

MC/20/1531

Date Received: 26 June 2020

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

Proposal: Demolition of 4 existing properties and redevelopment to form a block of 56 retirement living apartments comprising of 39 one bedroom and 17 two bedroom apartments and associated communal facilities, access, car parking and landscaping.

Applicant Agent Churchill Retirement Living Ltd
Planning Issues Ltd
Mr Matthew Shellum 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 9th December 2020.

Recommendation - Approved Subject to

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

- 1) A contribution of £ £112,451.11 towards the provision of off-site affordable housing.
- 2) A contribution of £16,490.88 to support the reconfiguration of the Rainham Healthy Living Centre.
- 3) A contribution of £6,488.13 towards public realm improvements in Rainham.
- 4) A contribution of £12,769.89 towards mitigation measures in the Special Protection Areas.

B And the following Planning 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: 20073 RH P01, 20073 RH P03B, ,20073 RH P04B, 20073 RH P015A, 20073 RH P06A, 20073 RH P07, 20073 RH P09A, 20073 RH P11 and JBA 18/224C received on 26 June 2020 ; 20073 RH P08B and 20073 RH P20A received on 16 July 2020; and 20073 RH P02G received on 16 October 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, parking of operatives vehicles, deliveries to the site, noise, dust and 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 26 June 2020 and Arboricultural assessment and method statement 18201-AA-PB dated 24 September 2018 and received on 26 June 2020 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 have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. a timetable for its implementation, and

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

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

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the 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 and method statement detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy and method statement 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 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 occupied 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 2020, 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 2020), 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 8 (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 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/G and 20073RH P03/B, 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 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.

Reason: 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 varying house types co-ordinated with material/component samples;
 - the finished floor levels of the scheme and how they relates to corresponding land levels across the site;
 - ridge, eaves, verge, dormers, entrance recess soffits, solar panels and bracket, balcony structures, balustrades, handrails, parapets and cappings, balcony recesses, window and door cills - jambs - heads, ground connections, wall

plane changes, junctions at material changes, visible flashing, 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

- 26 The development hereby permitted shall only be occupied by persons over 60 years of ages, or those of 60 years or over with a spouse or partner of at least 55 years.

Reason: To accord with the terms of the submitted application and in accordance with Policy H10 of the Medway Local Plan 2003 and Paragraph 59 of the National Planning Policy Framework 2019

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 55 apartments comprising 39 x one bedroom and 17 x two bedroom units and is a re-submission of application MC/19/0797 which was approved on 13 November 2019. The current scheme differs from the previously approved scheme in so far as the number of units has been increased by 1 with the addition of a two bedroom flat at the rear on the first floor.

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);
- First floor: 20 flats (12 x one bedroom and 8 x two bedroom);
- Second floor: 17 flats (14 x one bedroom and 3 x two bedroom) plus a guest suite.

As originally submitted, the current application showed 18 car parking spaces. However, this has been amended and 23 spaces are now shown, the same as under the previously approved scheme. The Vehicular access is 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 vehicular access is 5.5m wide 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.

Site Area/Density

Site Area: 0.49 hectare (1.21 acres)

Site Density: 112.2 d p h (45.42 d p a)

Relevant Planning History

MC/19/0797	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 Approved 13 November 2019 following completion of Section 106 agreement
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 dismissed 27 November 2019

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.

Two letters have been received raising the following objections:

- Development could impact on security of properties to rear in Thames Avenue.
- Inadequate parking.
- Site is close to junction and traffic lights with vehicles queuing back past proposed access.
- Wildlife on site should be protected.

- Archaeological investigation will be required.
- Questions whether supply of retirement homes exceeds demand.
- Objection is also raised to the fact that the developer is seeking to avoid paying developer contributions.

KCC Biodiversity has written requesting an updated bat survey and an updated ecological impact assessment.

Kent Police have written advising that they have considered this application having regard to Crime Prevention Through Environmental Design (CPTED) and have made the following comments:

- Boundary treatment should be designed to deter/prevent climbing from outside. The brick wall on the western boundary should be a minimum of 1.8m high.
- There should be automated vehicle gates with audio visual access control to the Lodge Managers office area.,
- The pedestrian entrance into the development from the High Street should also be gated.
- Any lighting plan should be approved by a professional lighting engineer. Bollard lighting should be avoided.
- Full audio visual door entry access control systems will be required.
- Buggy and cycle stores should be secure and be lit.
- They have also commented on doorsets, windows and mail 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;
- 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.

Natural England have commented that the application will result in a net increase in residential accommodation, which will impact on the coastal Special Protection Area and Ramsar Site and may result in increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development.

NHS has written requesting a developer contribution of £36,108.24 (£644.79 per dwelling) in accordance with Medway Council's Developer Contributions Guide.

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/19/0797 which was considered by the Planning Committee on 24 April 2019 and was approved on 13 November 2019 following completion of a Section 106 agreement that secured the following:

- A contribution of £225,000 towards the provision of off-site affordable housing.
- A contribution of £33,320.70 to support the reconfiguration of the Rainham Healthy Living Centre.
- 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.
- A contribution of £13,230 towards public realm improvements in Rainham.
- A contribution of £11,980 towards mitigation measures in the Special Protection Areas.

Principle

The principle of the development was accepted with the previous grant of planning permission in accordance with Policies S1, H4 and H5 of the Local Plan and Paragraphs 59, 117 and 122 of the NPPF. No new matters of principle are raised by the current application.

Design and appearance

The previous scheme was considered to be acceptable in terms of layout, scale, street scene, design, general detailing and landscaping, and it was considered that the

proposed development would make a positive contribution to the character and appearance of the street scene and of this part of Rainham.

The only change in design terms, would be an alteration at the southern end of the building, where under the approved scheme, the ground floor projected approx. 3.4m further than the main bulk of the building. Under the current proposal, an additional floor has been added so that the both the ground and first floors, now project 36m from the rear of the front section of the building. This would have no impact on the appearance of the building when viewed from Rainham High Street. The additional unit would be visible when viewed from the rear gardens of the properties in Thames Avenue to the south, but would not have an adverse impact when viewed from the rear.

No objection, is therefore raised in terms of design and appearance under Policies BNE1 and BNE6 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

Occupier amenity

The original proposal was 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. The original proposal complied with the standard. The additional one-bedroom unit would also comply with the standard.

Neighbour Amenity

The only neighbouring property, close enough to be affected is, 24 High Street, to the east, the flank wall of which is approx. 2.5m from the flank wall of the proposed building. However, 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 such, it was considered that there would be no unacceptable loss of light to that property as a result of the proposed development. The addition to the building, proposed under the current scheme, would not affect that property.

The proposed addition would bring the first floor slightly closer to the southern boundary, but with a distance of 24m between the southern end of the proposed building and the rear of the properties in Thames Avenue, no concerns are raised in terms of light, privacy or outlook, so far as those properties are concerned.

When the previous planning permission was granted, a condition was imposed requiring the submission and approval of a Construction Environment Management Plan to

minimise any impact on residential development from the construction phase. A similar condition is recommended for the current application.

Subject to the aforementioned condition, no objection is raised in terms of amenity under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The key highway issues with regard to the development of this site are traffic generation, access and parking. A Transport Statement was submitted with the original application. A revised Transport Statement has been submitted with the current 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 82 two way vehicle movements per typical day (41 arrivals and 41 departures), compared to 79 (39 arrivals and 40 departures) under the previously approved scheme. This is not considered to be excessive and would not have an adverse impact on the local highway network. 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 56 car parking spaces would, therefore be required in order to comply with the standard.

The application, as amended, shows 23 car parking spaces which equates to a ratio of 0.41 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 first application (MC/18/2864) was considered, concerns were raised with regard to the width of the proposed vehicular access. These concerns were resolved under the second application (MC/19/0797). That proposal showed a 5.5m wide access, thereby allowing two way movement of vehicles. A kerb was shown along the western edge of the access, making vehicles slightly more visible to pedestrians when exiting the site, and rumble strips were proposed to slow vehicles down before exiting onto the public highway. This scheme was reviewed under an independent Road Safety Audit (RSA) Stage 1 and deemed to be acceptable.

All these features are included in the current proposal and no changes are proposed to the vehicular access. Therefore, subject to appropriate conditions, no objection is raised in this regard under Policies T2 and T3 of the Local Plan and Paragraphs 108b, 109 and 110c of NPPF.

Trees

An Arboricultural Assessment and Method Statement, together with a Tree Protection Plan has been submitted with the current application. These are the same documents submitted with the previous application.

23 individual trees (T1-T12, T14, T18-T22, T25-T29, T32, T33 & T35) and 3 groups of trees (G13, G30 & G34) are identified. 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. When the previous application was considered, a condition was imposed requiring the submission and approval of an acoustic assessment. A similar condition is recommended for the current application. Subject to this 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. Previously, a condition was 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. Again, a similar condition is recommended for this application. 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 was submitted with the previous application showing surface water discharge rates. This assessment was considered to be acceptable, subject to appropriate conditions. A further Flood Risk Assessment has been submitted and again, subject to appropriated conditions, no objection is raised under Paragraph 165 of the NPPF.

Archaeology

When the development of the Premier Inn adjoining the site was undertaken archaeological remains were discovered. A condition was previously imposed requiring an archaeological watching brief to be agreed with the Local Planning Authority and to be applied during the carrying out of the development. A similar condition is recommended for the current application. Subject to this condition, no objection is raised under Policy BNE21 of the Local Plan and Paragraph 189 of the NPPF.

S106 matters and affordable housing

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.

This application is a re-submission of application MC/19/0797 which was considered by the Committee on 24 April 2019 and was approved on 13 November 2019 following completion of a Section 106 agreement that secured 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.

These contributions total £307,190.70.

The applicants have produced a Viability Assessment, claiming that due to the impact of covid 19 and the current housing market, the scheme with the current developer contribution requirements would not be viable. The Viability Assessment has been assessed independently with the following

The proposed scheme of 55 homes including S106 contributions totalling £360,000, which generates a residual land value of **£2,872,184** (which equates to 88% of the benchmark value). This is not considered to be an economically viable level of land value as required by the National Planning Policy Framework. It notes sites need to deliver ‘*a minimum return at which it is considered a reasonable landowner would be willing to sell.*’ We further note in the recently published Viability Testing Local Plans document it is necessary “*for the scheme to provide a competitive return to the developer to ensure the development takes place and generates a land value sufficient to persuade the land owner to sell the land.*”

The independent assessor has repeated the exercise to seek a residual land value that equates to the benchmark by reducing the total S106 contributions leading to a maximum figure of £148,250.

The FVA indicates the scheme as proposed, based on current known costs and values generates a residual land value at 100% of the benchmark value assuming the provision S106 contributions totalling £148,250.

This is a level, which can be considered to deliver a *minimum return* to the landowner, in comparison with the established convention of consideration of current benchmark values.

The SAMMs contribution has been re-assessed at the current tariff of £250.39 and adjusted to take account of the additional flat which would result in a net increase of 51 units (55 – 4).

Recognising the age of the residents and the fact that they will have a garden for their use, the open space contribution request has been dropped in order to maximise the affordable housing, health centre and Town Centre public realm contributions but with these being adjusted pro rata.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development was considered to be acceptable when the previous planning permission was granted 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), and is still acceptable.

No new issues are raised in terms of design and appearance, amenity, traffic generation, access, parking, loss of trees, noise, air quality, flood risk, ecology, and archaeology and the proposal would comply with Policies S6, BNE1, BNE2, BNE21, BNE24, BNE35, BNE39, BNE43, T1, T2 and T13 of the Local Plan and Paragraphs 54, 63, 92, 96, 102, 105, 108b, 109, 110c, 124, 127, 165, 170, 175, 176, 181, 182 and 189 of the NPPF. The application is, therefore, recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the fact that the previous applications were considered by Committee, and that the current application is seeking to vary the terms of the Section 106 agreement which was attached to the original planning permission.

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 on Medway Council's Website
<https://publicaccess1.medway.gov.uk/online-applications/>