

MC/22/1339

Date Received: 26 May 2022
Location: Land Off 143 Berengrave Lane Rainham
Gillingham Medway
Proposal: Construction of 8 residential dwellings; detached garages to plots 2, 3 and 8 together with private amenity space, landscaping and associated parking
Applicant Berengrave Lane LLP
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Ward: Rainham North Ward
Case Officer: Madeline Mead
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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 16th November 2022.

Recommendation - Approval with 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 26 May 2022:

PL/685/10 - Plot 1 elevations and floor layout
PL/685/11 - Plots 2 and 3 elevations and floor layout
PL/685/12 - Plots 4-7 elevations and floor layout
PL/685/13 - Plot 8 elevations and floor layout
PL/685/14 - Plots 2, 3 and 8 garage plans

Received 19 July 2022:

PL/685/01 Rev A - Proposed site layout

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

- 3 No development or vegetation clearance shall take place until a detailed reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must include the following:

- o Map showing the location of the existing reptile habitat.
- o Map showing the location of the reptile receptor site.
- o Overview of mitigation proposed.
- o Detailed methodology to implement mitigation.
- o Simple receptor site management plan.
- o Timetable for implementation

The reptile 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.

- 4 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 and details of precautionary ecological mitigation. 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.

- 5 No development above slab level shall take place until an Ecological Enhancement Plan (EEP) which shall include a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The EEP must provide details of ecological enhancements to be incorporated into the buildings and the wider site. The EEP must confirm what habitats will be retained, enhanced and created within the site. The EEP shall be implemented in accordance with the approved details.

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

- 6 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.

- 7 No development shall take place above slab level until details of the provision of 1 electric vehicle charging point per dwelling herein approved 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.

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

- 8 The dwellings herein approved shall not be occupied, until the area shown on the layout drawing number PL/685/01 Rev A 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.

- 9 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.

- 10 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.

- 11 No dwelling 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 any dwelling and/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, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 12 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement, by DHA (dated June 2022). 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.

- 13 The first-floor window on the flank wall of Plot 7, which serves the bathroom, as identified on drawing number PL/685/12, 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.

- 14 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.

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.

- 15 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 nocturnal animals/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.

- 16 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

This application proposes the construction of eight dwellings (four 3-bedroom semi-detached and four 4-bedroom detached dwellings) with associated parking areas and garages.

The semi-detached dwellings would comprise kitchen/breakfast, living room and w.c. at ground floor level and three bedrooms (one with en-suite) and bathroom at first floor level. One of the detached dwellings would comprise kitchen/breakfast, utility, living room w.c. at ground floor level and four bedrooms (en-suite) and bathroom at first floor level and the other three detached dwellings would be the same at first floor level but would comprises at ground floor level the addition of a study.

The proposed access to the site would be from the estate access road previously approved under MC/18/3168, which was for the erection of nine houses with access from Berengrave Lane.

Car parking spaces for each dwelling would be provided and some of the dwellings would also be provided with garages. Visitor car parking spaces are also provided.

Within each of the rear gardens would be a small shed, which is proposed for use as cycle storage.

Site Area/Density

Site Area: 0.43 hectare (1.06 acres)
Site Density: 18.6 dph (7.5 dpa)

Relevant planning History

MC/20/1319 Construction of four detached chalet dwellings with associated access, vehicle parking/garaging, refuse and cycle storage areas as amended by revised drawings received on 17/09/2020.
Decision: Refused
Decision date: 22 October 2022

Adjacent site

MC/18/3168 Construction of nine residential dwellings comprising 6 no. 3 bedroom houses, 2 no. 4 bedroom houses and one 5-bedroom house, with associated access, amenity areas and associated

garaging and parking for proposed and existing dwelling.
Demolition of the existing garage and outbuildings.
Decision: Approval with conditions
Decision date: 29 April 2019

Representations

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

Eight letters of representation have received with the following comments:

- Overdevelopment
- Highway impact and safety
- Piecemeal development
- Loss of greenspace
- Increased pressure on doctors and the hospital
- Building on agricultural land

Southern Water have provided an extract of the records showing the approximate position of an existing rising main and water main within the development site. The extract also shows that the proposed development would lie over an existing public foul rising main, which would not be acceptable to Southern Water. A sewer now deemed to be public could also be crossing the development site.

Natural England have written to confirm the Councils Appropriate Assessment has been accepted and the use of Strategic Access Management and Monitoring Strategy (SAMM) is suitable mitigation to the integrity of the European Sensitive Sites.

KCC Ecology have advised that sufficient survey information has been provided to determine the application. The mitigation measures that have been proposed are acceptable subject to conditions and that ecological enhancements should be secured via a condition.

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 generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below. The Medway Landscape Character Assessment 2011 (the MLCA) is also relevant.

Planning Appraisal

Background

An application was submitted in 2020, under planning reference MC/20/1319, for the construction of four detached chalet dwellings with associated access, vehicle parking/garaging, refuse and cycle storage areas. This application was recommended for approval by the case officer but due to the number of objections received contrary to the officer's recommendation, the application was determined by the Planning Committee.

The Planning Committee overturned the officer's recommendation, and the application was refused for the following reason:

The proposed development would result in intrusion of built form into the countryside and erosion of openness detrimental to the landscape value of the Area of Local Landscape Importance contrary to Policies BNE25 and BNE34 of the Medway Local Plan 2003 and paragraph 170 of the NPPF; in addition the proposal would lead to higher volume of vehicular movements and correspondingly increased level of noise and general disturbance to the detriment of the amenities of the occupiers of the properties along the northern and southern sides of the access drive contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the NPPF; furthermore, increase in the volume of traffic at the junction of the access drive with Berengrave Lane would be likely to impact on the free flow of traffic and highway safety contrary to the Policies T1, T2 and T12 of the Medway Local Plan 2003.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of any defined urban area as designated by the Local Plan and therefore is in a countryside location, an Area of Local Landscape Importance (ALLI) and Lower Rainham Farmland character area from the Medway Landscape Character Assessment 2011.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case. Policy BNE34 of the Local Plan seeks to prevent development which would materially harm the landscape character and function of the area. However, these Policies are not in full accordance with the subsequent advice of the NPPF. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that where the development plan policies are out-of-date, including in respect of applications for the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless given circumstances apply. In the current case the Council has a shortfall in housing land supply and therefore the development cannot reasonably be refused on principle alone just because it is within a rural area. In these

circumstances, consideration has been given to whether or not a development in this location would be sustainable.

Policy H9 of the Local Plan allows for backland development, subject to certain criteria.

The weight that can be given to Policies BNE25 and BNE34 is now limited in terms of their intention to control housing supply, but their landscape intentions are still broadly in line with the NPPF. However, in respect of this application site, its location is to the northeast of the development constructed under planning permission MC/18/3168 for nine residential dwellings. The north-western boundary of this application site is in line with the north-western boundary of this adjacent site MC/18/3168. The closest dwelling of those currently proposed (Plot 2) would be set off the north-western boundary by a similar distance to that of the closest dwelling to the north-western boundary of the adjacent development (MC/18/3168). Immediately to the northeast of the application site and on the other side of the north-western boundary to the proposed dwelling of Plot 2 is another building and a further building located within close proximity of this same boundary on the opposite by Plots 5 and 6 of the proposal.

It is important to consider this context as the siting of these buildings means that the development appears spatially as an infill development rather than an encroachment into the 'open' countryside. For this reason and in the absence of 5-year land supply, it is considered that the proposed development would have limited harm on the appearance of the landscape character and would make effective use of land no longer required in association with the nursery.

Having regard to the above, it is considered that the proposal in this location is capable of comprising sustainable development that would be acceptable in principle.

Layout, Design and Appearance

Paragraph 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Special attention needs to be paid to the impact on the character and appearance of the countryside and the ALLI and Policies BNE25 and BNE34 of the Local Plan seek to ensure development is sensitive to these areas.

The site is located within Lower Rainham Farmland character area as set out in the Medway Landscape Character Assessment 2011. This wider character area is described as flat with small to medium scale mixed farmland comprising orchards, arable, and rough grazing. Guidance for development in this area states to resist further built development and introduce more positive landscape management systems. However, as stated above significant weight needs to be attached to the lack of a 5-year land supply and the location of the application site in its infill context.

The character of the area, in terms of housing design, is varied with detached bungalows, chalet bungalows and two-storey houses. The proposed dwellings would form a cul-de-sac layout of development at the end of a residential development, which is currently being constructed and was approved under reference MC/18/3168. The dwellings are proposed to be two storeys in height, with pitched roofs (either gable

ended, barn hipped or hipped) and would be either semi-detached or detached, with some of the houses having detached or attached garages, which would be in keeping with the design of the adjacent approved development (MC/18/3168).

It is considered that the scale, design and appearance of the proposed dwellings would be in keeping with the character of the surrounding dwellings and those under construction on the adjoining site.

With regard to Policy H9 of the Local Plan, it clearly states that backland development would be permitted when it does not constitute piecemeal development. The layout of the proposed development would follow the internal road and appear as a continuation of the existing development (MC/18/3168) currently under construction. In addition, the architectural would follow similar principles and design to the MC/18/3168 development. Taking this into account as well as the presence of the existing buildings on the other side of the north-eastern boundary, the current proposal would not appear or constitute piecemeal development. As such the proposal is in accordance with Policy H9 of the Local Plan.

It is considered that with good quality landscaping to the boundaries of the site, the proposal would not result in detrimental harm to the character and appearance of the countryside or the immediate locality.

No objection is raised in terms of scale, design, siting and appearance of the development under Policies BNE1, BNE25, BNE34 and H9 of the Local Plan and paragraphs 126, 130 and 174 of the NPPF and the Medway Landscape Character Assessment.

Residential Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings 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.

Neighbouring Residential Amenity

The application site is bounded by residential properties to the southeast and southwest. The properties to the southeast are located on Berengrave Lane. Two of the proposed dwellings would either sit side on or back-to-back with these existing dwellings. The proposed dwelling (Plot 7) would have a separation distance from its side wall to the main rear elevation of these properties on Berengrave Lane of approx. between 32m and 48m. Within the side elevation at first floor level a window is proposed, however, this serves the bathroom and therefore it is considered acceptable to recommend a condition for this window to be obscure glazed and non-opening. The proposed dwelling (Plot 8) would have a distance of approx. 57m from its rear elevation to the rear elevation of the dwelling on Berengrave Lane. Proposed Plots 1 and 8 would be constructed adjacent to two dwellings which are currently under construction as part of planning permission MC/18/3168.

Overall, it is considered that sufficient separation distances would be provided between the proposed and existing dwellings to ensure there is no harmful impact in terms of overlooking, loss of sunlight, daylight, outlook or privacy to the surrounding properties.

In terms of additional vehicle movements generated by the proposal utilising the access from Berengrave Lane, it is not considered that it would result in a detrimental impact on residential amenity and therefore no objection is raised in this regard.

The construction of the development itself could lead to noise and disturbance to nearby residential properties and therefore if the application were to be considered acceptable then a condition is recommended requiring the submission of a construction environmental management plan.

Additionally, the potential for any of the dwellings to be converted to Class C4 small HMO would cause concern with regard to amenity of the future occupiers of the development itself, the adjacent development and existing residents in the locality due to increased comings and goings from individuals and inconsiderate parking. As such, it is recommended that permitted development rights be removed for the change of use from C3 dwellinghouse to C4 small HMO.

Amenity of Future Occupiers

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 and the Medway Housing Design Standards.

The proposed dwellings would provide four 3B5P, two 4B6P and one 4B7P dwellings. The space standards would require the 3B5P to have a gross internal floor area of 93m², the 4B6P to have 109m² and the 4B7P to have 115m². All of the proposed dwellings would meet the gross internal floor area requirements. A double bedroom should 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. All of the bedrooms would meet these requirements. It is considered that the proposed dwellings would provide suitable living accommodation for future occupants.

The application provides private outdoor amenity space for each dwelling. The Medway Housing Design Standards require a garden on a constrained site to have a depth of at least 7m and on all other sites a depth of 10m. All of the gardens would have a minimum depth of 10m and would therefore provide sufficient private amenity space for future occupants.

With adequate internal and external space being provided, no objection is, raised in this regard and the proposal is considered to be in accordance with Policies BNE2 and H9 of the Local Plan and paragraph 130f of the NPPF.

Highways

The development would be accessed via a vehicular access which was granted planning permission under reference MC/18/3168. This access is from Berengrave

Lane and therefore no objection is raised in terms of access arrangements and the impact to the highway. In terms of internal layout, the application proposes at least two parking spaces to each property and two visitor spaces and therefore, would meet the requirements of the adopted Interim Residential Parking Standards.

The NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore, a condition is recommended to fulfil this objective.

The application is considered to comply with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112e of the NPPF.

Ecology

A preliminary ecological appraisal dated July 2022 has been submitted with the application. The information within the appraisal has detailed that the site has potential to support reptiles, hedgehogs, breeding birds and foraging/commuting bats. With the exception of reptiles, it is considered that the proposed precautionary mitigation would be appropriate.

The suitable habitat for reptiles is largely adjacent to the southern boundary which is surrounded by residential gardens and therefore there may not be suitable habitat to support any reptiles within those gardens and as they are not in the applicant's ownership appropriate management cannot be implemented.

The appraisal has detailed that the reptiles will be pushed into land in the applicant's ownership which is in the northwest of the site, but due to the distance between the northern and southern boundary concern is raised that this would not be feasible. In addition, no information has been provided detailing how the land in the northwest of the site will be enhanced to benefit the reptiles.

The preliminary ecological appraisal has detailed that the land to the northwest of the site is in the ownership of the applicant (although this has not been depicted as a blue line boundary on the location plan) and therefore it is considered that reptile habitat can be created, and appropriate mitigation can be implemented. A condition is recommended for an appropriate mitigation strategy to be submitted.

It is also recommended that precautionary mitigation for breeding birds and hedgehogs are incorporated in the condition for the Construction Environmental Management Plan as set out above.

Hedgerows

The preliminary ecological appraisal has detailed that the hedgerows will largely be retained within the site. The site plan has been updated to state that the hedgerows on the southern and eastern boundary will be retained and enhanced where required and where possible.

The retention and enhancement of hedgerows would be beneficial to biodiversity, and it is strongly encouraged that these should be retained. There may be a need to cut

the hedgerows back where they are encroaching into the proposed garden areas, but the hedgerows can still be retained within the site.

It is recommended that details of the hedgerows to be created and enhanced must be provided within an ecological enhancement plan.

Lighting

Lighting can have a negative impact on nocturnal animals (including bats). No information has been provided with the application, as to whether any street lighting would be incorporated into the development. There is a need to ensure that any lighting will be designed to minimise impacts on nocturnal animals and therefore a condition is recommended that a bat sensitive lighting scheme is implemented.

If street lighting is not proposed to be installed it is recommended that security lighting is installed on the entrance of each dwelling which has been chosen to minimise lighting impacts. If security lighting is not installed it is likely that future residents will install lighting and inappropriate lighting may be installed.

Ecological Enhancements

One of the principles of the NPPF is that “opportunities to improve biodiversity in and around developments should be integrated as part of their design” The preliminary ecological appraisal submitted with the application makes recommendations to enhance biodiversity, however, no details have been provided demonstrating what enhancements would be incorporated into the site. Therefore, a condition is recommended for an ecological enhancement plan to be submitted.

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

Contamination

The application has not been submitted with a desk top study, however, a desk top study by R Carr (3791/20 dated June 2020), was submitted with the previous application for this site (submitted under application MC/20/1319). This report was considered to be in line with current guidance and considered that the risk of contamination, being present, was low. Due to the sensitivity of the proposed end use as residential and the previous known use of the site as part of a nursery, a condition is recommended for a contamination watching brief.

Subject to the recommended condition, no objection is raised under Policy BNE23 of the Local Plan and Paragraphs 183 and 184 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 completed the SAMM's agreement form and paid the tariff. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The application has been submitted with a climate change statement which details how the dwellings would address climate change and energy efficiency.

If the application were to be considered acceptable a condition is recommended for an energy efficiency and climate change verification report to be submitted.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The Council accepts that the current Local Plan is of age, being adopted in 2003. However, the assessment above refers to Local Plan policies where they are still considered relevant and applicable. The Council cannot demonstrate a five-year supply of housing land sought by paragraph 74 of the NPPF. There is therefore a significant need for new housing in the Medway area and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged.

Paragraph 8 of the NPPF sets out the three overarching objectives of sustainability – economic, social and environmental.

Taking the three objectives of sustainable development in turn:

Economic – the proposal will provide employment during construction and will bring new people into the area with additional spending to help support existing services and facilities.

Social – the proposal will provide much-needed housing. In principle, a well-designed and healthy scheme can be provided.

Environmental – While the site is outside of the built-up area of Rainham and within the countryside and an Area of Local Landscape Importance (ALLI), the submitted layout plan shows pockets of landscaping/tree planting areas within the application site which contribute to the ecology of the area and integrate with its surrounding.

It is considered that while the proposal would result in the loss of an area of countryside and would have an impact on the character of the local landscape. However, due to the constrained nature of the site and the land appearing to be more of an infill than intrusion into the countryside, the development is not considered to have a detrimental impact on the character and appearance of the countryside.

The area has good vehicular access to local services and facilities such as bus stops in Berengrave Lane and B2004/Lower Rainham Road, railway station and Rainham town centre.

The proposed development is in accordance with the objectives of the NPPF in that the site would provide environmental, economic and social benefits.

Therefore, having regard to the advice in the NPPF, it is considered the proposal is sustainable development and having regard to the Council's position with respect to lack of 5 years deliverable housing land supply, the construction of eight dwellings would make a small contribution towards meeting the shortfall. The proposal is considered acceptable as the benefits outweigh the limited harm caused by the presence of the development within an area classified as open countryside within the Local Plan. The proposal is therefore recommended for approval.

Conclusions and Reasons for Approval

The proposal is considered to be sustainable development and is acceptable in terms of the principle. Furthermore, no objection is raised in terms of design, siting, appearance, impact on residential amenity, highways and parking, the impact on ecology and contamination are considered acceptable subject to the appropriate conditions. The development is considered to comply with Policies BNE1, BNE2, BNE23, BNE25, BNE34, BNE35, BNE37, H9, T1, T2 and T13 of the Local Plan and paragraphs 11, 74, 111, 112e, 126, 130, 174, 180, 181, 183 and 184 of the NPPF and the application is recommended for approval.

The application would normally fall under delegated powers for determination but is being reported to Committee due to the number of representations received expressing a view contrary to officer recommendation.

Background Papers

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

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