



permission from the Borough Council as Local Planning Authority. The provision of drainage to Dowerry Way following the re-surfacing indicated by the agents, would be a matter to be dealt with between the applicants and the relevant water authorities. It is not, therefore, something that can be governed by this planning application. Similarly, the re-surfacing of Dowerry Way **is not something that can be required** as part of this planning application.

- 3.4 The applicants have indicated that Southern Water would adopt the whole of the foul sewerage system, including the proposed pumping station. They also believe that the access road is wide enough to accommodate a tanker lorry, should access to the tank be needed in an emergency.
- 3.5 Roof lights to the proposed dwelling on plot 2 of the site: Two roof lights are shown in the western roof slope of the dwelling proposed on plot 2. Each would serve as a secondary means of light/ventilation to two separate bedrooms each of which would have a full size window to either the front or rear elevations. The neighbour raised concerns about the possibility of overlooking from these roof lights. Subsequent to the Members site inspection, the applicants have confirmed that the lowest point of these windows would be at a minimum of 1.7m above internal floor level in the relevant room. This is consistent with the Government's requirements for permitted development rights for installation of upper floor windows in the side elevation of an existing house, where such windows are required to be non-opening unless they are above that height. A note attached to the plans states that the roof lights would be obscure glazed and be fitted with opening restrictors. I am satisfied that these measures will satisfactorily address the issue of potential overlooking and loss of privacy. An additional condition is included in my recommendation to ensure that the rooflights are constructed accordingly.
- 3.6 Reference was made to the slab and roof heights of the proposed properties having regard to the height of the existing dwelling on the site (to be demolished) and that of the property to the west, No. 4 Dowerry Way. The ridge height of the existing building is shown on the survey drawing as being 32.31m above datum and that of No. 4 is shown as being 32.29m. This compares with a ridge height of 34.30m on the new house on plot 2 (adjacent to No. 4) and 33.30m for that on plot 1 on the eastern side of the site. There is, therefore, a difference in ridge height between No. 4 Dowerry Way and the proposed house on plot 2 of around 2m. The bungalow on plot 3 would have a ridge height of 26.7m which reflects the slope down of the site from north to south.
- 3.7 The house on plot 2 would have a Finished Floor Level (FFL) of 25.9m above datum whilst that on plot 1 would have a FFL of 24.6m which reflects the more gentle slope down across the site from west to east. The bungalow would have a FFL of 22m.

- 3.8 The overall height of the proposed house on plot 2 (i.e. from FFL to ridge height) would be 8.4m and that on plot 1 would be 8.7m.
- 3.9 In the Medway Gap Character Areas Supplementary Planning Document, Donderry Way is described as: “a narrow private cul de sac with a mixture of large bungalows and two storey properties dating from the 1930s. The detached properties are set back behind deep landscaped front gardens with a mixture of stone walls, fences, railings and high hedges along the boundaries. The properties are situated on generally substantial plots and each property is individually designed and the range of materials and roof types vary throughout giving a mixed character to the area. The quality of the road surface is extremely poor which detracts from the quality of the area.”

#### **4. Recommendation:**

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Archaeological Assessment dated 10.01.2013, Landscape Statement dated 20.12.2012, Design and Access Statement dated 20.12.2012, Planning Statement dated 20.12.2012, Drawing DETAIL OF GARDEN SHED dated 20.12.2012, Drawing DECORATIVE BRICK BAND dated 20.12.2012, Drawing FENCE DETAIL dated 20.12.2012, Location Plan dated 20.12.2012, Site Plan 12/449/01 D dated 26.6.2013, Elevations 12/449/02 dated 20.12.2012, Elevations 12/449/03 dated 20.12.2012, Elevations 12/449/04 dated 20.12.2012, Site Layout dated 20.12.2012, Letter dated 30.05.2013, Drainage Layout 12/449/05B dated 26.6.2013, Letter dated 13.03.2013, Certificate B dated 30.01.2013, Details SEPTIC TANK dated 30.01.2013, Tree Survey dated 10.1.2013, Letter dated 13.3.2013, Email dated 21.6.2013, Pump information 21.6.2013, Letter dated 26.6.2013, Information dated 26.6.2013, subject to the following:

#### **Conditions**

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation of the dwellings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interest of amenity and privacy of adjoining property and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interest of amenity and privacy of adjoining property and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

5. The use shall not be commenced nor the premises occupied until the area shown on the submitted layout as vehicle parking space 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 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

6. No building shall be occupied until the area shown on the submitted plan as turning area 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 1995 (or any order amending, revoking and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

7. Prior to the development hereby approved commencing, details of the slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority and such details as are agreed shall be carried out concurrently with the development.

Reason: In order to secure a satisfactory standard of development and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

9. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

10. None of the buildings shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: In the interests of pollution prevention.

11. The access hereby approved shall be provided and maintained on both sides with a 2m vision splay to the site boundary with no obstruction over 600mm.

Reason: In the interests of highway safety and in accordance with paragraph 35 of the National Planning Policy Framework 2012.

12. 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To comply with the National Planning Policy Framework, to protect groundwater because the site is located within the principal aquifer and the site is within a source protection zone.

13. The rooflights shown in the western side elevation of the dwelling hereby approved on plot 2 shall be installed such that the lowest part of the window is a minimum of 1.7m above the floor level of the room in which the window is situated and shall be fitted and maintained with obscured glazing and opening restrictors.

Reason: In the interests of the residential amenities of the occupants of the adjacent property.

### **Informatives**

1. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to 0800-1800 Monday to Friday, 0800-1300 hours on Saturdays with no work on Sundays or Public/Bank Holidays.
2. The disposal of waste by incineration could lead to justified complaints from local residents and should be avoided. The disposal of demolition waste by incineration is contrary to Waste Management Legislation.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. The proposed soakways will need to be constructed as shallow as possible and must be no deeper than 3 metres below ground level.
5. The following points should be noted wherever infiltration devices for surface water drainage are proposed at a site:
  - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof

water should drain directly to infiltration device entering after any pollution prevention methods.

- No infiltration device should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base or infiltration device and the water table.
  - A series of shallow infiltration device are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
6. You are advised to contact the Environment Agency if the foul sewage will not be discharged to the mains sewer.
7. The applicant may be required to apply for other consents from the Environment Agency. The term "consents" includes permissions or licences for different activities (such as water abstraction or discharging to a stream) over which the Environment Agency has a regulatory role in issuing or monitoring. The applicant should contact 03708 506506 or consult the following website <http://www.environment-agency.gov.uk/netregs>

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