

**MC/20/2696**

Date Received: 26 October 2020  
Location: Kingdom Hall Bloors Lane  
Rainham Gillingham  
Proposal: Construction of twenty 3-bedroom houses with associated access  
and parking  
Applicant Wakes Stearnes Ltd  
Graham Wakeman  
Agent Prime Folio  
Gregory Bunce 35 Albion Place  
Maidstone  
ME14 5DZ  
Ward: Twydall Ward  
Case Officer: Madeline Mead  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18th August 2021.**

**Recommendation – Approval subject to:**

- A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
- i) £20,000.00 towards the upgrade of the existing zebra crossing, on Bloors Lane, in the vicinity of Thames View Primary School, to "Halo" type LED Belishas.
  - ii) £1,050.00 towards improvements to signage/information and any relevant surface improvements to the GB5/6A and associated paths around Bloors Community woodland.
  - iii) £106,028.88 towards expansion of the closest and most suitable schools:
    - Nursery education : £28,121.60 at one or more of Thamesview Primary, St Thomas of Canterbury and Mierscourt Primary
    - Primary education : £21,693.70 at one or more of Thamesview Primary, St Thomas of Canterbury and Mierscourt Primary
    - Secondary education : £53,128.59 at one or more of the Howard School, Rainham Girls, Robert Napier and Rainham Mark
    - Sixth form education : £3,084.99 at one or more of the Howard School, Rainham Girls, Robert Napier and Rainham Mark

- iv) £3,368.00 towards improved facilities and equipment at Rainham Library.
- v) £4,900.00 towards the development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Precinct gateway by the car park and the High Street.
- vi) £1,597.20 towards programme delivery for young people (ages 8-19 and up to 25 for with disabilities) in the Rainham area. Which may include facilities, providing access, supplies, equipment, programme delivery and/or instructors.
- vii) £3,529.00 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- viii) £52,032.60 towards enhancement of open space facilities within the vicinity of the development.
  - £49,430.97 to enhance open space facilities within the vicinity including Cozenton Park and/or nearby allotment facilities.
  - £2,601.63 to Medway's Metropolitan park – Great Lines Heritage Park.
- ix) £12,895.80 towards the provision to support the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
- x) £5,007.80 towards Designated Habitats Mitigation.

B. And the following conditions: -

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Drawing numbers 20-40-23 Rev F, 20-40-24 REV B, 20-40-25 Rev E, 20-40-26 Rev F and 20-40-27 Rev B received 23 April 2021; and 20-40-21A and 20-40-22K received 12 Jul 2021.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be

managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority.

The CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk.

The CSWMP shall be implemented in accordance with the approved details throughout the duration of the construction phase.

Reason: Required prior to development to manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 168 of the National Planning Policy Framework 2021.

- 4 No development shall take place until, an acoustic assessment has been undertaken to determine the impact of noise arising from use of Kingdom Hall. The results of the assessment and details of a scheme of acoustic protection sufficient to protect the residential amenity of the development 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 before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The CEMP must also include the precautionary ecological mitigation as detailed within the Preliminary Ecological Assessment by Hone Ecology (dated November 20). The construction works shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to enable the Local Planning Authority to manage such development in the interests of neighbouring amenity and precautionary ecological mitigation in accordance with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

- 6 Notwithstanding the submitted tree protection plan, received on the 2 July 2021, no development shall take place until a tree protection plan, that includes tree protection measures for the trees within the garden areas of the existing properties to the southwest of the site, has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented in accordance with the approved details prior to commencement of any development and shall be retained for the duration of the construction phase.

Reason: Required prior to commencement to protect the trees, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 7 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 should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):

- i. a timetable and construction method statement 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 development to manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 168 of the National Planning Policy Framework 2021.

- 8 No development shall take place above slab level until a plan detailing what ecological enhancements will be incorporated into the site has been submitted to and approved in writing by the Local Planning Authority. The submitted information must include integrated bat and bird bricks, native species planting and hedgehog highways in all close board fencing. The ecological enhancements shall thereafter be incorporated into the development prior to the first occupation of any of the dwellings herein approved and shall be retained thereafter.

Reason: To ensure ecological enhancements are incorporated into the development in accordance with BNE37 of the Medway Local Plan 2003.

- 9 No development shall take place above slab level until details of the provision of electric vehicle charging points (1 per dwelling) has 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2021.

- 10 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.

- 11 The proposed dwellings shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 12 Gas protection measures as recommended in the GES report of 2014 (Section 12) shall be incorporated into the development and a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings herein approved. The gas protection measures shall thereafter be maintained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policies BNE2 and BNE23 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 and includes an arboricultural method statement that addresses all boundary treatment proposed within the root protection area of retained trees, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in

accordance with the approved details before any dwelling or building is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and impact on the retained trees, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 14 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing for all areas except for privately owned, domestic gardens. The submitted details shall include:

i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of a planting and soil statement that confirms the soil profile / build-up of the landscape proposals and demonstrates its interface with the ground capping layer, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within soft and hard landscape as well as, raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

iii. An arboricultural method statement that addresses all hard and soft landscape works proposed within the root protection area of retained trees.

iv. A timetable for implementation.

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

Reason: To ensure a satisfactory external appearance and provision for landscaping and impact on the retained trees, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

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

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

- 16 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: To ensure that suitable surface water drainage scheme is designed and fully implemented to not increase flood risk onsite or elsewhere in accordance with paragraph 168 of the National Planning Policy Framework 2021.

- 17 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 in addition to that required pursuant to condition 14. 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) and hours of use 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, and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, and nearby residents with regard to Policies BNE1, BNE2 and BNE5 of the Medway Local Plan 2003.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with along with a timetable for implementation. The method for dealing with the unsuspected contamination

shall thereafter be implemented in accordance with the approved details and timetable.

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.

- 19 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement received on 27 July 2021. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

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

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

## **Proposal**

The application proposes the construction of twenty 3-bedroom dwellings. All proposed properties would be two storeys in height with accommodation within the roofs, which would be served by dormers. A mix of three types of house design is proposed.

Each property is to be provided with two car parking spaces and five visitor parking spaces would be provided across the site.

The dwellings would be accessed via Bloors Lane and would be sited to the front of the existing Kingdom Hall and its associated parking area. The dwellings would be located on both sides of the main access road into the site fronting onto the road.

Small areas of landscaping are proposed, mainly to the front of the dwellings on the northeastern side of the road (plots 1 and 8).



## Site Area/Density

Site Area: 0.8 hectares (1.97 acres)  
Site Density: 25 dph (10.15 dpa)

## Relevant Planning History

|                      |   |
|----------------------|---|
| MC/21/0112           | Formation of a 75-space car park for the Kingdom Hall<br>Decision: Approval with Conditions<br>Decision date: 27 May 2021   |
| MC/14/3647           | Construction of a 65-bed care home with associated parking and landscaping<br>Decision: Refused<br>Decision date: 30 July 2015  |
| MC/98/0252MG/60/0288 | Erection of a 40 Bed Care Home for the elderly, a Christian Meeting Room and 13 three and four bedroomed terraced dwellings<br>Decision: Approval with Conditions<br>Decision date: 8 July 1998 |

## Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. EDF Energy, Southern Gas Networks, Southern Water, Natural England, Kent Police, NHS, KCC Ecology, Royal Society for the Protection of Birds and Kent Wildlife Trust have also been consulted.

**Sixteen** letters of representation have been received with the following comments:

- Three storey houses would be imposing on existing neighbouring properties
- Overlooking.
- Loss of sunlight.
- Noise.
- Safety of pedestrians at Thames Mead Primary School due to additional traffic.
- Impact on parking within the vicinity.
- Increase in road traffic congestion.

- Increased pressure on doctors, dentists, hospital and schools.
- Waste and drainage issues.
- Site instability.
- Impact of piling.
- Adverse impact on ecology/wildlife.
- Disturbance of inert substances during building works.
- Japanese knotweed on site.
- Impact of noise and light during development.

Revised drawings were received, which removed the three storey dwellings and altered the site layout. Re-consultations were carried out on the revised scheme.

**Six** further letters of representation were received reiterating previous objections as already identified above.

**Councillor Prenter** has written raising the following concerns:

- Twenty, 3 storey houses would have an overdeveloped feel.
- Neighbouring properties are two storeys in height and the proposal is out of keeping with the area.
- Overbearing impact to the existing dwellings.
- Land levels slightly raised above Pembury Way and Mayfield Way and the new dwellings will overlook dwellings within these roads.
- Loss of parking for Kingdom Hall.
- Subsidence previously on the site.

**Rehman Chishti MP** has commented requesting that the points raised by constituents are taken into account alongside the representations of the applicants in supporting a faith organisation from a freedom of religion perspective.

**Southern Water** have advised that there is a public combined sewer and water distribution main within the development site and a public decommissioned water distribution main crossing the site. Should any sewer be found during construction works and investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**KCC Ecology** have advised that sufficient information has been provided to determine the application. The mitigation measures that have been proposed are acceptable subject to conditions and that the ecological enhancements proposed are acceptable subject to conditions.

**Natural England** has no objection subject to the appropriate contribution for mitigation measures being secured.

**Kent Police** welcome discussions with the applicant/agent about site specific designing out crime and have identified some points that need to be looked at.

## **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 2021 and are considered to conform.

## **Planning Appraisal**

### *Background*

The Kingdom Hall formed part of a previous planning application MC/98/0252MG/60/0288 which has been implemented, due to the Kingdom Hall being constructed. This planning permission also allowed for a 40-bed care home for the elderly and 13 three and four bedroomed terraced dwellings. It is still possible for these elements to be constructed on the site due to the planning permission being extant given that it has been implemented through the construction of the Kingdom Hall.

This application was originally submitted for twenty dwellings and a car park for the Kingdom Hall. The car park has since been granted planning permission under a separate application (MC/21/0112) and has therefore been removed from this application.

### *Principle*

The site lies within the urban area of Rainham. Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Subject to compliance with the detailed matters of these policies which are set out in the assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

### *Design and Layout*

Paragraphs 126 and 130 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 development proposes a single access road into the site from Bloors Lane. The dwellings would be situated either side of the access road, to the front of the existing Kingdom Hall and would all have front elevations onto the access road.

The development proposes a mix of three house types. All dwellings have been amended to be two storeys in height with accommodation within the roofspace, which would be served by dormer windows. All roofs are to be pitched, with the dormers also having pitched roofs.

It is noted that the development being 2 storeys high with accommodation in the roofspace would mean it is slightly higher than the surrounding built form, however, it is considered that this would be acceptable due to it being a stand-alone development, creating a new street scene and therefore of its own design and merits.

Small areas of landscaping are proposed, mainly to the front of the dwellings on the northeastern side of the road.

Overall, subject to a condition to secure details of materials, no objection is raised to the design of the development or impact on the character of the area and the proposal is considered to be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development 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 130f of the NPPF relates to the protection of these amenities.

### Neighbours Amenity

The application site is surrounded by residential properties to the northeast and southwest, with all of these properties back gardens facing the application site. To the southeast is the Kingdom Hall and associated car park.

Due to the distance of the side elevation of plot 1 being approx. 10m to the rear elevation of 9 Mayfield Road, it is considered that this proposed dwelling would have some impact, in terms of loss of sunlight to the garden area of 9 Mayfield Road during the day, however, given that large areas of the garden throughout the day would not be impacted, it is considered that the loss of sunlight would not be detrimental to the occupants of this property.

Due to the distance of the proposed dwellings to the remaining existing surrounding dwellings (rear/side building line to rear building line) being between approx. 18m and 25m, it is not considered that the proposed development would have a detrimental impact on the surrounding neighbouring properties in terms of loss of outlook, daylight, sunlight or privacy.

### Future Occupiers Amenity

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical Housing Standards - nationally described space standard dated March 2015.

The proposed dwellings would comprise 3b4p dwellings. The space standards would require a gross internal floor area of 84m<sup>2</sup> for a 3b4p two storey dwelling. A double bedroom should have a floor area of 11.5m<sup>2</sup> and be at least 2.55m wide and a single bedroom should have a floor area of 7.5m<sup>2</sup> and be at least 2.15m wide. All proposed dwellings would either meet or exceed these standards.

The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the dwellings.

The Medway Housing Design Standards requires a depth of 10m for private amenity space. All dwellings are to be provided with rear gardens and side access to these gardens. All dwellings are to be provided with gardens of 10m or over in depth and therefore, would be considered adequate amenity space for future occupants of the dwellings.

The construction of the development itself could lead to noise and dust emissions to nearby residential properties. If the application were to be considered acceptable a condition would be recommended for a construction environmental management plan (CEMP) to be submitted.

To ensure the dwellings, remain in single family occupancy a condition removing the permitted development rights for the dwellings to be used as small HMO's is recommended. These conditions are necessary in the interest of protecting residential amenity of surrounding residents as a change to a small HMO could result in an adverse impact in terms of noise and disturbance as a result of increased comings and goings from an increase in individuals and potentially indiscriminate parking. It will also help to protect the character of the area and the retention of family sized homes given that the development is itself and will be located in an area predominantly in single household occupation.

With the abovementioned condition imposed, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### Noise

Due to the potential noise from the use of the existing Kingdom Hall, on the future occupants of the dwellings (noise breakout, vehicles, people etc.), a condition is recommended for an acoustic assessment to be undertaken and inclusion of any

recommended mitigation measures. With the recommended condition imposed the development is considered to comply with Policy BNE2 of the Local Plan and paragraph 185 of the NPPF.

### *Trees*

The application has been submitted with an arboricultural report and tree removal plan. All trees on the site, apart from trees identified as T7, T10, T12 and T16, are to be removed. No objection is raised to the removal of these trees, subject to the planting and establishment of suitable replacement trees.

Trees are proposed to be planted within the landscaped areas which are proposed, mainly to the front of the dwellings on the northeastern side of the road.

Overall, it is considered that the development would accord with Policy BNE43 of the Local Plan and paragraph 174 of the NPPF.

### *Highways*

The details submitted indicate that the existing access from Bloors Lane would serve the proposed development. The access road is approx. 5.5 metres wide, which allows two vehicles to pass each other. A pedestrian footpath would be installed to the southwestern side of the access road.

In terms of impact to the highway network, it is noted that the previous permission was granted for a 40-bed care home and 13 residential dwellings and therefore taking into account the number of vehicle movements that were permitted with the previous planning approval, it is considered that this proposed development would not generate a substantial amount of traffic above that and as such is considered acceptable.

With regards to parking, the applicants have outlined 40 allocated parking spaces and 5 visitor spaces and would therefore meet the minimum standards as set out by Medway Council's Interim Parking Standards. It is noted that in certain parts of the development, the parking spaces are crammed in adjacent to the residential units, however the spaces are adequate in terms of size, and this does not result in a highway safety issue.

Paragraph 112(e) outlines that development should provide electric charging facilities. A charging point should be available for each individual property. A condition is recommended to secure this provision.

Within the local vicinity, Thames View Primary School is in close proximity and therefore it is likely that significant level of pedestrians can be expected to utilise the zebra crossing along Bloor Lanes. A contribution has been requested as part of the S106 obligation to upgrade the existing zebra crossing to "Halo" Type LED Belishas.

Subject to the abovementioned contribution and recommended condition, it is considered that the proposed development would comply with Policies T1, T2 and T13 of the Local Plan and paragraph 111 and 112(e) of the NPPF.

### *Drainage and Surface Water Flood Risk*

The application site comprises brownfield land and it is recognised that the site is situated within Flood Zone 1 'low risk' in accordance with Environment Agency mapping. The Environment Agency mapping indicates that the north-west of the site is at medium risk of surface water flooding, although estimated flood levels are below 300mm and mostly constrained to the access road, and therefore should not pose an issue with development, provided a satisfactory drainage scheme can be designed.

The submitted Drainage Strategy highlights the geological investigations and recognises that the ground conditions are not suitable for infiltration and therefore the proposal seeks to connect to the existing surface water sewer which is located within the site. The drainage strategy for the site proposed the use of attenuation tanks, catch pits and gullies to deal with the surface water.

The SuDs components proposed do offer appropriate water quality mitigation in accordance with the most up to date guidance contained within the CIRIA SuDs Manual C753.

It is recognised that the sustainable drainage features proposed on site will ensure that the run-off will be suitably managed. The proposal seeks to discharge into the Southern Water sewer on site at 7l/s, however, this will need to be confirmed with Southern Water as acceptable.

A plan needs to be submitted detailing the management of surface water throughout the construction phase from entering the site and removal of topsoil to the completion of the development and this is recommended to be secured by a condition.

Overall, no objection is raised to the proposed site drainage subject to the recommended condition and the development is considered to be in accordance with paragraph 168 of the NPPF.

### *Ecology*

Sufficient information has been provided to determine the application. An Ecological Appraisal dated May 2020 has been submitted with the application.

The submitted ecological survey detailed that the site had potential for nesting birds, badgers, hedgehogs, reptiles and bats and the greatest area of ecological interest was the area of rough grassland within the east of the site.

Further information was required with regard to the proposed receptor site, in the event that reptiles were captured when clearing the rough grassland within the east of the site. However, this area has subsequently been cleared, under an ecological watching brief, while clearing the site of Japanese knotweed and no reptiles were captured during the vegetation clearance works. As such that information is no longer required.

The construction works may negatively impact species and therefore the precautionary mitigation detailed within the submitted ecological report must be implemented during works and a condition is recommended to secure this.

Bats are likely to forage/commute within the site and lighting can have a negative impact on bats. A condition is recommended requiring the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity improvements in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”*. A condition is recommended for details to be submitted, of ecological enhancements to be incorporated into the site and include integrated features into the dwellings.

Subject to the suggested conditions above, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 174 of the NPPF.

### *Contamination*

Due to the previous use of the application site as a landfill site, the application has been reviewed against the following reports:

- Weeks Landfill Gas Investigation dated 1998.
- Ground and Environmental Services Ltd Phase 2 Contamination Assessment dated September 2014 ref. 11281/2 (referred to in the later 2020 GES report).
- GES Ltd Ground Investigation Report dated September 2020 and submitted with the application.

It is accepted that contaminants were below the guideline values for the proposed end use. However, whilst the first two reports are dated, they both recommended gas protection measures be incorporated in new buildings. The GES report of 2014 recommended the following – “Whilst recorded gas concentrations were slightly below guideline values, in the absence of any robust data and given the former landfilling activities associated with the site, it has been given a classification of CS2 which means that gas protective measures should be incorporated into any new buildings constructed on the site”. Only one round of gas monitoring was carried out in the latest investigation therefore, a condition is recommended that gas protection measures be incorporated as recommended in the GES report of 2014 (Section 12).



With the abovementioned condition imposed it is considered that the development would comply with Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

### *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 will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Low NOx boilers and electric car points will be secured by condition, while all hard standings will be self-draining.

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, as such the development offers the opportunity for a sustainable transport solution.

The proposal is in accordance with paragraph 154 of the NPPF.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £250.39 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.

The applicants have agreed to this tariff and would be secured as part of the Section 106 Obligation. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *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 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 proposed comply with these tests because they have been calculated based on the quantum and location of the proposal and are directly related to the development.

Based on a net increase of 20 dwellings, the following contributions are sought and agreed by the applicant in accordance with Medway Council's Developer Contributions Guide 2019:

- i) £20,000.00 towards the upgrade of the existing zebra crossing, on Bloors Lane, in the vicinity of Thames View Primary School, to "Halo" type LED Belishas.
- ii) £1,050.00 towards improvements to signage/information and any relevant surface improvements to the GB5/6A and associated paths around Bloors Community woodland.
- iii) £106,028.88 towards expansion of the closest and most suitable schools. Nursery and primary: one or more of Thamesview Primary, St Thomas of Canterbury, Mierscourt Primary. Secondary: one or more of The Howard School, Rainham Girls, Robert Napier, Rainham Mark.
- iv) £3,368.00 towards improved facilities and equipment at Rainham Library.
- v) £4,900.00 towards the development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Precinct gateway by the car park and the High Street.
- vi) £1,597.20 towards programme delivery for young people (ages 8-19 and up to 25 for with disabilities) in the Rainham area. Which may include facilities, providing access, supplies, equipment, programme delivery and/or instructors.

- vii) £3,529.00 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- viii) £52,032.60 towards enhancement of open space facilities within the vicinity of the development including Cozenton Park and/or nearby allotment facilities and Medway's Metropolitan park - Great Lines Heritage Park
- ix) £12,895.80 towards the provision to support the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
- x) £5,007.80 towards Designated Habitats Mitigation.

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

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE23, BNE35, BNE37, BNE43, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 111, 112(e), 126, 130, 174, 180, 181, 183 and 185 of the National Planning Policy Framework 2021.

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

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### **Background Papers**

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

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