

MC/14/0285

Date Received: 30 January, 2014

Location: Land At Station Road (Bakersfield), Rainham Kent ME8 7QZ

Proposal: Outline application with all matters reserved for residential development comprising approx 90 dwellings

Applicant: McCulloch Homes

Agent: Ms A Bloomfield Bloomfields Bloomfields 77 Commercial Road
Paddock Wood, Kent TN12 6DS

Ward Rainham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16 July, 2014.

Recommendation - Refusal

- 1 The development would result in an inappropriate form of development in the countryside and in an Area of Local Landscape Importance that would cause harm to the landscape and rural character of the area contrary to the provisions of policies BNE25 and BNE34 of the Medway Local Plan 2003 and the Medway Landscape Character Assessment 2011.
- 2 In the absence of the findings of a contaminated land site investigation it is not possible to assess the appropriateness of the proposed residential development with regard to contaminated land issues and advice given in the National Planning Policy Statement, especially Paragraphs 109, 120 and 121, and policy BNE23 of the adopted Medway Local Plan 2003.
- 3 In the absence of sufficient survey and mitigation proposals with regards to protected and notable species present on site and designated sites it is not possible to assess the appropriateness of the proposed residential development with regard to ecological matters and the advice given in the National Planning Policy Framework, especially paragraphs 109 and 118, and policy BNE37 of the adopted Medway Local Plan 2003.

Proposal

The application seeks outline consent with all matters reserved for residential development on the site. As such this application is dealing with the broad principle of residential development only. However indicative plans have been submitted with the application, which shows 90 dwellings on site. The plans shows 2 access points from Station Road connected by an internal loop road and dissecting routes within

the site. A landscaped strip is shown adjacent to Station Road with the properties set back from the street frontage. A central landscaped / amenity space is shown with play equipment. The details show 58 houses and 36 flats either 2-storey or 3-storey in height together with associated parking spaces.

Site Area/Density

Site area: 2.76 hectares (6 acres)

Site density: 30 dph (15 dpa)

Relevant Planning History

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| MC/13/3069 | Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether EIA is necessary for residential development
EIA Not Required, 19 December 2013 |
| MC/13/1628 | Construction of one two storey five bed dwelling with double garage and associated access
Refused, 28 October 2013 |
| MC/13/1569 | Construction of one two storey five bed dwelling with double garage and associated access
Refused, 28 October 2013 |
| MC/13/1568 | Construction of one two storey five bed dwelling with double garage and associated access
Refused, 28 October 2013 |
| MC/09/1402 | Construction of a new foot way and a 1.8 metre high fence and gate
Approved with Conditions, 10 June 2010 |
| MC/01/2065 | Retrospective application for the installation of 1.5 metre high gates and vehicular access onto classified road
Approved with Conditions, 21 February 2012 |
| GL/96/0156 | Outline application for residential development
Refused
Appeal dismissed, 24 June 1996 |
| GL/60/2M | Outline application for residential development
Refused, 5 December 1990
Appeal dismissed, 15 October 1992 |
| GL/61/170/91/2
96 | Proposed erection of 164 dwellings with associated roads and parking.
Refused, 28 June 1991 |
| GL/61/170/90/3 | Outline application for residential development with access roads.
Refused, 5 December 1990 |

- GL/61/90/714 Proposed erection of 165 dwellings with associated roads and parking
Refused, 23 November 1990
- GL/61/170/90/2 Proposed erection of 186 dwellings and associated roads and parking
89 Refused, 29 June 1990
- GL/61/170L/112 Outline application for residential development and estate roads
Refused, 29 April 1988
- GL/61/170J Outline application for residential development
Refused, 11 June 1981
- NK3/61/170G Outline application for dwelling houses, roads and sewers (14 acres)
Refused, 2 April 1974

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. The Environment Agency, Natural England, Kent Police, Southern Gas Networks and EDF have also been consulted.

36 letters have been received raising the following objections:

- Site should remain undeveloped and is located in the countryside where development should be resisted
- Loss of land in the Area of Local Landscape Importance
- Highway safety and visibility concerns for traffic using Station Road and exiting / entering the site
- Station Road is too narrow to cater for larger vehicles to pass
- Increase traffic using Lower Rainham Road
- Limited pedestrian connections on Station Road
- Density is too high
- Insufficient infrastructure to support the development, including power, drainage, health facilities, schools, fire service, police etc
- Only half of the site has been surveyed for wildlife, flora and fauna (northern side)
- Potential flooding for properties on the northern end of Station Road
- 3-storey flats would be out of keeping with the area
- Site forms an integral component of the belt of natural environments running parallel to the River Medway
- Loss of habitats for a wide variety of species including protected species
- Potential future access to Finwell Road would cause traffic problems for surrounding streets which could include the construction period
- Loss of semi-rural character of Lower Rainham
- Previous reasons for refusal have not been overcome
- Loss of privacy to dwellings in Angel Cottages and Finwell Road
- Residential development should be built on brownfield sites
- Archaeology associated with the site should be looked at
- Other areas which are not suitable for agricultural use have been made into

- nature reserves with public access the site does not have to be for housing
- Too many dwellings
- Increased noise and pollution
- Including an access on Finwell Road would make access into the site safer

All other matters raised not listed above are non-material.

Kent Police have confirmed that they have been liaising with the applicant with regards crime prevention through environmental design matters and a secured by design section is included in the design and access statement. Kent Police would welcome the opportunity to comment further if outline consent is granted.

Southern Gas Networks raise no objections.

Southern Water has commented on application in relation to foul and surface water sewerage disposal and has raised no objections subject to various conditions and recommended informatives.

Environment Agency has raised no objection to the application subject to the imposition of strict pre-commencement conditions to ensure fill information is available before making any decisions on detailed applications.

Development Plan Policies

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (NPPF) and are considered to conform.

The Developer Contributions Guide 2012 is a relevant Supplementary Planning Documents (SPD). The Medway Housing Design Standards 2011 (interim) and the Medway Landscape Character Assessment 2011 are material planning considerations.

Planning Appraisal

Principle of Development and Impacts on the Landscape

The application site lies outside of the urban area defined on the proposals map that accompanies the Medway Local Plan 2003. Policy BNE25 of the Local Plan identifies the need to maintain and where possible enhance the character, amenity and functioning of the countryside together with the need for the development to fall within a defined category (items ii – vii in the policy). The NPPF removed the policy context of protecting the countryside ‘for its own sake’ but paragraph 17 does identify a key principle as to ‘recognise the intrinsic character and beauty of the countryside.’ Furthermore paragraph 55 of the NPPF outlines a similar list of considerations for rural development as detailed in the policy. The proposed residential development does not fall within any of these categories and so is contrary to the provisions of this policy and elements of the NPPF.

The Local Plan also identifies the land as being located within an Area of Local Landscape Importance (ALLI), which is discussed in policy BNE34 and identifies the site as within the 'Gillingham Riverside' area. The policy states that development would only be permitted if it does not materially harm the landscape character or function of the area unless social / economic benefits outweigh that impact. Paragraph 170 within the NPPF encourages the production of Landscape Character Assessments. As such the Medway Landscape Character Assessment 2011 (LCA) is an important consideration against which these proposals should be judged. It is considered to be fully NPPF compliant and to, therefore, carry significant weight regarding the determination of these proposals.

The application site is located at the eastern end of the Lower Rainham Farmland landscape character area. This forms part of the larger North Kent Fruit Belt Landscape Character area. The LCA highlights the importance of a green buffer; the trend towards fragmentation and urban fringe activities and a weakened sense of coherence; expansion to urban edges and gradual, pervasive erosion of rural character. The LCA supports improved landscape management and restoration of landscape condition and the action is 'Conserve and Create', by conserving distinctive features, whilst creating new features in areas where they have been lost or are in poor condition. The Local Plan and Medway LCA highlight the sensitivity of the application sites and surrounding area when considering new development proposals, explaining clearly what components make this area distinctive and seeking ways for this distinctiveness to be enhanced.

The LCA for this area identify a need to resist further built development and to introduce more positive landscape management systems. The area as defined by the LCA is stated as being a valuable green buffer separating the built up areas of Twydall and Rainham from valuable and internationally protected wildlife sites along the Medway Estuary. The proposals would have an adverse impact on this valuable green buffer due to the resultant loss of rural character, openness (a reduced buffer to SSSI and Ramsar sites) and overall extent of undeveloped landscape.

There has been a gradual erosion of countryside in this area from urban fringe pressures. This has weakened the landscape character and distinctiveness. Medway Council's development plan policies and adopted documents seek to strengthen the degree of protection afforded to this area and explain reasons why this is important. The Lower Rainham Farmland area (as identified in the LCA) performs an important role as a green buffer to the Countryside Park and the Medway Estuary and Marshes Special Protection Area (SPA) and RAMSAR. The SPA is designated under the European Directive on the Conservation of Wild Birds and the RAMSAR is listed under the European Unions Convention on Wetlands of International Importance. It has benefits as a wildlife corridor linking urban to rural areas. Some areas are in poor condition and there is a strong trend towards fragmentation and erosion of rural character, landscape quality and a generally weakened sense of coherence. The east/west footpath links are poor and the LCA seeks to encourage and support improvements to this network. There is potential to restore traditional orchards, strengthen biodiversity and introduce more positive land management systems. The proposed development would lead to further erosion of rural character along this sensitive urban fringe, it would diminish the important green buffer between urban areas and the Medway Marshes; the potential to strengthen and enhance landscape

character will be lost; the potential benefits of the site as a wildlife green corridor would be diminished. The proposed development would have an adverse impact with loss of rural character, openness (a reduced buffer to SSSI and Ramsar sites) and overall extent of natural undeveloped landscape.

The proposal would form an undesirable and harmful intrusion / encroachment of development beyond the confines of the urban area into a rural area of open character which is highly desirable to maintain in the interests of amenity and to avoid coalescence. As such the proposal is also considered to be contrary to the provisions of policies BNE34 of the Medway Local Plan 2003, the Medway Landscape Character Assessment 2011 and paragraph 17 of the NPPF in that it would cause materially harm the landscape character and function of the area.

Should the scheme be approved there is a strong concern that numerous other sites in the vicinity would then also become vulnerable to loss for residential development proposals. It is strongly felt that the Local Plan process is the correct and appropriate tool for reassessing settlement boundaries. There is not considered to be any justification at this point in time for setting aside policy.

Housing Land Supply

The Council's land supply is identified in its Annual Monitoring Report (AMR). This is made up of the various components stipulated in full accordance with the NPPF definition that all sites with planning permission can be counted towards the supply total and be treated as deliverable unless there is clear evidence to the contrary. This figure is then divided by the annual housing requirement. Following the councils cabinet meeting on 10th June 2014 there is an acknowledged requirement of 1,000 dwellings per annum. This reflected the findings of the ORS's (Opinion Research Services) Strategic Housing Market Assessment Update, which recommended that this figure represent Medway's Objectively Assessed Housing Need. Medway currently has a supply of 6,663 dwellings on large and small sites with planning permission and it is then necessary to apply a 5% buffer to the overall figure in order to comply with the NPPF. However, it is acknowledged that some sites with planning permission are unlikely to be developed within the 5-year period and following the recent call for site process the council is currently reviewing the phasing and delivery of these sites. It is considered that even allowing for a higher annual housing requirement Medway can still be shown to possess a healthy housing land supply.

Work has now started on a brand new Local Plan, which will include undertaking a range of new studies to inform and underpin it. This will include a new Strategic Land Availability Assessment (SLAA) and a new Strategic Housing Market Assessment (SHMA). There is no evidence of there being a shortage of available sites or historic under performance. Through the preparation of the new Local Plan the Council will gather evidence to determine our extent of housing need, compile a register of all deliverable sites and involve local communities in finding ways to positively and sustainably provide new homes in Medway. The Council will also shortly commission work on a full new SHMA.

Previously Developed Land

The applicant states that the site is not Greenfield land, but is previously developed land. It is said that a tramline used to cross the site, in association with the extraction of brick earth. The NPPF - Annex 2 (Glossary) states that the previously developed land is land, which is or was occupied by a permanent structure but this excludes land where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. Consequently, for planning purposes it is considered that the site must be treated as greenfield, rather than brownfield (previously-developed land).

Street Scene and Design

An illustrative scheme has been submitted with the application to demonstrate that the site can accommodate approximately 90 dwellings satisfactorily. The plans broadly show residential development backing onto the site boundaries with further rows of housing in the centre of the site together with a landscape / amenity space with play equipment. The properties are shown as being set back from Station Road with a landscaped strip along the frontage. The majority of the properties would be 2-storey houses with the flats arranged in 3-storey blocks.

There are a number of concerns with the current design, including the lack of frontage onto Station Road and the arrangement that the rear of some of the plots would face onto some of the access roads within the site creating an inactive and potentially utilitarian and unpleasant street scene. Also the three storey blocks as presently conceived do not integrate well into present low-rise street scene. However, at just over 30 dwellings per hectare, the density is relatively low density. If the outline application were deemed to be acceptable then it would be possible to locate this quantum of development on this site such that it would present an attractive a low key street scene to Station Road. It would also be possible to design an attractive high quality scheme in itself. The applicant has confirmed that subsequent reserved matters applications would be subject to a complete redesign. As all matters are reserved for future consideration these aspects could be overcome at future reserved matters application(s). On this basis no objections are raised with regard to policies BNE1 and BNE6 of the Medway Local Plan 2003.

Amenity Considerations

Existing residential properties are located to the north and south of the site, which are accessed from Station Road and Finwell Road. The indicative plans show the layout of houses would ensure they were sufficient distance from these properties to result in an acceptable relationship. Furthermore, matters of amenity for future residents including the size of internal and external space together with the position of windows would be examined at reserved matters stage. Accordingly no objections are raised with regard to residential amenity and the provisions of policy BNE2 of the Medway Local Plan 2003.

Highways

Traffic Generation and Impact

The applicant's Transport Assessment uses the TRICS database to predict the number of trips generated by the development. It estimates that there would be up to 58 two-way vehicle movements on to Station Road during each peak period, with each dwelling predicted to generate around 5.4 vehicle movements per day. This is higher than the trip rate recorded by Medway Council at a similar development on Ten Acre Way in Rainham, and therefore the trip generation estimate is considered robust and acceptable. It is estimated that up to 38% of development traffic at peak times (38 vehicle movements) would route to and from the A2. A capacity analysis indicates that this moderate number of trips would have a low impact on the signalised junction to the south, which would continue to operate well within its technical capacity. The development would increase traffic on the Lower Rainham Road by up to 40 vehicle movements during each peak period. Highway improvements on this road in 2010, comprising the implementation of a 20mph speed limit and accompanying traffic calming measures, reduced the number of Personal Injury Accidents by 80%, only one minor accident has been recorded along this section in the past three years. On this basis, it is considered that the additional traffic on Lower Rainham Road generated by the proposal would not have a significant impact on highway safety.

Access

The application proposes two access points to serve the development, which comprise priority junctions on to Station Road. Visibility in each direction along Station Road can be provided in accordance with guidance, and commensurate with recorded traffic speeds of around 30mph. Whilst the principle of access on to Station Road is acceptable, the carriageway is only 5.1 metres wide along the site frontage. The applicant's vehicle tracking diagrams demonstrate that, whilst a large refuse vehicle can access and egress the site, it would require the full width of the carriageway to do so and anything other than a precise manoeuvre may compromise the kerbline on the western side of the carriageway. To overcome this issue it would require the width of the carriageway along the site frontage to be increased by around 1 metre, which would move the footway further into the site. Whilst this would improve access and egress and allow two heavy goods vehicles to pass each other, it is possible that additional carriageway width may encourage marginally higher vehicle speeds and so two sets of speed cushions between the access junctions extending to the 20mph speed limit to the west are recommended. The applicants have confirmed that they are amenable to idea of carrying out highway works in this manner. As such if the application was deemed acceptable appropriate obligations would be recommended to secure them.

The applicant's transport assessment does not identify the number of pedestrian movements likely to be generated by the development. However, the TRICS database indicates that the 90 dwellings indicatively shown would generate around 150 pedestrian trips per day, which it is assumed would route to and from the south. There are a number of improvements to pedestrian infrastructure between the site and Rainham Station/Town Centre that could be implemented in order to

accommodate these additional pedestrian trips and promote walking for short journeys, rather than car use. These include footway improvements at the Ellison Way and Tilbury Road junctions with Station Road and the provision of tactile crossing points at five locations along the route. On this basis, if the application were deemed acceptable a Section 106 contribution towards pedestrian accessibility improvements on Station Road would be sought and this is detailed later in the report.

Internal layout & Car Parking

An indicative layout has been submitted which shows a main road around the development with two narrow roads through the middle. Whilst vehicle tracking demonstrates that large vehicle movements could be accommodated, this design does not promote a low-speed, pedestrian friendly environment. As such the internal road will need to be re thought in any future reserved matters application, with a view to breaking up the 'loop road' design and creating streets that encourage low vehicle speeds without the need for horizontal or vertical deflection measures. The Transport Assessment indicates that car parking will be provided in accordance with the Council's minimum Standards. This will be considered further at the reserved matters stage.

Summary of Highway Considerations

Subject to further discussion with the applicant in respect of the width of the Station Road carriageway along the site frontage, and a Section 106 contribution towards pedestrian accessibility improvements between the site and the town centre, the principle of the development in respect of its impact on the local highway network is considered acceptable and no objection is raised in regard to Policies T1 and T2 of the Medway Local Plan.

Archaeology

No archaeological remains are presently known from within the site itself, however it lies in an area that has a general background archaeological potential. Past findings in the vicinity have included Romano-British burials to the northeast, Iron Age activity to the southeast and a possible Roman pottery kiln to the west. Part of the site has previously been the subject of quarrying for chalk and/or Brickearth. Such quarrying would likely have been locally removed any archaeology that was present. It is noted that 0.7ha triangular area to the southeast corner of the proposed development site appears to have been unaffected by previous quarrying. It is possible that buried archaeological remains will survive here. It is possible that development works within that part of the site that has not been previously quarried may affect buried archaeological remains. As if the application were deemed acceptable a condition would be recommended to cover these works. On this basis no objections are raised with regards policy BNE21 of the Medway Local Plan 2003.

Ecology

Under Section 40 of the Natural Environment and Rural Communities Act (2006), *“Every public authority must, in exercising its functions, have regard, so far as is*

consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*" Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*"

Natural England has published Standing Advice on protected species and Ancient Woodland. This advice is issued in accordance with:

- Article 16 of the Town and Country Planning (Development Management Procedure)(England) Order 2010 SI2010/2184;
- Section 281 of the Wildlife and Countryside Act, 1981;
- ODPM Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their impact within the planning system; and
- The NPPF.

When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

The applicant has submitted an ecological appraisal in support of the planning application.

Reptiles

The submitted surveys have detailed that is an exceptional population of slow worms and common lizards. However only 6 surveys were carried out and as detailed in the Natural England standing advice at least 15 visits should be carried out to determine the population size. Due to the whole site being developed there is no potential for the population to be retained on site, as the population is too large to be retained within the area of open space in the proposed development. It is proposed to use Horsham Marsh SSSI as a receptor site.

The submission is currently lacking in certain information, which is required to ascertain whether the site is a suitable receptor. This includes:

- A reptile survey of the site to confirm that the carrying capacity is sufficient;
- Details of any ecological enhancements and/or management which are required to enhance the carrying capacity of the site;
- Confirmation that Natural England are satisfied that the

- enhancements/management required; and
- That it will not impact the sites management objectives.

In some situations conditioning the surveys of the receptor sites are acceptable, however as the proposed receptor site is a SSSI and exceptional populations of reptiles have been recorded, the information must be provided prior to determination. If an exceptional population of reptiles is translocated to an unsuitable receptor site it can have a detrimental impact on the reptile population.

Birds

20 species of birds were recorded throughout the site including species, which were listed as species of principle importance. Species of principle of importance are species, which are listed by the Secretary of State under Section 41 of the Natural Environment and Rural Communities Act 2006. Species of principal importance are “*Capable of being a material consideration in the...making of planning decisions*” (paragraph 84, Government Circular (ODPM 06/2005).

The site contains large areas of scrub and there are a number of species recorded within the site, which favour scrub including dunnock and bullfinch. The proposed development would result in the loss of the scrub and concerns are raised that the landscaping proposed for the development would not mitigate for the loss of the habitat on the site.

The applicant has detailed that they are unable to retain any scrub habitat within the proposed development and as such all the habitat will be lost. It is acknowledged that the gardens could provide some suitable habitat for birds but that will depend on how the gardens are managed by future owners. As such additional information is required assessing the impact of the proposed development on the birds recorded within the site and suggested mitigation to avoid or minimise the impact from the development.

Bats

The ecological survey has highlighted that the site has good invertebrate potential and as such the proposed development has the potential to negatively impact foraging and commuting bats within the site and surrounding area. Bats could continue to forage within the site but there is a need to ensure suitable foraging habitat is retained on site, particularly within the communal areas, as at this stage there is no way of determining how future residents would manage gardens. Any landscaping should be designed to ensure it is beneficial for foraging bats and this would be dealt with under subsequent reserved matters applications for landscaping. There is also a need to ensure that the lighting for the proposed development would not have a negative impact on bats, and if the application was deemed acceptable a condition would be recommended to ensure that lighting be designed in accordance with the appropriate guidance.

Designated Sites

The North Kent Environmental Planning Group (NKEPG) have produced the North

Kent Bird Disturbance Report which focuses on the impacts of recreational activities on the three SPA and Ramsar sites within North Kent. The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPAs. The Medway Estuary & Marshes SPA, Ramsar and SSSI are located 500m to the north of the site and so consideration should be given to the recreational impact from the proposed development on these designated sites.

The submitted documentation has considered the impact of recreation but this is insufficient. The report states that open space would be created within the proposed development but the space allocated is considered insufficient to mitigate against the impact of recreation on the designated sites.

Summary in regard to Ecology

The level of information submitted within the planning application is considered insufficient to form a judgment on the impact of the development with regards ecological matters. Accordingly concerns are raised with regards ecological matters on the site against the provisions of policy BNE37 of the Medway Local Plan 2003.

Contaminated Land

A Phase 1 Land Contamination Assessment has been submitted with the planning 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 desktop study, which has been submitted, is acceptable; however, the report recommends that a site investigation be undertaken due to the former use of the site as a landfill. The conceptual site model has identified most of the risks at the site as moderate and one as high risk. Due to the scale and nature of the development (residential), this application also needs to be supported by a site investigation. The issues regarding contamination at this site cannot be dealt with by an appropriately worded condition.

In the absence of the findings of a site investigation it is not possible to assess the appropriateness of allowing new residential development at this location and so the scheme is considered contrary to the provisions of policy BNE23 of the Medway Local Plan 2003.

Flooding and Drainage

The site lies upon the Thanet Sand over the Upper Chalk. Both are aquifers, the former being classed as a Secondary Aquifer and the latter a Principal Aquifer. The application documents propose infiltration SUDs methods to dispose of groundwater. The use of such techniques are not suitable in areas where groundwater is very high or in areas where there could be soil or groundwater contamination. Careful assessment of the ground conditions must be made before any drainage design are finalise and if the application was deemed acceptable a condition would be recommended to cover this. The application site is also located within Flood Zone 1 and an acceptable flood risk assessment has been submitted with the application. Accordingly no objections are raised with regards policies CF12 and CF13 of the

Medway Local Plan 2003.

Local Finance Considerations

There are none considered relevant to this application.

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 proposed comply with these tests because they have been calculated based on the quantum and location of the development.

- i) A contribution of £124.95 per dwelling towards the maintenance of footpaths and vegetation at the Great Lines Heritage Park (GLHP) as a result of opening up new public access into Fort Amherst. The GLHP is an asset for the whole of Medway, and demands on its upkeep and maintenance increase proportionately with population. Based on the current quantum this would be £11,245.50.
- ii) A contribution of £32,000 towards pedestrian accessibility improvements on Station Road to connect the site with the Railway Station and Town Centre.
- iii) A contribution of £18,750 for training and workforce development to fund various services. This would include qualifications and training to contractors on the site during their time in Medway, a recruitment service for any employment opportunities that arise, grants to be put towards funding apprenticeships
- iv) A contribution of £1,516.55 per dwelling towards open space improvements at Rainham Recreation Ground. Based on the current quantum this would be £136,489.50.
- v) A contribution of £266,145 towards nursery, primary school and secondary school places.
- vi) A contribution of £300 per trigger event towards monitoring Officer costs
- vii) The provision of 25% affordable housing

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

Conclusions and Reasons for Recommendation

The application site is located outside of the urban boundary in a countryside location, which is also designated an Area of Local Landscape Importance. The development of the site would lead to a detrimental impact on the landscape and rural character of the site. The submission lacks sufficient information with regards contamination to conclude that the site is suitable for residential development. Furthermore additional information is required to ascertain the impact of the development on species particularly reptiles, bats and birds. As such the proposal is considered contrary to policies BNE23, BNE25, BNE34 and BNE37 of the Medway Local Plan 2003.

This application would normally be determined under delegated authority, but is being reported to planning committee due to the sensitivity of the site and extent of local interest.

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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>