

MC/11/1888

Date Received: 8 July, 2011

Location: Land between Medway Road and Cumberland Road,
Gillingham, Kent

Proposal: Construction of 10 dwellings together with parking courtyard,
boundary wall and entrance gates

Applicant: L and Q Housing Trust

Agent: Mr Ward Roger Ward Associates Limited The Hoo Wrotham
Road Meopham Kent DA13 0HP

Ward Gillingham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7 March, 2012.

Recommendation - Approval subject to:-

A) The applicant entering into a legal agreement under the terms of Section 106 to secure:

- i) 100% Affordable Housing
 - ii) A contribution of £2,499 towards the Great Lines Heritage Park
- or
- i) £2,499 towards the Great Lines Heritage Park, which includes the Lower Lines Park adjacent to the site
 - ii) £24,710.40 – towards primary education at Napier Primary School and Saxon Way Primary School
 - iii) £1,925 – towards waste and recycling
 - iv) £21,190.05 – towards informal open space, outdoor equipped play areas and formal sports provision at Mill Road, James Street, and/or the Lower Lines Park, Gillingham

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:

2011.WD.03, 04, 05A, 06, 07, 08A, 10A, 11, 12, 13, 14, 15 received on 8 July 2011 2011.WD, and 02G received on 16 January 2012 and 2011.WD.01K received on 31 January 2012 and 2011.WD.18F received on 13 February 2012.

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

- 3 No development 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. These details shall include drawings of eaves, verges, and window opening/ wall junctions at an appropriate scale but no less than 1:20 and joinery details (windows/doors) at an appropriate scale (suggest 1:5), and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, is of an appropriate quality for the setting within a conservation area and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. Development shall be carried out 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A - E of Part 1 of Schedule 2 of that Order 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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 The car parking area within the site shall be lit in accordance with a lighting scheme installed on site before occupation of any building on site in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE5 of the Medway Local Plan 2003.

- 7 None of the parking spaces shown on the approved plan shall be allocated to individual dwellings.

Reason: To ensure a flexible and efficient off-street provision that will minimise overspill parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 8 No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved plans and maintained thereafter.

Reason: In the interests of residential amenity.

- 9 No development shall take place until full details of the gating to the alleys, including their design and management (which will detail who holds keys and has responsibility for then) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of gating shall be implemented prior to first occupation of the relevant units and shall thereafter be maintained.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE8 of the Medway Local Plan 2003.

- 10 Prior to occupation of the dwelling on plot 10 the bathroom window on the northern elevation of that dwelling shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening and shall thereafter be retained as such.

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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the northern elevation of plot 10 other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 13 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 16 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 13 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 14 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 17 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. 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, unless the Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 18 Prior to the commencement of the development hereby permitted, a construction code of practice covering noise, dust, air quality and lighting for the construction phase of the development together with the storage and movement of waste, plant and materials / equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved construction code of practice.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 Prior to the commencement of the development details of the installation of water, electric, gas, and any cable services shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and retained thereafter.

Reason: To protect the character and appearance of the area in accordance with policy BNE43 of the Medway Local Plan 2003.

- 20 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Landscape Mitigation & Management Report received 19 January 2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 21 No development shall take place until the precise locations for the re-located tank traps has been submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans and retained thereafter.

Reason: In the interests of visual amenity and the heritage asset in accordance with policies BE1 and BE6 of the South East Plan 2009 and policies BNE1 and BNE16 of the Medway Local Plan 2003.

- 22 No development shall take place until details of a series of interpretation boards reflecting the historical importance of the tank traps to be installed on site and a timeframe for their installation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a greater understanding of the heritage asset in accordance with PPS5.

- 23 No development shall take place until the developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Authority.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

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

Proposal

The proposal is for the construction of 10 dwellings together with parking courtyard, access and associated landscaping. The site is a triangular portion of land and the properties would be situated towards the northern / western boundary with their rear elevations facing Cumberland Road. The dwellings would all be 3-bedroom and be arranged in three short terraces consisting of 3 dwellings each, with one detached property. The site would be accessed from Medway Road by means a driveway that would lead to a parking area with landscaping in front of the dwellings. The parking area would provide 10 parking spaces together with 4 visitor spaces. Existing trees along the frontage with Medway Road and on the corner of Cumberland Road by the access to the Lower Lines Park would be retained. The existing footpath through the site would be re-directed so the public would walk through the public park.

The application originally involved 11 dwellings however revisions during the course of the application removed plot 11 together with relocating of plot 10 and changes to the boundary treatment fronting Medway Road.

Site Area/Density

Site area: 0.36 hectares (0.88 acres)

Site density: 27 dph (11.3 dpa)

Relevant Planning History

MC/11/2913 Listed Building consent for the installation of a proposed access over and through a collection of listed 'dragons teeth' tank traps
Registered

Lower Lines Park, Prince Arthur Road / Medway Road

MC/06/1519 Change of use of land from military training land to Public Park with land level lowering; infilling works and installation of ancillary structures including 2 bridges and play equipment
Approved 22 June 2007

Mid Kent College Campus, Prince Arthur Road / Medway Road

MC/05/0647 Construction of 3no. five-storey blocks for new college campus
Approved 5 July 2007

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, Southern Gas Networks, Southern Water Services, English Heritage, Lower Lines Trust and Friends of the Admirals Garden have also been consulted.

18 letters (from 15 addresses) have been received raising the following objections:

- Loss of open space
- Loss of mature trees
- Impact on Ecology particularly bats
- Loss of privacy to properties in Medway Road
- Insufficient on-site parking
- PV panels inappropriate within a conservation area
- Surrounding infrastructure not sufficient to support the dwellings
- Listed tank traps would be removed and effected
- Overdevelopment

All other matters raised not listed above are non-material

1 Petition with 14 signatures on has been received in objection to the application.

1 Petition with 138 signatures on has been received in objection to the application.

Following re-consultation on amended plans **4 letters** have been received raising the following objections:

- Trees already removed
- Entrance is onto a busy Road that is partly obscured
- Loss of green spaces and trees
- Insufficient parking
- Solar panels won't get enough sunlight
- Preserve tank traps
- No justification for not paying S106
- Visual impact of solar panels
- Gated community would not be appropriate

Chatham World Heritage Steering Group objects to the application due to the incursion on the Field of Fire but if the scheme is approved appropriate mitigation and recording of historical structures should be undertaken.

Southern Water has raised no objections to the application subject to the imposition of appropriate conditions.

Kent Fire & Rescue raise objection to the application as the access is inadequate.

Kent Police have raised no significant objections to the application but have commented from an environmental design perspective making the following points:

- Insufficient on-site parking
- Maximise surveillance opportunities for the Lower Lines Park
- Lighting should be considered
- Rear alleyways should be gated for use by residents only
- Re-routed footpath should not be dog-legged

English Heritage state that the removal of 7 Dragons Teeth has less than substantial harm on the special interest of the Dragons Teeth, but that the harm is nevertheless high. The tests laid out in PPS5 He9.4 (which balances out the public benefit of a proposal against the harm caused to a heritage asset) have not been met. Specifically, English Heritage argue that:

- The landscape mitigation and management report does not maximize the benefits that could be secured as part of these works
- The absence of an interpretation strategy means that an opportunity for public benefit has been missed.

However, English Heritage make suggestions which would substantially improve the public benefit such that recommending approval might be appropriate. However, English Heritage object to the scheme as it stands at present.

KCC Archaeology deems this application to represent to be substantial harm to the significance of the designated heritage asset, under PPS5 policy He9.1. This is because the removal of 7 Dragons Teeth (from a near complete line of Dragons Teeth) has a negative impact on the special interest of the listed Dragons Teeth as a continuous line of defence and because the physical act of removing individual Dragons Teeth will have a negative impact in itself. There are no exceptional circumstances that justify this harm. The application should be refused.

Development Plan Policies

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.

Planning Appraisal

Principles of Development

The application site lies within the former Field of Fire of the defensive fortifications of the Brompton Lines. Its historic characteristic would have been of open space. However, the principle of development of this site was established when it was allocated as part of a larger site in the Medway Local Plan 2003 for housing (site reference GL176 – Lower Lines). Planning permission was granted under MC2006/1519 for a large portion of this housing site to be developed as a public park as mitigation for the construction of the new Mid Kent College Campus on land that was designated for public open space and was recognised as being of historic importance (approved under MC2005/0647). The site, the subject of this planning application, lies outside both of these planning applications and remains to be considered as a housing allocation in the adopted Medway Local Plan. As such the broad principle of residential development still remains and no objections are raised with regards to policy H5 of the South East Plan 2009 or policies H1 and H4 of the Medway Local Plan 2003.

Street Scene and Design

The application site is located within the Brompton Lines Conversation Area and contains a series of Grade II listed tank traps (or Dragons Teeth). As such the design and impact of the development on this historically important location must be carefully considered.

The site is largely hidden from both Cumberland Road and Medway Road at the moment by a high hedge and by scrub/trees respectively, although the removal of some trees on the Medway Road frontage has opened up some views. The boundary hedge to Cumberland Road is to be lowered slightly where it would run along a rear garden of a new property and new black railings installed to replace the existing mesh fencing. Where the hedging is currently running along the triangular portion of land to the southern end of the site this would be removed entirely with further black railings installed along the boundary. This would allow views of the listed tank traps from the Lower Lines Park and so an appreciation of these historical items from the public space. Furthermore an information board is also proposed that would be of a similar style to the ones in the Lower Lines Park adding to the level of appreciation the public could enjoy of this historical environment.

The existing trees along Medway Road (other than those already removed) would largely be retained with low-level scrub cleared to again enhance the appearance and appreciation of the tank traps along the boundary. Further tree planting and associated landscaping would also take place within the site.

The historic character of the Field of Fire within which the site sits would have been one of empty open space. Over the years large trees have become established. The wider area, including the Lower Lines Park therefore has an attractive wooded parkland character.

The trees, tank traps, and towards the park, high hedges act to provide a large degree of screening to the development. This plus the fact that the development is to be restricted to two storeys in height means that the development will be relatively secluded. It would inevitably be visible but given the overall discreteness of the development, its effect on the character of the park and the wider conservation area would be relatively neutral. The development does mean that it will not be possible to restore the site's historic character, or gain a full understanding of the site's former defensive function. However, these aspects have been lost by the establishment of the trees across the wider site.

The application documents describe how the 'Georgian style' architecture will fit in with the Georgian Villas on the other side of Medway Road. Measured against these villas, the style is not particularly convincing however the approach is supported. Improvements could be gained by way of a condition on detailing and materials. More importantly the proposed buildings are fairly modest. This is not inappropriate given the sensitivities of the area. Careful choice of materials, including the replacement of the rendered 'rustication' with brickwork could reinforce this characteristic. The design and specification of boundaries within the site is also important in this respect.

Clearly one of the main visual impacts would be the creation of the access road onto Medway Road. This access would require the relocation of tank traps currently in situ.

Impact on the Listed Structures

This application would require the removal (demolition) of up to nine of a line of Grade II listed WWII anti-tank pimples (also known as Dragons' teeth) which stretch for an approximate length of 85metres along the western edge of Medway Road, Gillingham, in order to provide access to a proposed housing development. It is considered that the works proposed by this application amount to 'less than substantial' harm to the Grade II listed anti-tank defences. The following comments are therefore considered in the context of PPS5 He9.1 (which states that there should be a presumption in favour of conservation) and He9.4 (which sets out how harm to a heritage asset should be balanced against the public benefits of a proposal). Consideration is also given to Policy He7.4 and the role of heritage assets in place-shaping, Policy He 10, development affecting the setting of designated heritage assets as well as Medway Local Plan Policy BNE16 - Demolition of Listed Buildings.

The anti-tank pimples are located within the Field of Fire of the Napoleonic Lower Lines. This defensive network of ditches and associated features was constructed to protect the Naval Dockyard from landward attack. During WWII, the Nore Command Bunker (a strategic bunker associated with the defence of the entrance to the Port of London and the east coast) was constructed on the Lines. Anti-tank pimples (the subject of this application) were constructed to defend this bunker around 1940. The pimples take the form of truncated concrete pyramids approximately 1.5 m high. They are set in lines of up to five deep running from the defended entrance of the Nore bunker to a row of police houses.

The pimples are listed as a "good surviving group" of anti-tank pimples. Their association with Chatham Lines during WWII is also noted in the list description. There are only 46 'good' recorded examples of similar anti-tank defences throughout England. The Chatham Lines pimples can therefore be judged as relatively rare survivals. The open character of the landscape that would have characterised this area as a field of fire right up to WW2 has been lost by the planting of trees and hedges along boundaries and roads. Cumulatively, this has compromised the integrity of the military landscape. The anti-tank pimples themselves are hidden to a large extent by accumulations of earth and vegetation. Nevertheless, the anti-tank pimples represent a physical and tangible link to the former military use of this site.

The applicants carried out surveys and site investigations in order to find a location that would reduce the number of anti-tank pimples to be removed to a minimum. The condition of the pimples and degree of site disturbance around the pimples were also investigated and used to inform the final decision on the placement of the site entrance. As an alternative to removal, the idea of covering some of the Dragons' Teeth over and leaving them in place was investigated. However, the geometry of the sloping entrance road precludes this. Overall, the applicant has been diligent in investigating ways of minimising the loss of pimples, whilst still allowing for the construction of a site access. The requirements of BNE16 have been fulfilled.

Any gap in continuous defences will permanently compromise the integrity and completeness of these defences. However, the position of the proposed site entrance (towards one end of the line of anti-tank defences) will allow long unbroken stretches of the defences to remain. In addition, the pimples within the proposed entrance to the site (drawing 2011.WD.18G) are somewhat unevenly distributed. In addition, it appears (from the archaeological report) that at least one of the antitank pimples that will require to be removed has been previously disturbed (although this disturbance could be relatively historic). The removal of anti-tank pimples in this location therefore compromises the character and significance of the defences marginally less than would the removal of pimples from the more regular rows of anti-tank pimples to the west of the entrance.

The proposed removal (demolition) of anti-tank pimples to create an entrance to a development site will damage the integrity of the continuous line of anti-tank defences to the WW2 Nore Bunker. Whether the damage is acceptable or not has to be carefully weighed against national and local policy. It can only be concluded that forming an entrance through the listed Dragons Teeth is the only way to allow access to the development site. In mitigation, the location of the proposed demolition will minimise the impact on the character of the Dragons Teeth and the integrity of the defences as a whole. Furthermore, the removal of anti-tank pimples allows for them to be reused to repair a small gap in defences elsewhere.

In respect of national policy, PPS5 makes it clear that demolition (in this case the removal of up to nine anti-tank pimples from a long line of pimples) is only acceptable if the public benefits secured through the proposal are deemed to be sufficient mitigation for harm caused to the designated heritage asset. The applicant has set out the public benefits of this proposal in a Heritage Impact Assessment. To summarise, these are:

- Remove much of the low lying vegetation and small trees around the Dragons Teeth
- Remove earth to better reveal the Dragons Teeth where not limited by the root protection zone of trees with TPO's (this will be quite extensive at the eastern end of the site, where root protection zones are less limiting)
- Relocate the removed Dragons Teeth to the western end of the defences to an existing gap in the defences that was probably formed to allow a footpath through the site.
- Remove the wooden fence on Medway Road to better reveal the Dragons Teeth
- Construct a footpath between the Dragons Teeth and the proposed development of ten houses to encourage the public to appreciate a 360 view of the Dragons Teeth
- Provide new interpretation boards which explain the history of the Dragons Teeth and why they are important in the history of the Chatham Lines

- Provide interpretation boards which explain which Dragons Teeth have been relocated and why
- Inclusion of the new interpretation boards as part of the education visits which take place in the Lower Lines Park
- Removal of the hedge and mesh fencing, between the junction of Medway Road and Cumberland road up to the footpath, installation of railings to improve views across to the Dragons Teeth from the Lower Lines Park
- Provide a seating area to the eastern end of the Dragons Teeth to allow the public to stop and appreciate the Dragons Teeth
- Maintenance of the cleared ground in perpetuity to secure the long-term future of the Dragons Teeth

The removal of vegetation from the remaining defences thereby revealing them as an obvious and distinctive feature, provides a public benefit by allowing greater appreciation of the Dragons Teeth. However, ongoing maintenance will be required if this benefit is permanent. This is dealt with via a maintenance plan, which lays down how regularly the site will be cleared and maintained.

It should also be noted that there is an existing small gap (evident from the Drawing 2011.WD.18G) in the anti-tank defences in the vicinity of the footpath that connects Medway Road to Cumberland Road. Relocating the removed anti-tank pimples to this location would, if done with care, improve the character and integrity of this part of the defences. A condition requiring relocation of the displaced pimples is therefore recommended. This in itself does not fully compensate for the rather bigger gap created at the site entrance. However, with interpretation boards, the removal of all small scrub and trees (aside from those covered by a TPO), the maintenance of the Dragons Teeth in perpetuity, the removal of the wooden fence on Medway Road, a new public seating area adjacent to the Dragons Teeth and a new footpath encouraging the public to walk around and fully appreciate the better revealed Dragons Teeth, the public benefits are enough to recommend approval.

The Local Authority should, under Policy He7.4, take into account the desirability of utilising heritage assets in place shaping as a means of creating or maintaining distinctive local character. Revealing the anti-tank pimples by the removal of vegetation will undoubtedly create a very distinctive and place-specific site feature. In this case, the better revealed anti-tank pimples themselves will form a highly distinctive boundary to the development site.

In addition, the Local Authority should also take into account PPS5 Policy HE10, development affecting the setting of a designated heritage asset. This is important because the setting of the Dragons Teeth will be affected by the proposed landscaping scheme. Although the removal of the trees lining Medway Road (which are covered by a TPO) would return the setting of the Dragons Teeth to something closer to its historic setting, the removal of the trees has to be weighed against the significance of the trees themselves. Presently, the trees provide an attractive backdrop to the site and provide some screening. The landscaping proposals have therefore been developed as far as possible to better reveal the Dragons Teeth

whilst retaining the trees covered by the TPO. The precise details of the landscaping management plan could be reviewed as the clearance of the site evolves and this would inform the best way to present the Dragons Teeth. A condition recommending a review of the landscape management and maintenance plan is therefore recommended.

Works to and around the Dragons Teeth could also provide new information on the heritage asset. An archaeologist should therefore be present during works to the Dragons Teeth. An archaeological condition is also therefore recommended.

PPS5 (Policy He9.1) lays down a presumption in favour of conservation of designated heritage assets. Policy He 9.4 states that Local Planning Authorities should *weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm caused to the heritage asset.* . In this case, revealing the overall anti-tank defences through the removal of earth and vegetation, albeit with up to nine of the pimple removed towards one end of the defences, arguably represents a benefit that will allow the public to appreciate and understand Medway's recent history. The public benefits secured through this proposal are therefore deemed enough to recommend approval.

Accordingly on balance no objections are raised with regards the visual appearance of the development and the impact on the historical environment. The proposal therefore accords with policies BE1 and BE6 of the South East Plan 2009 and policies BNE1, BNE12, BNE14 and BNE16 of the Medway Local Plan 2003 and PPS5.

Amenity Considerations

The site is bounded by the Lower Lines Park to the west and Medway Road to the east. The closest residential properties that could be affected by the proposal are located to the north of the site. Plot 10 would be located sufficient distance from 32 Kelly Drive to ensure there would be no detrimental loss of light or outlook. One window is proposed in side flank of plot 10 to face towards 32 Kelly Drive, however this would be a bathroom window and so a condition is recommended to control this. A condition is also recommended to ensure no further windows are inserted in this side flank. 30 Medway Road is located the front of the site and so a distance in excess of 25 metres would be retained between the rear of this property and the front of plot 10. This would be sufficient distance to ensure no detrimental impacts with regards privacy, light or outlook. Overlooking of the rear garden would be possible however this would be a similar situation with the properties in Kelly Drive and so no objections are raised.

The new properties would be of sufficient size to provide acceptable internal space for new residents. The layout and positioning of the properties would ensure appropriate outlook, light and privacy. Finally the external garden areas would also be sufficient for residents, which due to the sizes of the units, you would expect to be occupied by families. A condition is recommended to restrict permitted development rights for the properties to maintain the garden sizes as shown on the submitted plans.

Accordingly no objections are raised with regards residential amenity and the provisions of policy BNE2 of the Medway Local Plan 2003.

Highways

The proposed development is likely to generate around 5-6 vehicle movements during each peak period, which is a relatively low level of traffic that will not have a significant material impact on highway safety or capacity. The access is sufficiently wide to allow two cars to pass each other, and the visibility in each direction along Medway Road accords with guidance. A footway will provide safe access and egress for pedestrians and the internal layout will permit a fire engine to access, turn and leave the site in a forward gear.

The proposed development is located within a short walking distance of the town centre and local bus routes and under a mile from Gillingham Railway Station. On this basis, the Council's parking policy allows for a reduction to the residential standard to be considered. The application proposes 14 parking spaces to serve the development. Average car ownership in Gillingham North ward, taking the 2001 census figure and factoring it up to 2026 levels, amounts to 1.18 cars per household. Taking into consideration the size of the proposed houses and assuming they will be owner-occupied, it is predicted that each dwelling will generate a parking demand for 1.4 spaces, which is a total of 14 spaces for the development. The applicant has indicated that none of the parking spaces will be allocated to individual dwellings, which will ensure they are used flexibly and efficiently and allows for variations to car ownership and visitor parking. If each dwelling had its own allocated parking space then the 14 spaces proposed are likely to be insufficient, and therefore a planning condition preventing this is recommended.

Accordingly no objections are raised with regards highway safety and parking and the scheme is considered in accordance with policy T4 of the South East Plan 2009 and policies T1, T2, T3 and T13 of the Medway Local Plan 2003.

Trees

A collection of trees occupies the application site and these are protected by means of a tree preservation order G/141/1993. Generally these trees are located on a strip of land close to the boundary with Medway Road together with the triangular parcel of land to the southern corner of the site. The trees are mainly around the listed tank traps and an enhancement / mitigation proposal has been submitted. The proposal shows the retention of most of the trees on site and those that would be lost are smaller specimens not considered of importance. Additional tree planting is shown on the plans and a condition is recommended to control landscaping of the site. Further conditions are also recommended to cover access to the site during pruning works, laying of services and other maintenance issues.

Accordingly, subject to various conditions, no objections are raised with regards tree issues and the provisions of policies BNE41 and BNE43 of the Medway Local Plan 2003.

Ecology

An ecology survey has been submitted with the application that details the existing condition of the site and necessary works required to carry out the development. The survey highlights that a precautionary methodology is required for the removal of any trees or scrub to minimise any potential impacts on bats or reptiles. The report identifies a list of enhancements, which could be incorporated into the site. A mitigation and enhancement strategy is therefore required and a condition is recommended to control this. Accordingly no objections are raised with regards ecology issues and the provisions of policy BNE37 of the Medway Local Plan 2003.

Contaminated Land

A phase I Geo-Environmental Desk Study and Preliminary Qualitative Risk Assessment undertaken by R.Carr Geotechnical Services dated August 2010 (report reference: RC/AF/2642/10) has been submitted with the application. The desktop study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desktop study recommends that a site investigation be undertaken to support the conceptual site model. The report, which has been submitted, is acceptable and accordingly no objections are raised with regards the provisions of policy BNE23 of the Medway Local Plan 2003, subject to the imposition of a series of conditions.

S106 Matters

New residential development can create additional demand for local services, such as educational facilities. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The obligations below comply with these tests because they have been calculated based on the quantum and location of the development. A viability assessment that was submitted with the application shows if the development were delivered with affordable housing it would be unviable. As such the applicant has agreed to enter into an agreement with two scenarios. If the development were delivered as affordable the contributions would be as follows:

- £2,499 towards the Great Lines Heritage Park
- 100% Affordable Housing

If the development were to be delivered as private units the contributions would be

- £2,499 towards the Great Lines Heritage Park, which includes the Lower Lines Park adjacent to the site.
- £24,710.40 towards primary education at Napier Primary School and Saxon Way Primary School
- £1,925 towards waste and recycling
- £21,190.05 towards informal open space, outdoor equipped play areas and formal sports provision at Mill Road, James Street and /or Lower Lines Park, Gillingham

The applicant has confirmed they consider the financial requests acceptable. As such if the application was deemed acceptable these would be a requirement for the applicant to enter into a Section 106 to secure the provision of financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Medway Local Plan 2003.

Conclusions and Reasons for this Recommendation

The site is allocated for housing in the Medway Local Plan 2003 and as such the broad principle of residential development on site is acceptable. The design of the development, boundary treatment and landscaping would be appropriate in the street scene and conservation area. The scheme would provide adequate parking for future residents whilst also creating good levels of amenity for future residents and respecting the amenity of neighbours. The removal of the listed tank traps and creation of an access from Medway Road is a key issue in assessing the appropriateness of the development and on balance the management documents provided and improvements to the retained and relocated anti-tank traps would provide sufficient public benefits when weighed against the harm caused to the designated heritage asset. As such the application is recommended approval with regards policies BE1 and BE6 of the South East Plan 2009 and policies BNE1, BNE2, BNE12, BNE14, BNE16, BNE23, BNE41, H1, T1, T2 and T13 of the Medway Local Plan 2003 together with the provisions of PPS5.

This application would normally fall to be determined under officer's delegated powers, but is being reported for Members' consideration due to a request from Cllr Stamp who considers that the sensitivities regarding the site are most appropriately assessed by the Planning Committee.

Background Papers

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.