

MC/17/3687

Date Received: 25 October, 2017

Location: Berengrave Nursery, Berengrave Lane, Rainham,
GillinghamME8 7NL

Proposal: Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for demolition of existing structures and construction of up to 121 residential dwellings including new vehicle access, internal roads, car parking, open spaces, sustainable urban drainage systems, earthwork's and associated landscaping and infrastructure

Applicant: Gleeson Strategic Land Ltd

Agent: Mr J Moat Barton Willmore The Observatory Southfleet Road
Ebbsfleet Dartford DA10 0DF

Ward Rainham North

Case Officer Majid Harouni

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 14 February 2018.

Recommendation – Approval Subject to;

A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions:

- i) 25% Affordable Housing on site: equating to 30 dwellings. To comprise 18 units (60%) rented and (12Units) 40% shared ownership.
- ii) Nursery School Riverside Primary School and/or St Thomas of Canterbury Expansion £91,769.60
- iii) Primary School Riverside Primary School and/or St Thomas of Canterbury Expansion £226,886.40
- iv) Secondary School Rainham Mark Grammar School £229,034.00

v)	Sixth Form Rainham Mark Grammar School	£60,876.40
vi)	NHS (Thames Ave Surgery)	£56,621.95
vii)	Green space	£99,322.08
viii)	Public Right of Way - improvement GB5 and GB6	£ 6,230.00
ix)	Youth Provision	£7,070.00
x)	Waste and recycling	£13,989.60
xi)	Birds Disturbance Mitigation	£27, 053.18
xii)	Great Lines Heritage Park	£15,119.00
xiii)	To improve sustainable transport infrastructure	£45,000.00
xiv)	To provide off site ecological improvements	£105,000.00
xv)	The development shall provide a Green Infrastructure comprise LEAP play area with a minimum ground area of at least 400m2 and green amenity area of no less than1.4 hectares.	
	Total contributions	£983,972.21

B. To impose the following conditions:-

- 1 Approval of the details of the layout, scale and appearance of the buildings 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 3 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 12 months 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 plan:

1241.01, 1241.02A, ITB2519 Rev D received on 25/10/17, 27/11/17 and 22/12/17.

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

- 5 The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 121.

Reason: To define the planning permission and for the avoidance of doubt.

- 6 No development above ground floor slab level of any part of the development hereby approved shall commence until schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and guttering of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 Local Plan.

- 7 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation having regard to the site clearance and translocation of identified reptiles on site. Details shall include the following:

- i. Proposed finished levels of contours of the land, means of enclosure (should be consistent with boundary treatment proposals); car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic features and proposals for restoration where relevant.
- ii. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.
- iii. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season

- following occupation of the houses or completion of the development, whichever is the earlier.
- iv. Details of lighting design to include requirement with regard to the recommendation about bats protection, location and specification including spillage and intensity
 - v. Detailed design for sustainable drainage systems

The programme for the implementation of landscaping scheme shall include details of strategic planting and open space provision that will be delivered prior to the occupation of the 50th dwelling. These details shall have regard to the Construction Environmental Management Plan required under condition 17 to ensure that these early landscaping works are not undertaken abortively.

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

- 8 No development shall commence until details have been submitted to, and approved in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

- 9 No development shall commence until a scheme for the protection of the trees, hedges and green infrastructure shown on parameter plan 1241.02A to be retained on site and along the full length of the boundary with the Bloors Lane Community Woodland has been submitted to and approved in writing by the local planning authority. All trees and hedgerows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with Policy BNE 43 and NPPF.

- 10 Any tree and/or shrub planted pursuant to condition 7 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and green infrastructure, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. 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.

- 12 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the Council's Approved Interim Parking Standards. None of the buildings shall be occupied until the area for garaging or parking to serve that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and to accord with Policies T1 and T13 of the Medway Local Plan 2003.

- 13 No development shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards. No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of The Medway Local Plan 2003.

- 14 Prior to the first occupation of each individual building of the development hereby permitted details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building shall be

occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference SA – 4968 rev 1 dated 09/10/17, shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016), and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the Air Quality Assessment, reference 7584 AQ Final v3, dated 18 January 2018. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Assessment.

The Mitigation Statement shall include full details of the following standard air quality mitigation measures:

- All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh;
- Parking spaces to be provided with electric vehicle charging points at the following rates:
 - 1 electric vehicle charging point per dwelling with dedicated parking
 - 1 electric vehicle charging point per 10 unallocated parking spaces
- Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction

The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Local Plan.

- 17 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 at 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: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

- 18 If, during development (including the demolition works), contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

- 19 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved specification.

Reason: To ensure that features of archaeological interest are properly examined and recorded

- 20 No development above foundation level shall take place until a detailed design for highways improvements to Berengrave Lane as shown on drawings ITB12519 Rev D have been submitted to and approved in writing by the Local Planning Authority. A timetable for the provision of the improvements shall be submitted and approved in writing and thereafter the improvements shall be constructed in accordance with the approved details and timetable.

Reason: To provide an attractive and safe means of pedestrian access in accordance with Policy T3 of the Medway Local Plan 2003.

- 21 Prior to first occupation of any of the dwellings hereby permitted, visibility splays at the junctions of the application site with Berengrave Lane shall have been provided in accordance with the details shown on drawing ITB12519 Revision D. Once provided, the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety and in compliance with Policy T2 of Local Plan.

- 22 No development shall take place until a scheme showing details for 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 (if applicable):

- 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.

Reason: To manage surface water during and post construction and for the lifetime of the development.

- 23 Any application for the approval of reserved matters in relation to layout and landscaping shall include: a tree survey; a tree retention/removal plan (with root protection area, the proposed layout, level changes and alignment of utility apparatus shown); an arboricultural impact assessment, a tree protection plan; arboricultural method statements designed to protect and safeguard trees identified for retention; a schedule of works to retained trees; and an arboricultural site monitoring schedule. All of these details shall accord with the British Standards 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' (or any such subsequent revision). The details shall follow the landscape and open space design required by condition 7. The relevant development shall be implemented in accordance with the approved details.

Reason: To ensure the wellbeing of the trees and hedges to be retained and continuity of tree cover, and maintaining and enhancing the quality and character of the area

- 24 No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/

compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/compensation measures.

Reason: In the interests of wildlife habitats and in compliance with Policy BNE37 of the Local Plan.

25 Prior to any works starting on site a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must provide the following information:

- a) Translocation methodology in accordance with good practice guidelines
- b) Map with location of the proposed receptor sites with preferred option and specific details of size, land owner, connectivity to further habitats, explanation of why this is a sufficient carrying capacity habitat for the present reptile that will be translocated to it, take into account any anticipated impact from recreational activities from residents, secured long-term through a management regime and be free from future development
- c) Reptile surveys of the chosen receptor site (to start now and to be updated next spring)
- d) Details of ecological enhancements to increase carrying capacity of the receptor site and location on a map. The receptor site must be prepared and managed appropriately prior to any translocation, and thereafter retained.
- e) Map with detailed boundaries location of the construction works to start prior to reptile translocation exercise, including detailed location where the reptile exclusion fencing and Heras fencing will be set up to protect reptiles present on site
- f) A detailed precautionary approach with a watching brief from the ecologist if part of the hedgerow in the middle of the field in the west part of the application site has to be lost to allow large engine to work on site
- g) Timetable of the whole mitigation strategy including the proposed construction work phases, the reptile surveys, the translocation exercise and the monitoring of the reptile population

All works must be carried out in accordance with the approved mitigation strategy and any mitigation measures shall be retained throughout the life of the development site.

The map with the detailed boundaries location of the construction works to start prior to reptile translocation exercise will be included in the Construction Environmental Management Plan and a tool box talk will be undertaken to contractors involved in the construction works.

Construction works on site may commence prior to the reptile translocation exercise only in the delimited boundaries area where reptiles have not been recorded (centre of the fields) in accordance with the approved mitigation strategy.

Reason: In the interests or protection of wildlife and protected species and in compliance with Policies BNE37 and BNE39 of the Local Plan.

26 No development shall commence until details of ecological mitigation have been submitted and approved in writing by the Local Planning Authority. The details to be submitted pursuant to the requirements of this condition shall include details of:

- i. Provision of bat boxes within new buildings and/or on retained trees;
- ii. Provision of bird boxes on new buildings and/or on retained trees;
- iii. Provision of log piles;
- iv. Native species within the landscape planting specification;
- v. Landscape planting that provides food and replacement nesting opportunities for birds;
- vi. Surface water infiltration basin that provides opportunities for wildlife in addition to any SuDS function.

The development shall not be occupied until the ecological mitigation has been provided in accordance the approved details.

Reason: To protect and enhance the natural environment in accordance with section 11 of the National Planning policy Framework

27 Prior to the commencement of development (and vegetation clearance), the full bat mitigation strategy, as detailed in the Bat Activity Survey October 2017, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained.

Reason: In the interests or protected species and in compliance with Policy BNE39 of the Local Plan.

28 Prior to the installation of a LEAP children play area, details of play equipment and a scheme of maintenance in perpetuity shall be submitted to and approved in writing by the Local Planning Authority. The details should include the arrangements for its implementation. The children play area shall be laid out, surfaced, fenced, landscaped and completed with items of play equipment installed in accordance with the approved details and satisfaction of the Local Planning Authority prior to the occupation of the 50th dwelling house. The respective play area shall be maintained in accordance with the approved details thereafter.

Reason: To ensure that adequate provision is made for children's recreation in the interests of the occupiers of the new houses and to comply with Policy L4 of the Local Plan.

29 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended no development within Schedule 2, Part 1, Classes A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

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.

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 a development of up to 121 dwelling (including 30 affordable dwellings), vehicular access, landscaping, open space and children's play space, surface water attenuation and ancillary works. The application is submitted in outline form with all matters apart from the means of access are reserved for consideration as part of a later application.

The application is accompanied by a 'parameters plan' which shows the development site's sole vehicular access onto Berengrave Lane. The parameters plan shows the proposed dwellings would be enclosed by substantial amenity areas to the north and south and landscaping along the other boundaries of the site and within the central east west avenue.

It is anticipated that the public open space (POS) within the site would be at least 1.4 hectares in area and would comprise parks and gardens, children's play space, amenity green space, natural/semi-natural green, badger's protected area and birds foraging area.

The surface drainage scheme for this development would include the provision of a balancing pond along the northwest corner of the site and western boundary.

The Design and Access Statement (D&A) indicates that the scheme would be low density two storey heights houses along the boundaries (outer edge of the site), two and two and half storey houses on the inner area and 3 storey flat blocks towards the central part of the site.

The density of the development if developed out to its maximum capacity of 121 dwellings would be just under 21 dwellings per hectare (dph).

The transport assessment accompanying the application has identified the need to under take off site highway works involving provision for two pedestrian crossings to the north and south of the new access point across Berengrave Lane. The proposed indicative plan and transport assessment report also indicate that 262 car parking spaces including 30 visitors would be provided.

Site Area/Density

Site Area: 5.83hectares (14.40 acres)

Site Density: 20.75 dph (8.4 dpa)

Relevant Planning History

MC/17/3223	Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for an outline application for the construction of up to 140 residential dwellings with associated infrastructure, groundworks, demolition, open space and landscaping with all matters reserved except for access Decision EIA not required Decided 3 October, 2017
MC/06/1106	Siting of 2 containers to be used as store and rest room and extension to scaffold yard area Decision Refusal Decided 5 October, 2006
MC/06/0234	Erection of 2 containers to be used as a store and as a rest room Decision Withdrawn 7 June, 2006
MC/05/2471	Proposed increase in height of telecommunications mast by 3 metres and re-location of antennae. Decision Approval with Conditions Decided 23 February, 2006
MC/00/0678	Part Change of use of Berengrave Nursery to fencing contractors, together with the erection of a workshop and site office Decision Refusal Decided 17/10/2000 Appeal Dismissed Decided 03/05/2001
GL/54/136C	8 detached dwellings. Decision Refusal Decided 13/01/1983 Appeal Decided 14/09/1983
HIS/98/72548	Application for prior approval under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 for the erection of 15m radio tower and equipment cabin Decision Application not Required. Decided 2 April 1996

Representations

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

219 letters have been received making the following representations:

- The transport report has not considered cumulative disruption that will be

caused to the lower Rainham Road due to this proposal and the other approved development schemes in the area.

- One access to the site serving 121 dwelling and the proposed development will have a considerable impact on traffic on Berengrave Lane.
- The local resident's perceived current congestion is based on real-life experience and real time spent in traffic either at the one way traffic point under the bridge on Berengrave Lane or exiting Birling Ave on the A2. The proposal does not make any improvement to the current road network.
- Impact on local schools, sewerage and waterworks, as they are already overstarched and struggling to meet demands of an ever-increasing population.
- Impact on local GP facilities and Medway Maritime Hospital.
- Impact on the local rail facilities for commuters. This facility is currently overstarched at peak times and often standing room only.
- Loss of woodland and open space.
- Possible damage to archaeology potential of the site.
- The development is not in keeping with Berengrave Lane.
- Additional traffic will add to noise and pollution from cars.
- Impact on the local wildlife and ecology.

Highway England offers no objection

Kent Police has no objection and ask for and informative to be added to a permission to draw the applicant's attention to the Kent Design Initiative (KDI), which will also assist them with Crime Prevention and Community Safety and would welcome a meeting with the applicant/agent to discuss Crime Prevention in more details.

Southern Water advise that they can provide foul sewage disposal to service the proposed development.

KCC Archaeology advise that the application site is located within an area of archaeological potential and the proposed development may affect remains of archaeological interest and accordingly recommend an appropriate condition.

KCC Ecology advise that the mitigation measures proposed for identified reptiles on site involving their translocation to the northwest corner of the site is acceptable.

Also, there is no objection to the proposed mitigation measures to deal with badgers found on site.

The proposal would result in loss of trees, habitat for wild life on site and increase in footfall on the adjoining community wood land and nearby Berengrave Nature Reserve Local. The proposal should contribute toward offsetting the tree and habitat Loss of site.

Ensuring that the LNR has adequate boardwalks would be important in ensuring that visitors are not making their own routes around the reserve and thus damaging the ground flora and disturbing wildlife. Managing public access is a key aspect in maintaining the ecological interest of a woodland and other ecological areas. We consider that these measures along with the additionally proposed woodland

management would lead to an improvement of the current LNR and provide adequate compensation for the loss of broadleaf woodland within the development site. We can confirm that if these compensation measures were implemented, we would not have any objection to the proposals and we can confirm that we would be satisfied with the on-site mitigation measures as outlined within the submitted ecological reports.

We recommend approval subject to planning conditions involving the creation of log piles for reptiles, bat and bird boxes to provide opportunities for ecological enhancement on site.

We also seek developer contribution of £105,000.00 to support offsetting the ecological loss by the creation of new habitat and tree planting in the nearby community woodland and Berengrave Nature Reserve.

The contribution will aim to deliver the followings:-

- Diversify the structure of the Berengrave Local Nature Reserve by the establishment of woodland glades of 30x30 meters area to enhance wildlife habitat.
- The development of 10 meter wide rides along the network of access routes. This will improve the perception of safety as well as created a more diversified woodland structure. Both actions are complementary to the site's management plan. The estimated length of ride creation is 400 meters.
- Towards reinforcing the Berengrave Local Nature Reserve's current access infrastructure.

NHS has requested developer contribution of £56,621.95 towards Thames Avenue surgery. This is to improve the service to accommodate the potential new additional cohort of patients depending on patient needs.

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

Background

The site is situated on the west side of Berengrave Land where countryside meets urban edge and residential dwellings.

The front section of the site has been occupied by a number of the businesses including a shed, stables and outbuilding display area, office building and greenhouse.

The site is enclosed from the south by a raised railway line, Community woodland to the west, public right of way GB5 and GB6 to the north and countryside and two-storey houses on the east side of Berengrave Lane.

Properties in Berengrave Land comprise a mix of bungalows, chalets and

semi-detached two-storey houses. Most properties in Berengrave Land have off road parking.

Principle

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Bearing this in mind, the relevant starting point would be the consideration of the general principles of the development when assessed against the Government's National Planning Policy Framework (The Framework), The Government's National Planning Practice Guidance Notes (NPPG) and the relevant saved policies of the Medway Local Plan 2003.

The Framework specifies that "the purpose of the planning system is to contribute to the achievement of sustainable development" and goes on to define what this constitutes in paragraphs 6 & 7. The policies in paragraphs 18 – 219 set out the Government's view of how it should be achieved. A presumption in favour of sustainable development is described as a "golden thread" running through the planning process.

The 2016/17 Authority Monitoring Report (AMR), published in December 2017, sets out the five-year housing land supply position in Medway up to 31 March 2017. The Council currently is not able to demonstrate a five years supply of deliverable residential land, as required by paragraph 47 of the NPPF. It has also been proven at recent appeals that the Council should apply a 20% buffer due to a lack of supply in order to catch-up with demand as stated by Government policy. As a result of the shortfall in the housing land supply, paragraphs 49 and 14 of the NPPF apply, and relevant policies for the supply of housing should be considered as not up to date. Nevertheless, the remaining development plan policies also need to be consistent with the NPPF as a whole.

Paragraph 49 of the NPPF states: '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*' Therefore relevant policies fall away and decisions are made in accordance with the definition of sustainable development as outlined in the NPPF.

In the light of the above, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is thereby engaged. The failure to demonstrate a five year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

Sustainability is defined in paragraph 7 of the NPPF and has three dimensions: environmental, social and economic. Any assessment needs to encompass all of the dimensions as they are 'mutually dependent' as per paragraph 8 of the NPPF.

It is therefore considered that having regard to the Council's position with regard to lack of 5 years deliverable housing land supply, the construction of 121 dwellings would help to contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply and help to provide much needed 30 affordable units. This would represent a strong material social consideration in favour of the development. The economic case is based on the construction jobs that would relate and to the additional local spend that would result from additional occupiers in the new properties. The environmental element will be considered further below.

In the circumstances of this case, the key planning issues are considered to be design, visual impact and landscaping; density of the development (including whether the site can suitably accommodate 121 dwellings); affordable housing and other contributions; residential amenity; access/highway safety; ecology; flood risk, surface water management, drainage and impact on setting of a listed building.

Layout Design and visual impact

The application is submitted in outline form with all matters reserved except for the means of access. As such the drawings in term of layout that have been submitted are illustrative and designed to show one way a development of 121 dwellings could be accommodated on the site.

A parameter plan together with Design and access statement (Land Use/Access and Movement, Density Plan and Building Height Plan) have been prepared which establishes an envelope within which the future detailed proposal will be brought forward. The parameter plan is intended to be flexible enough to allow the detailed design to be reserved for subsequent approval, whilst defining the key principles of the development in enough detail to allow the likely significant effects on the environment to be assessed. The parameter plan and the D&A statement have been used by the applicant to conclude an option for the development of the site. In addition to the parameter plan an illustrative layout plan with illustrative open space and green infrastructure as also been submitted.

The parameter plan, the D&A statement and illustrative drawing are designed to demonstrate a potential method of developing the site, to enable the Local Planning Authority to have assurance that the site can be developed at the density of development proposed, taking access from the proposed location, whilst ensuring there would be no adverse impact on those matters material to the consideration of the application, including impacts on the local and wider environment.

The Density parameters plan shows a range of densities across the site, ranging from low density along the edges of the site and denser with taller building on the inside of the development. The low density along the edges of the development would be read against the existing residential development to the east and north of the application site.

However, as the quantum of the development and the access arrangement are only matters for formal consideration at this stage, the submission of the additional documentation demonstrating potential layout, scale, density, landscaping, etc. should not fetter a full and proper assessment of these matters at the future reserved

matter stage.

Therefore, whilst the parameter plan and illustrative documentation are a material consideration at this stage, it is not proposed that they are formally approved as part of the current outline planning application, which seeks approval for the number of dwellings and access only.

The development proposes a range of types and sizes of dwelling units (1 and 2-bed flats, 2, 3 and 4-bed houses), including 25% affordable housing. The dwelling houses would be 2 and 2.5 storey and flat block up to 3 storey in height.

The applicant has identified that the affordable dwellings units will be pepper potted throughout the site and be externally indistinguishable from the market units in form and appearance.

The applicant has been informed of the mix of affordable dwelling that would be required and it is expected that the reserved matters application will comply.

Although the appearance of the dwellings is a reserved matter for future determination, the Design and Access Statement submitted suggests predominately a traditional design approach, detailing and a palette of materials based on a selection of local examples. Suggested materials comprise locally sourced bricks, some weatherboarding and render and predominantly plain roof tiles with some slate.

The illustrative open space and green infrastructure plan shows three main areas of open space within the site, these comprise:

- Internally the primary road running east-west shows a wider street with formal large specimen trees.
- An open space (between 15 to 150m wide approx. and 490m long), just under a hectare along the southern boundary of the site adjacent to the railway line. This area is identified for protection and preservation of valued trees, a protected area for badgers, save area for the wildlife identified on site and 400m² LEAP play area.
- A triangular area over half a hectare along the northwest corner of the site between PROW GB5 and GB6 is also identified for suds attenuation provision and translocation/ sanctuary area for slow worms and common lizards identified on site.

In terms of landscaping, the illustrative open space and green infrastructure plan also shows trees and hedge planting buffer along the other boundaries of the application site.

Due to the poor state of the trees along the road frontage, there would be scope for replacement planting having regard to the position of the houses close to the frontage with Berengrave Lane, the building line and the necessary sightlines.

The development as shown in the illustrative plans would result in the creation of an attractive and inviting living environment for the future residents. Also, retention of significant green amenity area along the site's boundaries would help to minimise the

impact of the development from the countryside to the north.

Residential Amenity

Having regard to the distance of nearby residential properties, it is considered that there are no nearby dwellings that would have their outlook or amenities adversely affected by the proposals.

Highways and Access

The issue of access to the site is to be decided at this stage. A Transport Assessment Statement has been submitted with the application. The application site fronts onto Berengrave Lane and the proposed access would be directly from the Berengrave Lane just a few metres south of the existing access to the Nursery. The proposed access will be engineered with a pedestrian footpath linking into the existing footpath on Berengrave Lane with visibility splays towards north and south.

The existing access to the site will be retained for use by the occupiers of the existing dwelling, occupiers of storage buildings and the operator of the telecommunication apparatus.

To encourage less reliance on cars and to link the application site with the rest of Rainham two pedestrian crossings across Berengrave Lane have also been proposed and to improve sustainable transport infrastructure in the vicinity of the site and Rainham Town Centre a series of measures that are outside the application site are proposed and these comprise pedestrian accessibility and safety improvements on Berengrave Lane, bus stop infrastructure improvements and enhancements to cycle parking provision at the Railway Station, and these will be secured through the S106 agreement recommended.

The Public Right Of Way (PROW) GB5 connects to the Bloors Community Woodland (BCW) and runs through the northern part of the application site. The illustrative layout plan indicates connectivity from the application site to BCW via BG5 PROW.

The illustrative housing plan and the D&A submitted show that 262 car parking spaces including 30 visitors would be provided on site. Whilst further details would form part of a future application, the expectation is that parking provision on site would be in accordance with Medway Council's minimum Residential Parking Standards together with cycle parking provision.

Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. The application site is a short walking and cycling distance away from Rainham Railway Station and Town centre. On this basis, the site can be accessed by non-car modes and is considered sustainable in accordance with the National Planning Policy Framework.

It is considered that proposed single vehicular access from Berengrave Lane and associated highway improvements are in accord with Policy T1 of the Local Plan, as such acceptable.

Ecology

The NPPF and the Local Plan seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.

The illustrative layout focuses all the built form away from the southern and northern boundaries of the site with the reliance on the periphery areas to provide a substantial part of the landscaped setting, green buffer and SuDS features.

It has been necessary to take this approach due to the presence of substantial trees, ecological issues as well as the railway line to the south, to minimising long distance views from the north, to provide space for SUDS infrastructure and to accommodate the quantum of development proposed.

The indicative landscape plan shows three ecology and green infrastructure open space areas. The largest of these areas is along the southern boundary of the site adjacent to railway line. This area is identified as an open space, between 15 to 150m wide approx. and 490m long) for protection and preservation of valued trees, protected area for badger, and the wildlife on site and provision of 400m² LEAP play area. The second area is a triangular area over half a hectare along the northwest corner of the site between PROW GB5 and GB6 is also identified for suds attenuation provision and translocation/ sanctuary area for slow worms and common lizards identified on site and finally the third area is the line of formal and informal tree planting area along the primary east/west route through the site together with trees and hedge planting buffer along other boundaries of the application site

The KCC Ecology has confirmed that there is no objection to the development subject to conditions regarding Ecological design Strategy: a Landscape, Ecology Management Plan and a developer contribution for creation of offsite ecological habitat to enhance biodiversity and to improve access to the Local Nature Reserve for the future residents

As part of encouraging biodiversity, KCC ecology also recommends that a condition be imposed requiring that reserved matters to include details with regard to bird and bat boxes and log piles be provided.

It is considered that subject to the above-mentioned conditions and developer contribution the development would be acceptable and in compliance with the Local Plan ecology Policies.

Surface water and foul Water Drainage

The NPPF requires that when determining planning applications, local planning authorities should ensure flood risk is not increased and measures should be taken to reduce the overall level of flood risk resulting from the development and the development should introduce through the layout an appropriate use of Sustainable Urban Drainage (SUDs) to deal with drainage issues.

The site is according to the EA Flood Map for Planning (Rivers and Sea) located outside of the 1 in 1,000 annual probability flood outline and is therefore defined by the NPPF as being situated within Flood Zone 1. However, the proposal would involve the reproofing of the ground to ensure water can be directed along the north-west and south-east boundaries of the site without flooding the proposed development platform.

Ground levels would be retained as existing where the public right of way bisects the northern corner of the site and along the north-east boundary (adjacent to the access road) to ensure that surface water is able to leave the site as per the existing arrangement.

In addition to the above, a piped connection would be provided through the proposed access road to maintain the existing water flow path.

The risk of surface water flooding and the residual risk of flooding from groundwater will be mitigated by raising finished floor levels and creating surface water conveyance features along the north-west and south-east boundaries of the site.

The proposed surface water mitigation is considered acceptable subject to the imposition of an appropriately worded condition requiring a surface water drainage scheme to be submitted.

Noise Impact

The predominant sources of noise which would impact the site is from the railway line along the southern boundary and the traffic noise along the eastern boundary with Berengrave Lane. A noise assessment report has been submitted that concurs with these findings and recommends that dwellings along the east and south-east corner of the site should be designed with a 4mm glass / 16mm air gap / 4mm glass double glazed windows and an acoustic through frame slot vent or similarly approved to all the dwellings in these areas. The remainder of the site can utilise a standard 4mm glass / 16mm air gap / 4mm glass double glazed windows and a standard through frame slot vent to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233: 2014.

The development proposes external living areas and therefore an assessment of the World Health Organisation's 'Guidelines for Community Noise' has been carried out. The results have demonstrated that there are a few gardens, where the level is below the higher guideline criteria of 55 dB. The rest of the development falls below the lower guideline of 50 dB.

The Environmental Protection Officer considered the noise assessment report recommendation would be satisfactory and considered the proposal to be acceptable; it is expected that the development will be designed and delivered in accordance with acoustic recommendations. On this basis, the development will comply with Local Plan policy BNE3 and NPPF paragraph 124. Construction noise can be controlled by condition.

Air quality

Air pollution has a wide-ranging impact on human health and new development can have an adverse impact on air quality through increased transport movements and congestion. The application site is located such that traffic generated by the 121 new dwellings could have a cumulative impact on the highly sensitive Air Quality Management Areas (AQMAs) in and around Rainham. An air quality assessment report is included with the application. Further details were then provided during the application which are now considered satisfactory. On the basis that an air quality management plan will be implemented, details of which will be secured by condition, the development will not generate adverse air quality effects and would comply with Local Plan policy BNE24 and paragraph 124 of the NPPF.

Archaeology

A full archaeological investigation in accordance with a pre-agreed specification can be reasonably secured by condition.

Housing

The application seeks outline planning permission for 121 dwellings. In compliance with the Local Plan Policy H3, the development would need to deliver 25% affordable units, equal to 30 dwellings. Also in compliance with the Council's developers' contribution guide, 60% of the 30 units would need to be for social rent and 40% for shared ownership.

The design and access statement submitted includes an indicative site layout along with the potential location of the affordable units.

Loss of Grade II land

The proposal would result in the development of Grade II (very good quality) agricultural land; however, there is no record that since the early 1960s the land has been used for farm and food production. Furthermore, only a small part of the site is used as a nursery or for other economic activities. Also, the site is relatively small. It is therefore considered that its loss to housing would not have detrimental impact on the local or national agricultural production.

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 have agreed that this be included within the S106 process. 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 to 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:

- i) 25% Affordable Housing on site: equating to 30 dwellings. To comprise 18 units (60%) rented and (12Units) 40% shared ownership.
- ii) Make a financial contribution of £983,972.21 in total to be divided and spent in the following areas:-

- Education and Nursery:

Nursery School Riverside Primary School and/or

St Thomas of Canterbury Expansion £ 91,769.60

Primary School Riverside Primary School and/or

St Thomas of Canterbury Expansion £ 226,886.40

Secondary School Rainham Mark Grammar School £ 229,034.00

Sixth Form Rainham Mark Grammar School £ 60,876.40

- NHS £ 56,621.95

To be spent in Thames Avenue surgery to improve the service to accommodate the potential new additional cohort of patients depending on patient needs.

- Green space £ 99,322.08
- Public Right of Way £ 6, 230.00
Toward improvement of footpath GB5 and GB6
- Youth Provision £ 7, 070.00
- Waste and recycling £ 13, 989.60

To provide household containers for the collection of Recycling – use once bags and 240ltr wheeled brown bins to each property for the collection of food and garden waste.

To provide information for residents regarding services provided including pest control, recycling information.

- Birds Disturbance Mitigation £ 27, 053.18
- Great Lines Heritage Park £ 15,119.00
- To improve sustainable transport infrastructure £ 45,000.00

The vicinity of the site and Rainham Town Centre comprising pedestrian accessibility and safety improvements on Berengrave Lane, bus stop infrastructure improvements and enhancements to cycle parking provision.

- To provide off site ecological improvements £105,000.00

To diversify the structure of the Berengrave Local Nature Reserve by the establishment of woodland glades of 30x30 metres.

The development of 10 meter wide rides along the network of access routes. This will improve the perception of safety as well as created a more diversified woodland structure. Both actions are complementary to the site's management plan. The estimated length of ride creation is 400 metres.

Towards reinforcing the Berengrave Local Nature Reserve's current access infrastructure.

iii The development shall provide a Green Infrastructure comprise LEAP play area with a minimum ground area of at least 400m² and green amenity area of no less than 1.4 hectares.

Conclusion and reason for approval

The development at this site would extend the urban boundary of Rainham further to the west and would infill the space between the urban area and the railway line to the south. The development would provide 121 new dwelling units of which 25% would be affordable housing.

This proposal will deliver a much-needed mix of market and affordable dwellings of different sizes, types and tenure required to meet the needs of a mixed community in a quality an attractive environment and will assist in delivering and enhance infrastructure in the locality. The proposal is considered to be in compliance with Policies S1, S6, BNE1, BNE2, BNE3, BNE6, BNE21, BNE22, BNE24, BNE35, BNE37, BNE39, BNE43, BNE44, BNE48, H3, H10, T1, and paragraphs 7, 8, 14, 47, 49 and 73 of the NPPF.

This application would normally be determined under delegated authority but is being reported to planning committee due to the extent of local interest expressing a view 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/>