and Sustainable Construction Statement received 9 December 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 152 the National Planning Policy Framework 2021.

- 13 All ground and first floor windows located on the flank elevations of each dwelling serving the WC/shower room, open plan dining/living/kitchen area, landing and secondary window to the bedroom shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 Notwithstanding the submitted floor plans each dwelling shall remain as a 3-bedroom dwelling and none of the rooms either at basement, ground or first floor shall be converted as to create any additional bedrooms.

Reason: Development which would increase the number of bedrooms could place additional demand on the provision of adequate accommodation for the parking of vehicles which is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F 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 and to ensure no irreversible detrimental harm to the protected trees to the rear of the site in accordance with Policies BNE1, BNE2 and BNE43 of the Medway Local Plan 2003.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwellinghouses herein approved shall remain in use as a single family dwellinghouses falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

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

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

Proposal

This is a part retrospective application for the construction of two pairs of 3-bedroom semi-detached dwellings with associated parking, landscaping and cycle/refuse storage.

The dwellings would be approx. 11m in depth, approx. 7.4m in width, with a pitched roof, and would be approx. 8.2m to the ridge when measured from ground level on the principal elevation. When viewed from Alamein Avenue and the wider streetscene they would sit over two storeys, however due to the topography of land, and when viewed from the rear they include an additional storey at basement level.

The dwellings would comprise a gym, store and office at basement level, entrance hall, kitchen/dining room, living room, utility and shower room on the ground floor with three

bedrooms, two with en-suites and a bathroom on the first floor. Each dwelling would also have a private garden area to the rear with four parking spaces at street level and a retaining wall and steps to access the proposed dwellings.

Site Area/Density

Site Area: 0.14 hectares (0.346 acres)

Site Density: 28 dph (11 dpa)

Relevant Planning History

MC/20/1000	Details pursuant to condition 3 (Ecology), 4 (Contamination), 5 (Remediation), 6 (Contamination) and 9 (CEMP) on planning application MC/19/2924 - Construction of two pairs of semi-detached 3 bed dwellings Decision: Discharged Decided: 30 July 2020
MC/20/1001	Details pursuant to condition 11 (Tree Protection) and condition 16 (Landscaping) on planning application MC/19/2924 - Construction of two pairs of semi-detached 3 bed dwellings Decision: Discharged Decided: 11 June 2020
MC/20/1057	Details pursuant to conditions 10 (Earthworks), 12 (Materials), 14 (Boundary treatments), 15 (Vehicle charging points) and 18 (Cycle and refuse storage) on planning application MC/19/2924 for construction of two pairs of semi-detached 3 bed dwellings Decision: Discharged Decided: 10 August 2020
MC/20/2196	Details pursuant to condition 7 (Contamination - Implementation Verification) on planning application MC/19/2924 for the construction of two pairs of semi-detached 3 bed dwellings Decision: Discharged Decided: 4 November 2020
MC/19/2924	Construction of two pairs of semi-detached 3 bed dwellings Decision: Approval with conditions Decided: 15 January 2020

MC/18/0894

Construction of 4 semi-detached 3 bed dwellings
Decision: Refused
Decided: Appeal Allowed 8 April 2019

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Rochester Airport and Southern Water were also consulted.

Six letters of representation were received objecting on the following grounds

- Dwellings are too tall and not in keeping with the streetscene.
- Loss of privacy.
- Loss of sunlight.
- The developers have knowingly amended their approved development plans, without prior consent or approval.

Southern Water have advised that they require a formal application for a connection to the public foul sewer to be made by the applicant or developer. They have also advised that the development is in very close proximity to a Source Protection Zone and adits. They have also confirmed that it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 (NPPF) and are considered to conform. The Medway Landscape Character Assessment, 2011 (MCLA) is also relevant.

Planning Appraisal

Background

The application site has been subject to a number of previous applications for the construction of 4 semi-detached dwellings as detailed in the planning history section of this report above. The first of which dates back to April 2019, when a residential scheme consisting of 4 dwellings was originally allowed at appeal under reference APP/A2280/W/18/3208943, following the refusal of MC/18/0893. This was then followed by an application approved in January 2020 under MC/19/2924, which was identical to the application allowed at appeal in terms of the number of dwellings and their layout,

scale and design. The only amendments related to the re-siting of the cycle and refuse areas and the re-configuration of the parking following land ownership issues.

This current proposal has similarities to the previous applications in terms of the number of dwellings, their type (semi-detached) and their layout in terms of the parking and private amenity space. However, it now includes an additional storey at basement level to the rear, and the height of the dwellings when viewed from the street elevation has also been increased.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the proposed development has previously been considered acceptable under planning permission MC/18/0893 which was allowed under appeal reference APP/A2280/W/18/3208943 on 8 April 2019, and the subsequent planning permission granted under MC/19/2924. Although the NPPF has been revised since the previous approval, there have been no changes in planning policy at either the local or national level that would result in a contrary recommendation and therefore no objection is raised in principle to the proposal.

Design

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

The site is located between numbers 18 and 20 Alamein Avenue, Chatham and adjoins the northwest side of Alamein Avenue. Prior to re-development, the site formed a gap in the established building line with an area of hard standing and garages to the southwest. By virtue of the land topography the site slopes steeply away from the highway to the east. The existing streetscene is characterised by traditional two storey semi-detached houses, and due to the land level changes the houses to the northeast of the application site are constructed approx. one storey below road level. Their mass, form, spacing and appearance are fairly uniform throughout Alamein Avenue, with a strong building line and feeling of repetition.

The site layout and location of each dwelling is identical to the previously approved scheme under MC/19/2924, and the proposed development has been sited to follow the spacing of the existing dwellings along Alamein Avenue continuing the existing pattern of development. Although under this current proposal the ridge height of the proposed dwellings has been increased, as demonstrated by the street scene elevations provided for both this application and the previously permitted scheme, the ridge heights and eaves of the new dwellings would maintain the already staggered ridge heights within the

streetscene as the land rises from east to west. As such the development would not appear overly prominent or out of character. Furthermore, the houses on the opposite side of the road would still sit approx. half a storey above the height of the ridge of the proposed dwellings. As such, the dwellings form and massing when viewed from the front elevation would still imitate the existing streetscene and land topography and therefore would be considered acceptable.

However, due to the land level changes, and when viewed from the rear, the dwellings are now sited over three storeys which would include the addition of a basement level. It is understood from the applicants Design and Access Statement that upon excavation it was discovered that the ground was built up using fill materials which is unsuitable for any type of foundations. Therefore, it became necessary for the excavation of the footings to be done at a deeper level-resulting in a lower ground floor space created. Although when viewed from the rear clearly the addition of a basement level increases the form and massing of this elevation, its projection is identical to the scheme previously approved. Furthermore, and to all intents and purposes when viewed from Alamein Avenue and the wider streetscene the dwellings would be seen over two storeys. As a result, the additional storey to the rear is not considered to have a detrimental impact on the overall character of the area, and its design and massing would not warrant refusal of the application.

For the reasons above the development would therefore be in accordance with Policies BNE1 and H4 of the Local Plan and the advice set out in paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the location of the proposed development in relation to the neighbouring property at 18 Alamein Avenue and in view of the concerns raised by neighbours, an overshadowing assessment has been conducted. Whilst the development would cast a shadow over part of the rear garden of 18 Alamein Avenue in the afternoon, when taking into account the extent and amount of time the shadow would be cast throughout the day, this would not be considered detrimental. Furthermore, the orientation of 18 Alamein Avenue is such that it would already cast a shadow over its own rear garden throughout similar periods of the day.

With respect to outlook and daylight, whilst the proposed development would clearly have a presence when seen from the rear gardens of the neighbouring properties, the

extending rear projections of the dwellings have been sited approx. 5m from the boundary with 18 Alamein Avenue and approx. 18m from the boundary with 20 Alamein Avenue. In addition, a separation distance ranging from approx. 20-25m has been retained between the front elevation of the dwellings and the principal elevations of the houses on the opposite side of the road. Due to the proximity of 18 Alamein Avenue to the development site, a 45° daylight and outlook assessment was also completed to assess the impact of the proposal on the windows on the rear elevation of this property, and there was found to be no detrimental impact. Similarly, and by virtue of the distance between the proposed dwelling and the habitable windows of the neighbouring properties opposite there would be no detrimental impact with regards to loss of outlook.

With regards to overlooking and loss of privacy the dwellings are proposed with several windows in the flank walls that could look onto neighbouring houses. Due to its elevated position it is therefore necessary to impose a condition requiring all ground and first floor windows located on the flank elevations of each dwelling to be obscure glazed and non opening up to 1.7m above the finished floor level. This would include the elements of the ground floor dining room window that wraparound the side elevations. Where this would affect the habitable rooms of the proposed dwellings they would also benefit from alternative outlook so therefore this will not be a problem. Whilst an element of overlooking would exist from the windows located on the rear elevation, when looking at the previous appeal decision the Inspector found that overlooking from the windows at ground floor level were obscured by the existing built form at 18 and 20 Alamein Avenue and therefore would be no more intrusive than limited overlooking that is found within residential areas.

In addition, although concerns have also been raised regarding the potential for overlooking of the properties on the opposite side of the road, there would be a separation distance of approx. 25m retained between the principal elevations of these properties and the dwellings. To provide some context, and as guidance, the Medway Housing Design Standards (interim) November 2011 (MHDS) states that a visual separation distance of approx. 20m between the private rear facades is acceptable. As mentioned above, in this case there would be an approx. 25m distance between the principal elevations, which as a comparison would even exceed the guidance with respect to private rear facades.

A Construction Environment Management Plan has been submitted which was previously considered acceptable as part of discharge of condition application MC/21/1000. A condition will therefore be reimposed to ensure construction works are carried out in accordance with these details.

Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). Each dwelling would have a gross internal floor area (GIA) of approx. 189m² which would exceed the minimum standard for a 3-bedroom, 5-person, three storey dwelling which requires a minimum GIA of 99m². All bedrooms would also meet the national standards

area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Design Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The proposed gardens would be approx. 11m in depth and therefore would exceed this guidance.

Although concerns were previously raised regarding the useable space within the garden as a result of the woodland to the rear, this was addressed by the Inspector when permission was originally allowed at appeal in 2019. The Inspector concluded that the proposal would provide adequate, useable amenity space and therefore would be in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 130 of the NPPF.

In these circumstances it is necessary to remove permitted development rights with regards to extensions and additional structures within the curtilage of the dwellings. This restriction is justified in this case due to the scale of the development and relationship of the new dwellings and woodland to the rear of the site. There is also potential for the dwellings to be converted to small HMO's in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Highways

The application proposes 4 parallel parking bays at street level, therefore allocating one space per dwelling. The proposed parking provision is in line with the previous approval for the site under MC/19/2924, where a reduction in the number of off-street parking spaces was accepted, following the submission of a transport technical note. In this regard, and when taking into account that this current proposal will not result in an increase in the number of bedrooms, it is not considered that the development would have a detrimental impact to the highway and therefore no objection would be raised. In terms of highway safety, the parking provision is not considered to have a significant impact above what is currently experienced along Alamein Avenue and given that it is only for a small number of residential units, no objection would be raised with regards to the impact of the development on the highway network. However, in recognising that further bedrooms could be created at basement level, which in turn would impact parking, a condition will be imposed to ensure none of the basement level rooms could be changed to bedrooms at a later date.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112 outlines that development should provide electric charging facilities. Details of the location and type of electric charging points have been submitted, which is consistent with those previously approved under MC/20/1057. A condition will therefore be imposed to ensure the electric charging facilities are implemented and retained in accordance with the details submitted. In addition, details of cycle and refuse storage have also been submitted and are considered acceptable.

In view of the above the application is in accordance with policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment. Conditions were placed on the previous application MC/19/2924 which related to very similar development proposals on the site. This included contamination (conditions 4 to 8). These reports have been re-submitted as part of this proposal. On the basis that this information has previously been considered acceptable, and contamination conditions 4, 5 and 6 were discharged under MC/20/1000 along with condition 9 and condition 7 which was discharged under MC/20/2196, it is not necessary to request a full set of contamination conditions for this application. However, it does not appear that the watching brief condition (condition 8) of MC/19/2924 was discharged, and no further information has been provided in this regard.

Therefore, and subject to a condition in the event that unexpected contamination is discovered which has not been previously identified, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

Ecology

To ensure that any impacts on protected species were fully assessed and properly mitigated against as part of the previous approval a condition requiring the preparation and submission of an ecological assessment was imposed. The applicant then subsequently submitted an Ecological Impact Assessment (Reference CRM.1795.001.EC.R.001) which was received on 7 June 2020 as part of discharge of condition application MC/20/1000. This condition was discharged on 30 July 2020 based on the Inspectors original conclusions under appeal reference APP/A2280/W/18/3208943, where he was satisfied that an Ecological Survey could be conditioned as a pre-commencement condition.

The Inspector also concluded that “the site lacked a mosaic of scrub and established grassland vegetation types suitable for refuge, basking and foraging opportunities. Instead, it comprised a patchy ruderal and woodland ground with scrub fauna, and the top of the area was densely covered with nettles, which would be unlikely to support reptile habitat. In addition, the Inspector confirmed that “the site was disconnected overall from hedgerows and would be unlikely to support the hazel dormouse, similarly the ivy that engulfed the ash trees would render them unsuitable for roosting bats”. This was also reflected within the Ecological Impact Assessment.

On the basis of the information previously submitted no objection is therefore raised with regards to Policies BNE35, BNE37 and BNE38 of the Local Plan and paragraph 174 of the NPPF.

Trees and Landscaping

To the rear of the site the area is identified as part of the Horsted Valley character area as defined in the MLCA and is protected under a Woodland Tree Preservation Order (TPO) which extends across part of the site. The tree survey submitted as part of MC/19/2924 identified that six ash trees would be removed (T1-13 and T15-T17) to facilitate the development. These trees have now been removed and the tree protection fencing has been installed along the north-western boundary of the site in accordance with tree protection plan (AA/TPP/1404-02-A) approved under MC/19/2924.

In addition, and when looking at the impact of the development in the context of the appeal decision the Inspector concluded that due to the trees location outside of the Horsted Valley character area and their poor condition their removal would not visually harm the character or appearance of the area. The Inspector also concluded that the proposal would not materially harm the wildlife interest of the area and would result in a clear improvement in the local environment. Its impact on the Horsted Valley character area would also be enhanced through the proposed woodland planting scheme and the positive contribution this would have in providing an ecological habitat. Details of this woodland planting scheme have been re-submitted as part of this application, as well as details of proposed boundary treatments, and a scheme for hard and soft landscape details which reflect the details previously approved under discharge of condition application MC/20/1001.

Subject to a condition to ensure the development is completed in accordance with the details approved no objection is raised with regard to Policies BNE1, BNE6 and BNE43 of the Local Plan and paragraphs 126, 130 and 131 of the NPPF.

Climate Change and Energy Efficiency

The Planning Agent has submitted an Energy Efficiency and Sustainable Construction Statement which is summarised as follows:

- The dwellings will be designed so that the dwellings Fabric Energy Efficiency (DFEE) will be below the target set under Part L1A (2013) (TFEE) of the Building Regulations.
- All the internal light fittings will be dedicated energy efficient fittings.
- Fridges and freezers or fridge freezers will be A+ rated under the EU Energy Efficiency Labelling Scheme.
- Washing machines and dishwashers will be A rated and any washer-dryers or tumble driers will be A rated.
- Any space lighting will be provided by dedicated energy efficient lighting. All security lighting will be a
- maximum wattage of 150W and have movement (PIR) detectors and day light cut-off sensors.

- Sheds will be installed within each garden to provide sufficient secure space to store cycles. This will provide a sustainable method of transport for visits to local amenities.
- Provision will be made within each dwelling for a home office workstation to promote the use of home-working and reduce the need for car journeys.
- Car charging points will be provided to each dwelling to promote the use of electric plug-in cars.
- Appliances and fittings that use water in the dwellings will be specified so that the water consumption will be no more than 105 litres per person per day.
- External materials will be locally sourced to reduce transport mileage and their environmental impact, where reasonably practicable.
- The dwellings will be constructed using pre-insulated timber frames manufactured off-site to maximise thermal efficiency, to minimise waste and from managed sustainable sources.
- A compliant site waste management plan will be adopted for minimizing and diverting waste from landfill. Procurement and materials ordering will be carried out efficiently to avoid unnecessary wastage and minimal reliance on skips.
- The proposed boilers will be selected to have a low NOX level (mg/kWh) of less than 70.

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 £253.83 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 applicant has submitted a SAMMs Mitigation Contribution Agreement and payment as part of the previous application (MC/19/2924) and therefore no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Other Matters

Although interested parties have raised concern regarding the behaviour of the developers and their disregard for the planning system by failing to adhere to the approved scheme or stop works, this has been subject to recent comment by an Inspector following an appeal at 21 Berengrave Lane, Rainham (APP/A2280/W/20/3259532). Within their appeal decision the Inspector states *“the appellant is entitled to seek approval for the preferred development as much as anyone else. The planning process includes a formal consultation stage within which comments may be made and these are taken into account by the decision-maker. Furthermore, a key principle of the planning system is that each proposal should be assessed on its own merits, whether or not it is (partly) retrospective”*.

Conclusions and Reason for Approval

It is considered that the scale, mass and design of the dwellings would be in keeping with the existing streetscene and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highways safety. In addition, it is considered that the proposal would not materially harm the wildlife interests or character of the Horsted Valley character area. The application is therefore in accordance with Policies BNE1, BNE2, BNE23, BNE35, BNE36, BNE37, BNE38, BNE41, BNE43, H4, S6, T1, T2 and T13 of the Local Plan and the advice set out in paragraphs 111, 112E, 126, 130, 131, 174, 180, 181 and 183 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to the officers' recommendation and at the request of Councillor Simon Curry due to the actions of the developer in not implementing what was originally approved.

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/>