

MC/22/2813

Date Received: 29 November 2022

Location: Fleet House Upnor Road  
Upnor Rochester

Proposal: Demolition of existing buildings and construction of three storey apartment building containing six x two-bedroom apartments, construction of a pair of two storey semi-detached three-bedroom dwelling houses plus construction of a detached two storey four-bedroom dwelling house all together with access, car parking and landscaping.

Applicant Ashbyrne Homes Ltd  
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Ward: Strood Rural Ward

Case Officer: Hannah Gunner

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7th June 2023.**

**Recommendation - Approval with Conditions**

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

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

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

Drawing numbers:

1012-021D - A1 - proposed site layout

1012-033A - A1 - elevations and floor plans for detached house

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1012-021F - A1 - site and roof plans

1012-022C - A1 - plans

1012- 023E-A1 - semi-detached elevations

1012-024E - A1 - flat

1012-025A - A1 - cycle store details

1012-038-A3 - refuse/recycling store

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

- 3 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 4 Prior to the first occupation of the development hereby approved, a scheme of landscaping (hard and soft) and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the buildings or completion of the development, whichever is the earlier. 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: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within any of the shared spaces, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and 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.

- 6 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.
- 7 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from adjoining industrial and commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before the development commence to regulate and control the permitted development in the interests of safeguarding future occupier's amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 11 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 12 has been complied with in relation to that contamination.

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

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.

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

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

- 11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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.

- 12 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 10 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 11.

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.

- 13 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.
- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
  - ii. A timetable for its implementation (including phased implementation).

- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 14 Prior to first 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 in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

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

- 15 No development shall commence 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) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 16 No dwelling herein approved shall be occupied, until the area shown on the submitted layout as vehicle parking space and garaging has been provided, surfaced and drained. Thereafter it shall be kept available for such use and

no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (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 and 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 to accord with Policies T1 and T13 of the Medway Local Plan 2003.

- 17 No development above ground floor slab level within each phase or sub phase shall commence until details for the provision of the following mitigation measures for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority:

- o 1 Electric Vehicle charge point per residential unit.

The mitigation measures set out in the approved details shall be implemented prior to the first occupation of that phase and thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 112E of NPPF 2021

- 18 Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements for the buildings, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage arrangements shall be implemented in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall be retained thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the approved Climate Change and Energy Efficiency Statement dated February 2021 and received on 29 November 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been carried out to demonstrate compliance. This shall then be submitted to and approved in writing by the Local Planning 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.

- 20 All windows located in the flank elevations for both the block of flats and the semi-detached houses shall be fitted with obscure glass and apart from any top-hung light, which has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This

work shall be completed before the room it serves is occupied and shall be retained thereafter.

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

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

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

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

This application is for the demolition of all existing buildings on site and the construction of a three storey apartment building containing six x two-bedroom apartments to the front of the site facing Upnor Road, the construction of a pair of two storey semi-detached three-bedroom dwelling houses in the middle of the site and the construction of a detached two storey four-bedroom dwelling house to the rear of the site fronting on to Galleon Way, all together with access, car parking and landscaping.

The vehicular access for the block of flats and the semi-detached pair of houses is to be off Upnor Road, whilst the detached 3-bedroom dwelling will be accessed from Galleon Way. The vehicular access will serve a car parking area to the rear of the flats.

The three-storey building comprising six 2-bedroomed apartments is to have a balcony/terrace for each of the units that will face out onto Upnor Road. The building is designed to have a stepped frontage which is formed by two separate pitched roofs, both with a barn end feature facing Upnor Road. The rear elevation is to have a barn end on each of the blocks also. Entrances to the flats are to be from the front and rear elevations. There is to be a central core within the block which will serve all of the flats. The main living space to each of the units is at the 'front' (Upnor Road) with the balcony off this living space. The bedrooms for each unit are located at the rear (facing into the site) which will look out toward the shared amenity space and parking. The building is to measure approximately 11m in height with an eave's height of 7m. Parking provision is provided for 10 cars within the car park (1 space per unit with 4 visitor spaces).

The semi-detached pair set behind the flats in the centre of the site, is to have pitched roof main features with a 'link' aspect in the centre. Parking for the properties is accommodated centrally within the link element with the third bedroom in the roof



space above. This third bedroom has been designed with small dormer features within both the front and rear elevations. This semi-detached pair have French door access at the rear to the private amenity spaces and all living spaces have windows facing the front or the rear. There are small windows within the flank elevations which serve as opportunities for light within the dining space at ground floor level and serve the en-suites at first floor. These semi-detached houses have 2 car parking spaces each.

The detached house fronting Galleon Way is to have a front gable feature and is of a similar design to those existing properties adjacent to the site in Galleon Way. The roof height is to be the same as the adjacent house and is generally of similar proportions to the other detached houses in the vicinity. This property is shown to have an integral garage space with 2 additional parking spaces in front.

Refuse storage is shown for the flats to be within bin stores that are located close to the pedestrian entrance off Upnor Road. The semi-detached pair have refuse storage at the properties with a collection point by Upnor Road.

### **Relevant Planning History**

**MC/17/2272** Demolition of existing buildings and construction of a three-storey building comprising of six 2-bedroomed apartments and a 2-bedroomed detached dwelling with associated access, parking and landscaping.

**Decision** Approval with conditions

**Date** 21 May 2019

### **Representations**

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

Southern Water have also been consulted.

**7 letters** have been received (including the **Dickens Country Protection Society**) raising the following objections:

- The entrance off Upnor Road is dangerous.
- Parking in the village is already limited.
- Design of the flats is not in keeping (*nb: design has been altered*).
- Flats will block light to neighbouring properties.
- New flats will overlook neighbouring properties.
- Location of communal bins will encourage vermin (*nb: that has been altered*).
- Trees between Moat Lane houses and site being removed will result in an impact to the quality of living at these neighbouring houses.
- Loss of privacy to those in Moat Lane.
- There is no justification for the removal of mature trees.
- Loss of trees will have a detrimental ecological impact on the area.
- The loss of trees and their forage would impact beekeeping activities of a neighbouring resident.

**2 letters** of support have also been received stating the following:

- Fleet house is currently an eyesore.
- Smaller developments of more individual properties are so much nicer than a large estate.
- Proposal utilises the space really well.
- Will be an injection of people to the area and local community.

**Southern Water** have commented that the proposed development will lie over an existing public foul and surface water sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public foul and surface water sewer, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission ensuring the developer advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

## **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*

The application site was previously used by The Chatham Rope Company and the site was classified as a B2/B8 use. The Rope Company, however, are now located in a new building within the Upnor Depot site and have been there for a few years. Since this time the application site has remained vacant.

There used to be a building on site which was a single storey 'shed' style building that has been in a deteriorating condition for a number of years. This building has recently been demolished and the site has been cleared.

The 2017 application, which was approved in 2019, proposed a block of 6 flats fronting onto Upnor Road with a detached property to the rear fronting Galleon Way. The car park to serve the flats was at that time proposed to be accessed via Galleon Way.

## *Principle*

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

The site lies within the rural settlement of Lower Upnor and is surrounded by the new development of Galleon Way, Schooner Walk and Moat Lane. The detached property known as Sycamores is located directly adjacent to the site to the west with the terrace 49-58 Galleon Way to the east. The Rope Company previously occupied the site as a B2/B8 use. Such a use in proximity to residential properties was considered to be non-conforming, while the building itself detracted from the visual amenities of the area by virtue of its industrial design and appearance.

As was the case with the previous 2017 application, the development of this site for residential purposes is considered to be compliant with policies BNE1, H1, H4 and H11 of the Medway Local Plan 2003.

The principle of development of this site is also considered to be compliant with paragraphs 8 and 11 of the National Planning Policy Framework 2021 (NPPF).

A key element of national housing policy within the NPPF is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

It is acknowledged that the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the most recent Housing Delivery Test, the Council had only delivered 67% of its target number of dwellings in the preceding 3 years.

### Five-year land supply and Housing Delivery Test

As Medway Council does not currently have a five-year housing supply (there is about 3.4 years which represents a significant shortfall) the NPPF presumption is favour of sustainable development applies.

The most recent Housing Delivery Test results which compare housing delivery over a 3-year period against housing need (as identified using the Government standard methodology) shows Medway at 67% delivery against need. As a result, Medway is required to do an action plan (update existing one setting out the steps it is taking to assist and accelerate housing delivery; has had a 20% buffer added to its housing need to encourage development to increase housing delivery; and has the NPPF presumption in favour of sustainable development applied (again – as is already applied due to lack of 5 year housing land supply).

Given that this site sits within a rural settlement area and is considered to be development of a brownfield site, the use of this site for housing delivery is supported.

## *Design*

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 is key to achieving well designed places.

The design of this proposal has been altered within this application process due to some initial concerns that were raised in relation to the design of the flats fronting Upnor Road. The initial design saw the building to have a modern roof construction made up of two separate mono-pitched elements. Proportionately, the building looked misplaced against its neighbouring town house terrace and in terms of design was considered to be quite alien within the wider area of Upnor. As a direct result of these concerns being expressed the design of the flats has been altered.

The scheme now under consideration is a pitched roof block with features that enable it to sit better in the wider street context and the roof re-design also now helps for the building to look better in scale with its neighbouring properties.

Balconies have also now been added at the front so that each flat will have south/southeast facing balconies.

The semi-detached pair of houses located behind the flats is of a design considered to be in keeping with the general locality. The design is not considered to be exceptional or unique design, but one that is in keeping with residential development expected in such a location.

The detached house at the rear of the site, fronting Galleon Way is to have a gable fronting feature as well as a projecting gable fronted garage element. Again, this is considered to be of a standard but good design for a detached house and sits within the road in which it is proposed without appearing out of character within the setting.

Overall, it is considered that, subject to agreeing materials which can be done through condition, the overall design of all aspects of this proposal are considered to be acceptable and in keeping within the context of Lower Upnor. The heights, scale and massing of the buildings are considered to be comparable to the surrounding buildings and will not be viewed as over dominant or intrusive buildings within the area.

For the reasons as set out above it is considered that the design of this proposal is compliant with Policy BNE1 of the Local Plan and also with paragraphs 126 and 130 of the NPPF.

## *Amenity*

In relation to amenity, this is twofold in that the amenity of neighbouring occupants has to be understood as well as those for the future occupants of the proposals.

### Neighbouring occupants

The nearest residential properties to consider in relation to this proposal are the terrace houses fronting Upnor Road, 'Sycamores', 32 and 32a Moat Lane and 26 Galleon Way.

- The Sycamores and terrace on Upnor Road would not be adversely affected by this proposal as they both have flank walls facing onto the site. The proposed flats building is staggered between the two building frontages to allow for some form of building line to be created. The units would not overlook the existing neighbours and vice versa as the angles that the houses sit ensure that the buildings have oblique views from each other. There are secondary and non-habitable windows in the side elevations, but these can be conditioned to be obscure glazed. In terms of scale and proximity it is not considered that the proposal will overshadow or dominate these neighbours and overall, this is therefore acceptable.
- 32 and 32a Moat Lane are located to the south/southwest of the application site and are located a minimum of 12m and 16m from the proposed semi-detached house (corner to corner). Due to siting and orientation of the existing and proposed houses neither property will look directly out toward the new semi-detached pair. As a result, it is not considered that either of the two properties will suffer a loss of amenity, despite the fact that the property will be visible from the garden areas. It should also be noted that the flank of the proposed semi-detached property only has non-habitable windows within it, which can be conditioned to be obscure glazed so that no overlooking can occur into the garden spaces of these properties.
- The neighbour at 26 Galleon Way will not be significantly impacted as it is only 1 unit being proposed adjacent to it which will have off road parking for 3 vehicles (including garage). The house sits flank to flank and will not directly overlook the property in any way. The flank wall to No. 26 also is solid with no windows or openings. It is considered that the impact of the house and garden adjacent to this property will be minimal and that there would be adverse impact to this neighbour.

It is therefore considered that the impact of the proposed development on the neighbouring properties will be acceptable.

### Future occupants

The future occupants of the flats have living space that opens out to south facing balconies, overlooking Upnor Road and the depot site, on the opposite side of the road. The flats have an open plan kitchen/dining/living space, so it is considered that light is not an issue. The rear elevations contain the bedrooms which are proposed to be 12.8m<sup>2</sup> and 10.8m<sup>2</sup> (respectively), and the overall unit sizes are approximately 72m<sup>2</sup>. The unit sizes and bedroom sizes are therefore considered to be acceptable and compliant with the National Housing Standards. Although demonstrated on plan to be 2 bed/3 person homes, each unit could easily be used as a 2 bed/4-person unit

and would still meet the national housing standards. It is considered in terms of the unit sizes that the proposed flats are acceptable.

The semi-detached properties work out at 98m<sup>2</sup> each, also compliant with National Housing Standards, with compliant bedroom sizes also.

The detached unit at the rear is also over the minimum size requirements at 141m<sup>2</sup>.

The amenity for the proposed occupants with regard to unit size is considered to be generous and therefore all 3 aspects of this proposal are acceptable.

In terms of amenity provision for the future occupants, each flat is provided with a private balcony that measure approximately 10m<sup>2</sup> and there is a shared amenity space at the rear of the building for the units also. The detached and semi-detached units have private gardens with patio. The semi-detached gardens would be approx. 10m in depth whilst the detached property has a proposed garden depth of over 16m. It is considered that the amenity provision for all units is sufficient.

Overall, noting the relationship of this proposal with its neighbours and also in relation to how the units sit within the site, it is considered that the impact on amenity for both neighbours and occupants would be satisfactory and compliant with Policies BNE1 and BNE2 of the Local Plan and Paragraphs 130 of the NPPF.

#### *Landscaping and trees*

A number of concerns have been raised by local residents in relation to tree removal on site and works to trees. The site has been cleared, including the Chatham Ropery building 'Fleet House' that stood on site previously. The trees that were within the site have all been removed. This includes trees that were mapped as being preserved under a Tree Preservation Order (TPO). From limited photographs that can be found it would seem that at least one of the trees under the TPO was dead/dying and in a poor state, however unfortunately there is no evidence or information available on the trees that have been removed.

The result is that the site remains bounded by trees and shrubs, but internally, there are no trees of significance that have to be retained.

The applicant has submitted an Arboricultural report. The report sets out what trees are protected and proposed that 9 trees be removed, including information that only one of those had merit. Notwithstanding that, the report proposes new tree planting and landscaping.

It is unfortunate that clearance work has taken place before consideration of the application.

Going forward, it is important to understand how the landscaping for the proposal has been dealt with.

Trees are shown at the front of the site, facing Upnor Road. It is noted that there are some Silver Birch currently on site. Whilst these trees are not shown to remain on the

submitted arboricultural plans, trees are shown in this area and will be expected to be planted in accordance with an agreed Landscape Management Plan (LMP) which will be secured through condition and will contain implementation timescales.

The private gardens for the semi-detached and detached units are shown to have trees within them as does the communal space shown for use by the residents of the flats. Again, as part of the LMP these will be secured.

It is considered that the application complies with Paragraph 131 of the NPPF.

### *Highways*

This scheme proposes 3 parking spaces for the detached dwelling on Galleon Way, 2 spaces per unit for each of the semi-detached houses and 1 space per flat for all 6 units, along with an additional 4 visitor spaces.

It is considered that this is adequate provision for the occupants, and it is also noted with regards to visitor spaces that there are no parking restrictions on Upnor Road.

It is considered that the access arrangements for this proposal is a more desired solution than the previous 2017 application, which saw access for all of the proposal 7 units at the time being from Galleon Way. This proposes access off Upnor Road with only the house on Galleon Way being served from that road.

It is considered that parking meets the requirements of the Medway Council Parking Standards and complies with Policies T1, T2 and T13 of the Local Plan and Paragraph 110 of the NPPF.

### *Climate Change and Energy Efficiency*

A “climate change emergency” has been declared in Medway and for the UK. National planning policy recognises the need for new developments to support “radical reductions in greenhouse gas emissions” and to adapt to the changes in climate that are expected to happen. A target for the UK to be net zero carbon by 2050 has been set. However, important gaps in existing policy to achieve this for the housing sector are noted by the government’s technical advisors, who suggest higher standards of sustainable design for new housing developments.

In order to achieve energy efficient buildings, the following measures are envisaged.

- All materials used in the building construction will meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).
- 8m<sup>2</sup> of Photovoltaic panels are to be incorporated for each dwelling – sited on the south facing roof slopes.
- Light fittings will be energy efficient fittings.
- All white goods will be A+++ rated.
- I high rated EVCP will be installed per dwelling.
- Heating and hot water will be provided by electric heat pump technology.

- Vent systems will be installed for each dwelling, always providing fresh air.
- Sound and thermal insulation will be provided at a high standard.
- Recycled materials to be used – including materials of the old built fabric for hardcore.
- Refuse and recycling provision will be made.
- Cycle storage will be available for each dwelling.
- SuDs principles will be adopted on site.

A condition is recommended to secure these measures to address climate change and energy efficiency are incorporated coming forward and to ensure that the applicants submit a verification report prior to occupation that the agreed measures have been delivered on site. Subject to this, the proposal complies with the objectives of the Council's climate change action plan and section 14 of the NPPF.

### *Noise and Nuisance*

The development is close to the wharf and a large depot which could be a source of noise intrusion. For this reason, a condition is recommended to protect the future occupants from these noise sources. Lastly, due to the residential locality of the site and the size of the proposed development, there is the potential for nuisances to be caused to existing residents; again, a condition is included to account for this.

### *Contamination*

The Phase 1 desk top study includes a site history, site walkover, information of the geology and hydrogeology at the site. A conceptual site model has been delivered for the site. The desk top study recommends that a site investigation is undertaken to support the conceptual site model.

The Phase 2 report details the intrusive investigation which was undertaken at the site. Four boreholes were installed, and eight soil samples were taken and tested for an appropriate suite of contaminants. The report recommends the remediation is undertaken in the proposed garden areas. The report then goes on to set out the remediation strategy for the site. However, it is not possible to agree the remediation strategy at present as the report also recommends that gas monitoring is undertaken at the site to confirm whether gas protection measures are required.

The reports submitted with this application are acceptable, however the recommended gas monitoring will need to be undertaken and depending on the results, the remediation strategy may need to be amended.

As a result of the above, suitable conditions are recommended to deal with the contamination issues.

### *Flood and Drainage*

The site lies largely within Flood Zone 1 (Low Risk) and experience a small area of surface water flooding (Low Risk).



A discharge rate of 2l/s is proposed into the existing surface water sewer. Although the LLFA are able to set discharge rates, the LLFA are not able to make comment as to whether the receiving system has the capacity to receive agreed discharge rates unless already established as part of a Surface Water Management Plan, in the absence of which, discharge rates will be set at levels to satisfy National non statutory Technical Standards for Sustainable Drainage

It is noted that an existing sewer crosses the application and therefore confirmation of a build over agreement will be needed from Southern Water prior to the works being undertaken. The application is therefore considered acceptable in terms of flood and drainage, subject to the inclusion of conditions requiring surface water details to be submitted, along with a verification report and securing a Construction Surface Water Management Plan be submitted prior to commencement of development.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £314.05 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/>.

The applicant originally submitted a SAMMS Mitigation Contribution Agreement for the 2017 application for 7 units. Since this time the contribution required for the additional 2 units has also been now paid. Therefore, no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

## **Conclusions and Reasons for Approval/Refusal [Delete as necessary]**

The proposed scheme for 6 x 2 bed flats and 1 x 4 bed detached dwelling and 2 x 3 bed semi-detached dwellings is considered to be acceptable in terms of its design, location and impact on the surrounding area and has been considered in relation to Policies S6, BNE1, BNE2, BNE6, BNE35, H4, H11, T1, T2 and T13 of the Local Plan and Paragraphs 110, 126, 130, 131, 180 and 181 of the NPPF. Suitable conditions would be appended to deal with outstanding matters in relation to landscaping, contamination, noise, nuisance and drainage.

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 for approval.

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## **Background Papers**

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

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