

MC/14/1486

Date Received: 29 May, 2014

Location: St Andrews Park (Former Cemex Site,) Land To The West And East Side Of A228 Formby Road, Halling, Rochester, ME2 1AW

Proposal: Variation of conditions 5, 39 and 40 of planning permission MC/12/1791 - condition 5 to enable changes to the approved residential layout and change 23 of the approved house types; and conditions 39 and 40 to include balancing ponds, foul pumps and revised Flood Risk Assessment as approved under MC/14/0121

Applicant: Redrow Homes (South East Division)

Agent: Miss V Swift Barton Willmore Planning Partnership The Observatory Southfleet Road Ebbsfleet Dartford Kent DA10 0DF

Ward Cuxton & Halling

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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 13 August, 2014.**

### **Recommendation - Approval with Conditions**

**1 Reserved Matters Submissions – Matters to be submitted and time limits.**

Approval of the details of the layout, scale, appearance and the landscaping (hereinafter called “the reserved matters”) related to the outline aspects of this development and as detailed as the commercial, employment and sports pitch areas on drawing number CSL01 Revision B received on 19/02/2013 (namely those aspects related to provision of employment up to 3,000 sq.m floorspace (B1, B2, B8), doctors surgery up to 1,000 sq.m (D1) and/or a 40 unit extra care facility, pub/restaurant up to 850 sq.m (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures) for any phase or sub-phase shall be obtained from the Local Planning Authority in writing before any development is commenced within that phase or sub phase of the development of the site.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory in accordance with Section 92 of the Town and Country Planning Act 1990 (As Amended).

- 2 Plans and particulars of the reserved matters for the outline aspects of this development referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such applications for approval shall be made to the Local Planning Authority before the expiration of five years from the date of this permission or prior to the commencement of the 200th residential unit whichever is the sooner and the reserved matters for the outline aspects of this development, as detailed above shall be carried out as approved

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended).

- 3 The approved reserved matters, submitted pursuant to this outline planning consent to which this permission relates, must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

#### **Time Limiting Conditions – Full Application**

- 4 The aspects of this hybrid application which are granted full planning permission, as detailed on the combined site layout (drawing number CSL01 Revision B) received on 19/02/2013 and are not with commercial, employment and sports pitch areas defined on that plan, being the erection of 385 residential units, the demolition of existing structures, vehicular access and landscaping, open space provision (including those related to the adjoining lake), nature conservation facilities, ground modelling and earthworks and ancillary buildings, 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).

#### **Approved Plans Conditions.**

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers CLSL.01, LP.01 Rev A, 307/004 Rev H, 307/008 Rev A, 307/009, 307/010, 002/001 Rev C, 002/002 Rev C, 002/005 Rev C, P.101-109.e, P.101-109.p1, P.101-109.p2, P.101-109.p3, P.141-149.e, P.141-149.p, P.156-164.e, P.156-164.p1, P.156-164.p2, P.156-164.p3, P.285-293.e, P.285-293.p, P.337-342.e, P.377-385.p1, P.377-385.p2, HT.LET-A.e Rev A, HT.LET-B.e, HT.WOR.pe, HT.WOR-A.pe, SB01, BCS01,

BCS02, BCS03, BS01, BS02, CS01, CS02 and CS03 all received on 25 July 2012

Drawing Numbers P.1-9e Rev A, P.1-9e.p1 Rev A, P.1-9e.p2 Rev A, P.1-9e.p3 Rev A, P.36-47.e Rev A, P.36-47.p Rev A, P.337-342.p Rev A, SH.01 and SH.02 all received on 03 August 2012;

Drawing Numbers P.365-376.e Rev A, P.365-376.p1 Rev A, P.365-376.p2 Rev A and P.365-376.p3 Rev A all received on 10 August 2012;

Drawing Numbers: PP.01 Rev A, PP.02 Rev A, SE.01 Rev A, SE.02 Rev A, SE.03 Rev A, SE.04 Rev A, SE.05 Rev B, P.10-27e Rev C, P.10-27.p1 Rev B, P.10-27.p2 Rev B, P.10-27.p3 Rev B, HT.2B4P.pe Rev B, HT.2B4P-A.pe Rev B, HT.3B5P.pe Rev C, HT.3B5P-A.pe Rev C, HT.3B5P-B.pe Rev C, HT.3B5P-C.pe Rev C, HT.4B6P.pe Rev B, HT.4B6P-A.pe Rev B, HT.BRE.pe Rev A, HT.BRE-A.pe Rev A, HT.BRO+.pe Rev A, HT.BRO+-A.pe Rev A, HT.CAM.pe Rev A, HT.CAM-A.pe Rev A, HT.CAM-C.pe Rev A, HT.CAM-D.pe, HT.HAR.pe Rev A, HT.HAR-A.pe Rev A, HT.HAR-B.pe Rev A, HT.HAR-C.pe Rev A, HT.HAR-D.pe Rev A, HT.LET.e Rev A, HT.LET.p Rev B, HT.LET-A.p Rev A, HT.LET-D.pe, HT.OXF.pe Rev A, HT.OXF-A.pe Rev A, HT.OXFB.pe, HT.STR.pe Rev A, HT.STR-A.pe Rev A, HT.WAR.pe Rev A, HT.WAR-A.pe Rev A, HT.WAR-B.pe Rev B, HT.WAR-C.pe Rev A, GAR01 Rev A and GAR02 Rev A all received on 17 December 2012;

Drawing Numbers 20690 L6 Rev A, 20690 L7 Rev A and 20690 L8 Rev A all received on 21 December 2012;

Drawing Numbers AHL.01 Rev D, HT.KEN.pe Rev B, HT.KEN-A.pe Rev B, HT.KEN-B.pe Rev B, and HT.KEN-C.pe Rev B all received on 19 February 2013

Drawing Numbers BML01 Rev F, DML01 Rev F, PP.01 'C', SL01 REV P, P.62-65.e1, P.62-65.e2, P.62-65.p, P.334-336.e1, P.334-336.e2, P.334-336.p1, P.334-336.p2, P.334-336.p3, HT.E-CAM.e, HT.E-CAM.p, HT.E-CAM-A.e1, HT.E-CAM-B.e2, HT.E-CAM-A.p1, HT.E-CAM-B.p2, HT.E-HIGH5.e, HT.E-HIGH5.p, HT.E-HIGH5-A.e1, HT.E-HIGH5-A.p1, HT.E-HIGH5-B.e2, HT.E-HIGH5-B.p2, HT.E-KEN4&E-KEN3.e, HT.E-KEN4&E-KEN3.e1, HT.E-KEN4&E-KEN3.p, HT.E-KEN4&E-KEN3.p1, HT.E-KEN4&E-KEN3.p2, HT.E-KEN4&E-KEN3-A.e, HT.E-KEN4&E-KEN3-A.p, HT.E-KEN4&E-KEN3-A.e1, HT.E-KEN4&E-KEN3-A.p1, HT.E-KEN4&E-KEN3-A.p2, HT.E-LET.e, HT.E-LET.p, HT.E-WAR-A.pe and HT.E-WAR-B.pe all received on 29 May 2014,

Flood Risk Assessment and Surface Water Drainage Addendum (revised 12 November 2013) as received on 29 May 2014.

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

## 6 **Phasing Condition**

The phasing, projected commencement dates for each phase and the timescale for the completion of each phase shall be undertaken in accordance with the details submitted pursuant to condition 6 of MC/12/1791 being drawing PL111204-HPP01 (Current Phasing Plan) as received 3 September 2013 and the Cemex Phasing document attached to the e-mail received on 18 September 2013.

Reason: The residential element of the development could potentially be harmful to the character and appearance of the surrounding rural area and the character and appearance of the adjoining Areas of Outstanding Natural Beauty and Special Landscape Area. This condition is considered to be in accordance with Policies BNE1, BNE2, BNE32, and BNE33 of the Medway Local Plan 2003.

### **Landscaping – Outline**

- 7 The hard and soft landscaping details submitted pursuant to conditions 1 and 2, in relation to the outline elements of this application (namely those aspects related to the provision of employment up to 3,000sqm floorspace (B1, B2, B8), doctors surgery up to 1,000sqm (D1) and/or a 40 unit extra care facility, pub/restaurant up to 850sqm (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures), shall address the following matters:

- a) the overall hard and soft landscape framework for the development;
- b) the typical landscaping treatment for the primary highway network within the application site as a whole;
- c) typical landscaping treatments for any open space areas; and
- d) the strategy for the provision of public art.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site, the general rural locality and the adjoining Area of Outstanding Natural Beauty and Special Landscape Area

### **Landscaping – Full**

- 8 Notwithstanding the submitted plans and details relating to landscaping submitted pursuant to the full application part of MC/12/1791 (namely the 385 residential units, the demolition of existing structures, vehicular access and landscaping, open space provision (including those related to the adjoining lake), nature conservation facilities, ground modeling & earthworks and ancillary buildings) full details of the following proposed hard and soft landscaping shall be submitted to the Local Planning Authority for their written approval:

- A) amended hard and soft landscaping plans and planting schedule that:

- i) take full account of need to amend the landscaping beneath and beside the 400kv powerline(s)/pylon(s) in order to ensure that they comply with the safety clearance zones as required by the Electricity Safety, Quality and Continuity Regulations 2002;
  - ii) provide full details and specifications for the Locally Equipped Areas of Play (LEAPs) and Local Areas of Play (LAPs) including a full list of play equipment proposed within those areas and a timetable for their provision;
- B) Provide full details of the hard and soft landscaping proposals, including the provision of public art, walking and cycling routes, information points, bird feeding stations and houses, paths and boardwalks, weather stations, bird hides, benches, litter bins and directional signage for the formal open space, including the areas referred to in the submitted Design and Access Statement as “the Northern Field” and “the Lakeside Nature Area” and the nine management zones referred to in the Landscape and Biodiversity Management Strategy dated November 2012

The hard landscaping details submitted pursuant to this condition shall include: proposed finished levels, land grading, mounding and contours, showing the relationship of proposed earthworks to the surrounding landform; means of enclosure (including boundary treatments to dwelling curtilages), car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. external furniture, play equipment, refuse or other storage units, signs, lighting etc); public art; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant.

The soft landscape details shall include: planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme; and

- C) A fully detailed Management Plan, for A and B above, which includes a timetable for the implementation of the hard and soft landscaping details submitted pursuant to this condition.

within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 8 of MC/12/1791, under planning reference MC/13/2175

All hard and soft landscape works within a particular phase or sub-phase (approved pursuant to condition 6) shall be carried out in accordance with the details approved pursuant to this condition and shall be undertaken in the first planting season following occupation of the first residential unit within that phase or sub-phase (as approved under Condition 6) or as otherwise

approved in accordance with an implementation programme first approved in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to ensure the landscaping meets safety clearance requirements of the adjoining powerline/pylons, to ensure adequate play and open space provision is made and to protect and enhance the appearance and character of the site, the general rural locality and the adjoining Area of Outstanding Natural Beauty and Special Landscape Area.

- 9 Any tree and/or shrub planted in pursuance to condition 8 that is removed or severely damaged, dies or becomes seriously diseased within 5 years of planting shall be replaced in the first planting season following the removal, death or damage of the affected tree or shrub with a tree or shrub of similar size and species to that originally required to be planted.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site, the general rural locality and the adjoining Area of Outstanding Natural Beauty and Special Landscape Area.

- 10 Development within any phase or sub-phase of the development hereby permitted shall be undertaken in accordance with the access arrangements hereby approved and in accordance with the broad land use and structural landscaping details, as illustrated in the submitted application and shown on drawing numbers SL01 Rev J, CSL01 Rev B, L4 Rev D and as detailed within the Landscape and Biodiversity Management Strategy submitted December 2012, accompanying the planning application, especially plan number LBMS/L104.

Reason: To ensure that the development is implemented in a manner that accords with the details of access arrangements set out in submitted Design and Access Statement, the Planning Statement and the Landscape and Biodiversity Management Strategy dated November 2012 and the Landscape Strategy Plan (Figure LBMS/L104) accompanying the submitted planning application.

- 11 Notwithstanding the submitted the Landscape and Biodiversity Management Strategy dated November 2012 and the Landscape Strategy Plan (Figure LBMS/L104) and the details required to be submitted and implemented by Condition 8 above, prior to first occupation of the development a landscape, play areas and formal/informal open space management plan(s), that includes a timetable for the implementation of the hard and soft landscaping, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site,

the general rural locality and the adjoining Area of Outstanding Natural Beauty and Special Landscape Area.

- 12 If following commencement of development within a phase or subphase, construction works in that phase or sub-phase cease for a period of 6 months then no later than 8 months after construction works have ceased within that phase or sub-phase details of an interim landscaping scheme for the undeveloped areas of that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented during the first planting season following the Local Planning Authority issuing its the written approval for the landscaping scheme in question and the approved landscaping scheme shall thereafter be retained.

Reason: In the interests of visual and residential amenity and pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site, the general rural locality and the adjoining Area of Outstanding Natural Beauty and Special Landscape Area.

#### Ecology Conditions

- 13 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 13 of MC/12/1791, under planning reference MC/13/2175, an invertebrate survey strategy detailing how and when the invertebrate surveys identified at paragraph 3.14.9 of the Landscape and Biodiversity Management Strategy dated November 2012 submitted with planning application MC/12/1791, are to be undertaken shall be submitted to the Local Planning Authority for their written approval. The strategy should be in line with Natural England's Guidance for invertebrate surveys and should consist of a minimum of 6 visits between April and October during reasonable weather followed by appropriate lab days to identify specimens, by a competent entomologist. The surveys must include active sampling, pitfall trapping, malaise trapping and overnight moth trapping. The results of the invertebrate surveys together with a report of its findings and recommended mitigations measures shall be submitted to the Local Planning Authority within 2 month of the completion of the survey work for its written approval and thereafter the development shall only be undertaken in accordance with the approved details, unless updated invertebrate surveys and findings/mitigation measures are agreed in writing with the Local Planning Authority.

Reason: To ensure that the Landscape and Biodiversity Management Strategy dated November 2012 adequately addresses the impact of the development on invertebrates and identifies appropriate mitigation measures which can be secured where necessary in the interests of nature conservation.

- 14 With the exception of the invertebrate survey strategy which is detailed in condition 13, the development hereby permitted shall only be undertaken in

accordance with the findings, conclusions and recommended mitigation set out in the submitted ecological assessment (Report Reference 5436.EcoAs.vf dated July 2012, including the Ecological Features Plan (Plan ECO2)) and in accordance with the Landscape and Biodiversity Management Strategy Landscape and Biodiversity Management Strategy dated November 2012. The measures and timetable for the mitigation works included in the above mentioned documents shall be implemented in accordance with the approved details or in accordance with any updated documents that have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be maintained unless updated documents concerning ecology are agreed in writing with the Local Planning Authority.

Reason. To secured mitigation measures identified in the submitted Landscape and Biodiversity Management Strategy dated November 2012 and to ensure that they are implemented in accordance with an approved timescale and in the interests of nature conservation.

- 15 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 15 of MC/12/1791, under planning reference MC/13/2175, a biodiversity management plan for the lake and surrounding habitat shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved.

Reason: To ensure that the potential for enhancement of biodiversity is fully taken into account and maintained, in accordance with Policy BNE6 of the Medway Local Plan, 2003.

- 16 Prior to the commencement of the 51st housing unit on site a management company, as set out at paragraph 6.1.4 of the Landscape and Biodiversity Management Strategy dated November 2012 shall be put in place to implement the provision of the Landscape and Biodiversity Management Strategy dated November 2012 and ensure works approved pursuant to conditions 13-15 (inclusive) above are undertaken in accordance with the details approved pursuant to those conditions.

Reason: To ensure that the mitigation measures secured in the submitted Landscape and Biodiversity Management Strategy dated November 2012 and secured by Conditions 13-15 (inclusive) are implemented and maintained by a management company in accordance with the objectives of the Landscape and Biodiversity Management Strategy dated November 2012 and in the interests of biodiversity and nature conservation.

### **Lighting – Outline**

- 17 Details to be submitted pursuant to conditions 1 and 2 for the approval of reserved matters for a phase or sub-phase of the development shall include details of all external lighting within that phase or sub-phase including the



exact position, details of light intensity and spillage. External lighting shall be installed in accordance with the approved details prior to the first occupation of any building within the relevant phase or sub-phase and shall thereafter be retained.

Reason: To safeguard conditions of amenity within the scheme of development permitted.

#### Lighting – Full Submission

- 18 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 18 of MC/12/1791, under planning reference MC/13/2175, full details of all proposed external lighting, including the exact position, details of light intensity and spillage, within the phase or sub-phase approved in accordance with the phasing plan pursuant to Condition 6 of MC/12/1791, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting within that phase or sub-phase shall thereafter only be installed in accordance with the approved details prior to the first occupation of any building within the relevant phase or sub-phase and shall thereafter be retained.

Reason: To safeguard conditions of amenity within the scheme of development permitted.

#### Utility Service Pre-Ducting Condition

- 19 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 19 of MC/12/1791, under planning reference MC/13/2175, full details for underground ducts to be installed by the developer to enable telephone, internet/broadband, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order) shall be submitted and approved in writing by the Local Planning Authority. No distribution pole or overhead line shall be erected within the site other than as approved as part of a scheme of works approved pursuant to this condition and the underground ducting arrangements shall be installed in accordance with the approved details during the construction phase for the relevant phase or sub-phase of the development hereby permitted and shall thereafter be retained.

Reason: To ensure a satisfactory visual appearance in the interests of visual amenity and to mitigate the visual impact of above utility service provisions.

#### Ground Works/Construction Conditions

- 20 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 20 of MC/12/1791, under planning reference MC/13/2175, full details of the finished ground

levels, including cross sections and the proposed slab level(s) of every dwelling and building proposed within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed external finished ground level of the residential unit together with their internal finished floor levels. Development as approved within each phase or sub-phase of the development shall be carried out in accordance with the approved details.

Reason: No such details have been submitted and to ensure that the residential units hereby permitted related acceptably to its adjoining neighbours within the development and in relation to the character and appearance of the visual amenity in the locality, especially the adjoining open countryside, the adjoining Area of Outstanding Natural Beauty and Special Landscape Areas.

- 21 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 21 of MC/12/1791, under planning reference MC/13/2175, details of the method for piling foundations, foundations designs and any other proposals involving below ground excavation for each phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. These details should demonstrate that there is no resultant unacceptable risk to groundwater and should be in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into Contaminated Sites. The development shall be carried out in accordance with the approved details and no piling or other below ground excavation shall take place other than as approved in accordance with this conditions.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

- 22 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 22 of MC/12/1791, under planning reference MC/13/2175, a Construction Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- a) Details of the sustainability of the construction process including recycling and re-use of construction and demolition waste;
- b) Details of measures to mitigate the impact of the construction process on ecology, biodiversity and the wider landscape;
- c) Details of hours of working, noise controls and dust suppression;
- d) Details of construction traffic routing and other measures to minimise the impact of the construction process on the local highway network;
- e) Details of mitigation measures for any other significant impact likely to arise as part of the construction process;
- f) Measures to protect highway network from mud and debris from construction; and
- g) Traffic routing of construction vehicles.

The development shall thereafter be undertaken in accordance with the approved Code of Practice.

Reason: To safeguard conditions of amenity for neighbouring properties, to safeguard the biodiversity interest in the site and to promote sustainable forms of development.

### **Sustainability - Outline**

- 23 All non-residential buildings within the development shall achieve a minimum rating of "Very Good" against the BREEAM Industrial, Offices or Retail Assessment as applicable (or an equivalent rating in any subsequent replacing standard that has been agreed in writing by the Local Planning Authority). Prior to the commencement of any phase or sub-phase of the development hereby permitted that contains nonresidential buildings, a design stage certificate confirming the rating that will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation has been approved in writing by the Local Planning Authority.

Reason: To safeguard conditions of amenity within the scheme of development permitted and to promote the development of sustainable forms of development.

### **Sustainability – Full Details**

- 24 All dwellings within the development shall achieve a minimum of Code Level 3 of the Code for Sustainable Homes (or an equivalent rating in any subsequent replacing standard that has been agreed in writing by the Local Planning Authority). Prior to the commencement of any phase or sub-phase of the development, the Code for Sustainable Homes registration number and a design stage certificate confirming the code level that will be achieved for dwellings within the relevant phase or subphase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation has been approved in writing by the Local Planning Authority.

Reason: To safeguard conditions of amenity within the scheme of development permitted and to promote the development of sustainable forms of development.

### **Parking/Highway Infrastructure/cycle parking and storage - Outline**

- 25 Applications for the approval of reserved matters submitted pursuant to conditions 1 and 2 for any phase or sub-phase of the development shall show:

i) adequate land for vehicle parking/garaging/manoeuvring and the building

- or development it relates to;
- ii) details of the road, footway, footpath and cycleway layout, including the alignment, widths, surfacing arrangements, forward visibility sight lines and vision splays, speed restraint measures, gradients, street lighting and drainage;
  - iii) details of secure cycle parking/storage facilities;

The subsequently approved details of vehicle parking/garaging and manoeuvring submitted pursuant to i) above and secure cycle parking/storage facilities submitted pursuant to iii) above shall be provided prior to the first occupation of the building it relates to and shall thereafter be reserved for this purpose and no permanent development, whether permitted by any development order or not, shall be carried out on this land or in such a position as to preclude vehicular access to the vehicle parking/garaging and manoeuvring approved pursuant to i) above or pedestrian or cycle access to the secure cycle parking/storage facilities approved pursuant to iii) above.

The subsequently approved details of road, footway, footpath, cycleway layout, secure cycle parking and storage facilities submitted pursuant to ii) above shall be implemented in accordance with the approved details for that phase or sub-phase and no individual building within a phase or sub-phase shall be occupied until the approved roads, footways, footpaths and cycleways that provide access to it have been constructed and been made available for use.

Reason: To safeguard the interests of the users of these facilities, to promote sustainable forms of transport and to ensure that the development does not prejudice conditions of amenity and highway safety.

### **Vehicles Parking and Secondary/Emergency Access Provision – Full Details**

- 26 The vehicle parking/garaging and manoeuvring areas related to the fully detailed element of this application (namely the 385 residential units, the demolition of existing structures, vehicular access and landscaping, open space provision (including those related to the adjoining lake), nature conservation facilities, ground modeling & earthworks and ancillary buildings) shall be provided in accordance with the approved plans, as set out in condition 5 above, prior to the first occupation of the housing unit it relates to. Thereafter the vehicle parking/garaging and maneuvering areas shall be reserved for that purpose and no permanent development, whether permitted by any development order or not, shall be carried out on this land or in such a position as to preclude vehicular access to it.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety.

- 27 Prior to the first occupation of the 50th dwelling within the development, a

secondary/emergency access to the development shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the secondary/emergency access to the development shall be maintained in accordance with the approved details.

Reason: To ensure that adequate access for emergency vehicles to the site is provided.

### **Highways, Footpaths and Connectivity**

#### **28 Highways, Footpaths and Connectivity**

Within 3 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 28 of MC/12/1791, under planning reference MC/13/2175, the following details shall be submitted to and approved in writing by the Local Authority:

- i) Full details of the new bridge over the A228, which links the site with Kent Road, Halling and is suitable for use by pedestrians and cyclists. These details shall include links with new and existing footpaths and a timetable for construction and completion.
- ii) Full details of the proposed footpaths/cycle ways within the informal open space on the site, including details of their connectivity with the proposed bridge over the A228, integration with Public Right of Way RS201 and a timetable for construction and completion.
- iii) Full details of amendments to the A228/Kent Road roundabout junction, including a timetable for construction

The new bridge, the footpaths/cycle ways and the amendments to the A228/Kent Road roundabout junction shall be constructed in accordance with the approved details and made available for use prior to first occupation of the 100<sup>th</sup> residential unit (unless any alternative timescale is first agreed in writing by the Local Planning Authority) and thereafter maintained in accordance with the approved details.

Reason: In the interests of highway capacity and safety and to provide a safe and convenient means of access for pedestrians and cyclists between the site and Halling village, in accordance with Policies T1, T2, T3 and T4 of the Medway Local Plan.

- 29 Within 3 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 29 of MC/12/1791, under planning reference MC/13/2175, details of an all-movement priority junction to the north of the A228/Kent Road roundabout, including visibility splays, pedestrian facilities, hard and soft landscaping, street lighting and traffic signs, shall be submitted to the Local Planning Authority for approval. The approved priority junction shall thereafter be constructed and made available for use within 6 months of the date of this decision and continue to

permit all turning movements unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide safe means of vehicular access to the site, in accordance with Policy T2 of the Medway Local Plan.

- 30 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 30 of MC/12/1791, under planning reference MC/13/2175, details of amendments to existing footways on the east and west sides of the A228 along the site boundaries, together with a timetable for construction, shall be submitted to and approved in writing by the Local Planning Authority. The footway amendments shall thereafter be implemented in accordance with the approved details and made available for use in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide a safe and convenient means of pedestrian access to public transport on the A228 in accordance with Policies T3 and T6 of the Medway Local Plan.

- 31 Prior to the commencement of any phase or sub-phase of development (as approved pursuant to Condition 6) that adjoins or will affect the adjoining Public Right of Way, especially Public Right of Way RS201 and RS220 full details of the need to close, divert or amend those public rights of way, including proposals for the reclassification of the Public Right of Way, maintaining its use during the construction period, enhanced signage, shared surface for pedestrians and cyclists, interpretation boards and kissing gates shall be submitted to the Local Planning Authority for its approval in writing. No part of the phase or subphase of development that adjoins or will affect these adjoining Public Right of Way shall be occupied until the proposals have been approved in writing by the Local Planning Authority and all necessary statutory consents have been given or orders (including any Public Path Diversion Orders) made. The amendments to these Public Right of Way shall be carried out in accordance with the approved details and completed prior to first occupation of any of the residential units within the phase or subphase of development that affects these Public Right of Way

Reason: To safeguard the interests of users of the Public Right of Way, in accordance with Policy L10 of the Medway Local Plan 2003.

- 32 The measures and initiatives outlined in the Residential Travel Plan (Document Ref: 26924 Dated July 2012) shall be implemented in accordance with the submitted details upon occupation of the first residential unit.

The measures and initiatives outlined in the Employment Travel Plan (Document Ref: 26924 Dated July 2012) shall be implemented in accordance with the submitted details upon occupation of the first employment unit.

Reason: To promote sustainable transport in accordance with Policy T14 of

the Local Plan.

### **Amenity Protection – Outline**

- 33 Applications for the approval of reserved matters submitted pursuant to conditions 1 and 2 for any phase or sub-phase of the development shall include details of the hours of opening of any non-residential building within that phase or sub-phase. The non-residential uses hereby permitted shall not operate outside of the approved hours of opening.

Reason: To ensure that the development does not prejudice conditions of residential amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 34 Prior to the first use or occupation of the public house/restaurant or any other building containing commercial kitchens, details of the method for conduction and extraction of fumes shall be submitted to and approved in writing by the Local Planning Authority. Where high level fume dispersion at one metre above ridge height of the nearest building is possible a typical installation should include hood mounted grease filters, pre-filter(s) and activated carbon treatment. Proposals for fume dispersion at lower levels shall incorporate suitably enhanced methods of filtration and odour control. All equipment shall be installed in accordance with the approved details and be in full working order prior to the first use of the commercial kitchen to which they relate and shall thereafter be maintained in full working order in accordance with the manufacturers instructions.

Reason: To ensure that these aspects of the development do not prejudice residential amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 35 No deliveries, refuse collection and/or any other servicing activity in connection with the non-residential uses hereby approved shall be undertaken on any day during the hours between 20:00 and 07:00 hours.

Reason: To ensure that the development does not prejudice conditions of residential amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 36 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 development within Classes A, B, C, D, E or F of Part 1, Class A of Part 2 or Classes A or B of Part 40 of the Second Schedule to the Order shall be carried out on the site without the prior written approved of the Local Planning Authority.

Reason: To ensure that the development does not prejudice conditions of amenity and to ensure continued compliance with the Council's adopted Medway Housing Design Standards – Interim 2011.

## **Noise**

- 37 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 37 of MC/12/1791, under planning reference MC/13/2175, a scheme for protecting the development within each phase or sub-phase from transport related noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms or combined study/bedrooms and 30dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms with windows open, the scheme shall incorporate appropriately acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of less than 55dB (LAeq,T). All works that form part of the approved scheme, shall be completed before any building within the relevant phase or sub-phase is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions of amenity within the scheme of development permitted, in accordance with Policy BNE3 of the Medway Local Plan 2003

- 38 Prior to the commencement of any phase or sub-phase of the development hereby permitted which contains non residential buildings, an acoustic assessment shall be undertaken to determine the impact of noise arising from development within that phase or sub-phase. Noise from commercial premises should be controlled, such that the noise rating level (LA,T) emitted from the development does not exceed the background noise level (LA90,T), by more than 3dB. All measurements shall be defined and derived in accordance with BS4142: 1997. The results of the assessment and details of any mitigation measures shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of any development within the relevant phase or sub-phase. The approved measures shall be implemented before any building within the phase or sub-phase is occupied or brought into use and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions of amenity within the scheme of development permitted.

## **Flood Risk, Foul and Surface Water Drainage and Ground Water Protection**

- 39 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Surface Water Drainage Addendum (dated 12 November 2013), as received on 30 May 2014 under reference MC/14/0121. In relation to the fully detailed element of this planning application (namely the 385 residential units, the demolition of



existing structures, vehicular access and landscaping, open space provision (including those related to the adjoining lake), nature conservation facilities, ground modeling & earthworks and ancillary buildings) the internal floor height of all living accommodation shall be no less than 6.5 metres above Ordnance Datum Newlyn. In relation to the outline element of this application development (namely those aspects related to the provision of employment up to 3,000sqm floorspace (B1, B2, B8), doctors surgery up to 1,000sqm (D1) and/or a 40 unit extra care facility, pub/restaurant up to 850sqm (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures) the internal floor height of commercial development shall be no less than 5.8 metres above Ordnance Datum Newlyn and the internal floor height of the medical/extra care buildings shall be no less than 6.5 metres above Ordnance Datum Newlyn.

Reason: To safeguard the occupiers of the proposed development from the risk of flooding, in accordance with Policy CF13 of the Medway Local Plan 2003.

40 In accordance with the approved Flood Risk Assessment and Surface Water Drainage Addendum (dated 12 November 2013), as received on 17 January 2014 under reference MC/14/0121, within 3 months of the date of this decision full details of the following have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency:

- A) A full condition survey of the existing surface water system (including outfalls).
- B) Full details of the proposed scheme to dispose of surface water, providing adequate storage to account for a tide locked situation.
- C) Full details of the proposed scheme to dispose of surface water from the fully detailed element of planning application MC/12/1781 (namely the 385 residential units, the demolition of existing structures, vehicular access and landscaping, open space provision (including those related to the adjoining lake), nature conservation facilities, ground modelling & earthworks and ancillary buildings) including a timetable for implementation of the subsequently approved methods of surface water;
- D) Full details of the surface water drainage scheme during construction;
- E) Full details of the onward maintenance of the surface water drainage infrastructure (in the event that the SuDs are not adopted by Medway SuDs Advisory Body due to legislation / transitory arrangements);
- F) Full details of the control mechanism for restricting flows into Grey Pit Lake;
- G) Full details of the surface water pumping arrangements once Redrow Homes have vacated the site, including who will be responsible for pumping arrangements when Redrow Homes have vacated the site and providing emergency contact details;
- H) Fully detailed modelling using industry recognised software to inform the volumes and rates of runoff and subsequent sizing of the SuDs components;
- I) Full details of the storage requirements and control structures to be used

within the commercial areas confirming that they are restricting to the rate to 5l/s for the southern commercial development and 7l/s for the commercial development to the east (on that basis therefore the rate of discharge from the residential development will need to be restricted to 10l/s); and

- J) Biodiversity enhancements, including the use of native / local provenance species for any planting proposed.

No aspect of the development, hereby permitted, shall commence until the written approval of the Local Planning Authority has been obtained in regard to the matters detailed in this condition above. Furthermore, the development, including the methods of surface water drainage, shall only be undertaken in accordance with the approved details and the details set out in the approved Flood Risk Assessment and Surface Water Drainage Addendum dated 12 November 2013 in line with the agreed timetable. Thereafter the development shall be maintained in accordance with the details approved pursuant to this condition.

Reason: To prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to ensure that there is adequate foul sewerage disposal from the development .

- 41 There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the Local Planning Authority, which will only be given for those parts of the site where it has been demonstrated that there would be no resultant unacceptable risk to controlled waters.

Reason: To ensure that there is no resultant unacceptable risk to controlled waters.

### **Archaeology**

- 42 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 42 of MC/12/1791, under planning reference MC/13/2175, the developer shall secure 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 include a timetable for its implementation and be in accordance with the written programme and specification, which has been submitted to and approved in writing by the Authority.

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. Development hereby permitted, other than that required to be carried out as part of an approved scheme of remediation.

## Contaminated Land

- 43 Unless otherwise agreed by the Local Planning Authority, no phase or sub-phase of the development, other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions 44 to 46 have been complied with or a verification report, related to that phase or sub-phase, demonstrating that the site has already been satisfactorily remediate and if necessary, appropriate longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action is submitted to and implemented with written agreement of the Local Planning Authority. If unexpected contamination is found within any phase or sub phase after development has begun, development within the phase or sub-phase 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 46 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 in accordance with Policy BNE23 of the Medway Local Plan 2003. Development hereby permitted, other than that required.

- 44 Within 3 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 44 of MC/12/1791, under planning reference MC/13/2175, a desk top study, investigation and risk assessment related to any phase or sub-phase, in addition to any assessment provided with planning application MC/12/1791, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site within that phase or sub-phase, including risks to groundwater, whether or not it originates on the site. The scheme related to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority, or as otherwise agreed in writing by the Local Planning Authority, prior to commencement of development within that phase or sub-phase. The desk study, investigation and risk assessment must be undertaken by competent persons and a written report of the findings within the phase / sub-phase area must be produced. The written report shall be submitted to and approved by the Local Planning Authority, or as otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development within that phase or sub-phase. 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,
  - groundwater's 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 in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 45 A detailed remediation scheme related to each phase or sub-phase 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 development within each phase or sub phase, or as otherwise agreed in writing by the Local Planning Authority. 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 in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 46 The approved scheme of remediation related to each phase or sub-phase of the development must be carried out in accordance with the approved details related to each phase or sub-phase of the development prior to the commencement of each phase or sub-phase of the 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 within each phase or sub-phase.

Following completion of the measures identified in the approved remediation scheme for each phase or sub-phase of the development, a verification report that demonstrates the effectiveness of the remediation carried out within that phase or sub-phase of the development must be produced, submitted to and approved in writing by the Local Planning Authority prior to that phase or sub-phase of the development being brought into use.

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.

- 47 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 44, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 45, 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 46 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 46.

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.

#### **Protection to the oil pipeline.**

- 48 Prior to the commencement of any phase or sub-phase of development (as approved pursuant to Condition 6) that adjoins or will affect the oil pipeline crossing the site, the oil pipeline shall be diverted in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Governments' appointed agents responsible for advising on the protection of the Government Pipeline and Storage System. The scheme submitted pursuant to this condition must include a timetable for the relocation of the pipeline. The oil pipeline shall only be diverted in accordance with the approved scheme.

Reason: To ensure that the integrity of the pipeline is not compromised by the permitted development.

#### **Materials – Fully Detailed application**

- 49 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 49 of MC/12/1791, under planning reference MC/13/2175, details and samples of all materials to be used externally within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development within that phase or sub-phase shall be carried out in accordance with the approved details for that phase or sub-phase.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, the adjoining countryside, the adjoining Area of Outstanding Natural Beauty and the Special Landscape Area”

- 50 The details submitted in relation to the provision of the sports pitches pursuant to planning condition 1 shall include full details of the construction of the sports pitches, including in relation to any fencing and/or lighting and timetable for their provision and a management plan for controlling the nature and types of sports played on the pitch and hours of operation, taking into account the sports pitches lie beneath the 400kv power line(s)/pylon(s). The plans and documents submitted pursuant to this condition must comply with the safety clearance zones as required by the Electricity Safety, Quality and Continuity Regulations 2002. The sports pitches shall thereafter only be implemented in accordance with the approved details and shall thereafter be maintained in accordance with the approved details

Reasons: In the interests of public safety and to ensure that the details of the proposed sports pitch provision are appropriate to the location and that they will be managed in an acceptable and safe manner with due regard given to the proximity of the powerlines/pylons.

- 51 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 51 of MC/12/1791, under planning reference MC/13/2175, details of the refuse storage arrangements for each phase or sub-phase of the development will be submitted to and approved in writing by the Local Planning Authority. All approved refuse storage arrangements for that phase or sub-phase shall be undertaken in accordance with the approved details and no residential units within that phase or sub-phase shall be occupied until the refuse storage arrangements for that phase or sub-phase have been provided. Thereafter the approved refused storage arrangements for that phase or sub-phase shall be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 52 Within 6 months of the date of this decision, unless as otherwise approved pursuant to the details in relation to planning condition 52 of MC/12/1791, under planning reference MC/13/2175, a scheme for providing employment and training opportunities to local labour resources (including apprentices) that endeavours to targeting/utilise local people during both the construction and post construction periods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the regeneration benefits of the development can be maximised in accordance with policy S2 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**

This application has been submitted to allow for a variation of conditions 5, 39 and 40 of planning permission MC/12/1791 (the extant permission for the redevelopment of the Cemex site at Halling). Condition 5 is being varied to enable changes to the approved residential layout and to alter 23 of the approved house types. These are set out below in more detail. The variation to conditions 39 and 40 update those previously imposed to deal with the Flood Risk Assessment process and the surface water drainage strategy. A new drainage scheme has previously been approved under MC/14/1021, and whilst this submission replicates the approved scheme it seeks to include it under one reference number.

Various to condition 5 are as follows;

- Alteration to the road junction adjacent to plots 98 and 167 whereby additional landscaping is omitted,
- Alteration to the road junction adjacent to plots 214 and 279 whereby additional landscaping is omitted,
- Parking to plot 167 is now located to the front of the plot rather than in tandem fashion to the side,
- Plots 30 and 31 are changed from Broadway to Letchwork design,
- Plots 68, 73, 75, 82, 259, 264, 265, 270, 279 and 327 become Warwick designs A and B,
- Plots 182, 187, 190, 193, 213, 222, 225 (increase in footprint of 3.47m<sup>2</sup>), 250 and 256 become Cambridge designs A and B,
- Ginnels (passageways through the terrace) are added to terraced plots 32-35, 77-80, 260-263, 266-269, 275-278, 312-315, 334-336,
- Ginnels are added to plots 62-65,
- Plots 191 (becomes handed), 214, 224 and 257 become 5 bedroom Highgate design.

The variation to conditions 39 and 40 are to regularise the balancing pond, foul water pumping station and drainage strategy which was approved under MC/14/0121 in March, 2014.

The original application - MC/12/1791 - proposed a single balancing pond to the southern extent of the residential development. The previous drainage scheme proposed the disposal of water via an existing Southern Water outfall into the River Medway. Surveys revealed that this would not be possible and instead the revised surface water scheme discharges the residential development and mixed use areas run off into Grey Pit Lake. The development includes the following SUDS principles and strategy to deal with surface water. Firstly surface water runoff is directed south by gravity to the retention basin. In this location, primary settlement occurs within a downstream reed bed / filtration wetland (the larger of the two balancing ponds). Restricted flows are then passed through a smaller balancing pond for the second stage of filtration. Lastly, the resultant flow is passed through a three stage petrol interceptor before out falling into the Grey Pit Lake.

The larger basin and grading measures some 80m from north to south, and 50m from east to west. The smaller basin and grading measures some 33m from north to south and some 55m to east to west. At the mid-point of the larger basin, the eastern and western edges of the basin have a difference of some 7.5m and 6m respectively from the AOD of the centre of the basin. At the mid-point of the larger basin, the eastern and western edges of the basin have a difference of some 6.6m and 6m respectively from the AOD of the centre of the basin. The western edge of the basin is effectively the same height of the A228. Some significant excavation is therefore necessary.

The foul water pumping station is a simple addition, essentially comprising of a concrete slab with accesses to below ground chambers. The site will be secured by way of 4mm Ø wire fencing. Two post and rail gates are proposed to restrict vehicular entrance into the site.

### **Site Area/Density**

Site Area: 9.871 hectares (24.39 acres)

Site Density: 39dph (93.9 dpa)

### **Relevant Planning History**

MC/14/0121	Relocation and enlargement of the proposed balancing ponds approved under application MC/12/1791 and the installation of a foul water pumping station and associated earth works. Decision Approval With Conditions Decided 24 March, 2014
MC/14/0504	Application for non-material amendment to planning permission MC/12/1791 for alterations to the fenestration of 29 residential units, alterations to the architectural decoration of the gable on plot 171 and changes to the roof type of the sub-station Decision Approval Decided 19 March, 2014
MC/13/2189	Details pursuant to conditions 39, 40 and 41 on planning permission MC/12/1791 Decision Refusal Decided 21 October, 2013
MC/13/2175	Details pursuant to conditions 6, 8, 13, 15, 18, 19, 20, 21, 22, 24, 28, 29, 30, 37, 42, 44, 45, 49, 51 and 52 on planning permission MC/12/1791 Under consideration
MC/12/1791	Hybrid application for outline details for demolition of existing buildings and provision of employment up to



3,000sqm floorspace (B1, B2, B8), doctors surgery up to 1,000sqm (D1) and/or a 40 unit extra care facility, pub/restaurant up to 850sqm (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures including means of access with all other matters reserved. Full details for 385 residential dwellings including demolition of existing structures, vehicular access and landscaping; open space; nature conservation facilities; ground modeling and earthworks and ancillary buildings  
Decision Approval With Conditions  
Decided 29 August, 2013

## **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.

**Natural England** have written to state that they have no comment to make on the application as it stands.

**The Highways Agency** have written to indicate that they offer no objection.

**Southern Water** have written to indicate that they have no objection to the drainage details.

**Kent Police** have stated that they have no additional comments to make on this application.

**National Grid** have provided information regarding the proximity to the High Voltage Transmission Overhead Line, but raise no objection.

**Environment Agency** have no objection to the development, particularly as it is inline with the revised Flood Risk Assessment and Surface Water Drainage Addendum.

**KCC Biodiversity** have noted that there is ecological potential for the balancing ponds and suggest that these could be multifunctional. Enhancements could be sloping sides and the use of native / local provenance species for any planting proposed.

**Five letters** of objection have been received with the following comments;

- The application represents a piecemeal process towards redevelopment of the site,
- The balancing ponds should have been considered at an earlier stage and flooding needs to be carefully considered,
- The greenfield site to the north should remain undeveloped, as part of the Metropolitan Green Belt and a more conclusive approach to management of this area should be adopted,

- The residential layout is dense,
- The site should be divided into allotments,
- Wildlife which has been dispersed should be accommodated elsewhere,
- The development places a large pressure on local highway networks,
- The rural nature of the area is being eroded with a continue sprawl along the A228,
- Construction work is expected to continue for a significant period,
- The enlarged balancing ponds will significantly encroach on land identified for mixed (non-residential) uses,
- Fewer services will be available for existing local residents,
- The balancing ponds are in an inappropriate location and do not result in any ecological benefit.

Any other comments are not material and cannot be considered.

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (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, 2012 and are considered to conform.

### **Planning Appraisal**

#### *Background*

As Members will be aware in the current Local Plan the site is designated as an existing employment area. However, it has since been subject to an outline planning consent for 550 dwellings and a subsequent hybrid scheme for 385 dwellings (with A3/A4, B1, B2 and B8 uses). Officers approved a non-material amendment to various changes to window and door proportions in mid - March, 2014. An application to alter the previously agreed drainage strategy was also approved, under delegated authority, in March 2014. Nevertheless, the principle of housing provision on the site has already been established in planning policy terms and there have been no material changes to policy since that latter hybrid permission being granted in August 2013. Matters therefore turn to an assessment of the acceptability of the variations to conditions 5, 39 on matters of residential mix, design, amenities, highways and flood risk.

*Revised residential layout, design and mix of dwellings and revised highway layout by variation to condition 5 of MC/12/1791*

#### *Residential Mix*

The proposed alterations to the accommodation schedule does not result in any changes to the affordable housing provision and instead the revision focuses on an increase in the provision of 4 and 5 bedroom private market dwellings which replace 46 no. 3 bedroom private market dwellings. The revised residential mix is set out in the below table and continues to be acceptable.

Type	Market	Affordable (no change)	Total
1 bedroom apartment	0	35	35
2 bedroom apartment	54	19	73
Total	54	54	108
2 bedroom house	0	14	14
3 bedroom house	108 (-46)	21	129
4 bedroom house	123 (+42)	7	130
5 bedroom house	4 (+4)	0	4
Total	235	42	277
Total	289	96 (25%)	385

### *Design*

The proposed alterations to layout and housing design do not alter the overall layout hierarchy. There continues to be several routes into, across and through the site linking to existing public rights of way and open spaces to the south and west of the site from the main road access points. The slight reduction in soft landscaping at two of the vehicular crossings raises no objection. The formal layout continues to allude to the layouts that characterised many housing estate layouts in the 1920's and 30's. Perhaps in recognition of this, the chosen style is 'Arts and Crafts'- similar to that chosen for suburban estates in the 20's and 30's. This is reflected in those subtle changes to the Letchworth, Warwick and Cambridge designs. The introduction of the Highgate design is a slightly more modern example, yet it complements the wider ethos. Lastly, the introduction of the ginnels (under croft passageways to rear gardens) are a distinctly 'Arts and Crafts' feature and no objection is raised to their inclusion. The development complies with the objectives of Policies BNE1, BNE6, BNE32 and BNE34 of the Local Plan.

### *Amenity*

The consideration of the impact of the development under the heading of amenity raises two distinct matters, namely the impact upon amenity of future residents of the development and the provision of appropriate levels of amenity for the future occupiers of the dwellings. With regards to the former, the layout of the development will continue to ensure that all residents of the development will benefit from good levels outlook, daylight, sunlight and privacy. With regards to the latter, all residential units will continue to have good levels of private amenity space. The Medway Housing Design Standards have been applied to the internal provision, and this is set out in the below table.

Type	MHDS	Proposed
Letchworth (3 bed, 5 person)	96m <sup>2</sup>	90m <sup>2</sup>
Warwick (A) (3 bed, 5 person)	96m <sup>2</sup>	98m <sup>2</sup>
Warwick (B) (3 bed, 5 person)	96m <sup>2</sup>	98m <sup>2</sup>
Broadway (3 bed, 4 person) with ginnel	87m <sup>2</sup>	101m <sup>2</sup>
Cambridge (A) (4 bed, 6 person)	107m <sup>2</sup>	128m <sup>2</sup>
Cambridge (B) (4 bed, 6 person)	107m <sup>2</sup>	128m <sup>2</sup>
Highgate (A) (5 bed, 6 person)	>107m <sup>2</sup>	180m <sup>2</sup>
Highgate (B) (5 bed, 6 person)	>107m <sup>2</sup>	180m <sup>2</sup>
Kenilworth (3 bed, 5 person) with ginnel	96m <sup>2</sup>	120m <sup>2</sup>
Kenilworth (4 bed, 5 person) with ginnel	100m <sup>2</sup>	103m <sup>2</sup>

All revisions to the accommodation schedule exceed the Standards, apart from the two revised Letchwork design dwellings (plots 30 and 31) which are some 6m<sup>2</sup> below the required Standards. However, these dwellings reflect the other 40 Letchwork dwellings which were approved across the site under the original permission and the dwellings comply with the Standards when assessed through the 'Alternative Methodology' wherein a schedule of furniture has been comfortably plotted in the units. The development complies with the objectives of Policy BNE2 of the Local Plan.

### *Highways*

The proposed alterations do not extend to a reduction in the private parking provisions and all dwellings continue to be accompanied by parking which complies with the minimum standards. The revised layout road junctions result in no harm to the safe flow of traffic and, although the parking spaces to plot 167 are brought closer to the footpath to the front of the property, the parking spaces still has a minimum depth of 5m. As such, parked cars will not overhang the footpath and pedestrians will continue to have an adequate width of footpaths. The development complies with the objectives of Policies T1, T2 and T13 of the Local Plan.

*Revised drainage strategy achieved by variation of conditions 39 and 40 of MC/12/1791*

### *Design*

The planning application MC/12/1791 proposed a balancing pond to the south of the residential development. The appearance of the previously approved balancing pond was relatively similar and the revised details which are set out in this application

raise no objection on visual grounds. The pumping station is sited close to one of the vehicular entrances of the site. The visible extent of the development is relatively minimal, primarily comprising a concrete apron and a means of enclosure. Both elements are considered appropriate. The development complies with the objectives of Policy BNE1 of the Local Plan.

### *Amenity*

The developments are sited at such a distance from the nearest residential development (some 25m to the closest properties - plots 53 - 61 - to the north) that the proposals will not impinge upon the amenities of the future occupiers of the development. The development complies with the objectives of Policy BNE2 of the Local Plan.

### *Highways*

Neither the pumping station nor the balancing ponds will impact upon the vehicular highway, the flow of traffic or parking provisions. The development complies with the objectives of Policies T1, T2 and T13 of the Local Plan.

### *Drainage*

The revised Flood Risk Assessment and Surface Water Drainage Addendum (to the 2012 application) report, alongside the drainage and flood risk implications, have been considered by the Environment Agency and by the Council's SUDS officer. The risk to flooding has been considered, and this is deemed appropriate, subject to the application of the principles set out in the FRA which is set out in the revised conditions.

In addition, the alternative system of sustainable drainage techniques used to treat and attenuate surface water before its eventual discharge into the River Medway via a pumped system from the Grey Pit Lake is acceptable in principle. Members will note that a lengthy condition has been imposed which requires further details and this is in response to concerns about the onward maintenance of surface water drainage infrastructure, the pumping arrangements, the control mechanism for restricting flows into Grey Pit Lake and the modelling to inform the volumes and rates of runoff. Furthermore, the surface water drainage system from the residential element of the development does not provide a means of source control, and the SUDS management train techniques which have been outlined for the commercial scheme should be incorporated into the residential development. The following control is therefore recommended via a condition. Firstly, the development shall be carried out in accordance with the submitted drawings and proposed design features (see sections 8.2.1 - 8.2.5 and Schedules 1, 2 and 3 of the FRA). Secondly, those aforementioned requested details will be required under the same condition. Due to the time constraints of the development, these details will be required in a short timeframe. The details of the onward maintenance of surface water drainage infrastructure, the pumping arrangements, the control mechanism for restricting flows into Grey Pit Lake and the modelling to inform the volumes and rates of runoff will inform the development and the balancing ponds will need to be constructed and maintained in accordance with these details. The SUDS management train

techniques will be installed in accordance with an agreed timetable or procedure.

With such controls, the revised development will be suitable method of preventing flooding by ensuring the satisfactory storage and disposal of surface water from the site and will reduce the risk of flooding to the proposed development and future occupants. The development therefore complies with the objectives of the NPPF and Policy CF13 of the Local Plan.

### *Other Matters*

Members will note that all those previously conditions applied under MC/12/1791 are either re-imposed or updated to reflect previously discharged information. The original application included a lengthy Section 106 agreement, the details of which are set out below;

- i) Medway Contributions
  - a) Contribution of £166,400 towards traffic management improvements at the Bush Road/A228/Station Road/A228 junction in Cuxton;
  - b) Contribution of £253,507 towards improvements to public transport service provision;
  - c) Contribution of £42,000 towards public transport infrastructure and accessibility improvements on the A228;
  - d) Provision of a controlled crossing over the A228, for the purposes of accessing public transport;
  - e) Contribution of £105,374 towards pedestrian accessibility improvements on Kent Road and Station Approach Road;
  - f) Contribution of £47,783 towards improved passenger waiting facilities at Halling Station;
  - g) Contribution of £29,200 towards 'Safer Routes to School' initiatives in Halling
  - h) A contribution of £4,000 towards the Council's involvement in the coordination and monitoring of the residential and employment travel plans during their early years of operation, and the provision of each residential dwelling with a discounted bus season ticket upon its first occupation.
- ii) The applicant entering into Section 278 agreement to secure the provision of the site access roundabout, pedestrian/cycle footbridge, amendments to existing Kent Road/A228 roundabout and all associated highway works including improvements to existing footways and signing;
- iii) A pro-rata contribution of £920,000 contribution to Kent County Council towards improvements to the overbridge at Junction 4 of the M20 Motorway. The pro-rata contribution to be calculated based on the following equation 385 divided by 550 multiplied by £920,000 or as otherwise agreed by Kent County Council and the Highways Agency, in accordance with the terms and triggers to be agreed by Kent County Council and the Highways Agency;
- iv) The provision of affordable housing to the extent of 25% of the total number of units.

- v) A contribution of £180,160.75 towards the provision of health facilities in the Strood area;
- vi) A contribution of up to £275,724.80 towards the provision of nursery school facilities in the locality
- vii) A contribution of up to £685,900.80 towards the improvement of primary school facilities at Cuxton and/or Halling.
- viii) A contribution of £41,314.35 towards Waste and Recycling
- ix) A contribution of £20,000 towards the Metropolitan Park
- x) A contribution of £100,000 to enable Halling Parish Council to acquire of the old Halling Fire Station building for community use
- xi) Requiring the submission of valid reserved matters planning applications for the outline elements of this development, especially the employment and commercial/extra care aspects no later than the commencement of the 200<sup>th</sup> residential unit on the site.

Under paragraph 6.13.2 of the Section 106 agreement, any subsequent application to vary previously imposed conditions remains bound to those above referenced contributions. Therefore the Council does not need to issue a new Section 106 agreement or agree a deed of variation to the Section 106 agreement signed on 28 August 2013.

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

The series of alterations to the approved hybrid scheme are acceptable in terms of design; impact on the street scene, amenity and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the aforementioned Policies of the adopted Local Plan and the application is recommended for approval.

This proposal would fall to the determined under delegated powers but is being reported to Planning Committee for determination due to the extent of representation received expressing a view contrary to the recommendation and due to Members consideration of the previous application.

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## **Background Papers**

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

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