

MC/16/0712

Date Received: 15 February, 2016

Location: 177 Berengrave Lane, Rainham, Gillingham ME8 7UJ

Proposal: Demolition of existing large detached residential dwelling and the erection of 13 detached and semi detached dwellings

Applicant: Mr Light

Agent: Mr Wells Andrew Wells Planning & Design 1 Gills Court Chaucer Close Medway City estate Rochester, Kent ME2 4NR

Ward Rainham North

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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 29 June 2016.**

**Recommendation – Approval Subject to;**

A. The applicant entering an agreement under Section 106 of the Town and Country Planning Act to secure:

- 1) A contribution of £10,982.40 towards nursery school provision in the locality
- 2) A contribution of £26,956.80 towards primary school facilities in the locality
- 3) A contribution of £34,444.80 towards secondary school facilities in the locality
- 4) A contribution of £36,262.59 towards improvements at Beechings Way playing field.
- 5) A contribution of £3,185 towards public realm improvements in Rainham Town Centre.
- 6) A contribution of £1,624.35 towards repair of light fittings at Royal Naval War Memorial, Great Lines Heritage Park.
- 7) A contribution of £2,906.54 towards bird mitigation measures

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:

Drawing numbers PL/327/01A, PL/327/02A, PL/327/03, PL/327/04, PL/327/07, PL/327/08, PL/327/09A and PL/327/11A received on 17 February 2016; drawing number R593TPP (Tree Protection Plan) received on 1 March 2016; drawing numbers PL/327/05B and PL/327/06B received on 7 March 2016; and drawing number PL327/10A received on 15 March 2016

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

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

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. 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 Tree Protection Plan: R593TPP and BS5837 Tree Report by Tree Ventures dated 1 March 2015 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 consent of the Local Planning Authority.

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.

- 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 commence until conditions 5 to 8 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 5 has been complied with in relation to that contamination.

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

- 5 An investigation 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 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 '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 as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

- 7 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: Required before commencement of development to avoid any irreversible detrimental impact on human health 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 not detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 No development shall take place until a construction code of practice covering noise, dust, air quality and lighting for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved construction code of practice throughout the duration of the construction phase.

*Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.*

- 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:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details.

*Reason: Required before commencement of development to manage the risks of flooding during and post construction and for the lifetime of the development and in accordance with Paragraph 103 of the NPPF.*

- 11 No development shall take place until details of the foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The foul sewerage disposal arrangements shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellinghouses herein approved.

*Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses and in accordance with Paragraph 103 of the NPPF.*

- 12 No development, including the demolition of existing buildings, shall take place until a Bat Survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out in accordance with the recommendations of the Initial Bat Assessment report by Kate Baldock dated 6 January 2016. If bats are found, no development shall commence on site until appropriate methods and timing of works, including the provision of new roosting features have been submitted to and approved in writing with the Local Planning Authority. Thereafter, the approved methods shall be implemented and retained for the duration of the demolition and construction phases of the development.

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

- 13 No site development and site clearance works shall take place until a detailed reptile survey and mitigation report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be implemented in accordance with the recommendations of Paragraph 6.4 of the Preliminary Ecological Appraisal by Calumma Ecological Services dated 8 January 2016. The mitigation strategy must provide the following information:
- Translocation methodology
  - Location of receptor site
  - Reptile surveys of receptor site
  - Details of ecological enhancements to increase carrying capacity
  - Timetable of the proposed works.

The development shall be implemented in accordance with the approved mitigation strategy and retained thereafter.

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

- 14 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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.

- 15 Prior to occupation, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved plans prior to the first occupation of any of the dwellinghouses herein approved and shall be retained thereafter.

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.

- 16 Prior to the first occupation of any of the dwellinghouses herein approved, a scheme of hard and soft landscaping for the publicly accessible areas of the development and a landscape buffer along the southern and western boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan and full details of the species and siting of planting. All landscaping including planting comprised in the approved scheme of landscaping shall be implemented prior to the first occupation of any dwellinghouse herein approved and shall be retained thereafter. 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.

- 17 Prior to the first occupation of any dwellinghouse herein approved, a landscape management plan, including management responsibilities and maintenance schedules for all publicly accessible landscape areas shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 18 No vegetation clearance shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing). All vegetation removal must be undertaken to the Method Statement submitted with the application.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 19 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust)) and of how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented in accordance with the approved details prior to the first occupation of any dwellinghouses herein approved and it shall only be used within the hours approved pursuant to this condition.

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

- 20 No building shall be occupied, until the area shown on the submitted layout as vehicle parking space and 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 in accordance with Policy T13 of the Medway Local Plan 2003.

- 21 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T2 of the Medway Local Plan 2003.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the side elevations of the buildings hereby permitted other than as shown on the approved drawings.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, 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 the existing large detached residential dwelling and the erection of 13 detached and semi detached dwellings.

This application relates to a site on the west side of Berengrave Lane approx. 60m south of the junction with Lower Rainham Road. The site has a frontage of approx. 23m and is currently occupied by a large detached house which has been significantly extended. The site widens to approx. 65m to the rear to form an extensive area of land to rear which appears unused, although may have been used as garden for 177 Berengrave Lane.

To the north and partly to the west, the site is bound by the rear gardens of properties in Lower Rainham Road. There are also floodlit tennis courts to the west. To the south, the front part of site abuts the adjoining property, 175 Berengrave Lane, which has a long garden. Beyond this garden the site opens out and the southern boundary



adjoins open countryside. The eastern boundary is formed by Berengrave Lane and the two adjoining properties 175 & 179.

The proposal is to demolish the existing dwelling and to create a new housing development comprising an access road and 13 houses. Two houses (Plots 1 & 13) would front onto Berengrave Lane, either side of access road. Pedestrian access to these two houses would be off the new road and garaging/parking would be located to the rear and accessed off this road. The remaining houses would be to the rear with four detached houses on the southern side of the road (Plots 2-5) with the rear gardens backing onto open countryside. A further three detached houses (Plots 6- 8) would be built along the western boundary and there would be two pairs of semi-detached houses (Plots 9-12) on the north side of the road.

The site is within the built confines of Lower Rainham as identified on the Proposals Map to the Medway Local Plan 2003.

Plot 1 would have a detached double car port to the rear. Plots 2-7 would have integral garages and parking in front. Plot 8 would have two parking spaces at the front; Plots 9-12 would have detached carports and individual parking spaces at the front whilst Plot 13 would have a car port and parking space to the rear. Five visitors' parking spaces are also shown.

The application is accompanied by a Design and Access Statement, Tree Report, Site Investigation and Preliminary Ecological Appraisal.

### **Site Area/Density**

Site Area: 0.49 hectare (1.21 acres)

Site Density: 26.5 dph (10.74 dpa)

### **Relevant Planning History**

MC/01/1423	Outline application for construction of a residential care home comprising four separate units Refused 24 January, 2002 Appeal dismissed 21 November 2002
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### **Representations**

The application has been advertised on site and in the press as a major development, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Southern Water Services, Southern Gas Networks, EDF Energy, Kent and Medway Fire and Rescue Services, Kent Police and NHS Property Services England have also been consulted.

**35 letters** have been received raising the following objections:

- Backland development;

- Berengrave Lane is narrow and cannot cope with additional traffic;
- Proposal would add to traffic congestion, particularly at junction of Berengrave Lane and Lower Rainham Road;
- Additional pressure on hospitals, doctors, schools, drainage etc.
- Impact on wildlife;
- Overdevelopment;
- Planning permission for the development of this site was previously refused in 1965, 1970 and 2002 (MC2001/1423);
- There is no footpath along Berengrave Lane which is dark at night and the development would increase risk to pedestrians including children walking to school;
- Loss of 'green space';
- Site close to Berengrave Nature Reserve and development could impose additional pressure thereon;
- Proposal would increase pollution and affect air quality;
- Development would not be in keeping with surrounding area;
- Sight splays cannot be achieved;
- Disturbance to residents from additional traffic;
- Trees have been removed from the site;
- There would be on street parking which would overspill onto Berengrave Lane;
- The development is not well related to public transport;
- The existing property should not be demolished.

**One letter** has been received supporting the application and stating that adequate parking has been provided and that small development such as this are preferable to the larger developments proposed for elsewhere in Rainham.

**Southern Water** has written with a plan showing the location of a public water main within the site and making the following comments:

- The exact position of the water main must be determined before the layout is finalised;
- All existing infrastructure must be protected during construction;
- No excavation or tree planting should take place within 4m of a public water main without consent from Southern Water;
- It is possible that public sewers could be found on site during construction. Should any sewer be found an investigation will be required to ascertain the number of properties served, its condition and the potential means of access;
- Southern Water require a formal application for connection to a foul public sewer and an informative in this regard is recommended;
- Building Control should comment on the adequacy of the soakaways;
- A condition should be attached to any planning permission stating that development should not commence until details of foul and surface water drainage have been submitted and approved.

**Southern Gas Networks** have written with a plan showing the location of gas mains. No excavation should take place within 0.5m of any main and advice is given on safe digging practices.

**Kent Police Crime Prevention Officer** initially wrote expressing concern that no reference had been made to crime prevention, but following discussions with the applicant he is re-assured that these will be taken into account.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

## **Planning Appraisal**

### *Background*

The application was the subject of pre-application discussion, including a presentation to Members on 10 September 2015. As a result of this, the scheme has been amended by a reduction in the number of units to 13 and a consequent adjustment of the layout.

### *Principle*

The site is within the built confines of Lower Rainham as identified on the Proposals Map to the Medway Local Plan 2003. Policy H11 of the Medway Local Plan 2003 is therefore relevant. Policy H11 states that residential development in rural settlements will be restricted to minor development within the confines of the settlement as defined on the proposals map. However, Paragraphs 49 and 55 of the NPPF seeks to promote sustainable development including within rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities.

There is no definition given within the Local Plan of what constitutes minor development in this context and therefore, it is necessary to consider the location of the site and its relationship with its surroundings and whether the location is sustainable. The proposed development is for residential development which would be set against the backdrop of existing residential dwellings within the confines of the settlement. On this basis and subject to the consideration of more detailed matters, it is considered that the proposal for 13 dwellings in this location would represent a sustainable location where the development would help to maintain the vitality of the community in accordance with Paragraph 55 of the NPPF and not conflict with Policy H11 of the Medway Local Plan 2003

Policy H9 of the Medway Local Plan 2003 relates to backland development and states that backland development will be permitted only when it does not constitute piecemeal development that threatens the comprehensive development of a wider area and when:

- (i) There is no loss of privacy from overlooking adjoining houses and/or their back gardens; and*
- (ii) There is acceptable vehicular access; and*

- (iii) There is no significant increase in noise or disturbance to adjacent residents from traffic using the access; and*
- (iv) Existing natural features, such as trees, which contribute to the amenity of the area are retained or conserved; and*
- (v) There is adequate private amenity space for the existing and proposed dwellings; and*
- (vi) The character and amenity of the area as a whole is maintained.*

The proposal will be assessed against each of these criteria, where relevant, below

### *Design and appearance*

The character of the area of the area is varied, with predominantly post war detached houses and bungalows although there are some older terrace properties nearby in Lower Rainham Road. In addition, there is a garage on the corner of Berengrave Lane and Lower Rainham Road.

The existing building is post war and very large, having been significantly extended. However, it has no outstanding character and the extensions do not match the existing building. Furthermore, it appears neglected a dilapidated and its loss would not detract from the character and appearance of the locality.

The proposed development would have its own character which would compliment that of the surrounding area and enhance the appearance of the street frontage in Berengrave Lane. Being a cul-de-sac, it would not be prominent in the street scene and would improve the appearance of what it currently and untidy site.

No objection, is therefore raised in terms if design and appearance under Policies BNE1 and H9(vi) of the Medway Local Plan 2003 and Paragraph 56 of the NPPF.

### *Residential Amenity*

#### Occupier Amenity

Policy BNE2 of the Medway Local Plan 2003 seeks to ensure an adequate level of amenity is afforded to the future occupiers of new development as well as protected the amenities of existing surrounding residents. The main issue to consider for the future occupiers of the development is whether adequate space has been allowed for within the new dwellinghouses. The Technical Housing Standards – nationally described space standard 2015 sets out the Government’s internal standards for new residential development. This is used as a guide for assessment. The table below shows the proposal against these standards.

<b>Plot numbers</b>	<b>National Standard - sq m</b>	<b>GIA</b>
1 4b7p	115	157
2 to 7 4b6p	106	120
8 3b5p	93	108
9 to 12 3b5p	93	108
13 3b5p	93	97.5

The proposal would clearly meet the gross internal area for each property and although not included above the bedroom sizes also comply for each property. On this basis, it is considered that there would be adequate internal amenity space to serve the proposed. With regard to outdoor garden space, the nationally described standard does not provide any guidance. However, the Medway Housing Design Standards 2011 document does provide guidance in this regard and recommends a garden depth of 10m. Each of the dwellinghouses proposed would have a rear private garden with a minimum depth of 10m.

With adequate internal and external space being provided, no objection is, raised in this regard in considering the proposal against Policies BNE2 and H9(v) of the Medway Local Plan 2003.

### Neighbour Amenity

An assessment has been made of the impact of the proposed development on neighbouring properties. Only four of the proposed houses would directly back onto existing properties (the two pairs of semi-detached houses at Plots 9-12). The rear of these houses would face towards the rear of 660 & 662 Lower Rainham Road. However, the gap between the rear of the proposed houses and the rear of the existing properties would be approx. 25m. This separation distance is considered acceptable and it is considered there would be no unacceptable overlooking, loss of light or loss of outlook to those properties. The flank wall of the house on Plot 8 would be approx. 15m from the rear of 654 Lower Rainham Road. However, there would be no windows in the flank wall and therefore again there would not be any unacceptable overlooking, loss of light or loss of outlook. The rear of the houses on other plots would look away from existing and proposed properties. The flank wall of the house on Plot 2 would face towards the rear of 175 Berengrave Lane, but there would be a gap of approx. 50m.

The proposed development would generate traffic but it is considered that it would not result in unacceptable noise and disturbance to neighbouring properties. The access road would be in the centre of the site, between Plots 1 and 13 and therefore, any noise and disturbance would not affect the existing properties at 175 or 179 Berengrave Lane.

A concern was raised regarding the height of the car port to the rear of plot 13 and as a consequence this has been reduced by 500mm.

No objection is raised in terms of the impact on neighbour amenity under Policies BNE2 and H9(iii) of the Medway Local Plan 2003.

### *Highways*

The TRICS trip generation database indicates that the proposed development would generate around 53 vehicle trips per day at a rate of just over 4 trips per dwelling. It estimates that the development would generate around 6 vehicle trips during each peak period. This is considered to be a modest number of vehicle movements that, subject to the provision of a satisfactory access on to Berengrave Lane, is very

unlikely to have a significant impact on conditions of highway safety or capacity.

An independent traffic survey submitted with the planning application recorded 85<sup>th</sup> percentile speeds on Berengrave Lane of 20-22mph northbound and 20mph southbound; the maximum speed recorded was 26mph. Highway design guidance states that the 85<sup>th</sup> percentile speed should be used to calculate appropriate sightlines at junctions. For main road speeds of 20-22 mph sightline distances from the minor roads of 25 metres are recommended; the plans submitted with the application demonstrate that this can be achieved. The access is proposed to be approx. 5.5m wide (Berengrave Lane is approx. 4.8m wide along this section), and the application uses swept path analysis to demonstrate that large refuse vehicles would be able to access the site in a satisfactory manner. Footways are proposed at the bell mouth to segregate pedestrians from vehicles. The application proposes to hard surface the existing verge to the front on number 179 Berengrave Lane, which is part of the public highway. This will provide a suitable surface for pedestrians to access the wider area. Whilst relatively narrow, it would provide an off-carriageway connection, for a relatively small number of pedestrian movements and would be in keeping with the surrounding area. On this basis, the application proposes a safe means of access in accordance with Policies T2 and T3 of the Medway Local Plan 2003. It is recommended the provision of the new section of footway along Berengrave Lane be secured by planning condition, and completed prior to first occupation of the development.

### *Parking*

The Council's Parking Standards indicate that a minimum of 26 car parking spaces should be provided, with an additional 3 spaces for visitors. A total of 32 private, off-street spaces are proposed, with each dwelling provided with at least two spaces. An additional 5 off-street spaces are proposed for use by visitors, and the access would be of sufficient width to accommodate some on-street parking. The proposed garages comply with the dimensions set out in the Parking Standards. Overall, the development proposes an average of 2.8 spaces per dwelling and therefore complies with Policy T13 of the Medway Local Plan 2003.

### *Trees*

A Tree Constraints Plan, Tree Protection Plan and a Tree Report have been submitted with the application. The Tree Report identified 9 individual trees and 6 groups of trees on or adjoining the site, of which 10 are Category C trees (with a life expectancy of 10 - 20 years) and 5 are Category U trees (with a life expectancy of less than 10 years). None of these trees are protected by a Tree Preservation Order. Most of these trees are located along the southern and western boundaries and include hedges. They are not particularly prominent and as such do not make a significant contribution to the existing character and amenity of the locality.

According to the submitted Tree Protection Plan an Ash Tree (T1) located close to the rear of the proposed house on Plot 6 and a group of trees to the side of Plot 5 are to be removed. In addition three trees on the southern boundary (T3, T4 & T5) are to be removed for arboricultural reasons. All other trees are shown to be retained and protected although some pruning and cutting back is recommended.

Subject to appropriate conditions, no objection is raised in terms of tree protection under Policies BNE43 and H9(iv) of the Medway Local Plan 2003.

### *Ecology*

A preliminary Ecological Appraisal was submitted with the application. The report looked at the potential of the site with regard to flora, birds, bats, reptiles, amphibians, badgers, dormouse, water vole, invertebrates, hedgehogs and foxes. It was noted that the site is very close to Berengrave Nature reserve. The report recommended further investigation with regard to bats and reptiles. Birds may be nesting in trees and appropriate care is needed to ensure that they are not disturbed during site clearance. Subject to appropriate conditions in this regard, no objection is raised under Policy BNE39 of the Medway Local Plan 2003 and Paragraph 118 of the NPPF.

### *Contamination*

A site investigation was submitted with the application. Due to the proximity of the site to potentially contaminated land, appropriate conditions are recommended. Subject to these conditions, no objection is raised under Policy BNE23 of the Medway Local Plan 2003 and Paragraph 121 of the NPPF.

### *Flooding*

The site is not situated within an area considered to be at risk of tidal or surface water flooding according to Environment Agency flood maps. Appropriate conditions are recommended to deal with foul and surface water drainage. Subject to these conditions no objection is raised under Policy CF1 of the Medway Local Plan 2003 and Paragraphs 100 and 103 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 in to 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:

### Schools

Nursery: A contribution of £10,982.40 based on a Pupil Product Ratio (PPR) of 0.11 pupils per dwelling and £8,320 per pupil.

Primary: A contribution of £26,956.80 based on a (PPR) of 0.27 pupils per dwelling and £8,320 per pupil

Secondary: A contribution of £34,444.80 based on (PPR) of 0.19 pupils per dwelling and £11,700 per pupil

Total: £72,384.00

As one unit is to be demolished this contribution is based on net increase of 12 houses.

There are currently no spaces in local nursery schools. The primary schools in the Gillingham East and Rainham planning areas are forecasted to have less than 4% spare capacity in every year group, with the majority of year groups forecasted to have a deficit of places. Therefore, full contributions are requested to ensure there are places available for the children for whom this development would generate a need.

There are no spaces in the local secondary schools, and forecasts show there is increasing pressure as larger cohorts currently in primary schools move into secondary. Therefore a full secondary contribution is requested to ensure sufficient school places.

This development would exacerbate an already severe problem arising in this area for the provision of sufficient school places. All developments will therefore need to contribute towards addressing the further pressure that arises as a result of their developments.

#### Greenspace Services

A contribution of £36,262.59 based on an occupancy ratio of 3.59 for three and four bedroom dwellings and a contribution of £777 per person. The contribution would be spent on improvements at Beechings Way playing field.

#### Public Realm

A contribution of £3,185 towards public realm improvements in Rainham Town Centre.

#### *Great Lines Heritage Park*

A contribution of £1,624.35 based on an occupancy ratio of 2.45 and a contribution of £51 per person toward repair of light fittings at Royal Naval War Memorial.

#### 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 £223.58 per dwelling should



be collected to fund strategic measures across the Thames, Medway and Swale Estuaries, resulting in a contribution of £2,906.54 for the proposed development. The strategic measures are in the process of being developed, but are likely to be in accordance with 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.

The interim tariff stated above should be collected for new dwellings in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has agreed to pay this tariff and have submitted a unilateral undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

#### *Other Matters*

Reference has been made to a previous refusal of outline planning permission for a care home (MC/2001/1423). This was refused on account of the unacceptable intensification of use of the existing access, the scale and massing of the proposed buildings and the impact on residential amenity and a subsequent appeal was dismissed.

In his decision letter the Inspector expressed concern relating to the impact in terms of activity from the use such as staff and service vehicles at the site and arrangements for loading of loading and turning. In this regard, the current proposal for a new access road and private dwellings is different and would not raise the same concerns. In terms of the character, the care home scheme proposed four blocks, which were rather bland, rather than smaller individual dwellings as currently proposed.

#### *Local Finance Considerations*

There are no local finance considerations raised by this application.

#### **Conclusions and Reasons for Approval**

The principle of the proposed development is acceptable and no objection is raised in terms of design and appearance, residential amenity, highways and parking, the impact on trees, ecology contamination and flooding. Subject to the Section 106 contributions sought and the suggested conditions, no objection is raised under Paragraphs 49, 55, 56 100, 103, 118 and 121 of the NPPF and Policies S6, BNE1, BNE2, BNE23, BNE35, BNE39, BNE43, H9, H11, T1, T2, T13 and CF13 of the

Medway Local Plan 2003 and the application is recommended for approval.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received contrary to officer recommendation.

This application was considered by Members at the Planning Committee on the 1 June 2016, when it was determined to defer a decision to enable a Members' site visit to be held.

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