

MC/19/0797

Date Received: 26 March 2019

Location: 4,16,20 And 22 High Street Rainham Gillingham Kent

Proposal: Construction of a block of 54 retirement living apartments comprising of 37 one bedroom and 17 two bedroom apartments with associated communal facilities, access, car parking and landscaping (Demolition of existing 4 residential plots)

Applicant Churchill Retirement Living,
C/O Agent

Agent Planning Issues Limited
Mr Simon Cater
Churchill House
Parkside
Ringwood
BH24 3SG

Ward: Rainham Central Ward

Case Officer: Doug Coleman

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 24th July 2019.

Recommendation - Approved Subject to S106

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

- 1) A contribution of £225,000 towards the provision of off-site affordable housing.
- 2) A contribution of £33,320.70 to support the reconfiguration of the Rainham Healthy Living Centre.
- 3) A contribution of £23,660 to enhance facilities within the vicinity of the development - Holding Street, Cozenton Park, Rainham Recreation Ground, Berengrave Nature Reserve, Old Bloor's Lane Allotment and Great Lines Heritage Park – footpath improvements phase 2.

4) A contribution of £13,230 towards public realm improvements in Rainham.

5) A contribution of £11,980 towards mitigation measures in the Special Protection Areas.

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 numbers: 20073RH P01, 20073RH P02/C, 20073RH P03/A, 20073RH P04/A, 20073RH P05, 20073RH P07, 20073RH P08, 20073RH P09, 20073RH P10, 20073RH P11 and, 20073RH P20 received on 25 March 2019.

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

3 No development, including demolition work, shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, measures to control noise and dust, lighting, wheel cleaning/chassis cleaning facilities, pollution incident control and site contact details in case of complaints arising from the demolition and construction phase of the development 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.

4 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Tree Protection Plan no: 18201-BT2 received on 25 March 2019 and Arboricultural assessment and method statement 18201-AA-PB dated 24 September 2018 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

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.

5 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 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The submitted details shall include:

- i) A timetable for its implementation (including phased implementation where applicable).
- ii) Appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii) Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: Required before the commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

6 The development shall not be occupied until a signed verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. The verification report shall confirm that the agreed surface water system has been constructed as per the agreed scheme and plans and shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

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

- 7 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 8 No development shall take place until an ecological design strategy (EDS) addressing the provision of compensatory habitat, as outlined in section 5.4.4 of the Ecological Impact Assessment dated November 2018, has been submitted to and approved in writing by the local planning authority. The EDS shall also detail the specifications and locations of the bat tubes, bird nest boxes and fencing gaps for hedgehogs.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37 and BNE39 Medway Local Plan 2003.

- 9 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

- 10 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 109 of the National Planning Policy Framework.

- 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 an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). 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 development above slab level shall take place until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The Air Quality Mitigation Assessment and Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016). 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 Mitigation Assessment. The Statement shall include full details of the following standard air quality mitigation measures:

- 1) All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh;
- 2) Parking area to be provided with a minimum of 3 electric vehicle charging points.

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

Reason: To safeguard conditions of amenity in accordance with Policy BNE24 of the Medway Local Plan 2003 and Paragraph 181 of the NPPF.

- 14 No part of the development 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 the building is first 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.

- 15 No part of the development herein approved shall be occupied until full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include of 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. 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.

- 16 The windows on the east elevation serving units 10 and 27 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is brought into use and shall be retained thereafter.

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

- 17 All works shall be carried out in accordance with the details contained in Section 5 of the Ecological Impact Assessment dated November 2018, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37 and BNE39 Medway Local Plan 2003.

- 18 If the demolition of the buildings hereby approved does not commence within 2 years from the date of the submitted bat surveys (summer 2018), further ecological surveys shall be undertaken to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures secured in condition XX (Biodiversity Method Statement) will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 19 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust)] and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding nearby residents and wildlife and with regard to Policies BNE1, BNE2 and BNE39) of the Medway Local Plan 2003.

- 20 Prior to the occupation of any part of the development herein approved the refuse storage arrangements shown on drawings nos: 20073RH P02/C and 20073RH P03/A, shall be provided in accordance with the approved details, 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.

- 21 No part of the development herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space 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 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 in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 22 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 23 Prior to any development above ground floor slab level details regarding Electric Vehicle rapid charge points shall be submitted to and approved by the Local Planning Authority. The approved charging points shall be installed prior to first occupation and thereafter retained.

In the interests of sustainability in accordance with Paragraph 110E of NPPF 2018.

- 24 Prior to any development above ground floor slab level details with regards to the proposed vehicular access shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

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

- 25 No development above slab level shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing:

- Continuous annotated wall / roof sections at 1:20 (1:10 if necessary) and related to annotated part elevations of the same scale for the varying house types coordinated with material / component samples;
- The finished floor levels of the scheme and how they relate to corresponding land levels across the site.
- Ridge, eaves, verge, dormers, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills - jambs - heads , ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flu placements etc.

Reason: To ensure the good appearance of the building within the street scene and character of the area and in accordance with Policy BNE1 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

The proposal is to construct a retirement living block of 54 apartments comprising 37 x one bedroom and 17 x two bedroom units and is a re-submission of application MC/18/2864.

The proposed building would be T-shaped with the main part of the building located at the front measuring approx. 60m wide by 16m (eastern part) and 19 (western part) deep. The remainder of the building would project approx. 36m, with a width of up to 20m. There would be a gap of approx. 23m between the east flank of the rear projection and the site boundary to the rear garden of 24 High Street, which would serve as a communal garden for occupiers of the proposed development, and a similar gap to the western boundary, to the hotel car park, which would serve as a parking area.

The accommodation within the proposed building would comprise the following:

- Ground floor: Entrance lobby on the west elevation leading to owners' lounge, reception, office, store and WC, together with 18 flats (12 x one bedroom and 6 x two bedroom);
- 19 flats (11 x one bedroom and 8 x two bedroom);
- 17 flats (14 x one bedroom and 3 x two bedroom) plus a guest suite.

23 car parking spaces are shown with vehicular access located at the western end of the site adjacent to the hotel car park. A plant room is shown in the south-western corner of the site, measuring approx. 6m by 5m, with a ridge height of approx. 4.6m.

The previous application showed a vehicular access at just over 4m wide at the back of the footpath, narrowing to 3.5m at 4m into the site. The current proposal shows a 5.5m access at the back of the footpath, narrowing to 5m within the site.

The apartments are to be occupied by people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55. It is submitted that the average age of purchasers of the apartments is 80 years old and that they are typically occupied by a widow. Reference is made to eight similar house schemes operated by the applicants ranging in size from 31 units to 51 units, including one at Sittingbourne.

Site Area/Density

This should only be included if necessary (i.e. for residential schemes) and should have hectares and acres in the following format:

Site Area: 0.49 hectare (1.21 acres)

Site Density: 110.2 d p h (44.62 d p a)

Relevant Planning History

MC/18/2864	Construction of a block of 54 no apartments comprising of 37 x one bedroom and 17 x two bedroom apartments with communal facilities, access, car parking and landscaping - Demolition of existing 4 residential plots Non determination appeal pending Committee resolution that would have refused
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Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owner/occupiers of neighbouring properties. Kent Police Crime Prevention Design Adviser, Southern Water, EDF Energy, Southern Gas Networks, NHS, Royal Society for Protection of Birds, Natural England, Environment Agency, Highways Agency and KCC Biodiversity have also been consulted.

Three letters have been received raising the following objections:

- The existing bungalows should be retained;
- There is no need for retirement apartments in Rainham;
- The scheme will make the situation worse;
- Proposed access would add to congestion on this section of High Street. Access should be via Thames Avenue;
- Inadequate parking;
- Impact on local GP's surgery;
- Overlooking of neighbouring properties;
- The site is close to a Roman Road and there should be an archaeological dig;

- Boundary fences should be 1.8m high;
- Existing apple trees overhang the boundary and should be felled;
- Fast growing trees should be planted to provide additional privacy;
- The site is a wildlife habitat;
- Opening up of an access would result in a potential loss of security to neighbouring properties.

Environment Agency has written raising no objection subject to appropriate conditions/informatives relating to contamination of water supplies and disposal of excavated waste material.

Highways England has written raising no objection.

KCC Biodiversity has written raising no objection subject to appropriate conditions/informatives to ensure that the development is carried out in accordance with the Ecological Impact Assessment, an Ecological Design Strategy is submitted, bats and nesting birds are protected and an appropriate contribution is sought in relation to Special Protection Areas.

Kent Police have written advising that they have considered this application having regard to Crime Prevention Through Environmental Design (CPTED), in accordance with the National Planning Policy Framework (NPPF) July 2018. To date they have had no communication from the applicant/agent and there are issues to be discussed and addressed including:

- Development layout and permeability
- Perimeter, boundary and divisional treatments
- Parking Inc. visitor
- Lighting and CCTV
- Access Control
- Doorsets
- Windows
- Security Compartmentalisation
- Alarms
- Staffing
- Postal delivery

Southern Water has written making the following comments:

- A formal application for connection to the public sewerage system is required;
- It is the responsibility of the developer to make suitable provision for the disposal of surface water;
- Drainage details will need to be submitted;
- A condition is requested requiring details of foul and surface water to be submitted;

- A formal application for connection to the water supply is required.
- The applicant will need to ensure that arrangements exist for the long term maintenance of SUDS facilities
- Where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: specify the responsibilities of each party for the implementation of the SUDS scheme; specify a timetable for implementation; and provide a management and maintenance plan for the lifetime of the development.

Southern Gas Networks have written enclosing a plan showing their mains record for the area.

UK Power Networks have written enclosing a plan showing their equipment record for the area.

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 and are considered to conform.

Planning Appraisal

Background

This application is a re-submission of application MC/18/2864 which is the subject of a non-determination appeal and was considered by the Committee on 24 April 2019. It was resolved that if the Local Planning Authority been in a position to determine the application, it would have been refused for the following reasons:

- 1) *The intensification of the proposed access and subsequent new internal layout would result in an unacceptable safety hazard to vehicles and pedestrians on the A2 (High Street) and would, therefore conflict with Policies T2 and T3 of the Medway Local Plan 2003 and Paragraphs 108b, 109 and 110c of NPPF 2019.*
- 2) *In the absence of a Unilateral Undertaking/Section 106 agreement to secure appropriate developer contributions, the proposal would be contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and Paragraphs 54, 55, 56, 170, 175 and 176 of the NPPF.*

The current application has been submitted in an attempt to address these reasons for refusal.

Principle

The site is within the urban area and close to the centre of Rainham and on a public transport route. It is currently occupied at a relatively low density of 8.1 d. p. h. (3.3 d. p. a.). The proposal would result in the re-investment in the urban fabric and a more efficient use of land in the locality. It will also meet a specific need insofar as the proposed development would cater specifically for the requirements of elderly but still active people.

In this regard, the proposed development would be in accordance with Policies S1, H4 and H5 of the Local Plan and Paragraphs 59, 117 and 122 of the NPPF. As such, it is considered that the proposed development is acceptable in principle and in land use terms subject to all other material considerations in this report.

Affordable Housing

An Affordable Housing Statement has been submitted with the application. This has been considered by the Council's Housing Team and assessed independently in terms of financial viability.

A development of this size - 54 units - would normally result in a requirement for 14 affordable units in accordance with Policy H3 of the Local Plan.

It is submitted that this a comparatively small site which makes it impossible in terms of physical and management considerations to provide affordable housing on site. To provide affordable housing provision would necessitate the provision of two separate blocks, each with their own management arrangements, to ensure fair, unsubsidised costs for each occupant. This is not considered possible on a site of this scale especially once external management costs are factored in.

The site in its existing use is made up of relatively high value larger properties (4 detached bungalows with large gardens) which generate a higher than normal existing use value which must be surpassed in order for the proposal to be considered viable. It is demonstrated in the report that there is no surplus available to make financial contributions.

This is a specialised housing scheme that will however address an identified housing need in the area in the form of dedicated housing for older people. The provision of this type of housing will facilitate 'rightsizing' of households in the area and release larger under-occupied housing for younger families.

A contribution of £225,000 has been offered towards the provision of off-site affordable housing, based on a residual land value of £2,242,848, when all costs including Section 106 contributions are taken into account.

The Affordable Housing Assessment has been independently assessed on behalf of the Council and it is concluded that a residual land value of £2,242,848 would deliver a

minimum return to the landowner in comparison with the established convention of consideration of current benchmark values.

Therefore, subject to a contribution of £225,000 towards the provision of off-site affordable housing, no objection is raised under Policy H3 of the Local Plan and Paragraph 63 of the NPPF.

Design and appearance

The application site is a rectangular shaped plot of land, measuring approx. 70m wide by 70m deep, giving a site area of approx. 0.49 ha, located on the south side of High Street, Rainham, adjacent to Manor Farm restaurant and Premier Inn hotel. The site is currently occupied by 4 detached bungalows, each having its own vehicular access, and rear gardens approx. 45m deep. The site is adjoined by detached properties to the east, fronting High Street, the rear gardens of properties in Thames Avenue to the south, and the car park serving Manor Farm to the west.

Good design, including landscaping, is encouraged in Policies BNE1 and BNE6 of the Local Plan and Paragraphs 124 and 127 of the NPPF. The character of the area has evolved and is generally mixed. The south side of this part of Rainham High Street is predominantly residential comprising detached dwellings with long gardens, probably dating from the 1930s. The north side is predominantly commercial, mainly terraced properties in Class A2 use. The application site is adjoined immediately to the west by the Beefeater Manor Farm, a building dating back to the 1930s, which has more recently been extended by the construction of the 26 bedroom Premier Inn Hotel, which was approved on 21 May 2009 under reference MC/2008/1984.

The proposed development would be appropriate for this site in design terms, having regard to its proximity to the centre of Rainham and to the neighbouring Premier Inn & Beefeater immediately to the west. In this regard it would not appear out of character and it would make a positive contribution to the street scene in this part of Rainham High Street.

In terms of scale and mass, the proposed development at 2.5/3 storeys, would be higher than the existing bungalows, but would nevertheless, respect the general character and appearance of its surroundings. The ridgeline of the easternmost block would correspond with that on the neighbouring house to the east, 24 High Street. The central two blocks would be slightly higher. Whilst the western block would be the same as the other end block, which would be lower than Manor Farm.

The T' shaped plan of the proposed development, represents a carefully thought out layout with the main bulk of the building in the centre of the site, with parking and vehicular access to the west, adjacent to Manor Farm car park and the private amenity area to the east, adjacent to the rear garden of 24 High Street.

Clearly defined landscaping is proposed with a large private amenity area to the rear with tree and shrub planting and a smaller grassed amenity area to the front, maintaining the existing separating distance between the front of the proposed building and the highway. There would also be a smaller planted area between the car park and the main entrance to the building on the western elevation.

Detailing is very important in terms of design and appearance. The predominant material would be brick (Ibstock Cissbury Red) with painted walls on the upper part of the end blocks and Marley Eternit Slate grey cladding on the central blocks and recesses between each block. The roofs would be Marley Eternit Slate grey.

In the event of planning permission being granted, a condition would be imposed requiring the submission and approval of details and samples of materials. In addition, a condition would be imposed requiring the submission and approval of detailed drawings at scales of 1:5, 1:10 and 1:20 showing details required of the: ridge, eaves, verge, dormers, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills – jambs – heads, ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flu placements.

Subject to these conditions, it is considered that the proposed development is acceptable in terms of design and appearance and would make a positive contribution to the character and appearance of the street scene and of this part of Rainham. The proposal would, therefore comply with Policies BNE1 and BNE6 of the Local Plan and Paragraphs 124 and 127 of the NPPF and no objection is therefore raised in terms of design and appearance.

Amenity

Occupier amenity

The proposal has been assessed against the DCLG's Nationally Described Space Standard which requires a minimum GIA of 39 sq. m. for a single storey one bedroom/one person unit, 50 sq. m. for a one bedroom/two person unit, and 61 sq. m. for a two bedroom/three person unit. The Standard also specifies a minimum floor area of 7.5 sq. m. for a single bedroom and 11.5 sq. m. for a double or twin bedroom.

Having regard to the fact that this is a retirement complex and that the apartments are to be occupied by people of 60 years or over, it is likely that all apartments will be occupied by no more than two people. The second bedroom in the two bedroom units could well serve as a guest room and not be permanently occupied.

The proposed development makes generous provision in terms of flat sizes and bedroom sizes and would comply with the DCLG standards. In terms of overall internal floorspace and room size, so no objection is raised in this regard.

A large communal garden area measuring approx. 23m by approx. 46m would be provided to the rear, adjacent to the boundary to 24 High Street.

Neighbour Amenity

The site is adjoined on two sides, east and south, by the rear gardens of residential properties. To the east is the flank wall of 24 High Street which would be approx. 2.5m from the flank wall of the proposed building. The main windows serving this property are on the front and rear elevations, but there are two small windows on the side elevation which are secondary windows. The flank wall of the proposed building would be in approx. the same position as the flank wall of the existing bungalow. As the side windows of that property are secondary windows, there would be no unacceptable loss of light to that property as a result of the proposed development.

In the event of planning permission being granted it is recommended that a condition be imposed requiring the submission and approval of a Construction Environment Management Plan to minimise any impact on residential development from the construction phase.

Highways

The key highway issues with regard to this proposal are traffic generation, access and parking. A Transport Statement was submitted with the application. In terms of its sustainability, the site is located approx. 250m from Rainham Shopping Centre, 800m from Rainham Station and on a bus route with bus stops within 400m of the site in Maidstone Road, London Road and High Street. In addition to Rainham Shopping Centre being within walking distance, there are frequent bus services to Chatham, Gillingham and Hempstead Valley.

Traffic generation

It is submitted that the proposal would generate 79 two way vehicle movements per typical day (39 arrivals and 40 departures), which is not considered to be excessive and would not have an adverse impact on the local highway network. Furthermore, the net increase in traffic would be less, when the loss of the 4 existing units is taken into account. No objection is therefore raised in terms of traffic generation under Policy T1 of the Local Plan and Paragraph 102 of the NPPF.

Parking

Medway Council's adopted Vehicle Parking Standards require the provision of one space per unit plus one space per staff member (maxima) for sheltered accommodation. Cycle parking is to be determined on its individual merit. According to the submitted documents the only staff member would be a lodge manager who would be based in the office

adjacent to the building's entrance. A maximum of 55 car parking spaces would, therefore be required in order to comply with the standard.

The submitted drawing shows 23 car parking spaces which equates to a ratio of 0.43 spaces per unit. It is submitted that this is in line with average parking provision at other units operated by the applicant. In considering the level of car parking provision, given the sustainability of the site in terms of its proximity to shopping facilities and public transport, the provision of nearby public car parks and the average age of the occupiers of the proposed units – 79/80 a lower level of parking provision would be acceptable. It should be noted that there are parking restrictions on Rainham High Street and on surrounding roads.

No objection is raised in terms of car parking under Policy T13 of the Local Plan and paragraph 108 of the NPPF. In addition to car parking, provision is made for the storage of 8 buggies and 2 secure cycle parking spaces.

Access

When the previous application was considered, concerns were raised with regards to the width of the proposed vehicular access. It was considered that that scheme would result in vehicles turning into the site occupying most of the width of the access, with vehicles consequently meeting at the access point with possible sudden braking and/or reversing on the A2 creating a significant safety hazard. The access under that scheme would have been tight against a retaining wall, and that drivers may well be 'shy' of and therefore not drive hard against the side of the road.

The current proposal has made significant changes to this access to overcome the previously raised concerns, with the access widened to 5.5m, thereby allowing two way movement of vehicles. A kerb would be installed along the western edge of the access, making vehicles slightly more visible to pedestrians when exiting the site, and rumble strips would be installed to slow vehicles down before exiting onto the public highway.

These changes have been reviewed under an independent Road Safety Audit (RSA) Stage 1 and deemed to be acceptable. Therefore, subject to appropriate conditions, no objection is now raised in this regard under Policies T2 and T3 of the Local Plan and Paragraphs 108b, 109 and 110c of NPPF.

Other highway matters

It is noted that there are limited pedestrian crossings between the north and south sides of the A2, with one located approx. 50m to the west of the site, away from the town centre, and the other approx. 250m to the east, past Orchard Street. Whilst this is a potential concern, it is not considered that it is a significant issue as to warrant refusal of the application.

Trees

An Arboricultural Assessment and Tree Report has been submitted with the application. This identifies 23 individual trees (T1-T12, T14-T29, T32, T33 & T35) and 3 groups of trees (G13, G30 & G34). The majority of these trees are ornamental garden species or fruit trees and of poor quality (Category C). There is only one tree of good quality – a hawthorn located in the rear garden of the neighbouring property to the east, close to the site boundary. This tree (Category B) is shown to be retained. The only other trees to be retained are a plum tree (Category C) located in the rear garden of a property to the south and a group of fruit trees (Category C) along the southern boundary to the site adjoining the proposed car park. All other trees are shown to be removed.

The trees to be removed are of poor quality and are located in the rear gardens of the existing bungalows. As such they make no contribution to the appearance of the street scene and the wider locality. New planting is proposed as part of a robust landscaping scheme for the proposed development. No objection is therefore raised to the loss of these trees. Appropriate tree protection measures are shown for those trees which are to be retained and a condition is recommended to the effect that these measures are fully implemented during the carrying out of the development. Subject to this condition, no objection is raised in terms of the loss of the trees identified under Policy BNE43 of the Local Plan.

Noise and Air Quality

The site is located next to a busy main road and as such the development is liable to be at risk from high levels of road traffic noise. The proposed building would be set back approx. 9m from the back of the footpath and the noise impact would be felt predominantly by the units at the front. Due to this concern, it is recommended that in the event of planning permission being granted, a condition is imposed requiring the submission and approval of an acoustic assessment. Subject to such a condition, no objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 182 of the NPPF.

The site is also located next to the High Street, Rainham Air Quality Action Area. In the event of planning permission being granted a condition is recommended requiring all gas fired boilers to meet the minimum standard, electric charging points and other measures to mitigate against the effects of the development on air quality. Subject to this condition, no objection is raised in terms of air quality under Policy BNE24 of the Local Plan and Paragraph 181 of the NPPF.

Flood Risk

A Flood Risk Assessment has been submitted showing surface water discharge rates. These are considered to be acceptable. Subject to appropriate conditions, no objection is, therefore raised in terms of flood risk under Paragraph 165 of the NPPF.

Archaeology

When the development of the Premier Inn adjoining the site was undertaken archaeological remains were discovered. In the event of planning permission being granted, a condition is recommended requiring an archaeological watching brief to be agreed with the Local Planning Authority and to be applied during the carrying out of the development. Subject to this condition, no objection is raised under Policy BNE21 of the Local Plan and Paragraph 189 of the NPPF.

S106 matters

New residential development can create additional demand on local services, such as for health and refuse services. Policy S6 of the Local Plan says that conditions and/or legal agreements should be used to make provision for such needs.

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 (an s106 agreement) may only be taken into 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/contributions requested meet with these tests because they have been calculated based on the quantum and location of the proposal are directly related to the development.

The following contributions are sought:

Affordable Housing (see above)

A contribution of £225,000 towards the provision of off-site affordable housing, no objection is raised under Policy H3 of the Local Plan and Paragraph 63 of the NPPF.

NHS Property

A contribution of £33,320.70 based on a contribution of £617.05 x 54 dwellings to support the reconfiguration of the Rainham Healthy Living Centre to support new models for the provision of local care in accordance with paragraph 92 of the NPPF.

Green Space Services

Applying the formula of £2,489.73 per dwelling as stated in the Developer Contribution Guide 2018 would result in a total contribution of £134,445.42. However, the Guide allows for adjustment to be made in respect of retirement flats and in this instance, no

contributions are sought in respect of formal open space and play space. This has reduced the contribution sought to £23,660 to enhance facilities within the vicinity of the development - Holding Street, Cozenton Park, Rainham Recreation Ground, Berengrave Nature Reserve, Old Bloors Lane Allotment and Great Lines Heritage Park – footpath improvements phase 2.

Public Realm

A contribution of £13,230 towards public realm improvements in Rainham.

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 (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.

Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection would be raised under Paragraphs 54, 63, 92, 96, 170, 175 and 176 of the NPPF and Policies S6, H3 and BNE35 of the Medway Local Plan 2003.

Although the applicant has indicated agreement in principle to pay these contributions, at the time of the preparation of this report, no Unilateral Undertaking has been submitted nor is a Section 106 agreement in place. In the absence of a Unilateral Undertaking/Section 106 agreement an objection is raised.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is considered to be acceptable and in accordance with Policies S1, H4 and H5 of the Local Plan 2003, and Paragraphs 59, 117 and 122 of the National Planning Policy Framework (NPPF).

Subject to appropriate conditions, no objection is raised in terms of design and appearance, amenity, parking, loss of trees, noise, air quality, flood risk and archaeology, and the proposal would comply with Policies BNE1, BNE2, BNE21, BNE24, BNE43, T1 and T13 of the Local Plan and Paragraphs 102, 105, 124, 127, 165, 181, 182 and 189 of the NPPF.

The previously raised concerns with regard to the vehicular access to the site have been addressed under the current proposal and accordingly, no objection is raised under Policies T2 and T3 of the Local Plan and Paragraphs 108b, 109 and 110c of NPPF.

Developer contributions are sought in accordance with Medway Council's Developer Contributions Guide 2018. Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection is raised under Policies S6, H3 and BNE35 of the Medway Local Plan 2003 and Paragraphs 54, 63, 92, 96, 170, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the extent of the representations received making comments contrary to the recommendation and as the previous application was reported to the Committee and the scheme has been the subject of a presentation to Members.

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/>