

MC/22/1875

Date Received: 27 July 2022
Location: Kingdom Hall Bloors Lane
Rainham Gillingham
Proposal: Construction of 20 houses with associated access and parking
(amendment to MC/20/2696).
Applicant: Fernham Homes
Mr C Loughead
Agent: DHA Planning
Mrs Danielle Lawrence Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
Ward: Twydall Ward
Case Officer: Madeline Mead
Contact Number: 01634 331700

Recommendation – Approval subject to:

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. £96,819.84 towards expansion of schools. Specific schools have not been named as the most suitable school for expansion to address the impact of the development can change in the time between request and receipt of contribution.
 - a. Nursery education: £30,985.80
 - b. Primary education: £2,173.03
 - c. Secondary education: £60,261.80
 - d. Sixth form education: £3,399.21
- 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. £1,619.00 towards programme delivery for young people (ages 8-19 and up to 25 for with additional needs) in the Gillingham area. Which may include facilities, providing access, supplies, equipment and/or instructors.
- vii. £3,888.40 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- viii. £57,332.80 towards enhancement of open space facilities within the vicinity of the development. Of which:
 - £54,446.16 to enhance open space facilities within the vicinity.
 - £2,886.64 to Medway's Metropolitan Park – Great Lines Heritage Park.
- ix. £14,209.20 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. £4,117.40 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- xi. £5,517.60 towards Designated Habitats Mitigation.

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:

Received 27 July 2022:

039_P_003 Revision P1 - proposed site layout
039_P_005 Revision P1 - proposed ecological mitigation plan
039_P_006 Revision P1 - EV charging strategy plan
039_P_007 Revision P1 - proposed boundary treatment plan
039_P_010 Revision P1 - plots 1 and 2 plans
039_P_011 Revision P1 - plots 1 and 2 elevations
039_P_013 Revision P1 - plots 3, 4, 7, 8, 9, 10, 13, 14, 17 and 18 elevations
039_P_015 Revision P1 - plots 5, 6, 11, 12, 15 and 16 elevations

039_P_016 Revision P1 - plot 19 floor layout and elevations
039_P_017 Revision P1 - plot 20 floor layout and elevations
039_P_018 Revision P1 - proposed street scene A-A
BL/TPP/1992-03 - tree protection plan proposed

Received 1 August 2022:

039_P_012 Revision P2 - Plots 3, 4, 7, 8, 9, 10, 13, 14, 17 and 18 floor layouts
039_P_014 Revision P2 - plots 5, 6, 11, 12, 15 and 16 floor layouts

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) 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 3 November 2020). 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.

- 4 No development shall take place until tree protection measures, as shown on drawing number BL/TPP/1992-03 (tree protection plan proposed) dated 06 June 2022 have been put in place. The tree protection measures shall thereafter remain in place throughout the construction of the development.

Reason: Required prior to development to ensure no irreversible detrimental harm to the existing trees and in accordance with Policy BNE43 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 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 commencement of 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.

- 6 No development or vegetation clearance shall take place until a precautionary mitigation strategy has been submitted to and approved by the Local Planning Authority. The mitigation strategy must detail how the vegetation clearance will be carried out to avoid a harmful impact on ecological interest. The mitigation strategy shall be implemented in accordance with the approved details.

Reason: Required prior to development to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 7 No development above slab level shall take place until, an acoustic assessment has been undertaken to determine the impact of noise arising from use of Kingdom Hall on the residential amenity of the occupiers of the development hereby approved. 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.

- 8 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) has been submitted to and approved in writing by the Local Planning Authority.

The CSWMP 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 and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: Required prior to commencement 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.

- 9 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.

- 10 Dwellings herein approved shall not be occupied until an electric vehicle charging point for that dwelling, as shown on approved drawing number 039_P_006 Revision P1 received 27 July 2022, has been installed. The type of electric vehicle charger installed and its location, shall be in accordance with the approved drawing and once installed shall thereafter be maintained.

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

- 11 The dwellings herein approved shall not be occupied, until the area shown on the layout drawing number 039_P_003 Rev P1 as vehicle parking space has been provided, surfaced and drained in accordance with details first 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 The development herein approved shall incorporate the following measures ecological enhancements:

- 2 bird bricks
- 2 swift boxes (to be included on the buildings under the eaves not fencing)
- 1 swallow box (to be included on the buildings under the eaves not fencing)
- 2 bat boxes (to be integrated)
- 2 log piles
- Hedgehog highways in all close board fencing

The development shall not be occupied until a verification report prepared by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

13 Gas protection measures as recommended in the GES report of 2014 (Section 12) shall be incorporated into the development and a verification report showing how this has been achieved 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.

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, landscape overlaid on the lighting and services (including drainage) plans, 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 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.

- 18 Prior to installation of any external lighting a "sensitive lighting strategy" for the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
- a) Identify those areas/features on site that are particularly important for bats.
 - b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and shall be maintained thereafter.

Reason: To limit the impact of the lighting on the wildlife and with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 19 The boundary treatment shall be installed in accordance with the materials and locations as shown on drawing number 039_P_007 Revision P1 received 27 July 2022 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.

- 20 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 of such 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 approved method statement 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.

- 21 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. The proposed properties would be two storeys in height, with some having living accommodation within the roofs, which would be served by dormers. A mix of five designs for the houses are proposed.

Each property would be provided with two car parking spaces and there would be four parking spaces for visitors 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.

Small areas of landscaping are proposed predominantly to the front of the dwellings on the northeastern side of the road (plots 1 to 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
Decision: Approval with Conditions
Decision date: 27 May 2021

MC/20/2696 Construction of 20 x three- bedroom houses with associated access and parking

Decision: Approval with Conditions
Decision date: 05 November 2021

MC/14/3647 Construction of a 65-bed care home with associated parking and landscaping
Decision: Refused
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
Decision: Approval with Conditions
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 Medway, KCC Ecology, Royal Society for the Protection of Birds and Kent Wildlife Trust have also been consulted.

Seven letters of representation have been received with the following comments:

- Overlooking
- Loss of sunlight
- Loss off amenity
- Noise and dust from construction
- Tree removal
- Vibration from pilling
- Parking
- Noise
- Safety of pedestrians at Thames Mead Primary School due to additional traffic.
- Increase in road traffic congestion
- Site instability
- Impact of piling
- Disturbance of inert substances during building works.
- Japanese knotweed on site.
- Impact of noise and light during development.

Southern Water have advised that they need additional time to comment on the application, however on the previous application they 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 bed roomed 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.

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 emphasizes 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 would be accessed via 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 mostly have front elevations onto the access road, with the exception, of plots 1 and 2 which would front onto the access into the site.

The development proposes a mix of five house types. All dwellings would be two storeys in height with some having living accommodation within the roof space, which would be served by dormer windows on the front roof slope of the dwelling. All roofs are to be pitched, in the form of either hipped, barn hipped, or gable ended, and the dormers would have flat roofs.

It is noted that the some of the development, being two storeys in height with accommodation in the roof space, 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.

The previously approved application had tandem parking between the properties. This proposed layout provides the parking either at the front of the properties or tandem parking between the properties.

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, all of which have their 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 the rear extension 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 side elevation of plot 20 being approx. 9.5m to the rear elevation of 92 Bloors Lane, it is considered that this proposed dwelling would have some impact, in terms of loss of sunlight to the garden area of 92 Bloors Lane during the day. However, the orientation and layout of the dwelling have been arranged so as to have no habitable room windows at first floor on the north-west elevation preventing overlooking, it is considered that the loss of outlook, sunlight and overlooking 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. 17m and 29m, 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 houses either meet or exceed the requirements of the national space standards for overall floorspace. The standards require a double bedroom to have a floor area of 11.5m² and be at least 2.75m wide and a single bedroom should have a floor area of 7.5m² and be at least 2.15m wide. The third bedrooms of plots 1 and 19 fall slightly short of the minimum floor area for a single bedroom. The drawings submitted with the application refer to bedroom 3 as being a bedroom/study and therefore the proposal has been considered on the basis that the room will be used as a study. However, given the configuration of these rooms, it is possible to see how bedroom furniture could be accommodated should an occupier wish to use it as a bedroom and therefore no objection is raised in this regard.

For all proposed dwellings the measurements indicate that one of the double bedrooms does not meet the national standard in terms of the floor area. As such, these smaller 'double' bedrooms have been considered as single bedrooms.

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 and 7m on constrained sites. All dwellings are to be provided with rear gardens and side access to these gardens. All proposed dwellings would be provided with a garden between 7m and 10m and therefore are considered to provide 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 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 would be 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 dwellings would be provided with two car parking spaces each which would meet the requirements of the parking standards and four visitor spaces would be provided. The spaces are adequate in terms of size, and this does not result in a highway safety issue.

Paragraph 112(e) of the NPPF outlines that development should provide electric charging facilities. A charging point should be available for each individual property and therefore 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 utilize 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

An ecological appraisal dated 3 November 2020 has been submitted with the application, therefore due to the date the assessment was carried out, in relation to the submission of this application, consideration needed to be given as to if the survey information is likely to still be valid.

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.

Up to date photos have been provided of the proposed development site and these confirm that the site has been unmanaged in the last year and become overgrown. Therefore, suitable habitat within the site for protected/notable species is present.

As part of the previously approved application MC/20/2696 a destructive search was carried out in the east of the site as part of works to clear Japanese Knotweed. No reptiles were recorded during those works and due to the limited connectivity to the wider area and the limited time since the destructive search was carried out it's probably unlikely that a reptile population have established within the site, and it is accepted that a reptile survey is not required.

The construction works may negatively impact species and therefore it is recommended a precautionary mitigation is implemented during the site clearance works. The precautionary mitigation approach detailed within the ecological report is no longer valid due to the large increase of vegetation within the site and therefore a condition is recommended for one to be submitted.

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 NPPF 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". The submitted information has detailed the following to be incorporated into the site:

- 2 bird bricks
- 2 swift boxes
- 1 swallow box
- 2 bat boxes
- 2 log piles
- Hedgehog highways in all close board fencing.

A condition is recommended for the details of the location of these enhancement measures to be incorporated within the ecological enhancements.

Subject to the suggested conditions above, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

Contamination

Due to the previous use of the application site as a landfill site and the impact this could have on the future occupants of this development a condition is recommended for details of gas protection measures within each dwelling to be submitted.

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 to be used will exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will endeavour to 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 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.

A condition is recommended for an energy efficiency and climate change verification report to be submitted. With the abovementioned condition imposed 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 £275.88 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 it 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. £96,819.84 towards expansion of schools. Specific schools have not been named as the most suitable school for expansion to address the impact of the development can change in the time between request and receipt of contribution.
 - a. Nursery education: £30,985.80
 - b. Primary education: £2,173.03
 - c. Secondary education: £60,261.80
 - d. Sixth form education: £3,399.21
- 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. £1,619.00 towards programme delivery for young people (ages 8-19 and up to 25 for with additional needs) in the Gillingham area. Which may include facilities, providing access, supplies, equipment and/or instructors.
- vii. £3,888.40 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- viii. £57,332.80 towards enhancement of open space facilities within the vicinity of the development. Of which:
 - £54,446.16 to enhance open space facilities within the vicinity.
 - £2,886.64 to Medway’s Metropolitan Park – Great Lines Heritage Park.
- ix. £14,209.20 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. £4,117.40 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- xi. £5,517.60 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, 154, 168, 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.

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/>