

MC/16/2955

Date Received: 11 July, 2016

Location: 65 Broadview Avenue, Rainham, Gillingham, ME8 9DE

Proposal: Construction of two detached 3 bedroom bungalows with access road and parking - demolition of detached garage to side; greenhouse and shed to rear

Applicant: Mr Mattocks

Agent: Mr B Cullen Kent Drawing 75 Winchester Way Rainham Kent ME8 8DH

Ward Rainham Central

Case Officer Chris Butler

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18 January 2017.

Recommendation – Approval subject to;

A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act, 1990 (as amended) to secure £447.16 (£223.58 per dwelling) towards Designated Habitats Mitigation; and

B) 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 Number: BLC/65 Broadview Ave/01 received on 12 July 2016; and
- Drawing Number(s): BLC/65 Broadview Ave/02; and BLC/65 Broadview Ave/03 received on 22 July 2016.

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

- 3 No development above ground level shall commence until details and samples of any materials to be used externally including roofing materials, facing bricks and/or other cladding materials, windows and doors have been submitted to and agreed in writing by the Local Planning Authority. 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.

- 4 No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the:

- The materials to be used in the construction of that access road into the site; and
- The positions, design, materials and type of boundary treatment to be erected.

The details submitted pursuant to this condition shall include full details of the fencing, especially the height and weight of the fencing in terms of its acoustic absorbency, along the south-eastern boundary;

The access road and the boundary treatments, approved pursuant to this condition, shall be completed before the dwellings are first occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of amenity in the locality, in accordance with Policies BNE1, BNE2 and H9 of the Medway Local Plan 2003.

- 5 No development above ground floor slab level shall commence until full details of the hard and soft landscape works for the publicly accessible areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include paving and hardstanding materials, planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The landscape works shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

- 6 Access to the development from Broadview Avenue shall be formed by a dropped kerb crossover off the existing footway and this shall be provided

prior to first occupation of any part of the development.

Reason: In the interests of pedestrian safety, in accordance with Policies T2 and T3 of the Medway Local Plan 2003.

- 7 No residential unit herein approved shall be occupied until the area shown on the plan (drawing number BLC/65 Broadview Ave/03 received on 22 July 2016) for parking purposes has been provided surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter 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 the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 8 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 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.

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.

- 9 Prior to occupation of any part of the development hereby approved, details of secure cycle storage to serve these new properties shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details prior to the first occupation of the development.

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 T4 of the Medway Local Plan 2003.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A, B, C or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 12 The development, hereby permitted, shall only be carried out outside of the bird breeding season (March-August Inclusive), unless an experienced ecologist, who is a Member of the Chartered Institute of Ecology and Environmental Management (CIEEM), or other suitably qualified and experienced ecologist who is first agreed in writing by the Local Planning Authority, has examined the site within a 7 day period prior to works commencement of works on the site and found no breeding birds or their fledglings to be present on the site. If any nesting birds are found on site and / or are recorded either by the ecologist during their inspection or subsequently discovered all works must cease, in that area, until all the young have fledged and the recommencement of operations have been approved by the above mentioned Ecologist.

Reason: In the interests of ecology and in accordance with the provisions set out under Local Plan Policies BNE36 and BNE37.

- 13 Notwithstanding the ecological mitigation measures, as identified in the submitted Preliminary Ecological Appraisal, related to 'Widespread reptiles' no development shall commence on site until a revised Preliminary Ecological Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The revised Preliminary Ecological Appraisal shall detail:

- a new detailed precautionary mitigation strategy in relation to 'Widespread reptiles', which includes details of a suitable off site receptor that does not rely on pushing reptiles into adjoining gardens;
- confirmation that the receptor site will be appropriately managed/maintained for reptiles;
- confirmation that the receptor site will not be developed in the future; and
- Confirm that any reptiles present shall be hand-captured, in accordance with details to be specified in the new detailed precautionary mitigation strategy referred to above, for later release into the suitable off site receptor also referred to above.

In addition to the above the new detailed precautionary mitigation strategy will specify that reptile capture circuits will continue until five circuits have passed in suitable conditions with no captures. At this point the site will be declared clear and the habitat within the development footprint shall be stripped by a machine under the supervision of the suitably experienced ecologist, who is a Member of the Chartered Institute of Ecology and Environmental Management (CIEEM), or other suitably qualified and experienced ecologist who is first agreed in writing by the Local Planning Authority. The ecologist shall record the number of reptiles captured in each reptile capture circuit and these records shall be provided to the Local Planning Authority once five circuits have passed, in suitable conditions, with no captures.

Reason: The proposed reptile clearance methodology, as specified in the *submitted Preliminary Ecological Appraisal* is not acceptable, as pushing any reptiles present in to adjacent gardens where the applicant has no control over how these gardens will be managed is not considered to be acceptable and a revised *Preliminary Ecological Appraisal which adequately addresses this matter is required* to ensure that the interests of ecology are preserved and maintained in accordance with the provisions set out under Local Plan Policies BNE36 and BNE37.

- 14 Prior to the occupation of any part of the development hereby permitted, the proposed biodiversity enhancements as specified on page 15 of the Preliminary Ecological Appraisal (dated 06/11/2016 and marked 'Update' Version/Issue 4/2) shall be implemented and thereafter maintained.

Reason: In the interests of ecology in accordance with the provisions set out under Local Plan Policies BNE36 and BNE37.

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

Proposal

This proposal seeks full planning permission for the demolition of detached garage to side; greenhouse; and shed to rear of the property and the construction of two detached three bedroomed, bungalows with access road and parking.

Site Area/Density

Site Area: 0.0889 hectares (ha)/ (0.22 acres)

Site Density: 22.5 dph (9.1 dpa)

Relevant Planning History

MC/16/1047	Construction of a two storey side extension at 65 Broadview Avenue, Rainham. Decision Approval With Conditions Decided 29/04/16
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GL/87/79	Single storey rear extensions at 63 Broadview Avenue, Rainham. Decision Approval with Conditions Decided 13/07/1987
GL/78/332A	One chalet bungalow on land adj 65 Broadview Avenue, Rainham. Decision Refusal Decided 08/06/1984
GL/78/332	Detached bungalow adjoining 65 Broadview Avenue Decision Approval with Conditions Decided 29/02/1980

Representations

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

Three letters of objection have been received raising the summarised concerns/objections:

- Development would be contrary to the Local Plan, especially Policies BNE1 & Paragraphs 3.4.10 & 3.4.11 which state that the Council will resist development that would result in change to the amenities of those people occupying properties close to the development, which requires a balance against the need to protect public health and quality of life in residential areas, including being able to continue to enjoy adequate levels of amenity such as privacy and a quite environment.
- Over development of the site, resulting in development very close to adjoining boundaries. To allow this development would be to introduce a cramming in a low density area;
- Size of the development. The scale and design of the development is out of keeping with the surrounding area;
- Both the development site and adjoining gardens provide natural habitat for local wildlife. Slow worms, newts, frogs, hedgehogs, foxes and bats have all been seen make use of adjoining gardens and as boundary delineations do not hinder animals it is assumed that they must make use of the garden that forms the application site, especially due to its size and the bottom of this garden being in a more natural state. The writer stresses that slow worms are a protected species under the Wildlife and Countryside Act 1981 and their presents needs to be taken into account in the submission and processing of any planning application;
- Impact of the proposed development on the enjoyment of adjoining properties and their residential amenities, including loss of privacy, as well as noise and pollution;
- Site plan is incorrect as it does not show a re-arrangement to boundaries and fails to show side additions, garages to adjoining properties;
- Loss of visual amenity;
- The proximity of the proposed off street parking areas to adjoining properties and

the resultant loss of amenity resulting from the noise of vehicles and pollution from related exhaust fumes;

- Development is out of character with the surrounding built form and surrounding streetscene in general, which would be out of context with surrounding buildings
- Loss of parking. To introduce an access to two new dwellings of a substantial size (two bungalows, which consist of nine rooms each including three bedroomed dwellings, with minimal gardens) is unacceptable;
- The proposed bungalows have substandard gardens for a development of the nature proposed;
- Development would be contrary to policies BNE2 and H9 of the Medway Local Plan 2003;
- Road capacity, visibility, car parking, traffic generation and highways safety are all of concern, especially during peak times when there are serious visibility issues and safety concerns. Parking congestion makes it difficult to egress from driveways making such manoeuvres and the creation of a purpose built access to this development would worsen and already dangerous situation, compromising highway safety;
- Drainage concerns - The current dwelling on the application site and adjoining dwellings are all linked in terms of drainage via a 4mm drainage pipe, which already causes overload and backup issues. If the proposed development is to be connected to this existing pipework it will cause a strain on the system and additional issues, which would exacerbate the existing problem.

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 2012 and are considered to conform.

Planning Appraisal

Principles of Development

Paragraph 111 of the NPPF and Medway Local Plan Policy H4 are supportive of the sequential approach to promoting development in the urban area, before other sites, providing that a clear improvement in the local environment will result. The application site is within the heart of the urban area of Rainham.

The application represents a form of 'backland' development to which Policy H9 of the Local Plan Policy 2003 applies. Policy H9 states that backland development will be permitted only when:

- 1) There is no loss of privacy from overlooking houses and/or their back gardens; and
- 2) There is acceptable vehicular access;
- 3) There is no significant increase in noise or disturbance to adjacent residents from traffic using the access;
- 4) Existing natural features such as trees, which contribute to the amenity of the area are retained and conserved;

- 5) There is adequate private amenity space for the existing and proposed dwellings; and
- 6) The character and amenity of the area as a whole is maintained.

Overall, it is considered that the site could be developed for residential use in accordance with the criteria set out in Policies H4 and H9 of the Medway Local Plan 2003 subject to further assessment against other material considerations.

Street Scene and Design

Paragraph 56 of the NPPF promotes sustainable development and high quality design. Policies S4, BNE1 and H4 of the Medway Local Plan 2003 seek to achieve high quality and requires development to result in a clear improvement to the local environment and be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The spatial pattern of development within Broadview Avenue is quite uniform in terms of the majority of dwellings on the northern side of the road being two storeys in height with many having been extended. However, the dwellings on the other side of Broadview Avenue are slightly more varied in that those dwellings have two differing styles, one similar to the housing on the northern side of the road, whilst the others, that are placed at differing points within this part of the streetscene, are dwellings of a mansard roof design (i.e. the first floor is provided totally within the roofspace by virtue of the provision of high sided roof, with windows inserted, and the roof then hipping back in a more traditional manner.) In addition to these house styles, Orchard Street, the adjoining street, is predominately bungalows and there are several locations in this streetscape where infill bungalows have been built (i.e 42 Broadview Avenue and numbers 70, 70a, 83 and 85 Orchard Street). Indeed numbers 83 and 85 Orchard Street are only separated from the site by the rear garden of 63 Broadview Avenue. These housing type mixes provide for a spacious and varied pattern of development towards the western side of the development site.

The site comprises an inverted 'L' shaped plot. The layout of the proposed scheme shows the access road leading into the site with the existing two storey dwelling located to the front of the site, adjacent to the access road into the site, with two new three bedroomed bungalows located to the rear of the site, on its north-eastern side. In terms of the number of dwellings proposed for the site, it is considered that the two bungalows proposed would not be excessive and due to the size of the plot and the layout of the development a feeling of space will be maintained. It is not considered that the proposed development would result in an overdevelopment of the site. The layout of the development is considered to be acceptable and the parking arrangements are considered to be appropriate for a development of this nature. The proposed layout ensures the dwellings are positioned to maintain residential amenity for future and existing occupiers of residential dwellings, whilst providing sufficient private amenity space and parking and allowing for landscaping within the publicly accessible areas to ensure hard landscaping and boundary treatments do not dominate.

Soft landscaping, coupled with the use of high quality hard landscaping and boundary treatments will make the publicly accessible area along the drive and to the front of

the dwellings more attractive and inviting and would have a secure feeling.

In relation to the architecture of the dwellings, the design is considered relatively traditional and inoffensive with the properties being bungalows with fully hipped roofs. The design of the dwellings, especially the roof form adds interest and some articulation to the elevations and bringing the design above what would otherwise be standard. However, the detailing related to the use of materials is vague and should planning consent be forthcoming it would be appropriate to imposed conditions requiring details of the external materials for the dwellings, hard and soft landscaping and boundary treatments to be submitted and approved by the Local Planning Authority, prior to the development proceeding beyond the foundation stage of construction. This will ensure the materials proposed to be used in the development are of sufficient quality to result in a good quality public realm with minimal impact to the surroundings of the development site.

With the use of the suggested conditions, it is considered that the proposal would be in accordance with paragraph 56 of the NPPF and Policies S4, BNE1 and H4 of the Medway Local Plan 2003.

Amenity Considerations

Given the layout of development proposed, Policy H9 is of relevance to this proposal. Policy BNE2 of the Medway Local Plan 2003 also seeks to protect residential amenity.

Policy H9 allows for backland development, but only where it meets the criteria listed. The criteria state that there should be no loss of privacy for adjoining houses or their back gardens; an acceptable vehicular access; no significant increase in noise and disturbance to adjacent residents from traffic using the access; existing natural features which contribute to the amenity of the area being retained or conserved; adequate private amenity space for the existing and proposed dwellings being provided; and the character and amenity of the area as a whole being maintained.

Careful consideration has been given to the impact of the proposal on living conditions of the neighbouring properties and this is reflected in the proposed layout. The development plots have been positioned within the development site allowing for a separation distance of in excess of 21 metres between primary elevations of immediately adjoining properties, whilst the flank/side elevation of the closest proposed dwelling to the rear elevations of the dwellings in Orchard Street is in excess of 14.5 metres. As Members will be aware the Kent Design Guide (KDG) formally specified distances of 21 metres between primary facing elevations and 11 metres between a flank/side elevation and a primary elevation, whereas the current version of the KDG states: *"a flexible approach needs to be taken over privacy distances. Minimum distances are not prescribed, but developers must be able to put forward a good case for distances proposed depending on the circumstances."*

Bearing the above in mind, together with the single storey nature of the development, the mild gradient of the site and the nature of boundary treatments that can be provided and secured by condition, this development is considered to be acceptable in terms of the distances proposed between properties in this instance. These

distances are considered to be sufficient to maintain privacy for the occupiers of adjacent properties.

The access to the development plots would run between number 65 and 67 Broadview Avenue. Given the low numbers of vehicles that will be associated with the development, it is considered that there would be no detrimental impact on the residential amenity of the existing adjoining occupiers, as a result of noise and disturbance from vehicles or pedestrians utilising the access road. It is however, recommended that a close boarded fence, of an adequate weight and height, of 2m is erected along the south-western boundary, should planning permission be forthcoming.

In relation to the amenities of the future occupiers, the proposal has been considered against the Government's Technical Housing Standards (GTHS), which are considered to be a material consideration.

The table below shows how the scheme compares with the standards:

Number of bedrooms	GTHS Min gross internal floor area (in sq.m).	Gross internal floor area Proposed (in Sq.m).	GTHS Bedroom (in sq.m).	Proposed Bedroom floorspace (in Sq.m).	GTHS Bedroom (in Sq.m).	Proposed Bedroom floorspace	GTHS - Built in Storage (m2)	Plan - Built in Storage (m2)
3b5p	86	144.9	Single Bedroom 7.5 Double/Twin Bedroom 11.5	B1= 14.05 B2= 11.71 B3= 11.11	Single Bedroom = 7.5 Double/Twin Bedroom = 11.5	B1= 14.05; B2= 11.7; B3= 11.11.	2.5	3.757

The proposed development, including the bedroom sizes, meets the required internal space standards. This being the case, the proposed development is considered to be acceptable in terms of its compliance with the GTHS.

In terms of external amenity space standards, the Council's applies the external amenity space standards in its own 2011 liveability standards. The development complies with these standards in terms of the provision of external private amenity space and no objections are raised to the development in this regard.

Bearing in mind all of the above mentioned factors, the development is considered to have been designed in an appropriate manner that has regard to privacy, daylight, and sunlight. Additionally, it is not considered that the development once completed will result in any unacceptable detriment to the amenities of adjoining occupiers arising as a result of noise, vibration, light, heat, smell or airborne emissions consisting of fumes, smoke, soot, ash, dust and grit. Furthermore the activity levels and traffic generation related to a development of this nature is considered to be appropriate and will not have an adverse impact on residential amenity. With the inclusion of the recommended conditions, the proposal is considered to be in

accordance with Policy BNE2 if the Medway Local Plan 2003.

Highways

Vehicular and pedestrian access to the development site would be gained via an existing dropped kerb in Broadview Avenue. This access is to be widened, to allow vehicular access to the front of 65 Broadview Avenue, with the access being extended into the rear garden to allow pedestrian and vehicular access, as well as off street parking, to the proposed development at the rear of the existing property. The vehicular access is considered acceptable due to the low number of vehicle movements generated by the development. The width of the access is considered acceptable for what will be a lightly trafficked access.

The parking on site requires a minimum of 4 spaces, plus two spaces for the existing dwelling located on the site frontage. Each dwelling is provided with two parking spaces and this would accord with Medway Council's interim parking standards. Therefore the development is considered to comply with Policies T1, T2 and T13 of the Medway Local Plan 2003.

Biodiversity

The issue of biodiversity has been raised in regard to this development. The applicant has submitted a 'Preliminary Ecological Appraisal', following the issue of ecology being raised with them. The Preliminary Ecological Appraisal has been assessed by the Council's Consultant Ecologists who advise, following a review of the information provided, that they are satisfied there is small potential for protected/notable species to be present.

In terms of reptiles it has been noted that there is a small area (approximately 250sqm) of scattered scrub at the northern end of the garden. However, is considered that this area offers a low amount of sub-optimal habitat for reptiles. Whilst the proposed development will result in the loss of some of this scrub, the methodology for the proposed clearance and relocation of any reptiles found will need to be agreed with the Council prior to any development commencing on site. This is due to the fact that the methodology proposed is not considered to be acceptable, as the applicant is proposing to 'push' the reptiles into adjacent gardens and the applicant has no control over how these gardens will be managed.

As stated above, the site has been assessed as having low potential to contain reptiles (due to the dense scrub) and in the light of this the Council's Consultant Ecologists have confirmed that they are satisfied that there is no requirement for an updated precautionary mitigation strategy to be submitted prior to determination. However they do recommend a new detailed precautionary mitigation strategy, which includes details of a suitable off site receptor site, be submitted pursuant to a condition imposed should planning permission be granted.

In terms of bats, the Council's Consultant Ecologist's have confirmed that they are happy with the conclusions of the ecological report, which states that none of the trees and buildings present on site offered potential for roosting bats and thus no

further survey work is recommended with regards to bats.

However, they have commented that lighting can be detrimental to roosting, foraging and commuting bats and as such they advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design for the works undertaken, the new bungalows built, the new access road and parking. Should Planning Permission be forthcoming an informative will be added to that consent drawing this matter to the applicants attention.

With regard to breeding birds the Council's Consultant Ecologist's have noted that the proposed development will result in the loss of suitable breeding bird habitats from the removal of the scattered trees and scrub. They stress that all nesting birds and their young are legally protected under the Wildlife and Countryside Act and as such all works must be carried out, outside of the bird breeding season (March – August inclusive). Should this not be possible the site must be examined prior to works starting on site by a suitably qualified ecologist with a view to confirming that no breeding birds are present on site. This matter can be suitably controlled by condition should planning consent be forthcoming. The matter of bird migrations is covered further below.

Finally, one of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Some enhancement recommendations are provided in the *Preliminary Ecological Appraisal* report, and consideration should be given to these and tree / shrub/ hedgerow planting (native species to be used only) to compensate for the losses. As such a condition is recommended requiring the details of ecological enhancements to be incorporated into the proposed development.

Subject to the imposition of appropriate conditions, the Council's Consultant Ecologist's have confirmed that no further ecological information is required to be submitted prior to determination of the planning application and that the development is considered to be acceptable in biodiversity terms. In the light of this, the development is considered to be acceptable when assessed against

Trees

There are a number of trees located both within or close to the curtilage of this development site. Of the trees surveyed, ten trees are located within the site and one adjoins the site. In addition to these trees the survey also assesses two groups of trees located within the site. These groups are referred to as G1 and G2. Group G1 is located on the northern and eastern boundaries, whilst group G2 is located on the western boundary immediately south of Group G1.

Group G1 consists of elderberry and hawthorn trees of up to some 5 metres in height, whilst Group G2, is noted as containing 8 plumb trees with a height of up to 6 metres. Both groups of trees are noted as being in a 'fair' physical condition, but the trees themselves have been graded as category 'C' trees, which means that they are of low quality when considered in terms of their remaining usefulness in regard to their contribution to the surrounding landscape. The arboricultural report noted that both of these groups of trees are being suppressed by ivy and have between 10 and 20

years remaining.

In terms of the individually assessed trees, of the ten trees within the site, these are: Common/Black Elder Trees (two trees); Leyland Cypress Trees (two trees); Prenus Tree (one trees); Italian Cypress Tree (one tree); Staghorn Sumac Trees (three trees); and a Mahonia Tree (one tree). The tree located just outside of the application site, is situated within the rear garden of number 63 Broadview Avenue and is a Common/Black Elder Tree. Of these individual trees within the application site two are dead or in decline and are categorised as 'U' grade trees, whilst the remaining nine are all categorised as 'C' grade trees (i.e. of low quality when considered in terms of their remaining usefulness in regard to their contribution to the surrounding arboricultural/landscape quality.) The arboricultural report noted these trees as have between 10 and 20 years remaining.

Bearing in mind the submitted Arboricultural Assessment none of the trees within the curtilage of the site are considered to be worthy of retention, as they are of low quality in terms of their remaining usefulness making limited contribution to the surrounding arboricultural/landscape quality of the area. This being the case, the development is considered to be acceptable when assessed against policy BNE 43 of the adopted Local Plan and no objection to their loss is raised.

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 (excluding legal and monitoring officers costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. 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, either as new builds or conversions (which includes HMOs and student accommodation), 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 applicants have agreed to pay this tariff and are in the process of submitting a legal agreement in the form of a unilateral undertaking/Section 106 agreement. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

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 have been calculated based on the quantum and location of the development and in accordance with Natural England guidance in relation to the impact of the development on the North Kent Marshes SPA/Ramsar Sites, from recreational disturbance arising from the development, on the over-wintering bird interest.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Recommendation

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, highway safety and parking. The proposal is considered to accord with the provisions of NPPF and Policies S4, S6, H4, H9, BNE1, BNE2, BNE35, BNE43, T1, T2 and T13 of the Medway Local Plan 2003 and is recommended for approval subject to the recommended conditions.

The application would normally be determined under delegated powers but is being reported to Committee due to the number of objections received from Local residents.

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/>