

MC/19/3106

Date Received: 26 November 2019

Location: Site Adjacent To Eastcourt Green Twydall Gillingham

Proposal: Construction of 14 two-bed four-person (2B4P) residential dwellings facing Eastcourt Lane and ancillary car parking access from Eastcourt Green together with associated works and landscaping

Applicant Medway Council - HRA Housing Services,
Mr Adam Spokes

Agent Hazle McCormack Young LLP
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Frog Lane
Tunbridge Wells
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Ward: Twydall Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th February 2020.

Recommendation – Approved Subject to:

- A. A Section 106 under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:
 - i. £35,721.00 on improvements at Gouldhurst Play Area and/or Beechings Way and/or Vinall Park (£33,934.95) and Great Lines Heritage Park (£1,786.05).
 - ii. £8,853.04 towards improvements to Gillingham South locality Primary Care Network.
 - iii. £2,422.70 towards provision maintenance and improvements to local waste centres.

- iv. £3,408.58 towards sports facilities at splashes consisting of life size training mannequins and St Johns Ambulance Badges.
- v. £1,096.48 towards Youth Provision programme delivery for young people in the Gillingham area.
- vi. £2,565.36 for community facilities within the vicinity of the site.
- vii. £62,548.54 for Education consisting of:-
 - Nursery £19,305.72 and Primary £6,769.52 one or more Thames View Primary, Feathery Infants and Juniors.
 - Secondary £36,473.30 to on or more Howard School, Rainham School for Girls, Rainham Mark Grammar School/ Robert Napier School.
- viii. £3,437.84 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- ix. Meeting the Council's costs.

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 3110 Rev P1 received on 26 November 2019; drawing numbers 3111 Rev P2 and 3112 Rev P2 received on 28 November 2019; drawing numbers 1200 Rev P4, 1203 Rev P1 and 2100 Rev P4 received on 4 December 2019; and drawing numbers 1110 Rev P6, 2060 Rev P3, 2061 Rev P3 and 2062 Rev P3 received on 13 January 2020.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the 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, the countryside, wildlife and habitat 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 Tree protection/removal plan - Appendix 3 ; 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) No development, no site clearance and/or no excavation works shall take place until a method statement for the protection of trees during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include: the storage of any materials, waste or equipment and site compound to avoid the root protection areas and measures to protect the soil if the area is to be used as future tree planting. The approved details shall be implemented on site prior to commencement of development and shall be maintained on site for the duration of the construction phase.

d) The remaining tree protection measures shall be implemented in accordance with Impact assessment plan - Appendix 4. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars 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: Required before commencement of development to avoid any irreversible detrimental impact on the trees and future tree planting which form an important character to the area, 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 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- 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 prior to 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 Prior to occupation (or within an agreed implementation schedule) 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 agreed surface water system has been constructed as per the agreed scheme and plans. The report 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: 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.

- 7 No development shall take place above slab level until an Ecological Enhancement Plan which shall include details of biodiversity enhancements and a timetable for delivery of these enhancements shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Plan shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: In order to enhance biodiversity in accordance with Policies BNE37 and BNE38 of the Medway Local Plan 2003.

- 8 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.

9 No development shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

- Details of brick blends to create variation in the proposed dwellings
- Window/wall and door/wall junctions- elevations and sections at a scale of 1/10
- Gutters and down pipes - manufacturer's details and specification
- Eaves, parapets and verges - elevations and sections at a scale of 1/20

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

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

10 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

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

11 No development above slab level shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference P1353 dated June 2019, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

12 No dwelling shall be occupied until full details of both hard and soft landscape works (including, details of increased provision of retained trees within the red and blue lines, and parking areas and others) and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and

any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 13 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected (including sections to show the height of the boundary treatment from both the site and the adjoining land) has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 14 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking and associated hardstanding 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 (as amended) (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 and turning space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and turning and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 15 No dwellings shall be occupied until the cycle storage has been implemented in accordance with the approved drawing number 2100 Rev P4. The cycle storage and shall thereafter be retained.

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

- 16 Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

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

- 17 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Recommendation

Proposal

This application seeks planning permission for the construction of 14 two-bed four-person (2B4P) residential dwellings facing Eastcourt Lane and ancillary car parking access from Eastcourt Green together with associated works and landscaping.

The application seeks to provide 3 brick built two storey gable roof rows of terraces containing 4 houses of a staggered height due to site topography and a pair of brick built two storey gable roof semi-detached properties. The properties would front Eastcourt Lane set back between approx. 3 and approx. 6.5m from the existing footpath. The off street parking area, pedestrian paths and manoeuvring areas to the rear would be

accessed from Eastcourt Green. Bin stores and cycle stores would be located within the rear gardens and the rear boundary treatment would comprise brick walls and hedges.

Each dwelling would measure approx. 5.2m wide, approx. 9.2m deep and approx. 5.4m in height to the eaves and approx. 9.8m to the ridge. The accommodation would each consist of a hall, w/c, kitchen and diner/lounge at ground floor and two bedrooms and a bathroom at first floor level. The properties would all have a similar design with front canopies but it is proposed that Plots 1-4, and 9-12 would have different elevational treatment (treatment A) to plots 5-8 and 13-14 (treatment B). These building types have a difference in brick panelling types and the number of soldier courses details.

Site Area/Density

Site Area: 0.64 hectares (1.58 acres)

Site Density: 14.06 dph (5.69 dpa)

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Southern Water, Natural England, Police, Southern Gas, NHS and KCC Biodiversity have also been consulted.

25 letters of objection from 23 different people from 22 different addresses have been received raising the following concerns:

- Loss of trees and green space and its impact on quality of life, drainage, air quality and biodiversity.
- Development should be built on brownfield first.
- Impact on highways and parking pressures in the area impact on current onstreet parking.
- Insufficient infrastructure.
- Serotine Bats seen in the area.
- Overdevelopment on small greenspace.
- Disruption during construction.

Rehman Chishti MP has written to object to the application stating: "It is unacceptable that the local Housing Authority is proposing development at Eastcourt Green which is an important greenspace on Eastcourt Lane one of the longest residential roads in Twydall and in a very densely populated area where there is little greenspace for residents to enjoy. The application would be detrimental to existing residents of the area on Eastcourt Lane and Lynsted Road and in being very close to the roundabout on Beechings Way it may lead to localised road congestion.

The Medway Green Party have objected. Unacceptable loss of pocket parks, government advise to protect and hence not develop on. Provision of social housing on green open space is not the way to achieve it in view of climate change due to loss of

carbon capturing trees. The proposal is not compliant with Kent and Medway Energy and Low Emissions Strategy.

KCC Biodiversity have confirmed the ecological information provided with the application is sufficient to determine the application. They indicate that it is unlikely to be a significant ecological impact. As the proposal includes the removal of trees that provide suitable habitat for nesting birds, if approved, an informative should be included. A condition to ensure enhancements such as native species planting, installation of bat/bird boxes is recommended. There is unlikely to be roosting habitat on site and due to the urban area a lighting condition is not required.

Southern Gas Networks have advised of a lower/medium/intermediate pressure gas main near the site and there should be no mechanical excavations taking place above or within 0.5m of mains or within 3m of an intermediate pressure system. Details of the supplied plans. Also safe digging practices in accordance with HSE publication HSG47. These issues will be advised of as an informative.

UK Power Networks have provided records of their electrical lines and/or plant in the area and provided a fact sheet containing information regarding the use of their plans and working around equipment on site during construction, including the need for a HSG 47 form before excavation works. The issues will be advised as an informative.

Kent Police have provided comments regarding secure by design and the proposed scheme. The scheme has been revised to account for some of the changes. The issues will be advised as an informative.

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 in response to a Habitat Regulations Assessment.

Southern Water have provided records of their sewer records. There is a need for an application to Southern Water for foul sewage disposal and connection to the water supply. This letter has been forward to the applicant and an informative will be added.

The scheme was amended and re-consultation was carried out.

4 additional objections from neighbours (including MEMS Power Generation) were received, but did not raise any new objections to those listed above.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

The application site is within the urban area of Gillingham and forms green open space between the properties fronting Eastcourt Lane and those Eastcourt Green. The site is not allocated as protected open space under Policy L3 of the Local Plan. Paragraph 97 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements or the loss from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location and paragraph 98 of the NPPF indicates that an access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. The representations received indicate the importance of this open space for play. It should be noted that apart from replacement tree planting the green open space fronting Beechings Way and the grassed banks to the east of Eastcourt Green would not be developed and therefore there would only be a partial loss of this open space.

Policy H4 of the Local Plan states that the use of infilling in urban areas is acceptable providing there is a clear improvement in the local environment. Policy H3 of the Local Plan indicates the need for affordable housing which includes social housing. The proposal would provide 14 social housing units of which there is demand. As of December 2019 Medway currently has 342 people in temporary accommodation and 3420 people on the housing register.

Whilst paragraphs 117 and 118 of the NPPF encourage making efficient use of land and encourage development on brown field sites rather than greenfield, the Council does not currently benefit from a five year land supply and the application is therefore required to be considered against the presumption of sustainable development under paragraph 11 of the NPPF. It's emphasis on Economic, Social and Environmental considerations form the three dimensions of sustainable development. It also indicates that determination of the application should be refused where adverse impacts would significantly outweigh the benefits when considered against the framework as a whole.

The scheme would provide the economic benefits of the short term construction of the housing and the provision of workforce thereafter and the social benefits of providing additional housing to this urban area especially being of a social housing tenure where there is demonstrated need. The clear negative of the scheme is the loss of an area of green open space. The presence of green open space brings social and environmental benefits in terms of having a positive impact on the well-being of residents and the contribution that trees and greenery have in terms of climate change and biodiversity.

The scheme does have an impact on the environment as a result of the loss of the green space, however, the impact has been limited to the development of only one section of the localised green space. This particular area has been demonstrated to have low

ecological value. The green space north of the application site adjacent to Beechings Way which wraps around East Court Green would be retained and replacement tree planting to a greater level than lost as a result of the proposed development would mitigate the loss of trees within the site. It should also be noted that the scheme has also been designed to maximise the number of houses which can be provided on this constrained site.

The site is considered a sustainable location in the traditional sense with access to bus stops, shopping facilities, employment and play spaces such as Beechings Playing Fields which within a 5 minute walk. The availability of alternative play space within the area assists to reduce the impact on social wellbeing aspects which may occur as a result of the green space lost.

Whilst it is acknowledged there is harm with regard to the impact on the environment and social well being of residents as a result of the loss of green open space, it is considered that the provision of much needed social housing outweighs this harm particularly given that mitigation is proposed with the replacement tree planting.

Subject to compliance with the detailed matters of the abovementioned policies which is set out in the assessment below, the principle of the proposal is considered acceptable.

Design and trees

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The surrounding streets of Eastcourt Lane, Eastcourt Green, Beechings Way and Lynsted Road have a mixed residential character including flats but predominantly with houses of two storey and single storey nature and a variety of garden sizes. The spatial character includes the use of grass verges with properties set back off the road.

The proposed brick dwellings are of a suitable size and scale with a design that would be in keeping with the mixed character of the area. The layout would reflect the spatial pattern of built form by providing a grass verge to the Eastcourt Lane frontage and to the north and south of the site. It is considered that the use of brick would be more in keeping as opposed to varying panels that are proposed and therefore a materials condition and architectural detail plans are required to ensure a high quality of design.

The layout utilises the existing roads but provides new pavements for access to the site and a new pedestrian route for crossing the site from Aylesford Court and Lynsted Road. There is no objection to the parking layout and depth of hardstanding which is required to ensure cars can manoeuvre on and off the site allowing cars to still be able to park on the opposite side of the road. The appearance of the hardstanding has been designed so that soft landscape and replacement trees can be provided between the spaces to soften their appearance. The rear garden boundary treatment is proposed as brick wall with hedge

planting which will futureproof the development from an unsightly mixture of boundary treatment as the scheme matures. If the application were considered for approval landscaping and boundary treatment conditions will be required.

The redevelopment of the open space will result in the loss of existing mature trees. A tree survey was submitted in support of the application. However after a site inspection there were errors in the stated tree types and some trees were in a poorer condition than assessed. As a result of this and the redesign of the scheme a new tree report was submitted which indicates that although 22 trees would be lost, which are mixture of category B and C trees, there will be 29 replacement trees. The species are to be confirmed by details to be submitted pursuant to a condition requiring a Landscape and Management Plan. It is considered the replacement trees would be a more diverse provision. The plans also demonstrate the intention to plant along the banks fronting the properties on Eastcourt Green which would ensure these properties would still have outlook onto trees.

The tree protection measures and protective fencing submitted are considered to be acceptable, however further information is required regarding storage of building materials and compound during the construction phase of the development to ensure suitable ground protection measures are provided to any area designated for tree replacement planting within the compound. This would be controlled via a condition.

The proposal is considered to be in accordance with Policies BNE1, BNE43 and H4 of the Local Plan and Paragraphs 124 and 127 of the NPPF subject to a materials, landscaping, and boundary treatment conditions.

Amenity

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

Neighbouring Residential Amenity

With regards to privacy, outlook, sunlight and daylight the scheme would have habitable windows within the front and rear elevations of the proposed dwellings. By virtue of the siting, size and scale of the development and the distance and relationship to neighbouring properties (taking account of land levels) their windows and their gardens, path of the sun and orientation of the site the development would not result in unacceptable loss of privacy or overlooking from these windows or to neighbouring gardens.

Concerns have been raised within consultation responses regarding the disruption during construction. Due to the close proximity to a number of neighbouring properties, there is a

potential impact from noise and dust during construction, and accordingly a condition is recommended for a Construction Environment Management Plan (CEMP).

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) and both house types would meet the required gross internal floor areas of 79m² for a two bedroom 4 person dwelling over two storeys. All double bedrooms meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should 10m in depth and 7m when constraints exist. Plots 9-12 would only have garden depth of approx. 6m however the remainder of the development would have gardens of approx. 7m deep.

The garden depths at approx. 6m are limited due to constraints which include a sewer located along Eastcourt Lane and the depth of hardstanding required to accommodate parking. This prevents the building line being moved further forward. It is considered that the garden depth for these four houses is acceptable and not sufficient to warrant a refusal.

Due to the site fronting Eastcourt Lane, there is potential for future occupiers to be impacted by noise from transport related sources. The application has been supported by an acoustic assessment which is considered to be acceptable and demonstrates subject to recommendations for mitigation, there would be no detrimental impact from vibration or noise. Consequently, if the application were considered acceptable a condition would be required.

Subject to the recommended conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2, H4 and H9 of the Local Plan and paragraphs 127f and 180 of the NPPF.

Highways

Concerns have been raised in consultation responses regarding the highway safety impact on neighbouring roads and parking pressures within the area. The proposed dwellings would have parking to the rear accessed from Eastcourt Green with additional hardstanding provided to allowing safe manoeuvring in and out of the parking spaces without impacting on cars parked on the eastern side of Eastcourt Green. This has been demonstrated by a swept path analysis contained within the transport statement. In terms of parking, the application provides 21 spaces with 4 visitor spaces which complies with the Medway Interim Parking Standards. It should be noted that the NPPF has put sustainable development as a central core and Paragraph 110E outlines that development should provide electric charging facilities. In terms of cycle provision, the site plan indicated sufficient space to accommodate cycle storage within the rear

gardens. It is recommended that this provision, together with the electric charging points, be secured by planning condition.

The trip generation database estimates that during the morning and evening peak hours a total of 6 and 7 trips would be generated respectively with a total of 48 trips during the 12 hour daily period. The development would generate a relatively low level of additional traffic which, subject to suitable car parking provision (as shown), would not have a significant impact on highway safety or capacity on the local highway network.

With regards to pedestrian infrastructure, a new footway is proposed opposite Lynsted Road with associated drop kerbs installed for pedestrians. Subject to the above mentioned conditions and works secured under s 278, the application is considered to comply with Policies T1, T2, T3, T4 and T13 of the Local Plan and 109 and 110E of the NPPF and no objection is raised.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The application has been supported by a ground investigation report combined with a desk top study and ground investigation contamination analysis documents. The report is considered acceptable. However due to the area having been infilled historically a watching brief condition is recommended if the application were considered for approval.

Subject to the recommended conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

Ecology

The application is supported by a preliminary Ecological Habitat Appraisal which is considered sufficient to consider the application.

Representations have been received raising concerns over Serotine Bats flying in the area and the impact on ecology. The supporting details indicate that the development would not likely have a significant ecological impact due to its low ecological importance and negligible for amphibians reptiles, bats and birds. While commuting bats have been spotted in the area there is no suitable bat roosting habitat on-site and due to the urbanised area it would not necessarily for a lighting condition. A condition is recommended to provide biodiversity improvements. Subject to a condition for biodiversity enhancements no objection is raised under Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

SUDs

As a major application a Drainage Strategy is required. This should set out a proposed scheme for the management of surface water to ensure there is not an increased risk to flooding on or off the site as a result of the development, which is a concern raised within consultation responses. The application has been supported by drainage plans which are sufficient enough that imposing a condition is suitable.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. A plan is required of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance.

The Environment Agency's updated surface water Flood Risk mapping indicates that an area of site is at low risk of surface water flooding meaning that the chance of flooding in any one year is between 0.1% (1 in 1000) and 1% (1 in 100). A development in this area will need to have raised finished floor levels set at a minimum of 300mm. The Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR.

MicroDrainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2 year, 30 year and 1 in 100 year + 40% intensity climate change scenarios.

Urban creep, whereby the permeable surfaces are converted to impermeable over time should be considered as part of the design calculations. In this instance it is recommended that an additional 10% impermeability is included.

If the application were considered for approval, conditions to a secure details of the disposal of surface water using SUDs, a management and maintenance plan and a verification report are required to ensure the proposed development and its maintenance is in accordance with paragraph 165 of the NPPF.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

Greenspace Services

A contribution of £35,721.00 based on a contribution of £2,551.50 per dwelling. The contribution would be spent on improvements to Goudhurst Play Area and/or Beechings Way and/or Vinall Park and Great lines Heritage Park.

NHS

A contribution of £8,853.04 based on a contribution of £632.36 per dwelling towards improvements at Gillingham South locality Primary Care Network.

Waste

A contribution of £2,422.70 towards the maintenance and improvements of local bring centres and waste education calculated as £173.05 per dwelling.

Sports Facilities

A contribution of £3,408.58 towards Sports Facilities to purchase a P&B Spine Board for training and rescue, life size adult training mannequins and bags of mixed training mannequins and St Johns Bandage for Splashes. Based on a contribution of £243.47 per dwelling.

Youth Provision

A contribution of £1,096.48 based on a contribution of £78.32 per dwelling towards programme delivery for young people (ages 8-19 and up to 25 for with disabilities) in the Gillingham area.

Community Facilities

A contribution of £2565.36 towards community facilities within the vicinity of the site based on a contribution of £183.24 per dwelling.

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 £245.56 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 of £3,437.84 (14 x £245.56) and the abovementioned contributions and are in the process of drafting a s106 agreement. Concerns are raised regarding a lack of infrastructure within consultation responses but the scheme is providing all requested s106 contributions and no objection is therefore raised under paragraphs 56, 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and provide dwelling with EPC ratings of B. The dwellings would utilise efficient boilers, extraction fans and energy efficient lighting.

Sustainable drainage were possible and hard piped water storage butts for each unit for garden watering purposes. Tree replacement levels higher than removed.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private gardens or within garages, as such the development offers the opportunity for a sustainable transport solution. Electric car points are also conditioned as part of this application.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, H3, H4, BNE1, BNE2, BNE23, BNE35, BNE37, T1, T2, T3, T4 and T13 of the Medway Local Plan 2003 and the advice in

paragraphs 11, 56, 109, 110, 124, 127, 165, 175, 176, 178 and 180 of the NPPF. Accordingly, the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the applicant being Medway Council, objection from MP and the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

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

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