

2.4 REFERENCE NO - 19/502283/FULL		
APPLICATION PROPOSAL Erection of a block of 7 no. dwellings with parking, refuse and cycle store.		
ADDRESS Land Adjacent To Crescent House Otterham Quay Lane Upchurch Kent ME8 7UY		
RECOMMENDATION Grant subject to securing a SAMMs contribution of £491.12 (2 x £245.56)		
SUMMARY OF REASONS FOR RECOMMENDATION The principle of residential development on this site has been established by the approval of 17/500825/FULL and the proposal would not give rise to unacceptable harm to visual or residential amenities.		
REASON FOR REFERRAL TO COMMITTEE Originally a Parish Council objection. This application was considered at 10 th October 2019 Planning Committee and Members voted to delegate to Officers to approve subject to the provision of a delivery space and also discussions with KCC Highways and the agent to provide improvements to the footpath adjacent to the site. Through discussions it was clear that it was not possible to provide the designated delivery space within the site without the loss of a residential space and the applicant did not wish to enter into a section 278 agreement with Highways as outlined below.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Heritage Designer Homes AGENT Mr Paul Fowler
DECISION DUE DATE 09/07/19		PUBLICITY EXPIRY DATE 08/08/19

Planning History

17/500825/FULL

Erection of 5 no. 4 bedroom houses, with associated parking and refuse store

Approved Decision Date: 18.04.2018

Adjacent site:

17/500594/PNOCLA

Change of use of offices (B1) to residential (C3). The building will be divided into 5 units.

Prior Approval Granted Decision Date: 24.03.2017

1. BACKGROUND

- 1.1 This application was reported to the Planning Committee at the Meeting on 10th October this year. The original report is attached as an Appendix.
- 1.2 At that Meeting, Members delegated authority to officers to approve the application, subject to the provision of a drop off/delivery space within the site and to discussions with KCC Highways and the applicant regarding upgrading the footway opposite the site on Otterham Quay Lane.
- 1.3 This report will not repeat the information and consideration of the pertinent issues relating to the application contained in the original report and will instead deal solely

with the matters delegated to officers to deal with – namely the delivery space and the footway.

2. CONSULTATIONS

- 2.1 KCC Highways were consulted regarding potential footpath improvements to the adjacent footpath running along Otterham Quay Lane and stated that a section 278 agreement would need to be entered into to secure this.

3. BACKGROUND PAPERS AND PLANS

- 3.1 Application papers and drawings for 19/502283/FULL and also 17/500825/FULL.

4. APPRAISAL

- 4.1 The previous committee report is attached for reference as an appendix. This includes detail relating to local representation and a full assessment on visual and residential amenity of the scheme. This report will only assess the sought amendments from the 10th October Planning Committee.
- 4.2 In the October meeting it was agreed that Planning Officers would liaise with KCC Highways and the applicant regarding the potential improvements to the adjacent footpath that runs down Otterham Quay Lane. KCC Highways were contacted for comment and responded stating that a S278 agreement with the applicant would need to be agreed should footpath improvements be a consideration.
- 4.3 This was then put to the agent/applicant who was not inclined to enter into an agreement with KCC when this was not required on the previous scheme. Drawing members attention to the extant permission on the site 17/500825/FULL it should be reiterated that on this approval there was no footpath provision nor agreement to improve the existing footpath. This current proposal offers only two additional dwellings of a smaller scale and differs very little in any other aspect. Members will note that KCC Highways do not consider improvements to the footway to be necessary as part of this development, and I do not consider that planning permission could be safely refused on such a basis.
- 4.4 Also agreed in the October meeting was discussion with the agent/applicant to include a designated delivery space within the development. It became clear through discussions with the agent that it would not be possible to provide a designated delivery space on the site without the loss of one of the existing residential spaces. It must be noted here that it is not a KCC Highways requirement for this delivery space and that KCC Highways raised no concerns to the original parking orientation and provision. Substantially larger residential developments are approved without such provision, and there is no planning policy basis for such a requirement. There is unrestricted parking on Gills Terrace and the vehicle movements down this road are relatively low. Notwithstanding this, domestic deliveries are often very quickly completed, and any inconvenience which may arise from a delivery vehicle parking within the site would be temporary in nature and quickly resolved. In my view it is more important to provide adequate off street parking for the occupiers of the proposed dwellings than to provide a space for delivery vehicles to park, and I therefore recommend that the application is approved as presented to Members, without the provision of such a space.

5. CONCLUSION

- 5.1 To conclude, the principle of residential development on this site has already been accepted as a result of approved application 17/500825/FULL and it is considered the proposed dwellings will not lead to unacceptable impacts on residential amenity nor will they cause harm to the character and appearance of the streetscene.
- 5.2 Discussions were held with the agent/applicant and KCC Highways in relation to possible footpath improvements and also providing a drop off space for delivery vehicles. However, it was considered that the drop off space was not achievable within the boundary of the site nor was it reasonable to expect the applicant to contribute to the footpath improvements when the scheme differs so little from the previous approved applications. As such I recommend this application be approved.

6. RECOMMENDATION

GRANT Subject to the following conditions and securing of the required SAMMs payment:

CONDITIONS to include

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
- Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.
- Reason: In the interest of visual amenity.
- 3) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.
- Reason: In the interest of promoting energy efficiency and sustainable development.
- 4) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).
- Reason: In the interests of water conservation and sustainability.
- 5) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such

a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- 6) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 8) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 9) The finished floor levels are to be set no lower than 6.3m above Ordnance Datum (AOD).

Reason: To minimise the risk of internal flooding.

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 11) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water

pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 12) Before any part or agreed phase of the development is occupied, all remediation works identified in the approved remediation strategy previously submitted, shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To ensure any contaminated land is adequately dealt with.

- 13) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with.

- 14) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 15) No deliveries or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :- Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 16) No development beyond the construction of foundations shall taken place until technical details of the car charging points have been submitted and approved by the Local Planning Authority. These shall be installed prior to the occupation of any of the dwellings.

Reason: In the interests of sustainability.

INFORMATIVES

Environment Agency:

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- • Duty of Care Regulations 1991
- • Hazardous Waste (England and Wales) Regulations 2005

- • Environmental Permitting (England and Wales) Regulations 2010
- • The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

