

MC/22/1109

Date Received: 3 May 2022

Location: Land At Lennoxwood Adjacent to Petham Green, Twydall, Medway

Proposal: Construction of nineteen dwellings with associated road, parking and landscaping

Applicant: Medway Council - HRA Housing Services

Agent: Rebecca Wilcox
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HMY LLP Leap House
Frog Lane
Tunbridge Wells
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Ward: Twydall Ward

Case Officer: Madeline Mead

Contact Number: 01634 331700

Recommendation – Approval subject to:

A legal agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:

- i. £3,693.98 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- ii. £7,500 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- iii. £91,978.85 towards the expansion of schools within the locality.
 - a. Nursery education: £29,436.51
 - b. Primary education: £2,064.38
 - c. Secondary education: £57,248.71
 - d. Sixth form education: £3,229.25

- iv. £54,466.16 towards the enhancement of open space facilities within the vicinity of the development.
- v. £3,911.53 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- vi. £13,498.74 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- vii. £5,241.72 towards Designated Habitats Mitigation.

And the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 3 May 2022:

0140 Revision P02 Floor layout HT01 - 2B4P End Terrace - Plan proposed
0141 Revision P02 Floor layout HT01 - 2B4P Mid Terrace - Plan proposed
0143 Revision P02 Floor layout HT02 - 2B4P Mid Terrace - Plan proposed
0145 Revision P02 Floor layout HT03 - 3B5P Mid Terrace - Plan proposed
0146 Revision P02 Floor layout HT04 - 3B5P End Terrace - Plan proposed
0147 Revision P02 Floor layout HT05 - 4B6P End Terrace - Plan proposed
0148 Revision P02 Floor layout HT06 - 6B9P Detached - Plan proposed
0149 Revision P01 Floor layout HT07A - 2B4P End Terrace - Plan proposed
0150 Revision P01 Floor layout HT07B - 2B4P End Terrace - Plan proposed
0340 Revision P01 Elevations - Sheet 1
0341 Revision P01 Elevations - Sheet 2
0342 Revision P01 Elevations - Sheet 3
0210 Revision P02 Site Sections proposed - Sheet 1

0211 Revision P01 Site Sections proposed - Sheet 2

0240 Revision P01 Building Sections proposed - Sheet 1

0241 Revision P01 Building Sections proposed - Sheet 1

0125 Revision P01 - Block Plan - Proposed

0130 Revision P02 - Site Plan - Proposed

0135 Revision P01 - Site Plan - Parking/Cycle Strategy

0136 Revision P01 - Site Plan - Refuse Strategy

0137 Revision P01 - Site Plan - Overlooking Constraints

0138 Revision P01 - Site Plan - Boundaries and Hard Landscaping

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been 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 in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until tree protection measures in line with BS5837:2012 have been implemented to protect the trees within the neighbouring gardens. The tree protection measures shall thereafter remain in place throughout the construction phase of the development.

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

- 5 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.

- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

- 6 No development shall commence on site 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) has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and 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.
- iii. Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the approved details.

Reason: Required prior to commencement to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

- 7 No development shall take place on site (including vegetation clearance) until the reptile translocation and ecological mitigation measures outlined in the submitted Ecological Mitigation Report, Lloydbores, 31st August 2022, have been implemented in full, and shall be thereafter retained. On completion of the mitigation works, a letter from the ecologist, including a map with detailed boundaries, location of where the reptile exclusion fencing and Heras fencing were set up to protect reptiles present on site, and an updated timetable of the whole mitigation, shall be submitted to and approved in writing by the Local Planning Authority, confirming that the reptiles' translocation and mitigation have been implemented fully as detailed within the submitted plan and report.

Reason: Required prior to development in order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 No development above slab level of plots 15 and 16 shall take place, until details of the directional windows to be located within the first-floor rear elevations of these plots have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the amenity of 11 Newnham Close is protected in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Within 3 months of the planning permission being granted, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the installation of bat and bird nesting boxes along with the provision of generous native planting and a timetable for implementation. The approved details shall be implemented in accordance with the approved details and thereafter retained.

Reason: In order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 10 No development above slab level shall take place until details 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 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point 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.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2021.

- 12 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing for all areas except for privately owned, domestic gardens. The submitted details shall include:

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, landscape overlaid on the lighting and services (including drainage) plans, tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of a planting and soil statement that

confirms the soil profile / build-up of the landscape proposals and demonstrates its interface with the ground capping layer, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); 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 soft and hard landscape as well as, raised planters), 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).
- iii. A timetable for implementation.

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 and impact on the retained trees, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

- 13 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, including communal amenity (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and future review. 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.

- 14 No dwelling shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces are to be managed for residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: In the interests of sustainability and residential amenity in accordance with Policies T13 and BNE2 of the Medway Local Plan 2003.

- 15 No part of the development shall 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 the first occupation of the development.

Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 16 No dwelling 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 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.

- 17 No dwelling shall be occupied until the boundary treatment as shown on approved drawing number 0138 revision P01 has been erected. The boundary treatment shall be implemented in accordance with the approved details before any dwelling or building 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 and impact on the retained trees, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 18 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: To ensure that suitable surface water drainage scheme is designed and fully implemented to not increase flood risk onsite or elsewhere in accordance with paragraph 168 of the National Planning Policy Framework 2021.

- 19 Prior to the occupation of any residential dwelling, a Reptile Receptor Site Management Plan (the Plan) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the Plan shall include the following:

- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the Plan.
- g) Details of annual habitat and species monitoring.
- h) Details of how the monitoring will inform updates of the Plan.
- i) Timetable for implementation of the Plan.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the Plan will be secured by the developer with the management body(ies) responsible for its delivery. The Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved Plan shall be implemented in accordance with the approved details.

Reason: In order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 20 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement within the Design and Access statement, by HMY (Ref: 02569 drawing number: 8010 Rev 1) received on 3 May 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 21 Prior to installation of any external lighting a "sensitive lighting strategy" for the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
- a) Identify those areas/features on site that are particularly important for bats.
 - b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and shall be maintained thereafter.

Reason: To limit the impact of the lighting on the wildlife and with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 22 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval of such from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with along with a timetable for implementation. The approved method statement for dealing with the unsuspected contamination shall thereafter be implemented in accordance with the approved details and timetable.

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.

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

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

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A, B and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the construction of nineteen dwellings. These would be made up of four rows of terraces, a pair of semi-detached and a detached dwelling and would provide ten 2-bedroom, seven 3-bedroom, one 4-bedroom and one 6-bedroom dwellings. Gardens are proposed for each dwelling and

areas for refuse/cycle storage would be provided within the gardens or in external areas adjacent to properties.

Vehicular access to the dwellings would be from the end of the cul-de-sac of Petham Green. The development would be inward facing with dwellings around the perimeter of the site. Parking is proposed to the front and sides of the dwellings (all on street), with small areas of landscaping between the parking spaces. Forty car parking spaces are proposed, thirty-six for the residents of the proposed development and four visitor parking spaces.

Refuse collection points are proposed throughout the development.

Site Area/Density

Site Area: 0.5 hectares (1.1 acres)
Site Density: 38dph (17 dpa)

Relevant Planning History

- MC/16/3819 Variation of condition 4 and 5 for a minor material amendment to planning permission MC/14/0893 for minor variations to the parking
Decision: Approval with Conditions
Decided: 11 November 2016
- MC/16/1990 Application for approval of reserved matters being details of landscaping, appearance and scale on planning permission MC/16/3819 - outline planning permission for construction of 20 x 2 and 3 bedroomed houses with associated parking and bin storage (demolition of existing building)
Decision: Approval with Conditions
Decided: 21 December 2016
- MC/14/0893 Application for outline planning permission with some matters reserved - (Appearance Landscaping and Scale) for construction of 20 x 2 and 3 bedroomed houses with associated parking and bin storage (demolition of existing building)
Decision: Refusal
Decided: 12 June 2014
Appeal decision: Appeal allowed
Appeal decided: 9 July 2014

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Ecology, EDF Energy, Southern Gas Networks, Southern Water, Royal Society for the

Protection of Birds, Kent Wildlife Trust, Natural England and Kent Police, have also been consulted.

Six letters have been received raising the following objections:

- Impact on Petham Green, with regard to increased vehicle movements
- Noise impact from future occupiers of the development
- Loss of privacy
- Overlooking
- Loss of light

A petition with **126** signatures has been received raising the following objections:

- Impact on mental health and well-being of existing elderly residents.
- Loss of amenity and outdoor space/communal area.
- Noise impact from future residents.
- Loss of wildlife on the site.
- Impact on area due to lack of natural water drainage.
- Increased on street parking demand.
- Lack of space between the front of dwellings and footpaths.
- Impact on local bus service due to the residential development.
- Development should be car free/reduced zone.
- Increased pollution.
- Overdevelopment.
- Loss of privacy, daylight and sunlight.
- Impact on water pressure.
- Risk of crime.
- Ecology report submitted with application is out of date.

Two letters have been received in support of the application.

KCC Ecology has advised that the ecological information submitted in support of this application is sufficient.

Southern Water have advised that an existing public combined sewer is within the development site. They have also advised a sewer now deemed to be public could be crossing the development site. If during construction works one is found, investigation of the sewer will be required to ascertain its ownership. They have also provided details of distances from the sewer for construction works, tree planting and soakaways.

Natural England advises that subject to the appropriate financial contribution being secured, they are satisfied that the proposal will mitigate against the potential recreational impacts of the development on the SPA.

Kent Police advise that the development should follow SBD Homes 2019 guidance to address designing out crime.

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 and are considered to conform.

Planning Appraisal

Background

In 2014 outline planning permission for twenty dwellings, was allowed at appeal on the application site and the reserved matters application was subsequently approved in 2016. The description of the outline and reserved matters included the demolition of the existing building, which has taken place and therefore, an extant planning permission for twenty dwellings exists for this site.

Principle

The site is in a sustainable location in an urban area, and Policy H4 of the Local Plan supports residential development in urban areas. Policy H9 of the Local Plan supports backland development subject to a number of criteria being met. Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

Design

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

In terms of design, the proposed development would be a maximum of two storeys in height. However, the dwellings proposed to the east of the access road would be single storey, with dormers in the front roof slope, when viewed from the front and to the rear these properties would be two storeys in height, some of these would also have dormers to the rear. The dwellings have been designed to take account of the land level changes on the site. All dwellings would have gable ended roofs.

The layout of the development is mainly an inward facing development with car parking to the front of the dwellings. This parking arrangement would be quite visually

dominant within the design of the development however, the previous scheme that was allowed at appeal, although it was not dominated solely by car parking, was also dominated by the boundary treatments of rear gardens and offered very limited landscaping to soften the appearance. This application would introduce small areas of soft landscaping between the car parking spaces and on the corners of the road, resulting in an improvement on that development previously allowed at appeal.

Subject to a condition to secure the materials and appropriate landscaping, the design of the development is considered to be in accordance with Policies BNE1, H4 and H9 of the Local Plan and the objectives of paragraphs 126 and 130 of the NPPF.

Amenity

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

Neighbouring Residential Amenity

The application site is surrounded by residential properties and adjoins the rear gardens of properties on all sides except those existing dwellings to the southwest of the site.

Due to the distance of the proposed rear elevations of plots 15 and 16, to the rear garden of number 11 Newnham Close, there would be some loss of privacy to the rear garden area of this dwelling due to the bedrooms at first floor level, however, the distance, would be similar to the distance between habitable (bedroom) windows of the previous care home that previously occupied the site, which was also two storeys in height. As these are new dwellings on the site, to try and restrict loss of privacy to this property a condition is recommended for details to be submitted of directional windows that would direct outlook towards the bottom of this neighbour's garden area only.

Due to the siting and distance from the remaining neighbouring properties, it is not considered that the proposed development would have a detrimental impact on these neighbours in terms of loss of daylight, sunlight, outlook or loss of privacy.

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015.

The proposed houses would either meet or exceed the overall requirements of the national space standards. The standards require a double bedroom to have a floor area of 11.5m² and be at least 2.75m wide and a single bedroom should have a

floor area of 7.5m² and be at least 2.15m wide. All bedrooms would also meet or exceed these requirements.

The proposal is therefore considered to provide sufficient living accommodation for future occupants of the units.

The Medway Housing Design Standards requires a depth of 7m private amenity space on constrained sites. All dwellings would be provided with rear gardens of 7m or over in depth and external access to these gardens. Therefore, it is considered that adequate amenity space would be provided.

To protect the amenity of future and existing occupants, it is necessary to remove permitted development rights for enlargement to the houses, for the construction of outbuildings and to ensure the houses remain in single family occupancy. As such, a condition removing permitted development rights for extensions under Classes A, B and E would be appended in addition to the removal of rights for small HMOs. These conditions are necessary in the interest of protecting the residential amenity of occupiers of existing and proposed properties.

The construction of the development itself could lead to noise and dust emissions to nearby residential properties and therefore a condition is recommended requiring the submission of a Construction Environmental Management Plan.

With the inclusion of the suggested conditions, it is considered that the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

Highways

In terms of the impact the proposed development would have on the highways, given the previous lawful use for the site, it is not considered the proposed residential development would result in any severe harm to the highway.

Regarding parking, the adopted Interim Residential Parking Standards require the provision of a minimum of 1.5 parking spaces for a 2-bedroom property and 2 parking spaces for a 3+ bedroom property and 0.25 visitor spaces, the site plan indicates the proposal would have a shortfall of one residential vehicle parking space, however this shortfall is not considered sufficient to warrant refusal of the application.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore a condition is recommended to secure this.

It is considered that the proposed development would comply with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112(e) of the NPPF

Drainage and Surface Water Flood Risk

The application site lies within Flood Zone 1 (Low Risk) according to the Environment Agency mapping. It is noted that the highway in front of the site is at high risk of surface water flood risk, and this should not be increased as a result of development on the site.

Paragraph 56 (reference ID:7-056-20220825) of the NPPG presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H3 (Part H) of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

British Geological Mapping indicates the presence of Lewes Nodular Chalk at bedrock which would likely allow the use of infiltration. The report submitted with the application highlights that infiltration testing has been undertaken which shows favourable results. The strategy proposes the use of attenuation tanks, soakaways and gullies.

It is also recommended the use of rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on portable water supplies.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDs should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. Details would need to be submitted showing a plan of the frequency of maintenance for each SuDs feature on site based on guidance in the CIRIA SuDs Manual as well as details of who will carrying out the maintenance.

Overall, no objection is raised to the proposed site drainage subject to conditions to secure the drainage and on this basis, the development is considered to be in accordance with paragraph 168 of the NPPF.

Ecology

Sufficient ecological information has been submitted in support of this application.

Reptiles

The site offers suitable reptile habitat in the form of a mixture of grassland, scrub and

established hedgerows in combination with the surrounding gardens. Following a reptile survey undertaken between May and June 2021, a good population of slow worms were found on site.

The whole area of suitable habitat for reptiles (between 0.31 and 0.41 ha – there is a discrepancy between the reptile report and the ecological assessment report) would be lost to facilitate the development. As such a mitigation strategy to translocate the reptiles to an off-site receptor site (called Eastcourt Meadows Country Park) is proposed.

An Ecological Mitigation Report has been submitted with the application. Although the receptor site has already got a good population of slow worms, habitat enhancement through vegetation management, new planting and the creation of hibernacula and log piles have already been undertaken. It is considered that in principle the off-site receptor site Eastcourt Meadows Country Park, provides sufficient carrying capacity for the current reptile population to be translocated to it. Conditions are recommended to secure the implementation of the reptile translocation, ecological avoidance mitigation measures and ecological enhancements.

The Ecological Mitigation report confirms that Medway Norse will retain ownership of the receptor site and will continue to manage it in the future. The proposed outline management measures suggested within paragraph 5.8 of the report would be considered acceptable. However, a condition is recommended for a receptor site management plan to be submitted which demonstrates that the mitigation areas will be managed appropriately in the long term

Foraging and commuting bats

The ecological report submitted with the application states that no trees or structures suitable for roosting bats are present on site and this conclusion is accepted.

However, and as discussed within the ecological report, lighting can be detrimental to roosting, foraging and commuting bats. It is advised that the Bat Conservation Trust's Guidance Not 8 Bats and artificial lighting in the UK is adhered to in the lighting design for the works undertaken and the new dwellings built and therefore a condition is recommended to secure this.

Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended). An informative is recommended to draw the applicants' attention to this.

Biodiversity and Ecological Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes.

One of the principles of the NPPF is that “opportunities to incorporate biodiversity improvements in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”. A condition is recommended for measures to enhance biodiversity to be submitted.

Subject to the suggested conditions above, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

Trees

Trees are present on the site and in adjacent neighbouring gardens. No objection is raised to the removal of the trees on the application site, subject to replacement tree planting within the landscaped areas of the proposed development. A condition is recommended to secure tree protection measures for the trees within the neighbouring gardens. Overall, it is considered that the removal of the trees identified on the site is acceptable with replacement planting being secured by condition and therefore the proposal complies with Policy BNE43 of the Local Plan and paragraph 174 of the NPPF.

Climate Change and Energy Efficiency

A climate change statement has been submitted as part of the design and access statement. The statement outlines how the buildings would be constructed to address energy efficiency and climate change. A condition is recommended for an energy efficiency and climate change verification report to be submitted. With the abovementioned condition imposed the proposal is in accordance with paragraph 154 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 £275.88 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 this tariff, and it would be secured via a legal agreement. No objection is therefore raised under paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Developer Contributions

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 proposal and are directly related to the development.

Based on a net increase of 19 dwellings, the following contributions are sought and agreed by the applicant in accordance with Medway Council's Developer Contributions Guide 2019:

- viii. £3,693.98 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- ix. £7,500 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- x. £91,978.85 towards the expansion of schools. Specific schools have not been named as the most suitable school for expansion to address the impact of the development can change in the time between request and receipt of contribution.
 - e. Nursery education: £29,436.51
 - f. Primary education: £2,064.38
 - g. Secondary education: £57,248.71

- h. Sixth form education: £3,229.25
- xi. £54,466.16 towards the enhancement of open space facilities within the vicinity of the development.
- xii. £3,911.53 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- xiii. £13,498.74 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- xiv. £5,241.72 towards Designated Habitats Mitigation.

Conclusions and Reasons for Approval

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE35, BNE37, BNE43, H4, H9, S6, T1, T2 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 111, 112(e), 126, 130, 154, 168, 174, 180 and 181 of the NPPF.

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

Background Papers

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

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>