

MC/22/1863

Date Received: 26 July 2022
Location: Rendina 421 Walderslade Road
Walderslade Chatham
Proposal: Construction of a five-storey block of 18 apartments with the creation of a new access, parking, surface water drainage and earthworks - Demolition of existing bungalow
Applicant LSL Developments Ltd
Mr Lawrence Killick
Agent Invicta Planning
Miss Kate Holland
Chart House
10 Western Road
Borough Green
TN15 8AG
Ward: Walderslade Ward
Case Officer: Hannah Rusbridge
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 16th November 2022.

Recommendation -

Resolution to grant approval subject to:

- A. No objection from the Environment Agency
- B. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
 - i. £51,599.52 green space contribution. Split £49,019.54 towards improvements to the local area and £2,579.98 towards the Great Lines Heritage Park.
 - ii. £12,788.28 towards health improvements in Gillingham South and Medway
 - iii. £4410 towards public realm to assist with improvements in Chatham town centre and its gateways.
 - iv. £3339.90 towards library improvements at Walderslade Village Library.
 - v. £3499.56 towards waste containment for the development, maintenance and improvement of the location of bring centres and waste education.
- B. And the following conditions: -
 - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Received 29 July 2022:

0019.PL14 A Proposed Section

Received 30 September 2022:

0013.PL07 Proposed Ground Floor Plan

0013.PL08 Proposed First Floor Plan

0013.PL09 Proposed Second Floor Plan

0013.PL10 Proposed Third Floor Plan

0013.PL11 Proposed Fourth Floor Plan

Received 31 October 2022:

0013.PL06 Rev A Proposed Site Plan

0013.PL12 Rev A Proposed Elevations 1 of 2

0013.PL13 Rev A Proposed Elevations 2 of 2

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

- 3 Notwithstanding the approved plans, no development above ground floor 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.

- 4 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

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

- 5 No development shall take place 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. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction period.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 6 No development other than demolition and archaeological works 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.

Details should be submitted in conjunction with the site Landscape Plan, and 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.

Reason: Required prior to commencement of development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 7 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 a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 167 of the National Planning Policy Framework 2021.

- 8 The development shall not be first occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any flat 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.

- 9 The development shall not be first occupied until full details of a hard and soft landscape scheme, including ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters, any podium decks and green roofs), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. Detailed information should be provided for the design and specification of any green roofs, terraces and podium decks. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts and structures.

- iv. Detailed information for the design and specification of any green wall and climbing systems, including planting selection, specification and details of irrigation systems.
- v. Details of the ecological enhancements to be provided such as bird/bat boxes and native planting.
- vi. 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 in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 The development shall not be first occupied until a Landscape Management Plan has been 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 any play space, communal courtyard(s), and any green roofs for a minimum period of five years and arrangements for implementation. The document shall also include an appendix incorporating product specification sheets for all street furniture and play equipment, covering installation and maintenance requirements. 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.

- 11 No flat shall be occupied until a lighting design plan for biodiversity has been submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

- 12 No part of the development shall be occupied, until the area shown on the submitted layout as vehicle parking space and cycle storage 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

- 13 No part of the development 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 parking spaces would be allocated within the site. 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: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003

- 14 No part of the development shall be occupied until details of the provision of 18 electric vehicle charging points (one per flat) 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 prior to first occupation and shall thereafter be maintained.

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

- 15 No flat shall be occupied until each balcony and roof terrace has been fitted with an obscure glass privacy screen on the flanks measuring a height of at least 1.8m high from the floor level of the balconies and the roof terraces to the top of the screen and the screens shall be installed prior to first occupation of the relevant flat and shall thereafter be retained.

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.

- 16 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of first occupation of the building for its permitted use.

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

- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: 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.

- 17 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 from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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

- 18 The separating ceiling and floor between the residential units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 19 Within six months of the development commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and provision of bird nest space. The approved details shall be implemented prior to first occupation and thereafter retained.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 20 The development shall be implemented in accordance with the measures to address energy efficiency and climate change contained in the Design and Access Statement received and prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be

submitted to the Local Planning Authority confirming that all the agreed 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 154 the National Planning Policy Framework 2021.

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 planning permission for the demolition of the existing property on site and the construction of 18no. flats comprising 9no 1-bed units and 9no. 2-bed units over five storeys with associated car parking at ground floor level and refuse storage.

The application site is on a steep hill and the proposal appears as five storeys from the front facing Walderslade Road and two storeys from the rear, backing onto Rush Close. The proposed five storey flat roof building would have undercroft parking at ground floor. To the north of the building would be a smaller single storey flat roof projection serving the bin store, cycle store and plant room.

The flat block building would be set back approx. 6.45m from Walderslade Road to the front of the proposed flat block, approx. 23.5m in width at the widest point, approx. 33.6m in maximum depth and approx. 14.3m in height at the front and due to land levels approx. 5.73m in height to the rear.

The first floor comprises 3no 1-bed flats and a 1no 2-bed flat. The second floor would consist of 3no. 1-bed flats and 3no. 2-bed flats. The third floor consists of 3no. 1-bed flats and 2no. 2-bed flats. The fourth floor comprises 3no. 2-bed flats. Each flat would include a hallway, open plan kitchen/diner/lounge, bathroom and private amenity space in the form of either a balcony or roof terrace.

Site Area/Density

Site Area: 0.12 hectares (0.30 acres)

Site Density: 150 dph (60 dpa)

Relevant Planning History

MC/21/2834

Prior Notification under Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the demolition of bungalow

Decision: Undetermined and therefore prior approval granted through time.

419 Walderslade Road

MC/20/1632 Construction of 18 flats comprising 9 x 1-bed units and 9 x 2-bed units over five storeys with associated car parking and bin stores.

Decision: Approved at committee on 9 March 2022, subject to S106

MC/18/0207 Construction of new 32 bed nursing care home with associated landscaping and parking. Retrospective change of use from commercial warehouse (Class B8) to vehicle servicing and repair shop (Class B2)

Decision: Approval with Conditions
Decided: 21 November 2018

Representations

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

Kent Police, National Highways, and Southern Water have also been consulted.

Sixteen letters of objection (from separate households) have been received raising the following concerns:

- Overdevelopment of the site.
- Out of character with the area
- Overlooking neighbouring properties and neighbour dentist.
- Highway safety concerns for vehicles and pedestrians due to location of access within close proximity to the adjacent Walderslade Village junction.
- Road is already subject to flooding issues and the proposed development would add to this.
- Over stretched healthcare provision and schools
- Inadequate parking and ability of the village to provide overspill parking
- Risk of subsidence
- Loss of light
- Noise from construction
- Layout, mass, and density of the proposal

Other non-material concerns raised included the financial circumstances of the applicant, suggestions for alternative uses of the site, and the validity of the ecology report. Several objections also referred to the removal of the site notice from the lamp post, however, this was rectified by the Council and a second site notice was put up.

MP Tracy Crouch has raised concerns regarding the pressure on the existing local infrastructure, the size of the proposed buildings and the impact on the landscape, and the amenity of residents in Rush Close.

Kent Police have advised applicants/agents should consult them as Designing Out Crime Officers (DOCO's) to address CPTED and incorporate Secured by Design as appropriate. They have advised that if the requirements listed in the consultation response are secured by a planning condition no objection is raised.

National Highways have advised that the proposal would not have a detrimental impact on safety, reliability and operational efficiency of the SRN but recommend that a condition for a Construction Management Plan is imposed if approved.

Southern Water advise that a formal application is required by the applicant to connect to the public foul sewer. They advise that should any sewer be found during construction works, an investigation of the sewer to ascertain ownership will be required prior to any other works commencing. They have provided other general information regarding sewers and drainage which will be brought to attention by an informative on the decision notice.

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

Principle

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

The application site lies within an urban mixed commercial and residential area in Walderslade. Policy H4 of the Local Plan states that residential development in the form of infilling in such areas is acceptable providing that a clear improvement in the

local environment will result. Paragraphs 11, 60, 69, 119 and 120 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated.

The principle of the development is therefore considered acceptable.

Design

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF asserts that developments should be refused where poor design fails to take opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan also seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area and Policy H4 of the Local Plan also states that a clear improvement in the local environment must result from redevelopment.

The proposed development would be highly visible from Walderslade Road and neighbouring properties. Within the immediate vicinity are a mix of commercial and residential uses. The existing bungalow on the site has consent for its demolition.

The proposed development is much larger than the existing properties extending further back into the site. However, it is considered to be appropriate for the size and scale of this large plot and the proposed excavation prevents the five-storey nature of the development from dominating the neighbouring adjacent properties to the rear. The development would appear as two stories to the rear reflecting the difference in land levels. The building would also be set back from the road by 6.45m

Full landscaping details have not been provided and appropriate conditions regarding submission of such details, implementation and future maintenance are recommended.

The success of the development in design terms will also relate to the choice of external materials and detailing and an appropriate condition is recommended.

Subject to the above conditions, the development is considered acceptable in terms of layout, size, scale, and design and would not be detrimental to the character of the area. The proposal would be in accordance with Policies BNE1 and H4 of the Local Plan and paragraphs 126, 130 and 131 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

By virtue of the size and scale of the proposed building; level of excavation and topography of the site; the distance from neighbouring properties, and the relationship of their habitable room windows to the proposed development; 417 Walderslade Road being a Dental Surgery and the orientation of the site and the path of the sun; it is considered that there would not be any detrimental loss of neighbouring amenity with regards to outlook, daylight or overshadowing of the adjoining properties.

Planning permission has been granted (subject to Section 106 agreements) on the neighbouring site at 419 Walderslade Road which consists of a similar layout of 9no 1-bed unit and 9no. 2-bed units over five storeys. Flank to flank, these proposals would measure approx. 5.4m apart. The windows for this proposal have been carefully sited as to reduce the overlooking potential to the neighbouring development where possible. With regard to higher density housing, some level of mutual overlooking is expected, however, in this instance would not be considered detrimental to the occupiers of this proposal or the neighbouring development.

Concerns have been raised regarding loss of privacy. The proposed development is approx. 20m to the rear elevations of the properties of Rush Close and approx. 17m to the rear boundary of these properties. These distances, along with the excavation and topography of the site and the arrangement of windows within the proposed development, mean that there would be no detrimental impact in terms of overlooking between properties to the rear in Rush Close. There is already some level of mutual overlooking amongst the properties of Rush Close due to the topography. The overlooking is not considered to be significantly detrimental and would have existed at garden level when the application site was in active residential use.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

Occupier Amenity

With regard to the amenities of future occupants of the development itself, the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard).

All flats would exceed the requirements of the national standard for gross internal floor areas (GIA) for 1-bedroom 2 person flat (50sqm), the 2-bedroom 3 person flats (61sqm), the 2-bedroom 4 person flats (70sqm) and individual bedroom sizes. The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats which is achieved. Furthermore, all habitable rooms would have suitable outlook. Although the outlook for some of the proposed bedrooms is not ideal, outlook is still provided and the fenestration as proposed is considered to be the most appropriate as to minimise any potential unneighbourly overlooking to the dwellings to the south or the approved development to the north. Therefore, this would not warrant refusal in this instance. Due to the proposed layout, there is potential for noise transmission between living area of one flat and sleeping rooms of adjoining flats and therefore a condition to secure suitable separations to resist the transmission of airborne sound is recommended.

Subject to the recommended conditions the development in terms of amenity is considered to accord with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

Concerns have been raised regarding highway safety for pedestrians and vehicles due to the proposed access and relationship to the existing Walderslade Village.

The proposed development shows 27 car parking spaces which would be in accordance with Medway Parking Standards. It is recommended that 1 car parking space is provided for a 1-bed, 1.5 car parking spaces for a 2-bed, and 0.25 spaces per unit for visitors. The Design and Access Statement submitted by the applicant proposes that 3 Electric Vehicle charging points will be provided. Since the submission of the neighbouring approval (planning reference: MC/20/1632), the NPPF has been updated and paragraph 112e states that one electric vehicle charging point should be provided per flat. An appropriate condition is therefore recommended to secure 18 electric car parking spaces are provide and this can be achieved on site.

In terms of the impact on the road network, due to the development being modest in size in terms of the number of flats, the positioning of the access and with key amenities within close proximity, it is not considered that a severe impact on the highway system would result.

The application is therefore considered to accord with Policies T1, T2 and T13 of the Local Plan

Flooding/SUDS

A Drainage Impact and Flood Risk Assessment from Tridax (dated January 2022) has been submitted alongside the application, which confirms that the site is located within flood zone 1. This outlines that Geo-cellular tanks as attenuation will connect to the existing surface water sewer located on Walderslade Road. The discharge rate is set at 2 litres/s.

Subject to the recommended conditions relating to a scheme for the disposal of surface water, the submission of a Construction Surface Water Management Plan (CSWMP), and a verification report showing the proposed development has been constructed in accordance with the approved details, the proposal is considered to be in accordance with paragraphs 167 and 169 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.

An appropriate condition is recommended to protect against any previously unidentified contamination being found during construction and subject to this the application is considered to accord with Policy BNE23 of the Local Plan.

Ecology

Policy BNE37 of the Local Plan seeks to protect wildlife habitats. Paragraph 174 of the NPPF states that biodiversity must be maintained and enhanced through the planning system and paragraph 180 of the NPPF states that the implementation of enhancements for biodiversity should be encouraged. In accordance with paragraphs 174 and 180 of the NPPF a condition is recommended to ensure ecological enhancements which could include bird and bat boxes and the planting of native species with the landscaping.

A Preliminary Ecological Appraisal (ref: 2021/05/04, dated 21 September 2021) has been submitted alongside the application which concluded that the application site was unlikely to be suitable for amphibians, reptiles, dormice, badgers, and bats. However, it is noted that the nearby Darget's Wood would provide a suitable habitat for dormice and bats. It is considered that the surroundings have the potential to support hedgehogs. Due to the potential adverse effects on nocturnal wildlife, an appropriate condition is recommended requiring the submission of a lighting design plan for biodiversity. An informative is suggested to remind the applicant that the

removal, damage or destruction of any nest of wild bird is an offence, and the breeding bird habitat is present on the application site.

Subject to the recommended condition no objection is raised regarding Policies BNE5 and BNE37 of the Local Plan and paragraphs 174 and 180 of the NPPF.

Trees

An Arboricultural Impact Assessment (ref: SA/1998/22, dated 21 June 2022) and Tree Protection Plan (ref: WR/TPP/1998-03, dated 21 June 2022) have been submitted alongside the application. None of the trees on the site are protected by a Tree Preservation Order and the details submitted show a number of retained trees which will help screen the development and an appropriate condition is recommended.

Subject to the appropriate conditions, the proposal is considered to be in accordance with Policy BNE43 of the Local Plan.

Climate Change and Energy Efficiency

An Energy Efficiency and Sustainable Building Principles Section has been included with the Design and Access Statement which outlines measures including a fabric first approach, a high level of insulation, minimising thermal bridging, use of thermal mass, mechanical ventilation with heat recovery, energy efficient lighting, efficient internal and external water use with possible use of grey water systems and/or water retention systems, and responsible sourcing of materials. It also states that the proposed development will meet the requirements of Part L of Building Regulations.

An appropriate condition is recommended requiring a verification report to ensure that the measures outlined in the Energy Efficient and Sustainable Building Principles have been complied with in accordance with paragraph 154 of the NPPF.

Bird Mitigation

As the application site falls outside the 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is unlikely 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. Consequently, no mitigation would be required in these circumstances and the application is considered acceptable under Policy BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

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 are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

Green Spaces

A contribution of £51,599.52 based on a contribution of £2866.64 per dwelling. The contribution would be split so that £49019.54 would go towards enhancing open space in the local area and £2579.98 would go towards the Great Lines Heritage Park

Health

A contribution of £12,788.28 towards the support for the creation of additional capacity in Primary Care including support for the extension to, refurbishment of, or upgrade to existing practice premises, or contribution to a new facility if required based on a contribution of £710.46 per dwelling.

Public Realm

A contribution of £4410 towards improvements to the public realm in the Chatham area.

Waste

A contribution of £3499.56 towards the provision, improvement, and promotion of waste and recycling services to cover the impact of the development based on a contribution of £194.42 per dwelling.

Libraries

A contribution of £3339.90 towards equipment and facilities at Walderslade Village Library based on a contribution of £185.55 per dwelling.

Youth Provision

A contribution of £1583.82 based on a contribution of £87.99 per dwellings towards programme delivery for young people (ages 8-19 and up to 25 for people with disabilities) in the Chatham area.

Other matters

It is noted within the representations that a concern was raised about there being no information about the structural integrity of the houses in Rush Close from the level of excavation. This is not a planning consideration.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, H4, BNE1, BNE2, BNE23, BNE37, BNE39, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 57, 58, 60, 69, 104, 105, 100, 111, 112, 119, 120, 126, 130, 154, 167, 169, 174, 180 and 181 of the NPPF. Accordingly, the application is recommended for approval subject to conditions and the completion of the section 106.

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