

MC/18/3168

Date Received: 31 October 2018

Location: Land At 143 Berengrave Lane Rainham Gillingham Kent

Proposal: Construction of nine residential dwellings comprising 6no 3bedroom houses, 2no 4bedroom houses and one 5bedroom house, with associated access, amenity areas and associated garaging and parking for proposed and existing dwelling - Demolition of the existing garage and outbuildings

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Ward: Rainham North Ward

Case Officer: Majid Harouni

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th April 2019.

Recommendation - Approved Subject to S106

- 1 The development hereby permitted shall be begun before the expiration of 18 months 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 plan:

Drawing numbers PL/474/01 Rev D, PL/474/03 Rev B, PL/474/08 Rev, PL/474/09 Rev B, PL/474/10 Rev B, PL/474/11, PL/474/12, PL/474/13 , PL/474/14, PL/474/15 and EMC-2018-213-04 Rev 02 received on 08 April 2019.

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

- 3 No dwelling and/or building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

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 slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the south eastern flank elevation of the dwelling on plot 1 as shown on drawing number PL 474 01 Rev D.

Reason: To regulate and control any such further development in the interests of amenity and protection of privacy for neighbouring properties, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of any dwelling herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 8-10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

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

- 8 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- Groundwaters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

- 9 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 10 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which shall be submitted to and approved in writing by the Local Planning Authority.

The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be

prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

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.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 13 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

- 14 Prior to the first occupation of any dwelling herein approved, details of electric vehicle rapid charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the electric charging points shall be retained thereafter.

Reason: In the interests of amenity and air quality in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 15 No development including any demolition, shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the construction phase of the development and site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 16 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. A timetable for its implementation, and

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

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

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 163 of the NPPF.

- 17 Prior to occupation, a signed verification report carried out by a qualified drainage engineer (or equivalent) regarding the surface water drainage scheme must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the approved scheme and plans as set out in condition 16.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 163 of the NPPF.

- 18 No development above ground floor slab level of any part of the development hereby approved shall commence until details of the specification of bird boxes on the buildings and their precise locations have been submitted to and approved in writing by the Local Planning Authority. The approved bird boxes shall be erected/installed in accordance with the approved details before individual dwelling houses are occupied and the boxes shall be retained thereafter.

Reason: In order to compensate for the present potential wild life and birds nest sites in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 19 No development above slab level shall take place until details of traffic calming measures on the internal access roads have been submitted to and approved in

writing by the Local Planning Authority. The traffic calming measures shall be implemented in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: In the interests of pedestrian safety and to accord with Policy T12 of the Medway Local Plan 2003.

- 20 The dwelling houses shall not be occupied, until the areas shown on the submitted layout drawing PL/474/01 Rev D as vehicle parking spaces and garaging have been provided, surfaced and drained. Thereafter the parking spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 21 The access shall not be used until the area of land within the vision splays shown on the approved plan PL/474/01 Rev D has been cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

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

- 22 Prior to the first occupation of each individual dwelling hereby approved the bicycle storage arrangements for that dwelling, as shown on drawing PL/474/01/Rev C shall be provided. The cycle storage 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 T4 of the Medway Local Plan 2003.

- 23 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 Classes A, B, C and 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.

- 24 No development above slab level shall take place until a detailed design for highways improvements to Berengrave Lane as shown on drawing EMC-2018-213-04 Rev 02 have been submitted to and approved in writing by the Local Planning Authority. A timetable for the provision of the improvements shall be submitted to and approved in writing and thereafter the improvements shall be constructed in accordance with the approved details and timetable and prior to the occupation of any of the dwellings hereby permitted.

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

- 25 Prior to the first occupation of any dwelling/the development herein approved, full details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed in accordance with the approved details prior to the first occupation of the dwellings herein approved and shall thereafter be retained.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 26 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) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application is for the demolition of the existing green house, polytunnel and other associated buildings and structures, and the erection of 9 houses comprising:

- 2 pairs of semi-detached two storey 3bed houses with associated parking spaces,
- 2 detached two storey 3bed houses with associated car parking spaces,
- 2 detached 4bed houses with attached garaging and parking spaces.
- 1 detached 5bed house with attached double garage and parking spaces

- The proposal makes provision for 25 on site car parking spaces including 3 visitor parking spaces, two car parking spaces for the occupiers of no 143 Berengrave Lane, bicycle storage sheds, refuse storage are in the rear garden of individual dwelling.

The proposal also includes the demolition of a single storey building in the rear garden of no 143 to facilitate the widening of the access drive and off site works involving provision of pedestrian crossing and footway extension in front of 143 Berengrave Lane to connect existing footways.

Site Area/Density

Site Area: 0.37 hectare (.96 acres)
Site Density: 24.32 dph (9 dpa)

Representations

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

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

3 letters have been received raising the following objections:

- Berengrave Lane is narrow and cannot cope with additional traffic;
- Proposal would add to traffic congestion, particularly at junction of Berengrave Lane and Lower Rainham Road;
- Additional pressure on hospitals, doctors, schools, drainage etc.
- Potential noise and disturbance impact on the amenities of the occupier of 145 Berengrave Lane/ the property along the northern side of the access drive due to increase in coming and going of the future residents and their vehicles due to low height of boundary fence.
- Impact of the proposed dwellings close to southern boundary of the application site on the garden and amenities of no 139 Berengrave Lane.
- The nursery is located in the countryside and outside of the boundary of the rural settlement which extends in a linear fashion along the western side of Berengrave Lane.
- The nursery has been very low key with ancillary sales. It mainly operates at the weekend and a few days during the week. It is not open during the winter months. Thus the business does not generate much traffic most of the time. The commercial use ended about 4 years ago.
- Not all the land is occupied by nursery buildings, thus not all the land can be identified as Previously Developed Land.
- The layout represent a high density and cramped form of development out of

character with the spatial context of the site.

- Proposed houses are in small plots with minimal separation distance between them. Smaller number of dwellings on larger plots would be more appropriate in this location.
- Houses are large and bulky with potential room in the roof space,
- The development represents a backland development and is contrary to policy H11 of the Local Plan.
- The proposal would encroach on to and harm Area of Local Landscape Importance.

Responses following re-consultation

The adjoining neighbours were re-consulted with regard to revised drawings

One representation received raising concern about overlooking and harm to the amenities.

Southern Water has written with a plan showing the location of a public foul rising main within the site and stating that no development or tree planting shall take place within 3 metres of either side of the external edge of the public foul rising main. All existing infrastructures should be protected during the course of construction works. No new soakaway should be located within 5 metres of a public foul rising mains. Southern Water recommends informative.

Environmental Agency has not raised objection subject to conditions being imposed with respect to the followings:

- Contamination removal strategy,
- Piling and foundation design and
- Prevention of infiltration of surface water drainage into the ground without permission.

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

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2018 and are considered to conform.

Planning Appraisal

Background

D D Knowley Nursery has been operating as a nursery on site for a number of decades.

The site comprises a number of glass houses, polytunnels, storage sheds, customer car parking area and a large growing field to the north and west of the glass houses.

The existing drive access way between 143 and 145 Berengrave Lane leads to the nursery area.

As part of the call for site, DD Knowley Nursery (comprising about 2.2 hectares of covered and open air growing areas) was put forward by the owners for residential development. In initial sustainability work undertaken for the SLAA, the site was deemed to be inaccessible due to its scale and the fact that it encroached significantly into the Area of Local Landscape Importance outside of the main nursery area which was considered to be harmful in environmental impact terms. There was a lesser concern regarding proximity to some local facilities (local centres) and schools and that the bus service here is infrequent.

The application has been the subject of pre-application discussion and, as a result of this, the extent of the original development area and the number of dwellings have been reduced to less than 1/5 of the original scheme. The development area is now confined to the covered growing section and associated customers car parking areas of the nursery.

Furthermore, the layout submitted with this application has also been amended to enhance the spatial relationship of the dwellings with their wider surrounding.

The properties in Berengrave Lane consist of a mixed of bungalow/ chalet bungalows and two storey dwellings mostly in plots with large and deep back gardens.

No 145 Berengrave Lane is a two storey house with car parking to the front and fenestration to habitable room along its southwestern flank elevation. The existing boundary enclosure along the southern boundary is a low level brick wall that steps up towards the rear of the site before changing to a wooden fence along the back garden

The site is situated on the west side of Berengrave Lane where countryside meets urban edge. In terms of the layout of the site, the southeastern part comprises the parking provision for no 143 Berengrave Lane, plot 1 and visitors together with the access drive. This would be within the built confines of Berengrave Lane. The north-western part of the application site would be outside the settlement boundary and within the Countryside and Area of Local Landscape Importance as identified on the Proposal Map of the Medway Local Plan 2003.

Principle

The application site has not been identified in the Local Plan for development. In addition, as mentioned above, the wider site was not considered suitable for development due to the harm to the wider countryside. However, the current application, which is for a smaller site area than the call for sites, must be considered on its own merits having regard to the national and saved local plan policies currently in force.

Paragraph 11 of the NPPF sets out a clear presumption in favour of sustainable development. For decision making this means approving development that accords with an up to date development plan or (paragraph 11d) where the policies in the development plan are out of date because the LPA cannot demonstrate a 5 year supply of deliverable housing sites, assessing proposed sites in terms of their sustainability.

Paragraph 8 of the NPPF sets out the 3 overarching objectives of sustainability – economic, social and environmental.

The application site is partially inside the settlement boundary where substantial residential properties are present. In addition the site lies directly adjacent to residential dwellings. The area has good vehicular access to local services and facilities (bus stops in Berengrave Lane and B2004/Lower Rainham Road, railway station and Rainham town centre. The proposed development is in accordance with the objectives of the NPPF in that the site would provide some environmental, economic and social benefits. Therefore with regard to the advice in the NPPF the proposal is in principle considered capable of forming sustainable development.

Having regard to the Council's position with respect to lack of 5 years deliverable housing supply, the construction of 9 houses would make a small contribution towards meeting the shortfall. This would represent a material social consideration in favour of the development. In economic terms the existing nursery is not active and its loss would not detract from the local economy, while the construction of the houses would generate jobs as well as the additional spend locally that would result from additional occupiers.

In environmental terms, the proposal would make use of an underused site that is already developed and there are a number of sheds, glasshouses and polytunnels on site. The proposal would therefore not result in further intrusion of new build into the countryside.

As indicated by the applicant and reaffirmed by the neighbours the nursery use and associated activities have diminished significantly in the past few years. As a result the structures and their surroundings may gradually deteriorate and become harmful to the visual amenities and local landscape.

The weight that can be given to policies BNE24 and BNE34 is now limited in terms of their intention to control housing supply, but their landscape intentions are still broadly in line with the NPPF, but in respect to this site for the reasons given above it is not considered that the development of the more limited site is in conflict with those policies.

The overall conclusion in terms of the principle of development is that although the application site is not wholly within the settlement boundary, it would make effective use of land no longer required as a nursery, it is located immediately adjacent to residential development and is in an accessible and sustainable location where there would be no significant harm caused by the development. It is therefore considered that the proposal is capable of forming a sustainable development that would be in accordance with the NPPF

Layout, Design and Appearance

Part of the site where the dwellings would be located is on the Lower Rainham Farmland character area as set out in the Medway Landscape Character Assessment 2011. This wider character area is described as flat with small to medium scale mixed farmland comprising orchards, arable, and rough grazing. Guidance for development in this area states to resist further built development and introduce more positive landscape management systems. However, the Landscape Character Assessment document pre dates the NPPF and it is felt that in this instance resisting development on this site (for the reasons given above) is not justifiable. Indeed with good quality landscaping to the boundaries the proposed development could have a positive impact on the appearance of the site and the surrounding countryside.

The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future users of land and buildings.

Paragraph 124 refers to creation of high quality buildings and places and says good design is a key aspect of sustainable development. Paragraph 127 elaborates and states planning policies and decisions should ensure that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Policy BNE1 also requires that the design of development be appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of scale, mass, layout, siting, visual amenity of the surrounding area.

The character of the area is varied with predominantly detached bungalows, chalet bungalows and two storey houses. The properties immediately adjacent the site are two storey houses except for 147 Berengrave Lane which is a chalet bungalow. It is considered that the scale, design and appearance of the proposed dwellings would be in keeping with the surrounding dwellings and the proposed cul-de-sac nature of the layout would also be in keeping with the recently developed Nuthatch Place residential scheme less than 160m to the north in Berengrave Lane.

With regard to Policy H9 of the Local Plan, it clearly states that backland development would be permitted when it does not constitute piecemeal development. It is important to note that the application site does not form part of a large identified development area. The proposal is to develop the extent of land currently occupied by the nursery buildings only, as such therefore the proposal would not be considered piecemeal and therefore would not be contrary to the Policy H9 of the local plan.

No objection is raised in terms of scale, design, siting and appearance of the development under Policies BNE1 and H9 of the Medway Local Plan 2003, paragraphs 124 and 127 of the NPPF and the Medway Landscape Character Assessment.

Residential Amenity

Policy BNE2 of the Local Plan and paragraph 127 of the NPPF seeks to ensure an adequate level of amenity is afforded to the future occupiers of new development as well as protected the amenities of existing surrounding residents. The main issue to consider for the future occupiers of the development is whether adequate space has been allowed for within the new dwelling houses. The Technical Housing Standards – nationally described space standard 2015 sets out the Government’s internal standards for new residential development. This is used as a guide for assessment. The table below shows the proposal against these standards.

Plot no	House type	Proposed gross internal floor area m2	National Standard m2
1&2	2 storey 3 bed 5person	93.06	93
3, 4, 8 and 9	2 storey 3 bed 5 person	95	93
6 and 7	2 storey 4 bed 6 person	131	106
5	2 storey 5 bed 7 person	150	119

The proposal would clearly meet the gross internal area for each property and on this base, it is considered that there would be adequate internal amenity space for the future residents of the proposed dwellings.

With respect to outdoor garden space the nationally described standard does not provide any guidance. However, the Medway Housing Design Standards 2011 document does provide guidance in this regard and recommends a garden depth of 10m. Each of the dwelling houses proposed would have a rear private garden depth of about 10m or more.

Both Policies H9 and BNE2 require that there be no loss of privacy from overlooking of adjoining houses and/or their gardens.

An assessment has been made of the impact of the proposed development on neighbouring properties. Those proposed properties that back on to the very long back

garden of no 137 Berengrave Lane would have 10m deep back garden and the distance between the first floor windows of the closest house to the patio area of this property would be at least 22m.

The two detached houses back onto no 145 and 147 Berengrave Lane. To ensure that these two dwellings do not appear bulky and intrusive when viewed from the gardens of the adjoining properties, the original design has been revised. The amended design has given these houses lower than average ridge height by taking the first floor ceiling into the roof space, thus shaving over 500mm from the overall ridge height of the houses.

The gap between the rear aspects of houses on those plots with no 145 and 147 properties would be between 37m to 26m respectively. This separation distance is considered sufficient to ensure there is no harmful impact in terms of overlooking and is acceptable. It is further considered that given this separation distance, there would be no unacceptable overlooking, loss of light or loss of outlook to those properties. The windows proposed on the flank elevation of the proposed dwellings would be obscure glazed and only the top hung to be openable, as such again there would not be any unacceptable overlooking and loss of privacy.

With adequate internal and external space being provided, no objection is, raised in this regard and the proposal is considered to be in accordance with Policies BNE2 and H9 of the Medway Local Plan and paragraph 127 of the NPPF.

The proposed 9 dwellings would generate traffic but having regard to the level of activities and traffic including some commercial vehicles that would be generated from the use of the site as a nursery, it is considered that the residential use of the site and cul- de-sac would not result in unacceptable noise and disturbance to the neighbouring properties. The proposal involves surface improvement and widening of the existing access. The applicant has stated that the existing low level brick boundary wall to the southwest of 145 Berengrave Lane would be raised to reduce noise and disturbance. A condition regarding boundary treatment is proposed.

Highways

Access

The applicant has proposed to repurpose the existing access into the site as it is relatively wide and would provide sufficient visibility splays (43 metre splay in both directions) when entering / exiting the site. Manual for streets outlines that 43m splay is acceptable for 85%ile speed for 31mph to lower, it is suspected that vehicles are currently travelling above this. Additionally concerns would be raised with regards to keeping the visibility splays clear given the slight lines travel over land not under the ownership of the applicant.

However it is considered the above concerns could be mitigated by offsite works as discussed below.

It is assessed that based on the site existing commercial covered floor area the current lawful nursery use would generate about 39 trips during pick times in the morning and afternoon and the proposed 9no dwelling houses would generate 15 trips during the same period. It is therefore concluded that the proposed development would have less highway impact than the nursery use of the site.

A swept path analysis of a refuse collection vehicle within the site and access have been provided. This is considered to be satisfactory.

Parking

The applicant has indicated that for the 9 new dwellings, 20 residential parking spaces will be created as well as 3 allocated visitor spaces. This level of parking would meet Medway's Interim Parking Standards.

With regards to cycle storage, the applicant has outlined within the Design and Access statement that the storage would come in the form of sheds in each of the properties rear garden. This is acceptable.

Offsite works

The applicant proposal for a crossing to reach the footpath along Berengrave Lane should provide a drop kerb with tactile paving to allow access to the footpath opposite the development. This is to be secured by condition.

Subject to a condition that no dwelling shall be occupied until the car parking provision, sightlines and pedestrian crossing are made available prior to the occupation of the dwellings, the proposal would be in compliance with Policies T1, T2, T3 and T13 of the local plan and paragraphs 105 and 108 of the NPPF.

Ecology

A preliminary Ecological Appraisal was submitted with the application. The report looked at the potential of the site with regard to flora, birds, bats, reptiles, amphibians, badgers, dormouse, water vole, invertebrates, hedgehogs and foxes. It was noted that the site is very close to Berengrave Nature reserve. The report recommended further investigation with regard to bats and reptiles. Birds may be nesting in trees and appropriate care is needed to ensure that they are not disturbed during site clearance. Subject to appropriate conditions in this regard, no objection is raised under Policy BNE39 of the Medway Local Plan 2003 and Paragraph 175 of the NPPF.

Contamination

A site investigation was submitted with the application. Due to the previous use of the site and potentially contamination on site, conditions are recommended. Subject to these

conditions, no objection is raised under Policy BNE23 of the Local Plan and Paragraph 178 of the NPPF.

Flooding

A drainage impact and flood risk assessment report has been submitted with the application. The site is not situated within an area considered to be at risk of tidal or surface water flooding. The proposal is considered acceptable subject to appropriate conditions regarding submission of details of disposal of surface water including details of the design, implementation, maintenance and management of the surface water drainage scheme and a verification report no objection is raised under Policy CF1 of the Medway Local Plan 2003 and Paragraph 165 of the NPPF.

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 £239.61 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries, resulting in a contribution of £2,635.71 for the proposed development. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014.

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

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

The applicant has agreed to pay this tariff. No objection is therefore raised under Paragraph 175 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The proposal is considered to be in a sustainable location and principle of the proposed development is acceptable and no objection is raised in terms of design, siting, appearance, impact on residential amenity, highways and parking, the impact on ecology, contamination and flooding are considered acceptable subject to appropriate conditions. Subject to the Section 106 contributions sought and the suggested conditions, no objection is raised under Paragraphs 47, 73, 78, 124, 127, 165, 175, 177, 178 and 213 of the NPPF and Policies S6, BNE1, BNE2, BNE3, BNE6, BNE8, BNE23, BNE25, BNE35, BNE39, BNE43, H9, T1, T2, T3, T13 and CF13 of the Medway Local Plan 2003 and the application is recommended for approval.

Deferral from 20 March 2019 planning Committee.

This application was deferred from the 20th March committee requiring the applicant to reconsider the density and mix of the dwellings proposed.

The applicant has revised the proposal and reduced the numbers of houses from 11 no 3bed houses to 9 no houses comprising 6 no x 3bed units, 2 no x 4bed units and one 5bed units together with associated car parking, 3 visitors' parking spaces, access road and 2 car parking spaces for the occupiers of no 143 Berengrave Lane.

The development as amended falls below the threshold of 10 units and as such does not qualify to provide s106 developer contributions except contribution for the birds' mitigation measures.

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

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://publicaccess1.medway.gov.uk/online-applications/>