

MC/22/2207

Date Received: 12 September 2022
Location: Land At Purvilles, Purvilles
221 Lordswood Lane Lordswood
Proposal: Demolition of existing dwelling, double garage and outbuildings
and erection of 20 dwellings with associated infrastructure, access,
car parking, play area provision and landscaping.
Applicant Roadhouse Building and Civil Engineering Ltd, Vivienne Martin,
Shirley Cozens and Janet Smith
Agent Batcheller Monkhouse
Kirsty Castle
1 London Road
Tunbridge Wells
TN1 1DH
Ward: Princes Park Ward
Case Officer: Tom Stubbs
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 8th February 2023.

Recommendation - Approval subject to:

- A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:
- i. £57,332.80 green space contribution. Of which:
- £54,466.16 for open space facilities within Princes Park Ward and Capstone Country Park
£2,866.64 towards the Great Lines Heritage Park.
- ii. £120,723.15 Education contribution. Of which:
- £30,985.80 for nursery provision
£26,076.34 for primary provision within 2 miles of development site or SEND education within Medway.
£60,261.80 for secondary provision
£3,399.21 for sixth form provision within Medway.

- iii. £14,209.20 health contribution towards contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility
- iv. £3,888.40 towards waste provision, improvements and promotion.
- v. £1,759.80 towards Youth Provision for you people between 8-10 and up to 25 with disabilities within the Chatham area.
- vi. £4,117.40 towards community facilities within the vicinity of the site.
- vii. £3,711 towards equipment and facilities at Libraries in the vicinity.
- viii. £5,471 towards improvements to Sports Provision at Medway Park.
- ix. £4,900 towards public realm improvements at Chatham Town Centre
- x. £10,000 highway contribution to improve aid pedestrian movements within the vicinity.
- xi. £5,241.72 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xii. Meeting the Council's costs.

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 9 September 2022:

PL/650/202	- Plans & Elevations Plots 1, 2, 5 & 12
PL/650/204	- Plans & Elevations Plots 8 & 9
PL/650/205	- Plans & Elevations Plots 17 & 20
PL/650/205	- Long Section - A-A

Received 12 December 2022:

PL/650/203 Rev B - Plans & Elevations Plots 2, 4, 6, 7, 15, 16

Received 14 December 2022:

PL/650/200 Rev B - Site Plan
PL/650/201 Rev A - Storey Heights
PL/650/212 Rev A - Landscape Management Areas

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) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust 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.

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 5 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 8 has been complied with in relation to that contamination.

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

- 5 No development shall take place until an intrusive investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The desk study, investigation and risk assessment shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

- 6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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.

- 9 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 is 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.

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 development shall be undertaken 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.

- 10 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

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.

- 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 in working order.

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

- 12 No development shall take place above slab level until an acoustic assessment has been undertaken to determine the impact of noise from transport related noise sources and shall be made in accordance with BS8233 2014: The results of the assessment and details of a scheme of

acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T) and shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before any of dwellings are occupied and shall thereafter be retained.

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

- 13 Prior to the first occupation of any dwelling herein approved, full details of both hard and soft (predominantly native species) landscape works, any artefacts to be located within the public space and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include 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; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details 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.

- 14 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 landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented 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.

- 15 Prior to the first occupation of any dwelling herein approved details of the areas for equipped play facilities together with the play equipment and safe surfacing (including land levels) and management plan to be provided shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 16 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwellings are 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.

- 17 Prior to the first of any dwelling herein approved (or within an agreed implementation schedule), a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the approved surface water systems has been constructed as per the approved 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 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 168 of the National Planning Policy Framework 2021.

- 18 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Climate Change Statement (dated September 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.

- 19 No dwelling herein approved 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 any dwelling and shall thereafter be retained.

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

- 20 Prior to the occupation of any dwelling herein approved, the area shown on the submitted layout as vehicle parking space/garaging shall be 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 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging.

Reason: Development without provision of adequate accommodation for the parking 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.

- 21 Each dwelling shall not be occupied until the covered and secure cycle parking facilities related to that dwelling have been provided in accordance with the approved drawing number PL/650/200 Rev B. These facilities shall always thereafter be kept available for the parking of cycles in association with the development.

Reason: To ensure that the development is provided with adequate cycle parking facilities to encourage the use of alternative modes of transport in accordance with Policy T4 of the Medway Local Plan 2003.

- 22 Each dwelling shall not be occupied until the refuse bin storage area and recycling facilities related to that dwelling have been provided in accordance with the approved drawing number PL/650/200 Rev B. These facilities shall always thereafter be kept available for refuse storage in association with the development.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development in accordance with Policy T1 of the Medway Local Plan 2003.

23

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Tree Protection Plan 20-1149-TPP-B and Arboricultural Impact Assessment and Method Statement Rev B dated September 2022; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of any part of the development 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.

24

All materials used externally shall match those as submitted within the Materials Schedule ref PL/650/14 dated January 2023.

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.

25 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 only 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.

26 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, C, 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 in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the demolition of the existing dwelling, double garage and outbuildings and erection of 20 dwellings with associated infrastructure, access, car parking, play area provision and landscaping.

Four 4-bedroom semi-detached, part three-storey, part two-storey town houses (numbers 17-20 on the submitted drawings) are to be accessed utilising the existing access onto Swift Crescent/Lordswood Lane. These dwellings are to be set back approx. 20m from the boundary and will be served by a turning head, eight allocated parking spaces and 2 visitor spaces.

The remaining sixteen properties are to be accessed from Vixen Close off Setford Road and includes a mixture of two-storey detached and semi-detached properties in a cul-de-sac arrangement. These properties would be served by 32 allocated parking spaces and 4 visitor spaces. Street trees are proposed between the parking spaces of the properties located on the south-west boundary (plots 1-7 on the submitted drawings) and these areas are proposed to be included in the site management area rather than in the ownership of the properties. More trees are also proposed around the other properties within this section of the site.

A footpath link is proposed to link the two areas of the site. This link will be within a landscaped area. A small play area consisting of 4 pieces of play equipment is also proposed to be located in this area between the houses 16 and 17-20 as identified on the submitted drawings.

The application is supported by a full landscaping plan and a materials schedule. The proposed materials for the housing are London Mid Yellow facing bricks and Marley Modern Antique Brown roof tiles.

Site Area/Density

Site Area: 0.85 hectares (2.10 acres)

Site Density: 23.53 dph (9.52 dpa)

Relevant Planning History

MC/21/0922	Demolition of existing dwelling, double garage and outbuildings and construction of 24 dwellings with associated infrastructure, access, car parking, play area provision and landscaping. Decision: Withdrawn Decided: 17 March 2022
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Representations

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

Thirty-one letters of objection from twenty-nine different have been received raising the following planning concerns:

- Concerns about safety of access onto Lordswood Lane.
- Concerns about the additional traffic along the residential roads to Setford Road with additional parking spilling onto Setford Road increasing issues of the use of road with cars parked on either side and on junctions.
- Some asking for access to only be from Lordswood Lane.
- Impact on air quality.
- Loss of green site and impact on biodiversity and ecology.
- Neighbour's bedrooms and gardens being overlooked.
- Three storey property out of keeping with the character of the area including 2 story dwellings.
- Reduction from previous 24 dwellings to 20 will make little difference as still an overdevelopment of the site.

- Pressure on stretched local infrastructure (schools, doctors and hospitals).
- Impact on neighbours from dust, noise and traffic during construction.
- No affordable housing.
- Who will maintain the trees and greenspaces.
- No solar panels or air source heat pumps.
- Impact on neighbours from use of play area from anti-social behaviour.
- Pedestrian link creating a cut through to North Dane Lane.

Two letters of support have been received indicating it is nice to see houses being built instead of flats. The site would comfortably take 20 houses and any increase in road traffic could be managed properly and not result in a problem.

Southern Gas Networks responded with a plan describing the location of SGN assets and guidance notes about locating pipes onsite and safe digging practices. An informative will be added.

UK Power Networks provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment and details of who to contact if the development will affect UK Power Networks High Voltage Equipment. An informative will be added.

Natural England have written to advise that the application would result in a net increase in residential accommodation which would impact the Special Protection Areas and Ramsar sites and the need for mitigation and an appropriate assessment under the Conservation of Habitats & Species Regulations 2017 as amended. It also informs of the impact of the People over Wind judgement.

Southern Water provided a plan of the sewer records showing the approximate position of a water distribution main in the immediate vicinity and the need for the location to be finalised and distances for clearance required and relation to soakaways and need for protection during construction. The letter indicated procedures regarding protection of these assets and other Southern Water procedures regarding SUDs and connection to foul water. They have requested an informative if recommended for approval to deal with matters of surface water and foul water disposal. An informative will be added to this decision.

KCC Biodiversity have indicated that under Paragraphs 40 of NERC Act (2006), paragraph 174 of the NPPF and the Environment Act 2021 biodiversity must be maintained and enhanced through the planning system. Paragraph 180 of the NPPF indicate that enhancements for biodiversity should be encouraged. The biodiversity net-gain calculations show a linear habitat (such as hedges) and 'areas' of habitat cannot be summed together. It is the *area of habitat* enhanced/created which is the important result and, for this proposal, it is -3.93%. Therefore, we cannot be supportive of the proposed development in its current format and no enhancements can therefore be provided.

If the application were considered for approval details of 'native species-only' landscape plan to maximise biodiversity value and Multiple *integrated* bird nest bricks should be required by condition. An informative regarding works within the bird breeding season would also be required. Finally, KCC Biodiveristy informed the need to secure bird mitigation due to the distance from designated sites.

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 generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

This application site was subject to a previous planning application MC/21/0922. This application started out as 39 units with 19 houses accessed from Vixen Close and 20 flats accessed from Lordswood Lane. During the life of the application this was reduced to 24 houses with 18 accessed from Vixen Close and 6 accessed from Lordswood Lane. The application was withdrawn after the applicant was informed of Officer's concerns with the proposal including the dominance of the car within the design of the site and impact on neighbours in Setford Road.

This current proposal differs by reducing the number of houses to 20 with 16 accessed from Vixen Close and 4 from Lordswood Lane. The layout has also been altered in an attempt to overcome the previous concerns.

Principle

The application site is located in the urban area of Chatham. Policy H4 of the Local Plan permits residential development consisting of redevelopment of residential areas and infilling in such areas providing there is a clear improvement to the local environment. 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 neighbour consultation has questioned the lack of affordable housing provided. Policy H3 of the Local plan sets the threshold for affordable housing in urban areas to be 25 dwellings or a site area of a hectare in size. The proposal and application site falls short of both thresholds and therefore is compliant with this Policy.

The principle of residential development in a residential area is considered acceptable subject to the assessment of detailed matters which are set out below. If not met, then

consideration regarding the presumption of sustainable development is required due to the Council's current 5-year land supply.

Design and Trees

Paragraphs 126 and 130 of the NPPF emphasises the importance of good 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. Paragraph 131 of the NPPF encourages tree lined streets and the importance of trees on development sites.

Concerns have been raised within the public consultation responses regarding the development being an overdevelopment with the three storey dwellings being out of character with the area. Questions have also been raised regarding the maintenance of the landscape areas and trees, and loss of green space.

Either side of the development site, Lordswood Lane and Swift Crescent consists of a mixture of single storey and two storey, detached properties set within large plots. There are examples of smaller plots on the opposite side of the road and a three-storey block of flats. The houses in Setford Road are a mix of two storey detached and semi-detached properties with smaller garden plots in a cul-de-sac arrangement. The application site is a large plot with a number of trees onsite, however none are covered by Tree Preservation Orders.

The proposed layouts of the two elements of the site are considered acceptable. With regards to the four properties accessed from Swift Crescent and the parking and turning head have been designed so that the existing mixed trees to the front of the site can be retained, albeit thinned in areas. There is no objection to the proposed part three, part two-storey dwellings which would be on a similar building line to neighbouring properties and utilises the slope of the land with the split levels. Although the dwellings in the area are predominantly two-storey in nature there are flats at three-storeys in height in close proximity to the site and therefore a development of this height would not be out of character with the area.

The sixteen dwellings accessed from Vixen Crescent are also considered to be of a suitable layout, size and scale providing sufficient car parking and space for street tree planting. Street trees would be located between the car parking spaces in front of the houses which are to be located along the south-western boundary. The applicants have confirmed that these would fall outside the curtilage of the residents and within part of the managed landscaped area.

The proposal includes a footpath link through the site and landscaped areas which will include a small play area. Although full detailed documents have been provided in support of this application for the play area and landscaping, if this application were to be approved it is recommended that conditions be applied to require alternative schemes. With regards to landscaping, this would seek to provide more native planting to increase

biodiversity provision onsite (see ecology section and planning balance). With regards to the play area, it is suggested that details of the provision and management is required to ensure the provision is sufficient and any impact on neighbours is limited.

The provided materials schedule is considered to be acceptable, and a condition would be required if the application were to be approved to ensure the development is built in accordance with this document.

Subject to the abovementioned conditions, and a condition to implement the tree protection measures, the proposal is considered to be in accordance with Policies H4, BNE1, BNE6, BNE43 of the Local Plan and paragraphs 126, 130 and 131 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 130(f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Concerns have been raised by the public consultation responses regarding the impact on neighbours from overlooking, loss of privacy, the impact of the playground and noise, dust and disruption during construction.

With regards to privacy and outlook, the garden depths are all approx. 10m plus and therefore provide enough separation distance to limit the impact of overlooking into rear gardens of neighbouring properties. Where properties meet side on to neighbours in Setford Road, no windows are proposed in the flank windows to prevent direct overlooking of the neighbour's rear gardens. Given the mutual overlooking within the surrounding area, the proposal would not result in any overlooking or privacy issues which are considered to be significantly detrimental.

With regard to sunlight and daylight, by virtue of the siting, size and scale of the development, orientation of the site and path of the sun and relationship to neighbour's properties and the windows in those properties, there would be no unacceptable impact on neighbouring properties.

No objection is raised as a result of the location of the proposed play area which is sufficiently overlooked by the proposed dwellings to assist in preventing its use antisocially. As indicated above the final layout and specification of the equipment is to be conditioned which will help limit any impact on neighbours.

Due to the nature and close proximity to a number of neighbouring properties, there is a potential impact from noise and dust during construction, and accordingly a condition is

recommended for a Construction Environment Management Plan (CEMP) to minimise the harm during the construction period.

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) and all house types would meet the required gross internal floor areas of 93m² for a 3-bedroom, 5-person dwelling over two storeys, 106m² for a 4-bedroom, 6-person dwelling over two storeys and of 121m² for a 4-bedroom, 7-person dwelling over three storeys. All double and single bedrooms meet the national standards for area and width requirements. Finally, all habitable rooms would benefit from suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that private rear gardens for the width of the property should be 10m in depth and 7m when constraints exist. All the proposed garden sized exceed these depths.

The area is impacted by transport noise of North Dane Way and a condition is recommended for an acoustic assessment to determine details of noise mitigation required to achieve internal and external noise guidelines.

It is recommended that permitted development rights be removed with regard to the ability to carry out extensions, roof alterations and extensions and outbuildings as well as the ability to change from Class C3 (dwellinghouse) to C4 (small HMO). This is to ensure that any development or change of use does is properly assessed to ensure that it does not unacceptably impact on existing surrounding neighbours or other future occupiers of the development.

Subject to the suggested conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policy BNE2 of the Local Plan and paragraphs 130 and 174 of the NPPF.

Highways

Concerns have been raised within the public consultation responses regarding the safety of both accesses, unsuitability of the estate road (Archer Road, Setford Road etc) to take the demand of the proposed houses as well as the potential traffic disruption during construction. concern has also been raised regarding the proposed pedestrian route through the site.

The proposal utilises two existing accesses, 4 properties would be served from Swift Crescent and the remaining 16 are served from Vixen Close. Each dwelling would have two parking spaces and 6 visitor parking spaces across the site would be available in accordance with the Interim Parking Standards at 46 spaces. An electric charging point and rear cycle store is to be provided for each dwelling to aid and encourage sustainable transport measures and both should be secured by planning condition.

The applicant has provided a Transport Statement in support of the application including a TRICS assessment to predict trip generation of the proposed development. It is noted that vehicular access for 16 dwellings from Vixen Close onto Setford Road and at this junction the visibility splays in both directions complies with the Council's standard set at 2.4 x 43m in both directions. Furthermore, an additional 10-12 two-way vehicle trips during the AM and PM peaks from the Vixen Close site access is considered low and would not cause any significant impact on the local highway network including the estate roads and therefore considered to be acceptable.

The existing access which would serve the 4 dwellings offers clear views in both directions along Swift Crescent and Lordswood Lane. Furthermore, the proposal in relation to this access would lead to a net increase of 3 dwellings on this junction, as such the trip generation is considered to be minimal.

Section 3.4 (*Walking and Cycling Infrastructure*) of the Transport Statement reports that the existing pedestrian and cycle environment offers a quality environment to encourage active modes of travel, however this is not agreed as there are an absence of dropped crossings and tactile paving in the surrounding highway network, a s106 request has been sought to aid provision in the area. Concerns were raised in the public consultation responses regarding the pedestrian link through the site however this is considered a sustainable transport public benefit reducing walking distances for the proposed residents and neighbours to public transport and local facilities.

With regards to servicing and refuse, the Transport Statement indicates that a refuse store on the public highway for the Swift Crescent. Swept path analysis has shown the 16 properties can be serviced by a refuse vehicle entering and exiting the site in a forward gear.

Subject to the abovementioned conditions and others including car parking management plans, refuse and cycling provision the application is considered acceptable in respect to Policies H4, BNE2, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 111 and 112 of 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 be agreed.

The application has been supported by a phase 1 environment assessment which recommends a limited intrusive investigation as well as a watching brief and if the application were to be approved should be secured by appropriately worded conditions.

Subject to the recommended conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

Air Quality

Concerns have been raised within the public consultation responses with regards to air quality impacts. The site is not located within an Air Quality Management Area and is of a size that it would not trigger the need for the requirements of the Medway Air Quality Planning Guidance and therefore the application is in accordance with Policy BNE21 of the Local Plan and paragraphs 174 and 186 of the NPPF.

Ecology

The application is supported by an Ecological Appraisal, Biodiversity report and Biodiversity net gain spread sheet. Letters of representation have been received from public consultation regarding the loss of a green site and the subsequent impact of wildlife and biodiversity.

The Ecological Appraisal is considered acceptable and if the application were to be approved an informative should be included regarding works being carried out within the breeding bird season.

There is concern regarding the biodiversity net gain report. Although the calculations provided appear to be correct the results show a loss of polygonal habitat. There is a positive result for linear habitats, i.e. hedgerow, but as rule four of the metric these cannot be summed together to make a positive result. There is also a concern about some habitats being within the curtilage of future residents and therefore could be lost over time. However, it is noted that this is the same situation as the site as present.

Section 40 of the NERC Act (2006) obliges local authorities to maintain and enhance biodiversity through the planning system. While paragraphs 180 of the NPPF states the need for developments to provide biodiversity net-gain. Consequently, the application would be contrary to paragraphs 131, 174 and 180 of the NPPF.

Due to the Councils 5-year land supply this will have to be weighed against the benefits of the scheme which is considered later in the report.

Flooding/SUDS

The application is supported by a Drainage Strategy and Flood Risk Assessment (dated July 2022). The site lies within Flood Zone 1 (low risk) according to the Environment Agencies Mapping highlighting the low risk of surface water flooding.

Inspection of British Geological Mapping indicates the presence of Seaford Chalk which may allow for infiltration however the Site Investigation report shows the Geotechnical Risks of the site is at high risk of Ground Dissolution.

The proposal seeks to connect to the existing surface water drainage sewer on Swift Crescent as infiltration is considered to not be an option and therefore cellular storage

tanks are proposed to discharge at 2l/s. it is noted that the site will comprise permeable paving and this is welcomed. The proposed rates do not require agreement by the Local Authority but from Southern Water.

It is encouraged to include the use of the landscaped areas to provide an opportunity for SUDs in the form of rainwater harvesting, grey water recycling and water butts to reduce the demand on potable water supplies.

Subject to conditions regarding the submission of a suitable construction water management plan, SUDs scheme (including details of maintenance) and a verification report the proposed development is in accordance with paragraphs 167, 168 and 169 of the NPPF.

Climate Change and Energy Efficiency

Concerns have been raised within the public consultation responses about the lack of proposed solar panels and air source heat pumps. The application is supported by a Climate Change Statement which sets out the measures to tackle climate change and energy efficiency. Although solar panels are not included, air source heat pumps and low carbon heating system for each dwelling is proposed. The results show they meet the requirements for part L of the building regulations. Other incentives include low water consumption goods, waste recycling, electric charging points, cycle storage for sustainable transport options and good broadband to allow people to work from home.

If the application were considered for approval a verification condition to ensure that these measures have been provided prior to occupation would be required in accordance with paragraph 154 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.

Greenspace Services

A contribution of £57,332.80 is sought to be divided as follows:
£54,466.16 towards improvements within the vicinity of the development.
£2,866.64 towards the Great Lines Heritage Park.

This contribution has been reduced from the standard contribution within the Developers Contribution Guide as some play and open space is proposed within the scheme.

Schools

A contribution of £120,723.15 is sought to be divided as follows:

£30,985.80 for nursery provision

£26,076.34 for primary provision within 2 miles of development site or SEND education within Medway.

£60,261.80 for secondary provision.

£3,399.21 for sixth form provision within Medway.

Health

A maximum contribution of £14,209.20 towards contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility if required based on a contribution of £710.46 per dwelling.

Waste

A contribution of £3,888.40 towards provision, improvements and promotion based on a contribution of £194.42 per dwelling.

Youth Provision

A contribution of £1,759.80 towards funds for programme delivery for young people (ages 8-19 and up to 25 for with additional needs) in the Chatham area based on a contribution of £87.99 per dwelling.

Community Facilities

A contribution of £4,117.40 towards community facilities within the vicinity of the site based on a contribution of £205.87 per dwelling.

Libraries

A contribution of £3,711 towards equipment and facilities at Libraries in the vicinity based on a contribution of £185.55 per dwelling.

Sports Provision

A contribution of £5,471 towards contribution towards improvements at Medway Park. Based on a contribution of £273.55 per dwelling.

Public Realm

A contribution of £4,900 towards public realm improvements at Chatham Town Centre.

Highways

A contribution of £10,000 for highway improvements as per the highway sections above to make footpaths in the area more accessible.

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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

As there is a net increase of 19 dwellings onsite this would be a contribution of £5,241.72.

The applicants have accepted the requested contributions and are in the process of drafting a s106 agreement. Representations have been received raising concerns about lack of infrastructure such as schools, doctors and hospitals, the s106 package agreed would look to offset the impact of the proposed residents. Consequently, no objection is therefore raised under paragraphs 55, 57, 58, 180 and 181 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

Presumption in Favour of Sustainable development and the Overall Planning Balance (Having Regard to the Council's Position on its Five-Year Land Supply)

The Council accepts that the current Local Plan is of age, being adopted in 2003. However, the assessment above refers to Local Plan policies where they are still considered relevant and applicable.

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 74 of the NPPF. There is therefore a significant need for new housing in the Medway area and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) applies which states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies which are considered relevant, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

New residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy contributing to a limited amount with the level of housing provided, limited weight is applied to this economic benefit.

The development would also boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period.

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents and would, therefore, be a neutral effect.

Social

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering well-designed, beautiful safe places, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would deliver 20 dwellings towards housing land supply within an existing urban area, contributing to the identified need in the Medway area. Paragraph 69(c) indicates development of windfall sites decision should give great weight to the benefits of suitable sites.

The development would provide a small area designated for play and landscaped areas which would be of benefit to both the proposed occupiers and existing neighbours.

The footpath link across the site would assist in providing more direct walking routes to local facilities and bus stops for both the proposed occupiers of the site and existing neighbours.

Similarly, the s106 contribution to improve footpaths in the area would also be of a benefit to both the proposed occupiers and existing neighbours.

Environmental

As per the Ecology section of this report the proposal would not achieve a biodiversity net gain. Although the proposal would provide an increase in linear habitat there is an overall loss.

The development has provided details of how the proposal would limit the impact on climate change via energy efficiency measures.

It is considered, no harm would arise in relation to highway safety subject to appropriate conditions. However, this is not a public benefit and is considered neutral in the overall planning balance.

With regards to the identified Environmental harm, although the site cannot demonstrate a biodiversity net gain, the Environment Act is not fully implementable yet, however the NPPF is clear regarding ‘Measurable net-gains’ for biodiversity. Furthermore, it should be appreciated that the site currently has no public access and does not offer any protection from TPOs. Consequently, the areas of sensitive biodiversity and trees could be cleared at any time without any control. The proposed development although not providing a net gain, does provide protection for trees onsite and replacement trees and areas to compensate loss of biodiversity. Many trees would be located in landscape management areas outside of residential curtilages to aid in their future retention.

It is therefore considered on balance subject to conditioning the final landscaping plan, rather than approving the submitted scheme. This new landscaping scheme should be predominantly native species as recommended by KCC Biodiversity to assist in reducing the harm. Consequently, as a result of this and subject to this condition the environmental impact of this proposal would not significantly and demonstrably outweigh the social and economic benefits listed above in particularly the much-needed provision of housing within a windfall site in an urban location.

Conclusions and Reasons for Approval

Overall, it is considered that this proposal is acceptable due provision of housing and required within the Medway area. These benefits have been considered in the planning balance against the negative impacts regarding the impact biodiversity and would demonstrably outweigh the harm.

The proposals are considered to comply with Policies H3, H4, BNE1, BNE2, BNE6, BNE21, BNE23, BNE43, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 55, 57, 58,60, 69, 11, 112, 119, 120, 126, 130, 131, 154, 167, 168, 169, 174 (part), 183, 180 (part), 181 and 186.

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/>