

MC/18/3577

Date Received: 16 December 2018

Location: Land Adjacent Blue Barn Seymour Road Rainham Gillingham

Proposal: Construction of eight dwellings consisting of five 3 bedroomed and two 4 bedroomed and one 5 bedroomed dwellings with associated car parking and garaging together with new highway access and other associated works

Applicant: Mr Ben Kilgore

Ward: Rainham South Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

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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 - Approval Subject to:**

- A. The submission of a Unilateral Undertaking or SAMM Mitigation Contribution Agreement to secure £1916.88 towards Designated Habitats Mitigation.
- B. And the following conditions:
  - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing number 23625A/31 received on 17 December 2018; drawing number 032-10 Rev B received on 26 February 2019 and drawing numbers 23625A/30 Rev A, 23625A/32 Rev A and 23625A/33 Rev A received on 28 February 2019.

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

- 3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 6 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 7 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.

- 4 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desk study, 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.

- 5 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.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 6 Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 5 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 6.

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

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority.

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.

- 8 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, pollution incident control measures, wheel chassis cleaning facilities, the effect on wildlife and habitats 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 protected species with regard to Policies BNE2 and BNE35 of the Medway Local Plan 2003.

- 9 No development shall take place until visibility splays have been provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly), for a distance of 48 metres in each direction along the carriageway, measured from the centre of the access, along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: Required prior to commencement of development in the interests of highway safety and to ensure that the development accords with Policies T 1 and T2 of Medway Local Plan 2003.

- 10 No development shall take place (including vegetation/tree clearance) until a detailed Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy must include the following:

- On site reptile surveys
- Walk over survey of the donor and receptor site
- Overview of the proposed mitigation
- Map of the receptor site
- Details of any enhancements required to be incorporated in to the receptor site
- Methodology to implement the mitigation
- Timings of the proposed works
- Details of who will be implementing the works.
- Details of ongoing management

The mitigation measures shall thereafter be implemented in accordance with the approved details.

Reason: Required prior to commencement due to the irreversible impact and protection of wildlife and protected species and in compliance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 11 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.

- 12 No development above slab level shall take place until a scheme for protecting the proposed development from noise that implements the mitigation measures described in the Noise Assessment reference 181101/2 (dated 12th December 2018), has been submitted to 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: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 No dwelling herein approved shall be occupied until a Traffic Regulation Order has been approved and a new speed limit of 40mph along Seymour Road, Rainham is in place.

Reason: In the interests of highway safety and to ensure that the development accords with Policies T1 and T2 of Medway Local Plan 2003.

- 14 No development above slab level shall take place until details of the provision of 1 electric vehicle rapid charge point per dwelling with dedicated parking has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of sustainability in accordance with paragraphs 110E of National Planning Policy Framework 2019.

- 15 Not within standing the proposed landscaping details within the submitted Arboricultural Report reference GRS/TS/TCP/AIA/TPP/74/18 Rev D undertaken by GRS Arboricultural Consultant dated 25 February 2019, 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 landscaping details should provide details of a hedge, tree planting including tree lined boundaries outside of the curtilage of the dwellings and within the landscaped area indicated within drawing number 032-10 Rev B received on 26 February 2019. 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 and ensure replacement tree planting for the removed TPO trees in accordance with Policies BNE1, BNE6, BNE25, BNE34 and BNE41 of the Medway Local Plan 2003.

- 16 Prior to the first occupation of any dwelling herein approved, a Landscape Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE6, BNE24, BNE34 and BNE41 of the Medway Local Plan 2003.

- 17 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment (including acoustic boundaries) 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 dwellings are 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 Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

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

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 19 The dwellings herein approved shall not be occupied until the area shown on the approved drawing number 032-10 Rev B received on 26 February 2019 as vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

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

Reason: To enable the Local Planning Authority to control such development in the interests of impact on the countryside, conservation area and ALLI, in accordance with Policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

- 21 The tree protection measures as set out in paragraphs 5.1, 5.2, 5.3, 5.4, and 5.6 within the Arboricultural Report reference GRS/TS/TCP/AIA/TPP/74/18 Rev D undertaken by GRS Arboricultural Consultant (dated 25 February 2019) shall be implemented on site and shall be retained for the duration of the construction phase.

Reason: 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.

## **Proposal**

This application seeks planning permission for the construction of eight dwellings consisting of five 3-bed, two 4-bed and one 5-bed dwellings with associated car parking and garaging together with new highway access and other associated works.

Access would be provided from Seymour Road to an internal T-shaped road within the site. To the north and south of the access road would be two detached dwellings linked by the associated garages. Backing onto the western boundary would be four properties consisting of two detached and a pair of semi-detached properties. Each property would benefit from either two or three parking spaces, which would include a single or double garage. There would also be two visitor parking spaces within the development.

There is an area of landscaping space measuring approx. 4.2m and approx. 6m in depth fronting Seymour Road and approx. 1.8m in depth along the northern boundary. The supporting evidence indicates that this area will provide for replacement trees and hedges.

The scheme also proposes a pumping station to the north of the site for the pumping for foul water.

### **Site Area/Density**

Site Area: 0.28 Hectares (0.69 Acres)

Site Density: 28.57 dph (11.59 dpa)

### **Relevant Planning History**

MC/10/3012	Construction of a 5 bed detached dwelling with integral garage Decision Refused Decided 11/01/2011 Appeal dismissed 30/06/11
MC/02/0638	Outline application for a residential development Decision Refused Decided 13/05/02 Appeal dismissed 06/01/03

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Natural England, Network Rail SE, KCC Biodiversity and RSPB have also been consulted.

**Natural England** have confirmed that SAMMS contribution is suitable mitigation and there would subsequently not be an adverse effect on the integrity of the European protected sites.

**KCC Biodiversity** written raising concerns regarding reptile mitigation and have suggested a pre commencement condition regarding a survey and mitigation strategy.



**Network Rail** have written raising no objections to the scheme subject to the applicants contacting Network Rail to discuss the proposals and entering into an asset protection agreement. This will be included as an informative.

**Eleven** letters of objection have been received from ten different addresses one being the Farriers Court Amenity Company. A petition of twenty two people from fourteen different addresses, of which seven who have objected separately has also been received. The following concerns have been raised:-

- Road safety concerns regarding the access onto Seymour Road and relation to Railway Bridge.
- Impact of additional traffic on the A2.
- Development on the green belt.
- Statement indicates that it is not in an ALLI but is.
- Not suitable infrastructure in surrounding area including distances to bus stops, shops and impact on hospitals and schools.
- Sewage concerns and disruption from implementing proposed drainage works along Seymour Road.
- Cramped development out of character with the area and impact on listed buildings and neighbouring conservation area.
- Contrary to Lower Rainham Farm Character Assessments.
- Site previously refused for one dwelling.
- Loss of TPO trees around the edge of the site, report doesn't justify their removal.
- Contamination concerns.
- Concerns of the ecology on Seymour Road and Bird Mitigation appropriate assessments would be undertaken.
- Inadequate parking.
- Precedent for further development.
- Poor amenity for future occupiers from noise of the Railway.

The application has been amended with changes to the layout, landscaping and ecology within the life of the application and neighbours and KCC Ecology have been consulted and no further public representations have been received.

For clarification the site is not allocated as green belt and is outside the conservation area, however the application is within an ALLI and has been considered as such in the report below.

## **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 2019 (NPPF) and are generally considered to conform. Where the Local Plan does not conform, it will be highlighted in the relevant section of the report.

## Planning Appraisal

### *Background*

One of the representations made with regard to the application mentions previous refusals on the site. An application for a house on this site was previously refused under reference MC/10/3012 for the following reasons:-

1. The proposed development represents a new dwelling in the countryside, which would be outside the confines of any recognized town or rural settlement and fails to demonstrate any recognized rural special needs justification and would prejudice the character and appearance of the surrounding countryside. The proposed development is therefore contrary to the provisions of Planning Policy Statement No.7: Sustainable Development in Rural Areas; Policies SP3, CC1 and CC6 of the South East Regional Plan or policies BNE1, BNE25 and H11 of the Medway Local Plan 2003.
2. The introduction of a formal domestic residential curtilage onto an open site in the countryside with its associated built development, hard standing and vehicular access way, domestic activity, a garden curtilage and garden paraphernalia would adversely affect the character and appearance of the Area of Local Landscape Importance. The proposed development is therefore contrary to the provisions of policies SP3, CC1 and CC6 of the South East Regional Plan and Policies BNE1 and BNE34 of the Medway Local Plan 2003.
3. The new dwelling does not represent sustainable development and does not comply with policies SP3, CC1 or CC6 of the South East Regional Plan or Planning Policy Statement No.7: Sustainable Development in Rural Areas.
4. The proposed development will provide for an unacceptable poor level of internal amenity for prospective occupiers as the only window proposed to serve bedroom four is shown as a high level obscure glazed window and this is not acceptable in terms of natural lighting or outlook. The proposal therefore does not comply with Policy BNE2 of the Medway Local Plan 2003.
5. The proposed development, by virtue of the formation of the proposed new vehicular access and driveway would have a harmful impact upon the adjacent row of protected trees. The proposal is, therefore, contrary to the provisions of Policy BNE43 of the Medway Local Plan 2003.

The appeal was dismissed however the appeal Inspector considered that grounds 4 and 5 could be overcome by condition.

It should be noted that this previously refused application (MC/10/3012) was submitted and determined prior to the introduction of the NPPF and this application needs to be

assessed under the most recent national policy guidance as well as local policy, the Medway Local Plan 2003.

### *Principle*

The application site is located outside of any defined urban area and in an Area of Local Landscape Importance (ALLI). It is also located adjacent to, but outside of, the Moor Street conservation area. Representations have been received opposing the development as being in the Green Belt. The application site does not fall within Green Belt allocation.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case. Policy BNE34 seeks to prevent development which would materially harm the landscape character and function of the area. However these Policies are not in full accordance with the subsequent advice of the NPPF. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that where the development plan policies are out-of-date, including in respect of applications for the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless given circumstances apply. In the current case the Council has a shortfall in housing land supply and therefore the development cannot reasonably be refused on principle alone just because it is within a rural area. In these circumstances, consideration has been given to whether or not a development in this location would be sustainable and with regard to the advice on rural housing in paragraphs 77-79 of the NPPF.

With regard to sustainability, consideration needs to be given to economic, social and environmental objectives. In the current case the development would provide some economic and social benefit providing houses which would be sensible infilling within a countryside location adjacent to a cluster of properties and between the railway line, which would prevent an isolated development in the countryside in accordance with paragraph 79 of the NPPF. Furthermore, the mapping system, Magic by DEFRA indicates the application site itself does not consist of grade 1 agricultural land and therefore is considered unsuitable for restoration to appropriate rural uses as suggested within the Medway Landscape Character Assessment adopted 2011.

An ecology report has been submitted and replacement landscaping areas would not result in an environmental harm.

In these circumstances it is considered that the proposed development would be sustainable and that it can therefore be supported in principle with regard to paragraphs 8, 10, 11 and 77-79 of the NPPF. However it is still necessary to consider the impact on the character, amenity and functioning of the countryside with Policies BNE25 and BNE34 of the Local Plan in mind and this will be addressed in the sections below.

### *Impact on the Countryside, Design and Trees*

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policies BNE1 and BNE14 of the Local Plan states that development should be satisfactory in terms of scale and mass, that it should respect the visual amenity of the surrounding area and be of high quality when affecting the setting of a conservation area. Policy BNE41 of the Local Plan seeks to protect Tree Preservation Order (TPO) trees and Policies BNE25 and BNE34 of the Local Plan seek to ensure development is sensitive to the character and appearance of the countryside and the ALLI.

The Medway Landscape Character Assessment adopted 2011 (MLCA) shows the site within the Lower Rainham Farm Character Area. This area is characterised by flat, small to medium scale mixed farmland, with a gradual trend towards suburbanisation in some local areas and well managed shelterbelts, cottages and distinctive rural hedge banks, being tranquil in parts with grade 1 agricultural land. Guidelines set out in the document seek to resist further built development and to restore neglected and abandoned fields to appropriate and sensitive rural uses.

Concerns have been raised through the consultation process about the layout of the development suggesting it is cramped and detrimental to the character of the area, including the conservation area and listed buildings as well as being contrary to the landscape character assessment. There is a mix of development within the Seymour Road area comprising large dwellings with large rear gardens fronting the road itself and development such as that at Fariers Court to the south east of the site which has plots that are of a similar size to the properties proposed within this application.

The layout would also allow refuse vehicles to access and manoeuvre within the site and the supporting information indicates that the road surface would not be tarmac. Subject to a condition requiring details of the final materials including for hard and soft landscaping within the site no objection is raised and the proposed layout is considered acceptable.

There is no uniformity in terms of the architectural appearance of properties in the area. The design of the proposed houses are considered acceptable and of suitable quality that would not be detrimental to either the conservation area or nearby listed buildings.

The existing site has TPO trees along the north and east boundaries. These Poplar trees are considered important to the character of the street scene. The application is supported by an arboricultural report and an indicative landscape plan. It is considered that the existing TPO trees are of poor quality and there is evidence of some Poplar trees falling down the railway bank. It would therefore be acceptable to remove the trees subject to suitable replacement trees being provided.

The proposed landscaping plan within the arboricultural report is not considered sufficient in terms of providing an acceptable level of detail. However, it is considered that the principle and depth of the landscape area falling outside the ownership of the future home owners as indicated within the layout plans, can provide a significant landscape tree lined

buffer sympathetic to the existing character of the area. A condition is recommended requiring details of high quality landscape areas and additional tree planting within the remaining landscaped areas. Furthermore, due to the sensitive countryside location, a further condition requiring the removal of permitted development rights is suggested, as alterations to the properties and development within the curtilage of the properties, such as additional fences, hardstanding and outbuildings could be harmful to the character and appearance of the countryside, adjacent conservation area and ALLI.

The supporting tree report shows tree protection measures including how the garage of plot 3 can be built without having a detrimental impact on the tree within the neighbouring property. Throughout the processing of this application, the location of this garage has been amended to minimise the impact. Subject to a condition requiring tree protection measures no objection is raised.

In summary, it is considered that the visual impact of the development including with regard to the character of the surrounding countryside and ALLI and the appearance of the adjacent conservation area is acceptable subject to the suggested conditions for details of landscaping, boundary treatment and tree protection in accordance with Policies BNE1, BNE14, BNE25, BNE34 and BNE41 of the Local Plan and paragraphs 79, 124, 127 and 190 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127 (f) of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

Due to the close proximity to a number of neighbouring properties, there is a potential impact from noise and dust during construction, therefore if the application were approved a condition would be required for a Construction Environment Management Plan (CEMP) to be submitted.

With regard to the impact in terms of outlook, privacy, daylight and sunlight by virtue of the siting of the proposed houses and the relationship to the neighbouring properties and their habitable room windows, orientation of the site and path of the sun there would be no detrimental impact on neighbouring amenities.

### Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard). All properties would either meet or exceed the requirements of the national standards with regards to gross internal area and widths. All habitable rooms would also be provided

with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. All properties would have in access of approx. 8m garden depth.

Concerns have been raised regarding the impact of the railway line on the future occupiers. The application has been supported by an acoustic report which indicates the noise and vibration fall within an acceptable range for residential development. Mitigation measures of an acoustic fence and mechanical ventilation are proposed on plots 1, 4, 5, 6, 7 and 8. Subject to a condition requiring these mitigation measures are implemented on site, no objection is raised regarding the impact from railway noise and vibrations.

The proposal is considered acceptable with regard to protecting the amenities of both the future occupiers and neighbour amenities under Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

### *Highways*

Concerns have been raised through the consultation responses regarding the number of car parking spaces provided, the safety of the proposed access onto Seymour Road and the impact on the development on the A2.

The application has been supported by a transport assessment and Road Safety Audit Stage 1. The applicant has outlined that an ATC survey was carried out to ascertain the current vehicle speed along Seymour Road to determine the requirements for the visibility splays. The 85<sup>th</sup> Percentile average speed was 33mph in both directions, however it is noted that the speed limit is currently 60mph. The applicant has provided a Road Safety Audit Stage 1, which has assessed the safety implications and considered that there would be no significant/severe impact to highway safety. It is considered however given the current speed limit within the vicinity, a Traffic Regulation Order would be requested to reduce the speeds in the locality. It therefore considered that with the reduction in the speed limit (40mph) and a condition for retention of sight lines no objection is raised in terms of highway safety. The applicant has agreed to this as a condition.

It is also considered that the proposed road layout allows for a refuse vehicle to safely enter and exit the site.

With regards to the impact on the A2, whilst the proposal would increase vehicle trips, given the size of the development, it is not considered to result in a detrimental impact to the highway network.

Each property would be provided by 2 parking spaces plus a garage and two visitor spaces are provided. The proposed level of parking would meet the Interim Residential Parking Standards.

Paragraph 110E of the NPPF 2019, outlines that developments should be designed to enable electric charging points and therefore a condition is recommended for details to be submitted prior to occupation.

No objection is raised to the proposal under Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110 of the NPPF.

### *Ecology*

The application is supported by a preliminary ecological appraisal dated September 2018 and an ecological mitigation and management plan dated January 2019. The site has recently been cleared of vegetation and the majority of the site does not provide suitable habitat for protected or notable species. Breeding birds and reptiles have been recorded within the adjacent site and it is extremely likely that protected species were previously present within the whole site. The detailed mitigation strategy indicates that there is a need for a reptile survey and that there should be the creation of a vegetated bund along the northern boundary to allow for reptile translocation to the vegetated bund or an offsite mitigation strategy if larger numbers of reptiles are recorded than anticipated. The plans show the bund outside of residential ownership and therefore a condition is recommended for a reptile survey and mitigation measures to be in place before development takes commences. Subject to the suggested condition no objection is raised under Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

### *Contamination*

Concerns regarding contamination have been raised within the consultation responses. Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. The applicant has submitted a Phase 1 Desk Study Site Recommendation Report. The report indicates further site investigations and risk assessments are required. Subject to conditions for the additional information, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

### *Flood/drainage*

The application is supported by a drainage strategy which proposes a pumping station onsite to pump foul water along Seymour Road to the A2. It is confirmed that Southern Water would adopt the pumping station. Although a pumping station is not ideal in sustainable drainage sense, it is the only viable option onsite. Therefore a condition will be included with any planning permission for the proposal requiring a verification report. With the suggested condition, the application is considered to be in accordance with paragraph 165 of the NPPF.

It is noted that objections were raised regarding the disturbance caused by implementing the above works, however it is considered that any impact cause would not outweigh the benefits to the proposed development.

### *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. 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 submitted a SAMM Mitigation Contribution Agreement form but are awaiting the determination of the application before paying the contribution. Natural England have agreed the appropriate assessment and indicated that there would be no adverse effect on the integrity of the European protected sites, subsequently the presumption of sustainable development still applies in accordance with paragraph 177 of the NPPF. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175, 176 and 177 of the NPPF.

### *Local Finance Considerations*

There are no relevant local finance considerations.

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

In summary due to the site location and characteristics there is no overriding objection to the proposed development. There are no objections in with regard to the visual, amenity, ecological and highways impacts. Approval is therefore recommended including with regard to Policies S6, BNE1, BNE2, BNE14, BNE23, BNE25, BNE34, BNE35, BNE37, BNE41 T1, T2 and T13 of the Local Plan and paragraphs 8, 11, 77-79, 108-110, 124, 127, 165, 175, 176, 177, 178, 176 and 190 of the NPPF.



The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representation received expressing a view contrary to officer's recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>