

MC/16/2577

Date Received: 14 June, 2016

Location: Land Adjacent To 506 Lower Rainham Road, Rainham, Gillingham, ME8 7TN

Proposal: Outline application for the construction of 3 terraced dwellings with associated parking with all matters reserved for future consideration

Applicant: Mrs Patricia Burley

Ward Rainham North

Case Officer Thomas Stubbs

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 5 July 2017.

Recommendation - Approval subject to;

A. The applicant entering into a Section 106 Agreement to secure the following:

1. A contribution of £670.74 for Designated Habitats Mitigation

B. The following conditions:

- 1 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Site location plan received on 18 July 2016.

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

- 5 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs, including ecological enhancements both included within the submitted ecological survey and suggested within the response from KCC ecology dated 18 May 2017, scheme of lighting design strategy for biodiversity to prevent impact on areas sensitive for bats and their breeding sites and resting places. The scheme shall include a date for the completion of any new planting and boundary treatment.

The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority and 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 Policies BNE1, BNE6 and BNE37 of the Medway Local Plan 2003.

- 6 No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to potential items of archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be

carried out within Schedule 2, Part 1, Classes A, B, C, E and F 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 impact on the countryside, conservation area and ALLI, in accordance with Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

- 8 There shall be no windows within the north west facing elevation above ground level unless they are fitted with obscure glass and apart from any top hung light, that has a cill height of no less than 1.7 metres above the internal finished floor level of the room it serves, shall be non opening.

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

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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.

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

Proposal

This application seeks outline planning permission for the construction of 3 three bed terraced dwellings with associated parking with all matters reserved for future consideration.

All matters are reserved but an illustrative plan has been submitted showing 3 three bed terraced dwellings of a gable roof design, with associated access, turning area, parking spaces including a covered parking area.

Site Area/Density

Site Area: 0.073 hectares (0.181 acres)

Site Density: 40.888 dph (16.547 dpa)

Relevant Planning History

GL/77/28A	Outline application - residential development. Decision Refusal Decided 04/05/1978
GL/77/28	Outline Application - Detached bungalow and garage. Decision Refusal Decided 01/06/1977

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Natural England, KCC Archaeology and KCC Ecology have also been consulted.

Eight letters of objection from **five different** addresses have been received raising the following objections:

- Impact of development on an already congested road and highway safety concerns.
- Terraced properties not in keeping with the building line and character of the conservation area.

It should be noted that comments regarding the layout, design and appearance of the terraced properties are on the illustrative plans submitted, this application is an outline application and scale, means of access, layout, landscaping and appearance are reserved matters.

KCC Archaeology have indicated that the application site lies in an area of archaeological potential due to its position close to the River Medway where a number of past archaeological discoveries have been recorded within the area. A condition for a programme of archaeological works prior to commencement would be required.

KCC Ecology have indicated the proposed development has the potential to result in ecological impacts and requested an Ecological Scoping Survey, which was later submitted with a reptile report. The survey is satisfactory and the enhancements within it should be included within any landscaping condition plus additional suggestions. The site has potential to support breeding birds and mammals (hedgehogs) subsequent informative's are requested with regard to works carried out outside bird breeding seasons, additional nesting opportunities, lighting scheme to adhere to Bat Conservation Trust guidance for roosting, foraging and commuting bats, hand searched for sheltering mammals prior to disturbance and excavations not being left open. No mitigation is required regarding reptiles.

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

Principle

The application site is located outside of any defined urban area as designated by the Local Plan and therefore is in a countryside location within the Gillingham Riverside Area of Local Landscape Importance (ALLI) and Lower Rainham Conservation Area. Although outside the urban boundary the application site is immediately to the southeast of the rural settlement of Lower Rainham as defined by Policy H11 of the Local Plan.

Policy BNE25 of the Local Plan will permit development in countryside locations where it will enhance the character of the area and is allocated for that use or redevelopment or re-use of existing buildings. Policy BNE34 of the Local Plan will only permit development if it does not materially harm the landscape character of the area or the economic and social benefits are so important they outweigh the locally priority to conserve the area. Any development should therefore be designed and landscaped to minimise the harm to the area. Policy BNE14 of the Local Plan seeks to achieve a high quality of design which will preserve or enhance the area's historic or architectural character. Consideration to the scale, height, mass, roof space, materials, detailing fenestration, plot width and depth of the development should be sympathetic with existing buildings and their settings, while features contributing to the character of the area should be retained or reinstated. Policy 137 of the NPPF encourages local planning authorities to treat new development favourably that preserve the elements of the setting and make a positive contribution to conservation areas.

As a result of the Council's current shortfall in the housing land supply, paragraphs 14 and 49 of the NPPF apply. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development in accordance with the definition of sustainable development as outlined in the NPPF.

Sustainability

The application site would not meet the requirements of Policy BNE25 of the Local Plan, however, this policy is not wholly consistent with paragraph 49 of the NPPF and therefore has to be accorded reduced weight however whilst it is unlikely to, in its own right, warrant refusal of the application based solely on the fact that the site is within the countryside, it can be considered regarding its impact on the character, amenity and functionality of the countryside and, in this respect links, to Medway Council's adopted Medway Landscape Character Assessment 2011.

In considering whether the proposal is sustainable development as set out within the NPPF, paragraphs 7 and 8 refer to sustainable development having an economic, a social and an environmental role. This means that weight has to be given to the benefits of the supply of housing; both social benefits in meeting housing needs and economic benefits in terms of providing jobs and boosting the local economy during construction phase and providing an increased workforce that enables continued

economic growth in the longer term against impacts the character, amenity and functionality of the countryside and character of the area.

The application site has been considered under the Strategic Land Availability Assessment (SLAA) as part of a larger site which includes the adjacent parcel of land to the south east reference 0797 under the Local Plan process. The initial analysis of this site led to it being considered unsuitable for development due to the impacts on the landscape, facilities, service accessibility, agricultural land and poor public transport connectivity. The assessment for this application site has to be considered under its own merits. In this particular case the application site is of a smaller area and with the access track separating it from the abovementioned wider site, it does not 'encroach' into the countryside in the same way as the wider site considered by the SLAA process.

Medway Council's adopted Medway Landscape Character Assessment 2011 indicates that Lower Rainham Farmland is characterised by flat, small to medium scale mixed farmland, with a gradual trend towards suburbanisation in some local areas and well managed shelterbelts, cottages and distinctive rural hedge banks, being tranquil in parts with grade 1 agricultural land. Guidelines set out in the document seek to resist further built development and to restore neglected and abandoned fields to appropriate and sensitive rural uses. The proposal is for a terrace of three properties which would be located on grade 1 agricultural land immediately adjacent to existing residential development which is to the northeast and opposite the car park of the Three Mariners Pubs for which there is planning permission for residential development.

Although the site is classed as grade 1 agricultural land, the applicant has provided further information to demonstrate that the land it has not been used for any agricultural benefit since 1974 when it was previously used for grazing a pony and a donkey and therefore could be considered to poorer quality to the surrounding agricultural land. Its neglected use could possibly due to the site being physically separated from the countryside and agricultural field by an existing track to the southeast.

Taking account of the above, it is considered that the proposal would therefore read as a small extension to the existing settlement, sited within a parcel of land that provides a natural break to the wider countryside and therefore whilst the Medway Landscape Character Assessment seeks to resist further development, the proposal would be at a location and of a scale that would not appear isolated and would meet the requirements of the NPPF in terms of providing housing numbers without detriment to the character and appearance of the countryside in accordance with paragraph 55 of the NPPF. No objection is therefore raised with regard to the principle of development.

Design

Special attention needs to be paid to the impact on the character and appearance of the Lower Rainham Conservation Area, Countryside and the ALLI as indicated above.

The application site is a small overgrown plot and is visible from both Lower Rainham

Road and the surrounding countryside to the south. The street scene of this section of Lower Rainham Road is a mixed design with bungalows, chalet bungalows and two storey detached dwelling houses including terraces and varying building lines as well as a pub and restaurant. The illustrative plan supports that a terrace of three properties could be provided within the application site. However the design shows an excessive amount of tarmac forming the turning space and covered parking area. Any future design should seek to substantially reduce the amount of hardstanding as what is currently shown is dominate and unsuitable, providing a suburban appearance in a rural location. As this outline planning application with all reserved matters this would not lead to a refusal of the application. A development on the opposite side of the road, albeit covered within the village boundary as set out under Policy H11 of the Local Plan, has recently been approved for cottage style dwellings with traditional Sussex fencing.

A high quality design of terrace with appropriate boundary treatment (most likely native hedgerow in this instance) and landscaping along with less hardstanding for parking would be more appropriate and could be achieved on the site. Consequently no objection is raised under Policies BNE1, BNE14, BNE25 and BNE34 of the Local Plan and paragraphs 47, 55, 56, 112 and 137 of the NPPF subject to a condition requiring the removal of Permitted Development rights as alterations to the properties and development within the curtilage of the properties, such as additional hardstanding and outbuildings could be detrimental to the sensitive setting of the application site.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself.

Neighbouring Residential Amenity

The illustrative plan demonstrated that a terrace of three properties can be provided on the application site without a detrimental impact on neighbouring amenities of outlook, sunlight and daylight by virtue of the orientation of the site, path of the sun and relationship of habitable room windows with neighbouring properties. A condition would be required to ensure any windows at first floor on the northwest elevation would be required to be obscure glazed. Subject to this condition no objection would be raised.

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed terraced properties as shown on the illustrative drawings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The Gross Internal Floor Area is approx. 84sqm which would be of an acceptable size for a three bed four person dwelling, however the internal layout provided would not meet the requirement of room sizes and widths as set out in the national standard and this is recognised within the covering letter. This would need to be addressed as part of the design of the houses which would be considered at

reserved matters stage. The other issue to consider is garden depth, the Medway Housing Standards (interim) November 2011 (MHDS) states a garden should be a minimum 10m and 7m deep were constraints exist. The illustrative plan shows adequate garden depth can be achieved. No objection is raised subject to the layout of any future scheme meeting the national standards at reserved matters stage.

Consequently no objection under Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

Highways

Responses from the neighbour consultation process has raised concerns regarding highway safety. However, due to the low number of movements associated by three dwellinghouses with access from Lower Rainham, it is not considered to result in any highway safety issues. Any application at reserve matters stage would need to ensure that the access has adequate vision splays and pedestrian access. Medway Council's Interim Residential Parking Standards require the provision of a minimum of two spaces for a three bed property, making a requirement of a minimum of six spaces for the proposed development. The illustrative plan shows that an area of six parking spaces and access from the Lower Rainham Road can be achieved. However, as indicated earlier in the report the plans would need to be in revised to address the issue of the dominance of the hardstanding area. No objection is raised under Policies T1 and T13 of the Local Plan.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. A Desk Top Study undertaken by The Brownfield Consultancy ref BC254 RE001 dated 10 July 2016 has been submitted. The report recommends that there have not been any historical sources of contamination related to the site. The report is considered to be satisfactory and subject to a watching brief condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 109 and 121 of the NPPF.

Ecology

An Ecological Scoping Report undertaken by Kent Wildlife Trust and a Reptile Survey Report undertaken by K B Ecology have been submitted with this outline application. The reports are sufficient to indicate that there is limited potential for protected/notable species to be present on site but there is a possibility to support breeding birds and mammals (hedgehogs). The report also confirms that none of the trees present on site offers potential for roosting bats. The Reptile Survey Report showed that no reptiles were found on the site and no mitigation is required. If the application were to be approved it is recommended that informatives be applied to ensure a suitable precautionary approach to site clearance and excavations where mammals can be sheltering and nesting birds. Conditions should be imposed regarding the control of lighting to avoid impacting on any foraging bats and details of ecological enhancements proposed (to reflect both recommended within the Ecological Scoping

Report and suggested within KCC Ecology representation). Subject to these conditions no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 118 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless archaeological field evaluation has been arranged to be carried out by an approved archaeological body in advance of development. The application site lies in an area of archaeological potential associated with its proximity to the River Medway where a number of discoveries have been recorded including a number of Romano-British pottery vessels, fifth century AD gold Merovingian coin and flint tools including twelve Palaeolithic hand axes. If the application were considered for approval a condition for a programme of archaeological works would be required prior commencement. Subject to such conditions, no objection is raised to the proposal under Policy BNE21 of the Local Plan and paragraph 129 of the NPPF.

Flood risk

Environment Agency mapping indicates the site is within a flood 1 zone and as a consequence there is a low risk of flooding having with a less than 1 in 1,000 annual probability of river or sea flooding. No flood risk assessment is therefore required and development is considered to be acceptable in this location in regards to flood risk.

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 officer's 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 unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The application site is outside the current village boundary identified in the Local Plan. However as discussed in detail above, this is not sufficient reason enough to warrant refusal. In considering the aspects of sustainability, the principle of development is considered acceptable and supported by the NPPF subject to the final design at reserved matters being sympathetic to its setting within the countryside, ALLI and conservation area. The proposed development is therefore considered to be in accordance with paragraphs 14, 17, 47, 49, 55, 56, 109, 112, 118, 121, 129 and 137 of the NPPF 2012 and Policies S6, BNE1, BNE2, BNE14, BNE21, BNE23, BNE25, BNE34, BNE35, BNE37, T1 and T13 of the Local Plan. The application is therefore recommended for approval.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the number of representations received contrary to the recommendation.

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/>