

MC/14/3784

Date Received: 22 December, 2014

Location: Land North Of Moor Street, Rainham, Kent, ME8 8QF

Proposal: Outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for residential development of up to 200 dwellings (including a minimum of 25% affordable housing), planting and landscaping, informal open space, children's play area, surface water attenuation, a vehicular access point from Otterham Quay Lane and associated ancillary works

Applicant: Mr S Barker

Agent:
Ward Rainham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 April, 2015.

Recommendation - Refusal

- 1 The development would result in an inappropriate form of development within a locally valued landscape and Area of Local Landscape Importance, resulting in harm to the landscape and rural character of the area contrary to the provisions of policy BNE34 of the Medway Local Plan 2003 and the Medway Landscape Character Assessment 2011, the Core Principles of the NPPF set out paragraph 17 and the policies set out at Section 11 of the NPPF including paragraph 109 in particular.
- 2 The development would result in the loss of the best and most versatile agriculture land contrary to the provisions of policy BNE48 of the Medway Local Plan 2003 and the policies of the NPPF specifically Section 11 'Conserving and Enhancing the Natural Environment' including paragraph 112 in particular.
- 3 The development would adversely affect the character and appearance of the Moor Street Conservation Area and the setting of the Grade II Listed West Moor Farm House and Grade II Listed Westmoor Cottage contrary to the provisions of policy BNE12 and BNE18 of the Medway Local Plan 2003 and the requirements of the NPPF specifically the Core Principles set out paragraph 17 and Section 12 'Conserving and Enhancing the Historic Environment' including paragraph 133 in particular.

- 4 The application site has poor pedestrian connectivity and poor public transport opportunities and is thereby contrary to Policies T3 and T5 of the Medway Local Plan and the requirements of the NPPF specifically the Core Principles set out paragraph 17 and Section 4 'Promoting Sustainable Travel' including paragraph 30 in particular.
- 5 The development would have an unacceptable impact upon local services and facilities, as it has not made provision (through appropriate financial contributions) to meet the service demands directly generated by the development contrary to the provisions of Policy S6 of the Medway Local Plan 2003 and the Developers Contribution Guide 2014.
- 6 The development does not comply with the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF since the benefits arising from the delivery of new housing are significantly and demonstrably outweighed by the adverse social and environmental impacts of the development.
- 7 The application includes insufficient information to undertake an appropriate assessment as required by the 2010 Habitat Regulations and therefore there is no evidence to demonstrate that the development will not cause harm to the nearby Special Protection Area of international ecological importance. The proposal is therefore contrary to the provisions of Saved Policy BNE35 of the 2003 Medway Local Plan and the requirements of the NPPF specifically Section 11 including paragraph 109 and 118 in particular.

Proposal

This is an outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for residential development of up to 200 dwellings (including a minimum of 25% affordable housing), planting and landscaping, informal open space, children's play area, surface water attenuation, a vehicular access point from Otterham Quay Lane and associated ancillary works.

The application seeks outline consent for residential development on the site, with approval sought for access but with all other matters reserved (appearance, landscaping and scale). As such this application is dealing with the broad principle of residential development only.

An indicative 'Development Framework Plan' has been submitted with the application that shows the parameters of the development. In addition an indicative layout plan has been provided which shows 200 dwellings on site.

A single vehicular access point is proposed from Otterham Quay Lane served by a simple priority junction. An indicative distributor loop road is shown running through the site. A perimeter footpath is shown running around the site, with connections on to the footpath on Moor Street/A2.

2.7 hectares of open space/green infrastructure is proposed including a landscape buffer along the southern boundary of the site adjacent to the properties that front on to Moor Street/A2. An equipped play area is indicatively shown in the northeast corner of the site adjacent to the railway.

Site Area/Density

Site area: 8.6 hectares (21.2 acres)

Site density: 34 dph (14 dpa)

Representations

The application has been advertised on site, by individual neighbour notification letters to the owners and occupiers of neighbouring properties and twice in the press. In addition a public meeting was held on 10th February to advise local residents that the application had been submitted and explain the determination process.

The Environment Agency, Natural England, the Highways Agency, Network Rail, Southern Water, Southern Gas Networks and EDF have also been consulted.

Environment Agency raises no objections to the application.

Natural England raises no objections to the application subject to securing a financial contribution towards implementing the 'Thames, Medway and Swale Estuaries Strategic Access Management Strategy'.

Highways Agency (Highways England) raises no objections to the application.

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

Rural Planning Limited (the Council's agricultural advisors) have objected to the development on the grounds that it will result in the loss of the best and most versatile agricultural land.

Rehman Chishti MP has objected on the following grounds:

- Existing peak time congestion will be further exacerbated by proposed development; particular along Otterham Quay Lane.
- The construction impacts of the development would create significant and prolonged disturbance for nearby residents.
- The development would put excessive pressures on local amenities and services.
- The development would have a detrimental impact upon a local valued landscape.

235 letters of objection have been received with the following comments:

- Proposed development is contrary to the Local Plan as it is situated outside of the settlement boundary on land which is not designated for housing.
- Existing peak time congestion will be further exacerbated by proposed development; particular concerns have been raised in respect of:
 - Performance of Otterham Quay Lane/A2/Meresborough Road junction; Capacity of A2, Otterham Quay Lane, Lower Rainham Road, Wakeley Road and Station Road; and
 - Potential safety issues arising from increased traffic and congestion.
- Enhanced roads highways infrastructure is required to support the development.
- The site has poor access to existing bus services.
- There is insufficient capacity on train service to support the increased population generated by the development.
- There is insufficient car parking capacity at Rainham Train Station and Town Centre to support the increased demands generated by the development.
- Construction traffic generated by the proposed development would have a detrimental impact upon the amenity of the surrounding area.
- Transport Assessment is inadequate, particularly with respect to extent of survey area, timing of traffic surveys and regard to committed developments.
- There is insufficient capacity at local schools to accommodate additional pupils generated by the development.
- The increased population generated by the development will further exacerbate existing capacity constraints at:
 - Medway Maritime Hospital, which is currently under special measures; and
 - Local GP surgeries.
 - The proposed development will further exacerbate existing capacity constraints in respect of:
 - Waste water;
 - Water supply; and
 - Power supply.
- The proposed development will result in the loss prime agricultural land.
- The proposed development will have a detrimental impact upon the semi-rural character of the area;
- The proposed development will contribute towards coalescence between Rainham and Upchurch/Newington.
- The proposed development will have detrimental impact upon the setting of the Moor Street Conservation Area and associated Listed Buildings.
- The proposed development will have a detrimental impact upon local wildlife, in particular:
 - Pipistrelle Bats; and
 - Birds.
- Poor air quality in the area, particularly along the A2 and the Rainham High Street Air Quality Management Area, will be further exacerbated by the development.
- Surface water flooding issues in the wider area could be exacerbated by the proposed development.
- The proposed perimeter footpath is a safety and security risk.

- The proposed play area is situated adjacent to the railway and is thereby a safety risk.
- The proposed development would result in overlooking and would thereby have detrimental impacts upon amenity of surrounding residential properties.
- The development proposed is at to high a density.
- Site is an inappropriate/unsuitable/unsustainable location for residential development.
- Consideration should be given to cumulative impacts of developments in Swale.

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

A petition with 273 signatures has been received with the following comment:

- "Reject the planning application submitted by Gladman Developments to build up to 200 house on land north of Moor Street, Rainham, Kent."

A further petition with 13 signatures has been received with the following comment:

- "I object to planning application MC/14/3784 for houses north of Moor Street"

Development Plan

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 Document (SPD). Medway Landscape Character Assessment 2011 is also a material planning considerations.

Planning Appraisal

Housing Land Supply

Paragraph 47 of the NPPF states that local planning authorities "should boost significantly the supply of housing", and as such are required to "identify and update annually the supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement".

The 2013/14 Authority Monitoring Report (AMR), published in December 2014, sets out the five-year housing land supply position in Medway. The AMR includes a 'housing land trajectory' that sets out the expected delivery rates of identified housing development sites in Medway. On this basis it has been calculated that Medway has 5.4 years housing land supply. It should be noted that this figure included an allowance for development coming forward at Lodge Hill, which was expected to commence in 2016/17 (year 3).

However since the publication of the AMR the Secretary of State has decided to 'call-in' the Lodge Hill planning application, which means it will be subject to public

inquiry before being determined by the Secretary.

Given the time it will take to conduct the inquiry it is likely that commencement of development at Lodge Hill will be delayed. There is also a risk that the Secretary of State could refuse the application altogether. Any delay in delivery at Lodge Hill, indefinite or otherwise, will reduce the supply of housing in Medway.

In addition it should also be noted that the Government has published new household projections. Medway's figures are higher than previous forecasts. Although these projections will need to be reviewed, it is likely that they will result in a higher housing requirement for Medway.

Taken together these two factors, the call-in of Lodge Hill and the new household projections, are likely to undermine the robustness of our five-year housing land supply calculations. Pending a full review of the situation, it should not be assumed the Council will be able successfully demonstrate that Medway currently has five-years housing land supply, should we be challenged at Appeal.

In light of the above it is important to understand the implications of being unable to demonstrate five-years housing land supply by referring to paragraphs 49 and 14 of the NPPF.

Paragraph 49 of the NPPF states: "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

Paragraph 14 of the NPPF requires that where the development plan is "absent, silent or relevant policies are out-of-date" planning permission should be granted unless "any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole".

Housing supply policies include BNE25 and those which set urban and village settlement boundaries. Reference to this policy alone in determining the current application would be unlikely to be upheld at appeal. However, policies that seek to protect specific features, such as landscape character, are not generally considered to be housing supply policies, and can therefore be considered in determining this application. This report also has regard to the policies of the NPPF in assessing the application proposals.

Landscape

The application site lies outside of the urban settlement boundary, within the Meirscourt/Meresborough 'Area of Local Landscape Importance' (ALLI) as defined on the proposals map that accompanies the Medway Local Plan 2003 (The Local Plan).

Policy BNE25 defines land outside of settlement boundaries as the countryside. Policy BNE25 states that development within the countryside will only be permitted if it "maintains, and wherever possible enhances the character, amenity and functioning of the countryside."

Policy BNE34 states that development within the ALLI will only be permitted if “it does not materially harm the landscape character and function of the area”. Under Policy BNE34 development within an ALLI may be permitted “where the economic and social benefits are so important that they outweigh the local priority to conserve the areas landscape”.

It is considered that Policy BNE25 and BNE34 are consistent with the NPPF requirements to “recognise the intrinsic character and beauty of the countryside” (paragraph 17) and to “enhance the natural and local environment by protecting and enhancing valued landscapes” (paragraph 109).

To assist in assessing the impact of development upon the character of the countryside the Medway Landscape Character Assessment (MLCA) has been prepared. The MLCA provides guidance to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

The MLCA identifies the site within the southernmost boundary of the Lower Rainham Landscape Character Area (LCA), which forms part of the larger North Kent Fruit Belt Landscape Character area.

Paragraph 170 within the NPPF encourages the production of Landscape Character Assessments. As such the MLCA is an important consideration against which these proposals should be judged. It is considered to be fully NPPF compliant and to thereby carry significant weight regarding the determination of these proposals.

Landscape Character & Function

The Local Plan describes the Meirscourt/Meresborough ALLI as an: “area of traditional Kentish farm landscape with country lanes on the eastern periphery of the borough.” The Local Plan also notes that the Meirscourt/Meresborough ALLI performs an important function “as a buffer zone, counteracting outward pressure of urban sprawl and maintaining separation of settlements”.

The MLCA highlights that the North Kent Fruit Belt is principally characterised by “a predominantly rural agricultural landscape characterised by a complex pattern of orchards, shelter belts, fields of arable, pasture and horticultural crops; divided by a small block of woodland” although it also recognises that there has been a “loss of traditional orchard and increasing trend towards urban-rural fringe activities”. The MLCA notes that the North Kent Fruit Belt “maintains and strengthens green corridor and wildlife links from urban areas into countryside; open countryside to east resists pressure of settlement coalescence between Rainham and Sittingbourne”.

With specific regard to the Lower Rainham LCA, the MLCA notes that this is characterised by “flat, small to medium scale mixed farmland”. The MLCA highlights that the Lower Rainham LCA performs an important function as a “green buffer separating the built up areas of Twydall and Rainham from valuable and internationally protected wildlife sites along the Medway estuary”. In light of the important buffer functions that this area performs the MLCA recommends “resistance

to further built development”. The MCLA also highlights that there is considerable variation within the condition of the Lower Rainham LCA, with some areas experiencing a gradual trend towards suburbanisation, whilst other parts have retained well-managed orchards and distinctive rural hedgerows. Recognising the variable condition of the landscape, the MCLA guidelines recommend “restoration of neglected and abandoned fields to appropriate rural land uses – e.g. orchard, woodland, pasture and arable farming”.

The site is heavily influenced by the Moor Street Farmland LCA, which is situated on land immediately to the south and east. The Moor Street Farmland LCA is characterised by “diverse small to medium scale mixed farmland enclosed with shelter belts and hedges” but is subject to urban fringe pressures that are degrading the condition and coherence of the landscape. Importantly the MCLA notes that the Moor Street Farmland is “under threat from expansion from the west and gradual, pervasive erosion of rural character through inappropriate land uses” going on to specifically highlight the “threat of coalescence between Rainham and Sittingbourne urban areas”.

Assessment

Paragraph 109 of the NPPF states that the planning system should “contribute to and enhance the natural and local environment by protecting and enhancing valued local landscapes”. The summary above highlights that the application site sits within the North Kent Fruit Belt, which is valued for the rural character created by the traditional orchards and hop plantations that historically covered large parts of this part of Kent. The orchards have created a complex pattern of small to medium scale fields and orchards, enclosed by shelterbelts with scattered rural buildings and cottages.

Given the complex field pattern the Fruit Belt is very often characterised by short-range views across fields and orchards, very often glimpsed between mature vegetation along field boundaries. As such the Fruit Belt landscape is not principally valued for its long-range views, rather it is valued for its rural character very often revealed through short range views.

Despite the relative absence of the long-range views the Fruit Belt provides an important and valued function as a green and rural buffer between Rainham and Sittingbourne, defining the edge of these urban conurbations and providing access to the countryside.

Given that it is the active (agricultural) management of the land that creates the character and coherence of the Fruit Belt, the landscape is particularly susceptible to degradation. Through the neglect of fields and, in particular, the loss of orchards, there has been a tendency towards a fragmentation and overall decline in the condition, coherence and distinctiveness of the landscape.

The application site illustrates how this process of fragmentation and degradation occurs. As recently as the early 1990’s the application site accommodated an orchard and as such would have displayed the traditional rural character of the wider Fruit Belt. However the orchards were cleared in the early 1990’s and the site is now

regularly used for car boot sales and as such does not currently display the typical Fruit Belt landscape characteristics that have been identified as being of value.

Notwithstanding this, the site still displays some of the typical characteristics of the North Kent Fruit Belt, in particular the boundaries of the site remain defined by shelter belt planting, providing glimpsed views through the site, albeit of open pasture rather than orchards, thereby continuing to perform a green buffer function defining the urban edge of Rainham.

Furthermore, whilst the site has not been in active use as an orchard for a number of years, the site has the potential to be restored through positive land management, reinforcing the coherence and rural character of the wider landscape.

The application proposals would result in a permanent change in the use of the land to residential, thereby destroying the green buffer function that the land performs. Furthermore the development would permanently prevent the future restoration of the site, thereby permanently degrading the coherence of the North Kent Fruit Belt landscape and further undermining the important buffer function that this rural landscape performs, increasing the threat of coalescence with Sittingbourne.

It is thereby considered that the application proposals are contrary to Policy BNE34 of the Medway Local Plan 2003 and the NPPF requirement to protect and enhance valued local landscape. Specifically the development would:

- Detrimentially impact upon the rural character of the landscape; and
- Undermine the important green buffer function that the landscape in this area performs;
- Permanently prevent the restoration and enhancement of the landscape, undermining the coherence of the North Kent Fruit Belt.

Agricultural Land

The application site comprises Grade 1 and Grade 2 agricultural land.

The NPPF states: “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” (paragraph 112)

In accordance with the NPPF Local Plan Policy BNE48 states “development that would cause the loss of the best and most versatile agricultural land will not be permitted” unless:

- There is “an overriding need for the development that is more significant than the considerable weight to be afforded to protecting the best and most versatile agricultural land”; and
- There are no alternative sites available either on land within settlement boundaries, on previously developed land, or on land in lower agricultural grades.

The Government has also highlighted the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), specifically highlighting at paragraph 2.35 the importance of protecting the best and most versatile agricultural land (Grades 1, 2 and 3a).

Economic Role

Agriculture makes an important contribution to the Medway and wider Kent economy. As discussed above the site falls within an area known as the 'North Kent Fruit Belt' as it has historically accommodated dense and extensive orchards and hop plantations for which Kent is renowned. Whilst the coverage of orchards in this area has been reduced in recent decades, there remains a concentration of productive orchards in this area. Although the site is not currently in active agricultural use it is understood to have accommodated an orchard as recently as the early 1990's.

It is considered that the very high quality of the land and the relative concentration of agricultural uses in the surrounding area, the application site very clearly has the potential to be brought back into active agricultural use, contributing to the productivity of the Fruit Belt, thereby making an important contribution to Medway and wider Kent economy.

Availability of Alternative Sites

Making reference to the 1970's Agricultural Land Classification (ALC) 1:250,000 mapping, the applicants suggest that the site falls within a broad swath of Grade 1 and 2 land running all the way from Gillingham to Faversham. As such the applicants state 'it is unlikely that significant poorer quality agricultural land could be identified for development on the northern or eastern margins of Rainham'.

However Government advice is that the 1970's ALC mapping should only be used for general guidance and should not be used for the assessment of development sites. Instead reference should be made to any more recent detailed ALC studies that are available.

Some detailed ALC studies have been undertaken, post 1988, across this broad belt of land between Rainham and Sittingbourne. These detailed studies have found a complex pattern of grades, ranging from Grade 1 down to Grade 4, on land that had been broadly mapped earlier at the 1:250,000 scale as Grade 1 or 2.

There is also a 1976 Soil Survey study of the Rainham area which again shows, mapped on a more detailed 1:25,000 scale, a complex pattern of soil types. This study classified, in this nationally Grade 1 and Grade 2 area, some eighteen land capability classes ranging from 1/1 (very minor or no physical limitations) down to 3sw/4 (land limited in particular by poor drainage and stoniness). This study also identifies significant areas of land in the area that has been restored following excavation, presumably mainly of the brickearth, which was removed historically over many centuries, and which now has land use of varying grades. In this study, the application site falls in the highest land capability class, 1/1.

In light of this detailed ALC survey information, it is considered likely that the proposed development could be accommodated on lower grade agricultural land elsewhere around Rainham, or indeed elsewhere in the wider Medway area.

It is therefore considered that the proposals are contrary to Policy BNE48 of the Medway Local Plan 2003 and the NPPF requirements to avoid the loss of the best and most versatile land.

Heritage

The site is situated adjacent to a number of 'designated heritage assets' notably the Moor Street Conservation Area and several statutory listed buildings including West Moor Farmhouse (Grade II), East Moor Street Cottages (Grade II) and Westmoor Cottage (Grade II).

The Local Plan includes several policies that seek to conserve and enhance the historic environment in Medway. Of particular relevance to this application are:

- Policy BNE12 'Conservation Areas', which states: "special attention will be paid to the preservation and enhancement of the Conservation Area, as defined on the proposals map"; and
- Policy BNE18 Setting of Listed Buildings, which states: "development which would adversely affect the setting of a listed building will not be permitted".

It is considered that these Local Plan policies are generally consistent with the requirements of the NPPF, which highlights at paragraph 17 that planning should "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". The NPPF also emphasises, at paragraphs 126 and 131, the desirability of "enhancing the significance of heritage assets".

Given that appearance, layout and scale are all reserved matters it is not considered that Policy BNE14 'Development in Conservation Areas' is directly relevant to the determination of this outline application.

Assessing the significance of the Moor Street Conservation Area

In determining applications that affect the historic environment the NPPF states that Local Planning Authorities are required to "identify and assess the particular significance of any heritage asset that may be affected by the proposals" (paragraph 128).

There is no adopted character appraisal or management plan that describes the special character or historical interest of the Moor Street Conservation Area. However the applicants have undertaken detailed historical research, which seeks to provide evidence about the special interest of the Conservation Area.

The historical research highlights that the hamlet of Moor Street has been in existence as a small cluster of farm buildings from at least the mid 18th Century

(1769). The research highlights that during this period much of the land surrounding Rainham was owned by the Earl of Thanet although it is understood that William Wakeley, who resided in the West Moor Farmhouse, farmed the land immediately around Moor Street. This illustrates the strong functional link that has historically existed between the farm buildings within Moor Street and the surrounding farmland. The historic functional link between the farmland and the farm buildings is considered to be a key part of the significance of the setting of the Moor Street Conservation Area.

The historical mapping shows that from at least the end of the 18th century the land surrounding the hamlet of Moor Street, including the application site, was heavily planted with fruit trees and hops and remained encircled by densely planted fruit trees and hops through to the late-20th century. This rural landscape has helped define and maintain the separation between Moor Street and Rainham, ensuring that it has retained a strong identity as a distinct settlement. The historic separation of Moor Street and Rainham is considered to be a key part of the significance of the setting of the Conservation Area.

The tightly packed orchard and hop plantations that surrounded Moor Street until relatively recently, would have created a distinct character of woven planting flanking the buildings and roads within the settlement. This distinct landscape character would have thereby made a substantive contribution towards the significance of the setting of the historic buildings and settlement of Moor Street.

By the turn of the century the orchards surrounding Moor Street had begun to give way to open land, somewhat eroding this distinct landscape character. To some extent this compromises the contribution that the landscape makes to the setting of the Moor Street Conservation Area.

However, the open pasture retains a rural character, visible through breaks in the planting along the boundary of the application site. The rural character of the application site thereby continues to provide a visual reference to the historic functional link between the surrounding farmland and of the farm buildings within the Conservation Area.

Furthermore the landscape also continues to maintain the physical separation of Moor Street and Rainham, thereby protecting the historic identity of the hamlet, which itself is a key part of the significance of the Conservation Area.

In these regards the surrounding landscape, including the application site, continue to contribute towards the significance of the setting of the Conservation Area despite the absence of the orchards.

In terms of the built form, the internal historic character and appearance of the Moor Street Conservation Area core remains visible today. The domestic and agricultural buildings running parallel to Moor Street and Seymour Road define the core character and appearance of the settlement. Many of these buildings closely abut the Road frontages, with associated yard complexes to the rear. Historically the buildings would have had a tie to the land and the agricultural activity that was undertaken there.

The only substantial alteration is provided by the introduction of a large modern depot, which now dominates the eastern core of the Conservation Area/Seymour Lane. This building is at odds with the prevailing smaller two and two and half storey agricultural and domestic architectural character and appearance seen throughout the Conservation Area. The depot significantly alters the setting of the historic properties surrounding central Seymour Road and Moor Street junction, providing a dominant presence created by the substantial massing of the building and the large non-deciduous tree boundary that encircles it.

In summary the special interest and significance of the Moor Street Conservation Area is tied to its urban form, distinct from Rainham, separated and defined by the surrounding rural landscape, and its preservation of a number of historic structures within it.

Assessing the significance of the Listed Buildings

Whilst there are no statutory listed buildings within the application site itself, there are several listed buildings that are in close proximity to the application site. Given the proximity to these listed buildings, it is necessary to consider if they may be affected by the application proposals, with particular regard to their setting. In accordance with the requirements of the NPPF it is necessary to first assess the significance of these Listed Buildings.

- Westmoor Cottage (Grade II)
The Cottage is situated directly adjacent to the application site, on land to the south, fronting on to Moor Street/A2.

The Cottage was first designated as Grade II listed on 15 September 2003. The building was first visible in 18th century mapping although it is thought to have 16th century origins. The building comprises a two storey, timber framed building, with steeply pitched hipped clay tiled roof, has been heavily extended and altered throughout history, however this has been carefully documented and much of the original structure and historic fabric has subsequently been retained.

The significance of the building itself thereby lies in its sections of preserved historic timber frame. The carefully documented architectural development of the building further compounds the significance. The property is therefore celebrated as one of the earliest surviving dwellings within Moor Street.

Historically the setting of the building would have been created by the orchard plantation on the application site and the shelter belt planting along the field boundaries. This would have provided a relatively enclosed and insular feel, with dense planting relatively tight to the building.

To some extent the setting of the building has been compromised by the late-20th century orchard clearance. This has created semi-open setting which is unrepresentative of that tightly knit, insular landscape experienced throughout

the history.

However, the Cottage remains partially screened by existing boundary planting on its southern, eastern and western boundaries. This planting provides a degree of enclosure to the plot, although in places the boundary planting is weaker.

- West Moor Farmhouse (Grade II)

The Farmhouse is situated south of the application site on the opposite side of Moor Street/A2.

The Farmhouse was designated as Grade II listed on 24 February 1950. Although the building is first visible in mid-18th Century mapping, it is of earlier 17th century origin, with extensions carried out to the rear in the 19th and 20th centuries.

The Farmhouse comprises a two storey asymmetrical building including an attic and five window range. It is brick faced (now painted) and includes brick ridge stacks and a clay tiled hipped roof. The original section of the building is of single-depth plan and now includes a 19th century rear service wing and connected 20th century outshut.

The large Farmhouse continues to provide a dominant built architectural presence within Moor Street Conservation Area and is likely to have been tied to the agricultural function of the surrounding land throughout history, although the significance of that relationship has been eroded as the land has fallen out of active agricultural use.

Nevertheless the significance of the building lies within its ability to demonstrate the wider agricultural development within the localised area between the 17th and 20th century, and by association the historic development of a number of the surrounding historic properties populating Moor Street.

With regard to setting, as with the wider Conservation Area, this would historically have been created by the tightly knit orchards and plantations and shelterbelt planting along the field boundaries. However this historic landscape has been lost with the late 20th-century orchard clearance and as such the significance of the setting of the Farmhouse has been diminished, although the open pasture contributes towards the semi rural character and thereby maintains the link between the landscape and farm buildings.

- East Moor Street Cottages (Grade II)

These Cottages are situated to the south of the application site, opposite the depot building.

The Cottages were first designated on 21 December 1973. The properties once formed a single dwelling of mid 15th century origin, although this was altered in the 16th century and then subdivided and heavily remodelled in the 19th century to form two semi-detached dwellings. These have since been extended in the early 20th-century.

The two storey Cottages have an underlying historic timber frame, now partly encased in brick to the east and obscured by weatherboarding to the west. The buildings also feature brick ridge stacks and a hipped clay tiled roof with small gablets.

Much the same as Westmoor Cottage the significance of the properties lies in its sections of preserved historic timber frame. The carefully documented architectural development of the buildings further compounds their significance. The properties are therefore celebrated as one of the earliest surviving dwellings within Moor Street.

With regard to the setting of the two properties, this has been heavily altered by the introduction of the substantial late 20th century depot buildings and associated dense perimeter planting. The introduction of the Raised depot complex is at odds with the prevailing two storey character and appearance of the historical properties populating this area. It has eroded the wider setting of these Cottages and continues to dwarf all surrounding buildings and therefore compromises their wider northern outlook and setting. It is therefore considered that the application site does not currently contribute to the setting or significance of the Cottages.

- Other Listed Buildings

As indicated above there are three further (Grade II) listed buildings at the east end of the Moor Street Conservation Area: Pooh House, Moor Street House and The Cowels. Again the depot building and associated planting has heavily altered the setting of these buildings. It is therefore considered that the application site does not currently contribute to the setting or significance of these buildings.

Assessing the impact of the development upon the designated heritage assets

Paragraph 132 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Given that the identified designated heritage assets sit outside of the application site

it is considered that the proposals will not directly impact upon built form of the Moor Street Conservation Area of the Listed Buildings themselves.

However there is clearly a strong visual relationship between the application site and the Conservation Area and the Grade II Listed Westmoor Cottage and West Moor Farmhouse. The proposed development could have an impact upon the setting of the Conservation Area and the identified Listed Buildings.

The preceding discussion has identified that the surrounding landscape, including the application site, contributes to the significance of the setting of the historic buildings and settlement of Moor Street in three respects:

- Firstly, the surrounding landscape, and the application site in particular, plays an important role in maintaining the physical separation of Rainham and Moor Street, and thereby protecting the historic identity of the hamlet which is considered to be a central tenant of the significance of the setting of the Conservation Area.

Whilst some suburbanising influences have been introduced, the open pasture of the application site nevertheless continues to providing a rural break between Rainham and Moor Street, with some important open views across the site from Moor Street and from Otterham Quay Lane.

In an effort to mitigate the detrimental impact the development will have upon the historic separation of Moor Street from Rainham, the applicants have suggested that a landscape buffer could be provided along the boundary with Moor Street. However, it is considered that this is unlikely to mitigate the loss of the clear visual gap that currently exists between Rainham and Moor Street.

In this regard it is considered that the application proposals would effectively destroy any distinction between Moor Street and Rainham, and would thereby have a detrimental impact upon the significance of the setting of the Conservation Area.

- Secondly, the surrounding landscape contributes to the significance of the setting of the Moor Street Conservation Area and Listed Buildings, by providing a visual reference to the historic functional link between the surrounding farmland and the historic farm buildings.

Whilst the orchards have been cleared from the surrounding farmland, it is considered that the open pasture of the application site retains a semi-rural character, which continues to provide a visual reference to the historic agricultural use of the land.

The application proposals would clearly result in the loss of this open-pasture to be replaced with residential development entirely destroying any visual references to the historic functional link between the surrounding farmland and the historic farm buildings within Moor Street.

In this regard it is considered the application proposals would have a further detrimental impact upon the significance of the setting of the Conservation Area and the listed Westmoor Cottages and West Moor Farmhouse.

- Thirdly, the surrounding landscape historically contributed to the significance of the setting of the Moor Street Conservation Area and Listed Buildings in respect of the distinct landscape character created by the orchards and hop plantations.

Whilst it is recognised that this aspect of the setting of the historic buildings and settlement has been eroded by the clearance of the orchards in the early 1990's, it should also be acknowledged that the change in the landscape character is currently reversible. As discussed above the applications site retains its high-grade agricultural potential and as such could be returned to use as a productive orchard or hop plantation through positive management.

Returning the site to use as a productive orchard would substantially contribute towards enhancing the historic character and setting of the Moor Street Conservation Area and the Listed Buildings, thereby enhancing the significance of these designated heritage assets.

However the proposed development would permanently remove any potential for the returning the site to its historic condition and use as an orchard. The proposed development would thereby result in the permanent loss of the traditional landscape setting of the Conservation Area and the Listed Buildings.

In this regard it is noted that the NPPF emphasises that heritage assets are irreplaceable resources, and as such positive strategies should be put in place to conserve assets most at risk through "neglect, decay and other threats". The permanent loss of the historic landscape setting is considered a threat to the significance of these heritage assets.

In conclusion it is considered that the application proposals would permanently destroy the significance of the setting of the historic buildings and settlement of Moor Street, and thereby substantially harm the significance of these heritage assets. The application is thereby considered contrary to Policies BNE12 and BNE18 of the Medway Local Plan 2003 and the NPPF requirements to conserve and enhance heritage assets.

Design

The application includes a Development Framework plan that broadly shows the parameters of development on the application site. The Development Framework suggests that a 'green frontage' be provided around the perimeter of the application site, with an area of public open space provided in the north east corner of the site, adjacent to the railway, and an equipped play area on the southern boundary, adjacent to the Conservation Area. The Development Framework also suggested that a Main Street would bisect the site, running from the access point on Otterham Quay Lane, with a loop at the end.

In addition an indicative masterplan has been provided within the Design and Access Statement to demonstrate that the site can accommodate 200 units and illustrates how the site could be developed. Some relatively limited additional supporting information has been provided with the Design and Access Statement including some high level 'design principles' such as character areas and street hierarchy.

There are number of concerns with the current indicative design. Generally the design is very generic and appears to have had no regard to local character and distinctiveness of the area. In particular the design in no way responds to the conservation area or surrounding rural landscape. More specifically the major green space is off to one side and therefore does not form a focal point or common that could give the place distinctiveness. The remaining green spaces along Moor Street and along the railway line are rather elongated and disjointed.

Notwithstanding the in-principle objections to any development on the site, it is considered that, at just over 22 dwellings per hectare gross (34 dwelling per hectare net i.e. excluding the open space), there is scope within the site to prepare an alternative scheme that responds to the design concerns that have been identified above. In particular by allowing the creation of more meaningful green spaces as proper focal points within the design and responding better to the character and distinctiveness of the area.

As scale, layout, appearance and landscaping are all matters reserved for future consideration, it expected that these design issues could be overcome through 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 adjacent to the southern boundary of the site along Moor Street/A2, to the west of the site on the opposite side of Otterham Quay Lane, adjacent to the eastern of the site along Seymour Road. The indicative plans show the layout of houses would ensure they are 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.

Flooding and Drainage

The application site lies outside of any fluvial flood risk areas, holding a Flood Zone 1 (low risk classification). An NPPF compliant Flood Risk Assessment (FRA) has been completed in support of the application and this demonstrates that the site is at low risk of flooding from tidal, surface, sewer, groundwater and artificial sources.

With regard to surface water the FRA states that surface water will be retained within a basin to the north west of the site and eventually outfall to the surface water sewer at a restricted rate of 3.1l/s. The rate of 3.1 l/s is stipulated by Southern Water to ensure there is no risk of flooding on surrounding areas. The FRA states that approximately 2974m³ of storage is required to limit flows to that rate, to be provided as an open pond.

However the HR Wallingford UK SUDS tool estimates storage requirements for the development, based on a 55% impermeable site and a limited to discharge at 3.1l/s, and suggests that the required volumes may be significantly higher at 8,000m³. It may be appropriate therefore to provide more storage in order to mitigate the need for other 'floodable' areas within the site.

As such the surface water scheme should be revisited at the reserved matters stage with regard to the storage requirement and design throughout the site. This should also be tied into the aspirations with regard to public open space and how the benefits of careful design and the use of SuDs can be used to maximise the shared benefits across the site.

On this basis no objections are raised in respect of Policies CF12 and CF13 of the Medway Local Plan 2003.

Ecology - species

Under 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 that "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. 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.

An Ecological Appraisal Report has been submitted in support of the planning

application. In terms of the potential for on-site ecological impacts, the report incorporates the phase 1 habitat survey, assessment of potential for protected species presence, bat activity survey and reptile survey.

Bats

Whilst the boundary hedgerows provide some potential for bat foraging and commuting, the bat activity survey recorded low numbers of bats using the site. The applicants have indicated that existing boundary planting would be retained and enhanced.

Any landscaping would need to be designed to ensure it is beneficial for foraging bats and this would be dealt with under a subsequent reserved matters application 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.

Birds

Whilst the tree-lines and scrub provide nesting and foraging habitat for a range of garden and arable bird species, the main body of the field compartment is considered to be unfavourable for ground nesting birds given the regular disturbance of the study area. No flocks of birds were observed using the field at the time of survey.

Any operations that may disturb nesting habitat, such as works to trees or site clearance, should take a precautionary approach i.e. work to be undertaken outside the main breeding season and if this is not possible, a check for nesting birds should be undertaken immediately prior to habitat removal.

With a view to habitat enhancement native fruit bearing trees and shrubs should be used and this would be dealt with under a subsequent reserved matters application for landscaping. In addition, if the application were deemed acceptable, a condition would be recommended requiring the installation of bird boxes on new buildings and/or retained trees.

Reptiles

The study area provided some suitable areas for reptile species, especially the rougher vegetation at the boundaries, as well as at areas of ruderal scrub on the east of the site. However the study area has limited connections via hedgerows, although the railway line adjacent to the northern boundary provides a green link to the surrounding arable landscape to the north and east. During reptile surveys undertaken in 2014 one male slow worm was observed on two separate occasions.

Areas of habitat suitable for slow worm that are to be lost as a result of the proposals include tall ruderal and scrub, and small amounts of hedgerow lost for access. To

mitigate the potential impacts arising from the loss of suitable habitat it will be necessary to enhance the retained hedgerows; this would need to be secured through the subsequent reserved matters application for landscaping.

In addition, if the application were deemed acceptable, a condition would be recommended requiring a programme of 'passive displacement', whereby the suitable habitat is appropriately managed to encourage relocation of the reptiles.

Invertebrates

Habitats on the site include large dead wood trunks that provide potential habitat for stag beetles. If the application were deemed acceptable, a condition would be recommended requiring these trunks to be moved and retained within the areas of green space to minimise the potential loss of stag beetle habitat.

Summary in regard to Ecology - species

The information submitted in support of the planning application demonstrates that the application site has relatively low ecological value, and provided the appropriate mitigation measures are implemented the impacts of the development would be negligible. Should the application be deemed acceptable it recommended that a detailed biodiversity method statement incorporating all mitigation measures (i.e. for birds, reptiles and stag beetles) be secured by condition.

On this basis no objections are raised in regards to Policy BNE37 of the Medway Local Plan.

Designated Habitats

The application site is within close proximity to a European designated site (also commonly referred to as Natural 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Medway Estuary and Marshes Special Protection Area (SPA). The site is also listed as the Medway Estuary and Marshes Wetland of International Importance under the Ramsar Convention (Ramsar site1) and also notified at a national level as the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI).

Given the potential of the proposed development to affect these designated sites the Local Planning Authority is required, under Regulations 61 and 62 of the Habitats Regulations, to undertake a Habitats Regulations Assessment.

The first stage of the Habitats Regulation Assessment is to screen the proposals to determine if they are likely to have a significant effect upon the integrity of the 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 these areas. Given the proximity of the application site to the SPA consideration should be given to the recreational impact from the proposed development on these designated sites.

Natural England note that a substantial residential development can be expected to generate additional visits to nearby designated site by people and their pets. Natural England considers that the proposed development would result in an impact on the estuarine/inter-tidal designated sites through an increase in recreational disturbance.

The applicants Ecological Appraisal accepts that the propose development would be likely to have an impact upon the SPA. The applicants have proposed that the on-site greenspace provision would provide some mitigation of recreational disturbance. The applicants have also accepted that they would need to make a contribution towards strategic mitigation and monitoring of recreational impacts.

The NKEPG 'Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy' sets out a range of solutions to reduce disturbance impacts. These are generally cross-boundary, but the proximity to the protected sites means that some solutions can be directly applied to the Medway Estuary & Marshes SPA / Ramsar. Appropriate measures may include:

- Provision of additional wardens to monitor usage of the sensitive areas and ensure that people and their pets use the area in a responsible way;
- Signage and footpath improvements to direct people to less sensitive parts of the estuarine areas;
- Installation of fencing to prevent access to the most sensitive areas (may be seasonal, with locakable gates/styles to allow access at other times).

The Disturbance Report sets out a series of appropriate mitigation schemes which have been considered relevant to the associated scheme (on the basis that mitigation for new development will be related to particular housing allocations), and the tariff provides a suggested cost which equates to £223.58 per dwelling. On that basis, a s.106 contribution of £44,716 has been requested for local mitigation schemes to reduce the harm caused by recreational disturbance. It would be anticipated that this money would be managed by the Council's Greenspaces department, in conjunction with NKEPG. Natural England advise that this strategic mitigation will need to be in place before dwellings are occupied.

On the basis that an appropriate financial contribution towards strategic mitigation and monitoring measures is made, Natural England have advised that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

At this stage the applicants have not agreed to the financial contribution and furthermore the detail of the mitigation measure that would be delivered has not been agreed with the NKEPG or Natural England. As such, the Authority is unable to determine that further assessment of the application is not required. The applicants have submitted insufficient information to allow an appropriate

assessment to be undertaken, particularly with regard to recreational impacts, and therefore the requirements of the Habitat Regulations have not been met and the proposal is unacceptable in this regard.

Trees

The application is supported by an Arboricultural Assessment, which assesses the condition and quality of trees on the application site. The assessment highlights that there are two individual trees, sixteen groups of trees and a single hedgerow (Leylandii). The trees are located along boundaries of the site, reflecting their historic shelterbelt function. A Tree Preservation Order protects the trees along the entire northern boundary and part of the eastern boundary.

Should the application be deemed acceptable, it is considered important that the trees are retained as they perform an important ecological function. The proposals thereby include the retention of the majority of the existing trees, although some specimens would need to be removed to facilitate the development, in particular to deliver the new vehicular access on the western boundary.

However the tree survey indicates that the trees are of moderate to low quality. In addition it is also understood that the Poplar trees on the north boundary are in a poor condition and several have fallen or died in recent years. There is a concern that the long-term sustainability of the existing trees could be undermined by the proposed structures, if the development is not designed and delivered sensitively.

To this end it recommended that, should the application be deemed acceptable, a condition is attached stating that the landscaping reserved matters applications are prepared in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition and construction'.

Archaeology

No archaeology remains are presently known from within the site itself, however it lies within an area that has general background archaeology potential associated with its position in close proximity to the main Roman road between Canterbury and Rochester as well as the generally rich archaeological landscapes in this area.

Given that the site is currently undeveloped agricultural land it is possible that buried archaeological remains will survive here. It is possible that the proposed development works may affect buried archaeological remains. As such, if the application were deemed acceptable, a condition would be recommended requiring a programme of archaeological works is agreed and implemented on the site.

On this basis no objections are raised in regards to Policy BNE21 of the Medway Local Plan.

Highways

Trip Generation & Traffic Impact

The Transport Assessment submitted with the application uses Census data and the TRICS database to estimate that the proposed development would generate up to 152 vehicle trips during each peak period, with around 33% of trips made by other modes. Census data suggests that 90% of development traffic would distribute to and from the A2, with just over half of trips heading to the east. The Transport Assessment uses this distribution pattern to assess the impact of development traffic on the A2/Otterham Quay Lane junction and the A2/Station Road junction, comparing the baseline situation (supported by traffic survey data) with the predicted performance of the junctions in 2019 when development flows are added.

The development is predicted to add up to around 135 vehicles on to the Otterham Quay Lane/A2 junction during the peak hours. On average, this represents a moderate uplift of around 2 vehicle movements per minute. Capacity assessments within the Transport Assessment indicate that the junction currently operates within its technical capacity although a vehicle queue builds up on Otterham Quay Lane during the peak periods, which is in part due to the current operation of the signals.

The applicant's modelling indicates that the current staging of the signals could be altered in order to better balance flows through the junction. This would mitigate the impact of development traffic by allowing more traffic to exit Otterham Quay Lane without increasing delays on the A2. Under this scenario, vehicles exiting Meresborough Road would experience a minor increase in delays getting on to the A2. This is unlikely to have a significant impact, however, due to the low volume of traffic exiting from this arm (up to 23 vehicles during each peak hour).

The proposed development would add up to around 72 vehicles on the A2/Station Road junction during the peak periods, a minor increase of around one vehicle per minute. It is considered that this impact would not detrimentally impact upon the operation of the junction.

Overall, with minor modifications to the operation of the traffic signals at the A2/Otterham Quay Lane/Meresborough Road junction, the traffic impact of the proposed development would not be severe or detrimental to highway capacity, and therefore no objection is raised in respect of Policy T1 of the Medway Local Plan.

Vehicular access

Access is proposed by way of a simple priority junction with Otterham Quay Lane. A Road Safety Audit confirms that this represents a satisfactory arrangement, although it may be necessary for a box junction to be incorporated at the detailed design stage in order to maintain the free-flow of traffic on to the site at peak times. The application contains swept path analysis, which demonstrates that the junction geometry proposed would enable large vehicles to access the development safely. On this basis, it is considered that the development proposes a safe means of access in accordance with Policy T2 of the Local Plan.

Pedestrian/Cycle Access & Public Transport

The application proposes footways adjacent to the proposed vehicular access, with uncontrolled crossing points to link with the existing footway on the western side of Otterham Quay Lane. These were considered as part of the Road Safety Audit.

The Transport Assessment indicates that the proposed development has the potential to generate up to 50 trips on foot during the peak periods, including trips to use public transport. In order to promote walking between the site and Rainham Town Centre, and the use of public transport, a contribution of £109,255 towards 'Removing barriers to active travel' (Medway Council Guide to Developer Contributions 2014) in the vicinity of the site is requested. This could contribute towards the following improvements:

- Improvements to public transport infrastructure in the vicinity of the site: 3 x Queensbury cantilever shelters with real time passenger information at the Otterham Quay Lane and Blackthorne Road bus stops @ £10,385 each = £31,155. Purpose: to promote the use of public transport
- Footway improvements on the eastern side of Otterham Quay Lane between the site and Moor Street/incorporation of a pedestrian phase within the traffic signals: 180 sqm @ £160 per sqm = £28,800; £8,000 for alterations to incorporate a pedestrian phase. Purpose: to provide a pedestrian link to a controlled crossing at the A2 junction
- Footway improvements on the western side of Otterham Quay Lane, comprising the replacement of minor access junctions on the western footway with footway crossovers; 27sqm @ £160 per sqm = £4,300. Purpose: to improve pedestrian safety and amenity
- Footway improvements at the junction with Blackthorne Road comprising a reduced junction radii and the installation of dropped kerbs, tactile paving and a raised table: kerb line alterations and uncontrolled crossing £9,000; installation of raised table on bell mouth; £28,000. Purpose: to improve pedestrian safety and amenity

However the applicants have not agreed to this contribution request and as such the proposals are considered contrary to Policies T3, T4 and T5 of the Medway Local Plan.

Air Quality

In general compliance with paragraphs 109 of the NPPF, Local Plan Policy BNE24 states that "Development will not be permitted when it is considered that unacceptable effects will be imposed on the health, amenity or natural environment of the surrounding area, taking into account the cumulative effects of other proposed or existing sources of air pollution in the vicinity".

An Air Quality Assessment was submitted in support of the application. The Report

assesses the impact of the proposed development upon air quality on site and at sensitive receptors in the surrounding area, including the Air Quality Management Areas (AQMA) along the A2 in Rainham High Street. The Report has particular regard to the air quality impacts of the additional road traffic generated by the proposed development.

The applicants initial Report made use of some incorrect data and as such a revised Report was prepared and submitted by the applicants. The revised Report methodology and data is considered acceptable.

The Report highlights that Nitrogen Dioxide (NO₂) concentrations at sensitive receptors immediately around the application site are currently high but do not exceed the objective level of 40µg/m³, which would trigger the legal requirement to create a AQMA. The assessment demonstrates that the development will result in a negligible increase concentrations of NO₂ (less than 0.4µg/m³), and as such levels around the application site will remain below the AQMA trigger level.

However, whilst it is likely that the development will only give rise to a relatively small increase in NO₂ concentrations, given that Rainham High Street is already an AQMA (as NO₂ levels already exceed 40µg/m³), it is considered appropriate that mitigation measures should be put in place to ensure the operation of the development does not exacerbate the situation further. To this end, should the development be considered acceptable, it is recommended that conditions are attached requiring the following mitigation measures be provided in support of the development:

- A green travel plan setting out a range of measures designed to reduce reliance on the private car and, therefore, road traffic emissions. These measures will include initiatives to promote walking, cycling and public transport. Information will be provided to residents regarding public transport opportunities, walk and cycle routes and car sharing initiatives. The travel plan will be agreed with the Local Planning Authority prior to the first occupation / use coming into effect and will be monitored and enforced throughout the lifetime of the development;
- Low NO_x boilers will be installed at the proposed residential dwellings;
- Electric vehicle charging points will be provided on car parking spaces for 10% of the proposed residential dwellings. These will be maintained throughout the use of the development; and
- Reserved residential parking will be provided for low emission vehicles.

With regard to other pollutants, specifically PM₁₀, the assessment demonstrates that existing levels are considered acceptable. The proposed development will result in only a negligible increase and as such this is considered acceptable.

Noise

Paragraph 123 of the NPPF requires that planning decisions to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development. Details as to the level of noise that are considered to have an adverse impact upon health and quality of life are set out in the National Planning Practice

Guidance, supported by British Standard 8233:2014 and the World Health Organisation Guidelines for Community Noise.

In light of these requirements a noise assessment was submitted in support of the application. Noise measurements were undertaken at points around the site to determine the noise environment. The assessment has been based on both measured and predicted noise levels at the site and has considered noise from road traffic and commercial noise.

However Environmental Health identified a number of concerns with the methodology used to prepare the noise assessment. Specifically a noise monitoring point had not been located close enough to the road and the monitoring periods had not been of sufficient length. As such the applicants were required to revise their noise assessment to address these methodological concerns.

Accordingly a supplementary noise assessment was submitted on 13 March 2015. Environmental Health has subsequently confirmed that they are satisfied with the methodology that has been used within the assessment.

The assessment identifies the southern part of the site towards Moor Street to be adversely affected by road traffic noise and recommends mitigation to outdoor living areas in the southern part of the site with direct line of sight to Moor Street. In addition the assessment also recommends that mitigation in the form of standard thermal double-glazing and acoustic passive ventilation is provided for some properties to achieve adequate internal noise levels.

To this end, should the development be considered acceptable, it is recommended that conditions be attached requiring the appropriate mitigation measures be provided in support of the development.

S106 Matters

New residential developments can create additional demands for local services. Policy S6 of the 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 a planning obligation (a s106 agreement) may only be taken in to account if the obligation is: -

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Listed below are the planning obligations that have been requested in support of the development. These requests have been calculated in accordance with the Approved Developers Contribution Guide (2014) and based on the quantum and location of the development. As the application seeks outline consent only the exact contribution amounts are not known but a potential total, based on the indicative mix of units, is shown in brackets under each heading.

- (a) 25% Affordable Housing
- (b). Education comprising:
 - ii. Nursery School @ £8320 per pupil place (£183,040)
 - a. Primary School @ £8320 per pupil place (£449,280)
 - b. Secondary School @ £11,960 per pupil place (£454,480)
 - c. Sixth Form @ £11,960 per pupil place (£119,600)
 - Indicative Total: (£1,206,400)
- (c). Transport comprising:
 - iii. Bus Shelters - £31,155
 - e. Otterham Quay Lane Footway Improvements - £28,800
 - f. Otterham Quay Lane Pedestrian Crossing - £12,300
 - g. Blackthorn Road Footway Improvements - £9,000
 - h. Raised Table Blackthorn Road - £28,000
 - Total £109,255
- (d). Open Space (£49,000) – Please note that this has been provisionally reduced from £380,730 on the basis that 2.7ha of open space is proposed on site included an equipped play area.
- (e) Local Health Facilities - £191 per person (£93,590)
- (f) Public Realm Improvements - £100 per person to be spent in Rainham town centre (£49,000)
- (g). Waste & Recycling - £155.44 per person (£31,088)
- (h). Community Centre - £55.80 per person to be spent at the nearest Council owned facility: Marlborough Road Annex in Gillingham (£27,342)
- (i). Designated Habitats Mitigation – £223.58 per dwelling (£44,716). Please note that specific package of mitigation measures has still to be determined with Natural England and as such the scale of contribution required may be revised.

The total Section 106 contribution based upon the indicative mix of development would be £1,744,636. The payments would be staggered to reflect the phasing of the development.

The applicants have only accepted the request for affordable housing. The applicants do not consider that the other requests meet the tests set out in the Community Infrastructure Levy Regulations and they have not agreed to accept them.

It is strongly considered that the requests that have been made are in compliance with the Regulation and it is thereby considered that the proposals are contrary to Policy S6 of the 2003 Medway Local Plan and the 2014 Developers Contribution Guide due to their impact on existing services and infrastructure in the area.

The implications for the sustainability of the development of the failure to provide contributions are considered below.

Presumption in Favour of Sustainable Development

As explained at the outset of this appraisal the 'presumption of sustainable development', set out at paragraph 14 of the NPPF, states that where a development plan is absent, silent or relevant policies are out of date, decision takers are required to grant planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".

Drawing upon the detail of the preceding planning appraisal, the following seeks to determine if the application proposals comply with requirements of paragraph 14 and should thereby be approved under the presumption of sustainable development.

Balance of adverse impacts and benefits

The presumption in favour of sustainable development does not apply if it is considered that the benefits arising from a proposed development are "significantly and demonstrably" outweighed by its adverse impacts. The following thereby assesses the balance of benefits and adverse impacts arising from the proposed development, having regard to the dimensions of sustainable development (set out at paragraph 7) and the policies of the NPPF as a whole.

- Social Dimension

Clearly the proposed development will increase the supply of housing, including the affordable housing, contributing towards meeting housing needs in Medway. Paragraph 7 of the NPPF highlights that providing housing to meet the needs of present and future generation is key to the social dimension of sustainable development. In this regard it is considered that the application proposals would deliver a demonstrable social benefit.

However it is noted that the application submission gives no consideration to the adverse social impacts arising from development, particularly with regard to impacts upon existing social and community infrastructure. It is noted that Paragraph 7 of the NPPF also emphasises that the social dimension of sustainable development also requires "accessible local services that reflect the community's needs and support its health, social and cultural well-being". It is considered that new housing cannot be sustainable development if appropriate social and community services are not provided in support.

To this end it noted that the applicants have not yet agreed to the financial contributions that have been requested. As explained above the contributions are required to fund enhancements to local social and community services, necessary to meet the needs of the new residents generated by the development. It is noted that local residents and service providers have

highlighted that local services, particular health and education are already at or close to capacity. In the absence of the requested financial contributions it is considered that the proposed development would have a significant and demonstrable adverse impact upon existing services. In this regard the development is considered contrary to the NPPF key planning principle to “deliver sufficient community and cultural services to meet local needs” (paragraph 17).

- Economic Dimension

The applicants have also suggested that the development will deliver economic benefits in respect of construction jobs, increased household spending and demand for services and increasing the supply of labour.

Given that the construction impacts arising from the proposed development are necessarily temporary, it is considered inappropriate to attach significant weight to these. It is also noted that in defining economic development the NPPF specifically excludes housing development.

The applicants also suggest that the development will contribute towards the economic vitality of Rainham through increased spending and demand for services. However as highlighted above the applicants have not yet agreed to the financial contribution requested to fund enhanced pedestrian connections and public realm improvements to Rainham town centre. These contributions are required to improve connectivity to and from the site to the town centre and to enhance the attractiveness of the town centre. In the absence of the contributions it is considered unlikely that the increased spending in Rainham town centre would be realised and as such the economic benefits arising from the development would be limited.

- Environmental Dimension

As explained in the preceding planning appraisal the application will result in significant and demonstrable adverse impacts to the environment in three regards:

- It will result in the loss of prime agricultural land;
- It will have a detrimental impact upon local valued landscape; and
- It will have a detrimental impact upon the significance of the setting of the Moor Street Conservation Area and Grade II Listed Westmoor Cottages and West Moor Farm House.

The preceding sections of the planning appraisal have demonstrated that these adverse environmental impacts are contrary to the policies of the NPPF.

In addition it is noted that the site has poor pedestrian connectivity to Rainham town centre due to the absence of pedestrian footways and a safe pedestrian crossings over Otterham Quay Lane. It is also noted that the site is relatively poorly served by accessible public transport opportunities. It is noted that in an effort to address these accessibility issues the Council has

requested a financial contribution towards providing enhanced bus shelters, a pedestrian crossing and enhanced footway provision however the applicants have not yet agreed to this.

Taken together this poor connectivity and poor access to public transport will encourage private vehicle use, increasing congestion and increasing greenhouse gas emissions contrary to paragraph 30 of the NPPF and the core planning principle to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable” (paragraph 17).

In summary, whilst the proposed new housing would deliver a social benefit of contributing towards meeting housing needs, this is significantly and demonstrably outweighed by the adverse impacts in particular the impacts upon social and community infrastructure and the impacts upon the environment.

Specific Policies of the NPPF

Paragraph 14 of the NPPF also states that the presumption in favour of sustainable development does not apply where restricted by specific policies of the NPPF. Footnote 9 of the NPPF explains that specific policies of the NPPF are:

“For example, those policies relating to sites protected under the Birds and Habitats Directive and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”.

Paragraph 133 of the NPPF specifically requires Local Planning Authorities to refuse consent “where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset”.

The heritage sections of the preceding planning appraisal has demonstrated that the development will result in a substantial harm to the significance of the setting of the Moor Street Conservation Area and Grade II Listed Westmoor Cottages and West Moor Farm House.

It is not considered that any of the paragraph 133 caveats, under which substantial harm is permissible, apply to this development. In particular the residential development is not considered to be of sufficient public benefit to outweigh the substantial harm to the designated heritage assets.

In conclusion even if the Council housing land supply policies are considered out of date, it is considered that presumption in favour of sustainable development does not apply in this instance since:

- the adverse impacts of the development outweigh the benefits; and
- the proposals are contrary to specific policies concerning designated heritage assets.

It is thereby recommended that the application be refused on the grounds that it fails to comply with presumption in favour of sustainable development.

Local Finance Considerations

There are none considered relevant to this application.

Conclusions and Reasons for Refusal

Whilst the proposed development would make a contribution towards meeting housing needs in Medway, it is considered that this would be outweighed by the significant and demonstrable adverse social and environmental impacts arising from the scheme, which are as follows:

- The development would have a significant detrimental impact upon the rural character of the surrounding landscape, demonstrably undermining the coherence of the North Kent Fruit Belt and contributing to the coalescence of Rainham and Newington.
- The significant detrimental impact upon the rural character of the application site would cause substantial harm to the setting of the Moor Street Conservation Area and the Grade II Listed Westmoor Cottage and West Moor Farm House.
- The development would result in the permanent loss of the prime agricultural land, despite the availability of lower grade agricultural land elsewhere in Medway.
- The development would have a significant and demonstrable impact upon local services and facilities, including local schools and GP services. Whilst it is accepted that these impacts could be mitigated through financial contributions towards enhanced services and facilities, the applicants have not agreed to these.
- The application site has poor pedestrian connectivity and poor access to public transport and as such it is expected that the proposed development would result in an unsustainable increase in private vehicle use. Whilst it is accepted that these impacts could be mitigated through financial contributions towards enhanced connectivity, the applicants have not agreed to these.
- The application includes insufficient information to determine if the development is likely to have a significant impact upon the integrity of the SPA. As such the Authority is unable to meet its obligations under the Habitat Regulations and cannot thereby approve the application irrespective of other planning considerations.

In light of these adverse social and environmental impacts it is considered that the application does not benefit from the presumption in favour of sustainable development. Further it should be noted that even if financial contributions are made as requested, these would not outweigh the conclusions in respect of the

sustainability in respect of the other environmental impacts.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination by the Head of Planning due to the significance of the application and the determining issues which are most appropriately considered by the Committee.

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://publicaccess.medway.gov.uk/online-applications/>