

MC/16/4268

Date Received: 17 October, 2016

Location: Land North Of Commissioner's Road Strood, Rochester Kent  
ME2 4EQ

Proposal: Outline planning application (with all matters reserved except means of access from Commissioners Road) for up to 130 residential dwellings earthworks to create development levels; new internal access roads car parking, open space, sustainable urban drainage systems and associated landscaping and infrastructure

Applicant: Medway Preservation and Development

Agent: Katherine Munro Barton Willmore Planning Partnership The  
Observatory Southfleet Road Ebbsfleet Dartford Kent DA10 0DF

Ward Strood North

Case Officer Hannah Gunner

Contact Number 01634 331700

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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 15 February 2017.**

**Recommendation – Approval subject to;**

- A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure:
- I. Secure a minimum of 25% affordable housing on site (no less than 32 units)
  - II. Provision of highway works on Commissioners Road, comprising:
    1. A raised table and an uncontrolled pedestrian crossing point in the vicinity of the junction with Banks Road
    2. A series of speed cushions, including carriageway resurfacing and associated signs and road markings
    3. A pedestrian crossing island between the site access junction and Wingrove Drive
    4. The provision of a 2 metre wide, resurfaced footway along the site frontage
    5. New system of street lighting

III. A financial contribution of £540,836.44 in total to be split in the following ways

- £71,468.80 towards Nursery provision
- £174,015.77 towards Primary education
- £169,002.77 towards Secondary education
- £20,207.20 toward Waste and Recycling (£155.44 per dwelling)
- £17,772.30 towards community centres and neighbourhood facilities (improvements to Woodside Community Centre and Public Toilets in Rochester)
- £60,833 towards local GP services
- £16,243.50 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
- £71,077 toward Air Quality Mitigation
- £29,065.40 toward Habitats Regulations (mitigation against Wintering Birds – at £223.58 per dwelling)

B. And the following conditions:-

- 1 Approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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

- 3 The development 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.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents (received on 17 October 2016):

Site Location Plan - Dwg no: 211-100-005F, Land Use and Access Parameters Plan - Dwg no: 211-200-012D, Building Heights Parameter Plan - Dwg no: 211-200-010C, Proposed Site Access - Dwg nos - M16016-A-001B and M16016-A-008A, Planning Statement (Barton Willmore), Design and Access Statement (Baca), Statement of Community Involvement (Maxim), Transport Assessment/Framework Travel Plan (TTHC), Ecological Appraisal (Aspect Ecology), Flood Risk Assessment and Drainage Strategy (Odyssey), Desk Study and Preliminary Risk Assessment (Geo-Environmental), Noise Assessment (SPL Acoustics), Air Quality Assessment (SPL Acoustics), Tree Survey and Arboricultural Assessment (Lushland), Landscape and Visual Impact Assessment (Barton Willmore), Archaeological Assessment (CGMS), Built Heritage Statement (CGMS), Services Report (Odyssey), Stage 1 Road Safety Audit and Designers Response (Medway Council and TTHC).

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

- 5 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting. The scheme as approved by the Local Planning Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Local Planning Authority. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 6 The Landscaping details to be submitted in pursuance of condition 1 shall include full details of the proposed 'Steppes' area including sections through the feature, details of the steps and pedestrian routes through it and full planting details along with a schedule for the maintenance of this area.

Reason: To ensure that the appearance and maintenance of this specific area are considered

- 7 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and

Community Safety and in accordance with Policies of the Medway Local Plan (2003) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013 or in accordance with good design NPPF.

- 8 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing a contingency plan for the quarry and associated land and structures should infilling activity cease for a period of more than 6 months prior to the expiration of this planning permission. The contingency plan shall give details of landscaping proposals, agricultural land restoration and ecological mitigation and monitoring measures, together with a business plan to demonstrate how this will be achieved should the development not be completed within the timescale of this planning permission. Should the infill activity cease for a period of more than 6 months prior to the expiry of the planning permission the owner shall comply with the approved contingency plan.

Reason: To ensure satisfactory arrangements are made to safeguard the character and appearance of the locality, quality of agricultural land and habitats in the interests of visual amenity and ecology in accordance with PPS7 and Policies BNE1, BNE6, BNE12, BNE14, BNE18, BNE34, BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 The detailed mitigation strategy submitted as part of this application (incorporating all species/ecological enhancement strategy) must be implemented as set out within the document.

Reason: to ensure that satisfactory ecological mitigation is carried out to an approved standard.

- 10 If a period of one year (or more) elapses between the bat survey work and any development works, the applicant is required to undertake an updated survey prior to the commencement of works.

Reason: To confirm the continued absence of roosting bats within the site.

- 11 Prior to the commencement of development a detailed lighting scheme is to be produced and submitted to the Local Planning Authority that complies with the Bat Conservation Trusts Bat and Lighting in the UK guidance. The lighting scheme shall be undertaken as approved and thereafter maintained.

Reason: Any bats utilising the site may be affected by disturbance associated with the proposed development, notably as a result of light spill into areas used by this species group.

- 12 Details showing the provision of additional bird nesting opportunities to be incorporated in to the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential part of the development. The approved details shall be undertaken prior to first occupation of the relevant units.

Reason: To compensate for any nesting habitat lost as a result of this development.

- 13 Prior to the commencement of the earthworks full details of the type or types of material(s) to be used in association with these works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only materials approved for this purpose pursuant to the requirements of this Condition may be used.

Reason: In the interests of protecting the environment, to stop contamination and protect underground watercourses.

- 14 Prior to the commencement of the residential part of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference V3.1 dated 29-0-16, 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 and 35dB in living rooms with windows closed and a maximum noise level (LAmax) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works which form part of the approved scheme shall be completed before the relevant property to which it relates is first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of prospective residential amenity

- 15 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: In the interests of the amenity of the area and local residents.

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

approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological 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 protect the site from contamination.

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

Reason: To protect the site and area from contamination

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To protect the site from Contamination.

- 19 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 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, 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 18 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 18.

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

- 20 Development of the residential part of the site shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with the Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: In the interests of amenity

- 21 No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the underlying groundwater is protected from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework (NPPF).

- 22 The residential part of the development shall not commence until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- I. a timetable for its implementation, and
- II. a management and maintenance plan for the lifetime of the

development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage the risks of surface water flooding pre and post construction and for the lifetime of the development.

- 23 No development (of the residential part) above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected along with a timetable for its implementation. The approved boundary treatment shall be completed before the relevant dwelling is occupied or in accordance with the approved timetable.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 24 Details to be submitted in pursuance of Condition 1 shall include full details of the proposed sports provisions and cycle routes that are to be incorporated within the overall site and a timetable for their delivery. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that satisfactory open space provision is incorporated within the final details of the scheme to a standard that is acceptable in relation to Policy L3 of the Medway Local Plan (2003).

- 25 The infilling operation hereby permitted shall only operate between the hours of 07.00 to 17.00 Mondays to Fridays inclusive and between the hours of 9am to 1pm on Saturdays. **NO** lorry movements shall take place before 09.00. No works shall operate on Sundays and Public Holidays.

Reason: To regulate and control the permitted development in the interests of the amenity of the adjacent residential properties and the wider amenity in accordance with Policy BNE2 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 is an outline planning application (with all matters reserved except means of access from Commissioners Road) for up to 130 residential dwellings, earthworks to create development levels; new internal access roads car parking, open space, sustainable urban drainage systems and associated landscaping and infrastructure.

As stated within this description, there are a certain amount of earthworks that are involved in this application. The site comprises an old chalk quarry that is approximately 3.9 hectares and lies to the north of Commissioners Road. The site is



surrounded on 2 sides by a dominant chalk wall (result of the historic quarry excavations) and is grassed for the most part. Its most recent use was as a football pitch, however this use ceased over 10 years ago and the site has been gated off, inaccessible for public use.

The site is bound to the south and west by Commissioners Road, to the north west by a recreation ground and to the east by Medway City Estate. To the north east of the site is a cluster of six listed buildings/features associated with All Saints Church (consisting of a Grade II\* and five Grade II listed buildings/features). The site is also located adjacent to the Frindsbury and Manor Farm Conservation Area (which lies to the north).

The application needs to be looked at in two parts. The first aspect of this proposal is the infill that is needed in order for the development to take place. The land at the lowest point of the quarry is currently between 7.5m and 19m below the level of Commissioners Road. The first aspect of this proposal therefore proposes to fill this quarry in to the same level as the adjacent Commissioners Road so that the site can be integrated with the surrounding housing and not be seen as a single access stand alone housing development.

This earthworks aspect of the proposal will involve the provision of 463,600m<sup>3</sup> of compacted fill to create the development levels needed to achieve the finished floor levels. Where the cliff will remain exposed, there will be an offset for cliff edge protection at a minimum of 5m. This offset will cater for a rock catch trap or similar protection measure. These earthworks will require HGV movements to deliver materials to site. It is expected that there will be approximately 66 deliveries per day over a year period (between 2017 to 2019). Details of the infill are set out further within the main assessment.

The proposal for 130 homes is set out with parameter plans, with full details to be given at a reserved matters stage. The parameter plans take into account the general principles of the proposal and include an illustrative masterplan, taking into account existing trees and vegetation, local character, massing, height, access etc. Again, the details of these parameter plans are explored more within the main assessment of this report.

### **Site Area/Density**

Site Area: 3.9 hectares (9.64 acres)

Site Density: 33.33 dph (13.49 dpa)

### **Relevant Planning History**

**MC/16/3747** Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for the proposed development of up to 130 residential dwellings and earth works, open space, landscaping and infrastructure  
EIA not required

**MC/12/2338** Outline application with all matters reserved for the construction of 6,312sqm of commercial floorspace (Class B1(a), (b) and (c) and B8) with access, parking and other ancillary works  
Decision **DISMISSED AT APPEAL**  
Date 26 Jan 2015

**MC/11/2120** Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - request for a screening opinion in respect for proposal for partial filling of quarry to enable residential development and provision of playing pitch.  
EIA not required

## **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.

The **Environment Agency, Natural England, Kent Police, KCC Ecology, KCC Archaeology and Southern Water** have also been consulted.

**35 letters** have been received raising the following objections:

### General Points

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- Area is designated as open space – this must remain
- Community needs more open space, not less.
- Urban sprawl/Overdevelopment
- Local services (GPS, schools etc) will be put under increasing pressure
- Major infrastructure investment needed to accommodate additional flood run off
- Outlook form existing houses on Commissioners Road to be ruined
- Privacy of existing residents will be lost
- Significantly impact on natural light to houses over the road
- Noise generated from infilling will be unacceptable
- An infill period of 3 years before development even begins!
- 130 dwellings are excessive in a confined space
- Vibrations of infill could lead to unstable cliff face – could create major fall
- How is this different from other proposals?
- This is very close to an industrial estate – not appropriate
- Development will be visually intrusive
- Site is surrounded on 2 sides by RR9 footpath – this should be resurfaced as part of S106
- Existing neighbours that work nights need quieter environment during the day. This will be unbearable
- Land should be retained as area of open space for community
- Residents will be unable to hang washing out etc due to expected dust levels
- What is to happen if scheme is delayed or abandoned in middle of process?
- Is there to be any night time operations?
- What material is to be dumped in the quarry in order to fill it up?

- What are the mitigation measures for dirt and dust?
- Residents nearby will have to endure 5 years of disruption at the least!
- Who is going to compensate residents for loss of enjoyment of amenity whilst construction is ongoing? Or additional costs of keeping windows, cars etc clean from dust?
- Will be unable to sell houses whilst construction is ongoing
- Proposal will be a breach of the Human Rights Act (Art 8).

#### Impact on nature

- Area is home to protected species (Bats, birds of prey)
- Dust will be an issue for residents. States in Air quality assessment that it will affect wildlife within 50m of boundary so will therefore affect residents
- Ecological Survey has been conducted after a degree of works have been carried out on site so do not reflect the true ecological value of the site
- Granting consent in light of report shortfalls would be rewarding vandalism
- This should be protected open space but is in no way being protected

#### Traffic related:

- Existing traffic levels cause significant problems. This proposal will exacerbate the problem
- It is stated that only 70 vehicle trips will be generated at peak hours – understated
- Access point causes problems for existing houses opposite
- If double yellow lines are added – will cause increased inconvenience
- 1.5 spaces per dwelling is inadequate
- The infill will cause disruption with 66 HGVs per day
- Would help with traffic flow if 'Riverside' were opened up to all traffic and not just for buses
- Width restrictions will prohibit existing occupants from getting their caravans on the driveways
- 'Temporary' re-location of barriers brinks some of the houses to within the industrial estate for a period of 3-5 years.

**The Environment Agency** have commented that they consider that planning permission could be granted to the proposed development as submitted if planning conditions are included regarding unidentified contamination and surface water drainage. Without these conditions, the proposed development on this site may pose an unacceptable risk to the environment and we would object to the application.

#### *Groundwater and Contaminated Land*

This proposal site is in an old quarry, the desk study report shows there may be some limited fly tipped materials to be removed, but contamination is not expected to be a significant risk.

The site overlies chalk aquifer used for potable water supply. Growth in the southeast means all water supply resource should be safeguarded for future demand needs.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

It is noted that the intention is to build up development platform levels, this should be discussed with the EA directly as to what import regime will be used and if any permits may be required for the proposed works.

### *Flood Risk*

The site is in Flood Zone 1 and the development proposes to raise the land to pre-Quarry levels (PARAMETER PLAN Building Heights and Levels, Baca Architects, August 2016), the site will remain in Flood Zone 1 and will reduce the risk of tidal inundation through an appropriate flood path from the neighbouring flood risk area. The EA therefore have no objection to the proposed infilling of the quarry and construction of residential properties on the new development platform.

**Natural England** have commented on the application with regard to both the designated site and the protected species. The comments are as follows:

### *Designated sites*

This application relates to proposals for new dwellings within the zone of influence (6 kilometres) of the Thames Estuary and Marshes, Medway Estuary and Marshes and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. We are pleased to note in Sections 3.1.9-3.1.10 of the Ecological Appraisal submitted with the planning documents that the applicant has confirmed they will make the appropriate financial contribution to the SAMMS. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.

### *Protected species*

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a

licence is needed (which is the developer's responsibility) or may be granted.

**Kent Police** commented that they were disappointed to note that there was no mention of crime prevention or CPTED in the Design and Access Statement (DMS) and that although point 5 of Paragraph 58 of the NPPF is partially quoted, the specific section detailing crime and disorder has been omitted. The full point should read: "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;"

It is appreciated that this is an outline indicative planning application, but there has been no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate. Kent Police have therefore requested that the applicant's attention is drawn to the Kent Design Initiative (KDI), which will also assist them with Crime Prevention and Community Safety.

Failure of the applicant contacting Kent Police may have an effect on the development with regards to Secure By Design (SBD) and BREEAM, as awarding these items retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.

*Officer response: An appropriate condition has been recommended.*

**KCC Ecology** have reviewed the ecological information which has been submitted with the planning application and advise that additional information is required regarding reptiles prior to the determination of the outline planning application,

The detailed mitigation strategy incorporating ALL other species/ecological enhancement strategy must be implemented as a condition if outline planning permission is granted.

In relation to designated sites and habitats, KCC Ecology have accepted the development in principle, subject to mitigation strategies being agreed by the LPA.

In order to reduce potentially adverse effects associated with construction work on ecological designations and habitats, it is recommended that the mitigation strategy for Construction safeguards described in *paragraph 6.1.2* of the *Ecological Appraisal* report is adhered to. It is also advised that the Hedgerow and tree Protection measures described in *paragraph 6.1.3* is followed.

In relation to bats, KCC are happy with the conclusion of the report stating that the site is considered to be of low value to roosting bats, and therefore no further work is recommended with regard to roosting bats. However, if a year (or more time) elapses between the survey work and any development works, we advise the need for an updated survey prior to the commencement of works to confirm the continued absence of roosting bats within the site.

Low levels of bat activity were recorded within the site. The survey work recorded elevated foraging activity with the western-most point of the site along the tree line. However, replacement tree planting is proposed in this locality which will compensate

for these losses, whilst foraging opportunities will also be maintained around the other margins of the quarry. It is advised that the Bat Conservation Trusts Bats and Lighting in the UK guidance is adhered to in the lighting design. Any bats utilising the site may be affected by disturbance associated with the proposed development, notably as a result of light spill into areas used by this species group.

A detailed lighting scheme to be produced and review by an ecologist, following recommendations made in paragraph 6.1.8 should be submitted.

The site is considered to provide sub-optimal habitat for common reptiles, being dominated by short-sward grassland. Small areas of potentially suitable habitat are present associated with the margins of the scrub and within the tall ruderal vegetation.

The survey found a low population of slow worms present within the development site.

Given that areas of suitable reptile habitat are to be lost under the proposals, it will be necessary for a translocation exercise to take place to capture reptiles from the site.

The conclusions of the report stating that given the requirement for the earthworks, it is not considered feasible to retain the population of reptiles in situ, but rather a translocation to a suitable offsite receptor is necessary, are in question. In any event, given the viability of the population present within the site is questionable due to the isolated nature of the quarry we do acknowledge that removal of the population to an offsite location may ensure the long-term survival of this population.

KCC Ecology has already encouraged the applicant to design the site to retain the reptile population within the development site. From reviewing the Landscape Strategy Plan it appears that the site could potentially offer an on-site receptor area considering the fact that a low reptile population has been recorded.

It seems that there are several green areas of the development site which could potentially offer a good receptor site for the population and retain the population on site. Taking measures to retain the population on site is encouraged.

If the on-site receptor is pursued (KCC preferred option), a detailed methodology of how this would be implemented in line with the proposed earthworks is needed.

If the off-site receptor is pursued, KCC need to understand where the location of the receptor site would be and what translocation methodology would be undertaken.

In this situation, it is recommended to submit an updated reptile mitigation strategy prior to the determination of the planning application with the following additional information:

- Information of the receptor site (address, map, reptile survey to assess the existing population and habitat on site)
- Transport method of the reptiles from the development site to the receptor site
- Long term management of the receptor site
- Confirmation of the future use of the receptor site

The proposed development will result in the loss of suitable breeding bird habitats from the removal of trees and scrub habitat, all nesting birds and their young are

legally protected under the Wildlife and Countryside Act. As such all works must be carried out, outside of the bird breeding season (March – August inclusive), if that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease until all the young have fledged. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance. It is advised that additional nesting opportunities are to be incorporated in to the development to compensate nesting habitat loss.

The site offers potential opportunities for other mammals (hedgehog and badger), particularly in the form of areas of denser scrub and tall ruderal vegetation at the site margins. It is recommended that precautionary safeguards should be implemented to minimise the risk of harm to other mammals (see *paragraph 6.1.10 and 6.1.11*).

The site is likely to be of highest value to invertebrates as a foraging resource associated with a rich flower resource, rather than for nesting. Under the proposals, due to the need for the earthworks, much of the floral presence within the site will be lost. To compensate habitat losses, KCC Ecology recommend replicating the habitat features lost under the proposals (detailed in *Table 6.1*) and ensuring opportunities are maintained for notable species recorded at the site.

One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. Consideration should be given to enhancement recommendations given in *paragraph 6.2* of the *Ecological Appraisal* report. Details of ecological enhancements to be incorporated in to the proposed development must be detailed within the site and landscape strategy plans.

**KCC Archaeology** comments that in terms of the site’s archaeological potential, the initial assessment is that this is likely to be very low. The site is located within a former chalk quarry excavated in the first half of the twentieth century. It is likely that these chalk extraction works would have resulted in the wholesale removal of any archaeological remains that may have been present. This view is supported in the archaeological desk-based assessment that now supports the planning application which concludes that the site has “no archaeological interest as a result of the previous quarrying activity”. KCC Archaeology is therefore satisfied that no archaeological measures are required in this instance.

The chalk quarry is a reminder of the local chalk extraction industry which, alongside the cement works it served, was a prominent feature of this part of the Medway. The site now also forms part of the setting of Frindsbury Church, which sits immediately above the chalk cliff of this former quarry.

**Southern Water** state that the results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Southern Water have requested that they would like a conditions to be attached to any permission relating to a detailed drainage strategy, foul and surface water sewerage disposal and details of SuDs maintenance. An informative is also requested asking that the applicant/developer enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

## **Development Plan**

The current Development Plan for Medway is formed of saved policies of the Medway Local Plan 2003 (MLP). These saved policies have been assessed against the requirements of the NPPF and are considered to conform.

## **Planning Appraisal**

### *Background*

In terms of background for this site, there is an appeal decision from 2015 (planning reference no: MC/12/2338, appeal reference no: APP/2880/A/14/2218161) which should be noted here. The previous application was for over 6,000m<sup>2</sup> of commercial B1 space. This was dismissed and within the Inspectors report it was stated that the open space proposal within the scheme would have been a new recreational type facility but critically it would have been relatively minor in terms of its size and public access would have only been permitted during controlled hours. The quality and quantity of the open space was deemed unacceptable.

Prior to the submission of this application the applicants went through the pre-application process to discuss the general principle of developing this site and also to look at some of the proposed parameter details that were being considered. A pre-application meeting was held in which topics such as policy principles, transport, parking, greenspace provision; design and landscaping were all raised. At this stage also a presentation was given to Members (on 30<sup>th</sup> August 2016) where the parameter plans were shown and discussed.

### *Principle*

The proposal is for 130 dwellings (25% affordable housing) with 1.25ha open space provision. The proposed development site falls within the urban boundary of the Medway Local Plan 2003 and within an area designated as protected open space (L3). In addition to being within a designated area of open space the development is adjacent to a conservation area (BNE12, BNE14), and employment area (ED1) and an Area of Local Landscape Importance (BNE34).

These issues mean that in normal circumstances development would not be permitted in this location. However due to the age of the current Local Plan and the 5 year housing land supply position further analysis needs to be undertaken.

5 Year Housing Supply - The 2014/15 Authority Monitoring Report (AMR), published in December 2015, sets out the five-year housing land supply position in Medway as at 31st March 2015. It calculates the 5 year supply based on the housing trajectory of



sites phased in the next 5 years and the required delivery rate. The delivery rate was based upon an interim housing target of 1,000 homes per year.

In early 2015 Medway Council and Gravesham Borough Council jointly commissioned GVA Bilfinger to prepare a full Strategic Housing and Economic Needs Assessment to identify housing, employment and retail growth over the plan period 2012-2035. The SHMA element of the SHENA identified an objectively assessed need of 1,281 dwellings per annum for Medway. This is yet to be formally adopted by the Council as its housing target through the Local Plan process. However it is the most up to date assessment of the OAN.

It is thereby accepted that the housing land supply position is now very likely to be lower than was set out in the 2014/15 AMR. The updated position was published in December 2016 in the 2015/16 AMR and the conclusions were as expected. It is concluded that Medway Council does not currently have a 5 year land supply and so paragraph 49 of the NPPF applies.

Paragraph 49 of the NPPF states: '*Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.*' Therefore relevant policies fall away and decisions are made in accordance with the definition of sustainable development as outlined in the NPPF. However in this case the policies outlined above are not considered relevant policies as they are not blanket policies restricting housing supply and are specific policies protecting certain aspects of Medway's open space provision.

Open Space - As stated above the proposed development falls within an area designated as protected open space (L3). The approach outlined in policy L3 is supported by NPPF paragraph 74:

'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'

The NPPF's core planning principles also calls for development of land be sought on land of lesser environmental value. The designation under policy L3 reflects this environmental value, which is given further emphasis by the existing deficiencies in the area.

It does need to be noted that in 2012 a PPG 17 Open Space Audit was completed. The audit identified a surplus of natural, semi-natural green space & amenity green space in the Strood Sub-Area, to which the site is part and it did not identify the site as an

area of open space in the study, because it wasn't accessible. However the potential of the site does need to be considered within the broader open space and play provision for the Authority and more specifically for the immediate area.

Policy L3 seeks to protect such sites from development unless one of 5 conditions are met. The parts of the policy that are relevant to this application are: (i), (ii) and (iii). In relation to part (i) the present proposals only envisage the north western corner and northern and eastern boundaries of the site being used as informal open space (a total area of 1.25ha). This is a drastic reduction of 2.65ha from the total amount of potential open space that can be provided from the total site size of 3.9ha. This would suggest that the loss is significant, particularly in light of the identified deficiencies in the Authority as a whole and in the immediate vicinity. The site provides the opportunity to address the existing deficiencies.

Part (ii) as stated in the pre-app advice, further details would be required to determine compliance with this policy. Details provided as part of the Landscape and visual assessment has been forthcoming and is for the Green Spaces team to comment on whether the amenity value created is acceptable.

Part (iii) allows for redevelopment if there is an identified oversupply of provision in the area. This part of the policy was discussed in the planning appeal associated with planning application MC/12/2338 that was published in January 2015. It concluded that there was an under provision – highlighted in the Open Space Strategy 2008-2016. The applicant has not provided any information to demonstrate that there is ample provision in this area or seek to address the deficiencies in the wider area by way of contribution other than the provision of a play area and some informal space within the proposal. In light of the potential of this site to address existing deficiencies, the minimal provision on-site reflects a reduced potential.

On balance, the provision of the play space and informal open space does make a contribution to the immediate surrounding area and improves accessibility of the open space. However, it is questionable whether the quality of open space and play space provided is an acceptable replacement for the amount of open space provided in its current form regardless of whether it has or has not been accessible and given the current deficiencies – the planning inspector for the planning appeal on MC/12/2338 reconsidered the open space to be of value regardless of the site not being accessible to the public but instead placed weight on the fact that the site was designated as open space within the 2003 Local Plan.

Conservation Area and heritage assets - The site is directly adjacent to the Frindsbury and Manor Farm Conservation Area (north and west of the site), as well as The Parish Church of All Saints which is Grade II Listed. The conservation area is protected by saved policy BNE12 of the Medway Local Plan 2003. This policy seeks to protect and enhance the 'character and appearance of Conservation Areas' and one of the ways of achieving this is through attention to its setting as noted in the policy justification for this policy that states: 'have a particular context or setting which may also have a special character or appearance worthy of preservation.'

Policy BNE 14 would also be relevant, which seeks to protect the setting of a conservation area.

With regard to heritage assets, policy BNE18 seeks to protect the setting of listed buildings. Therefore this should be noted and considered in the design of the proposal.

Affordability and housing mix - In this location the Council would require an affordable housing level of 25% of the total homes built to be policy compliant. Policy H3 sets a target of 25% for developments of 25 or more dwellings and larger than 1 hectare.

This site will make a contribution toward the housing supply but needs to ensure that an appropriate mix is provided to address market requirements in the area (policy H10).

### Principle of development and Sustainability

As set out above, the 5 year land supply position of Medway Council at present means that the sustainability of the location proposed for development needs to be assessed. Under the presumption in favour of sustainable development, permission should only be refused if its adverse impacts would “significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. A judgement also has to be made as to whether the development is sustainable, as the presumption in favour does not apply if it is not. This requires consideration of the social, economic and environmental roles of sustainability (para. 7 of the NPPF), noting that gains in each of these three roles should be sought “simultaneously” (para. 8).

### Economic

The economic sustainability of the site has two parts: the sustainability of the site economically for residents and jobs growth created from the site. Significant weight can be attached to the benefits of delivering housing, including affordable housing, against the identified need and given the emphasis for housing delivery in national policy. Housing delivery has economic benefits in terms of construction phase, employment and the expansion of the resident workforce.

The proposal is purely for 130 residential units with public open space and a children’s play area. There is no provision of employment opportunities as part of the proposed. However the site is in close proximity to Medway City Estate and Strood District Centre, which could provide employment opportunities. Both locations are within walking distance of the site and are therefore sustainable.

### Social

Development needs to deliver social benefits to the community and be located where they can be accessible to these as per part 8 of the NPPF ‘promoting healthy communities’. Paragraph 70 states that the planning system should: ‘deliver the social, recreational and cultural facilities and services the community needs’. The development proposed is single-use housing scheme, and appears well-related to the existing facilities and services in Strood.

In addition the proposal is providing a much needed Social need in providing housing

for a growing population.

## Environment

The impact on the environment is of vital importance to the sustainability of a site and this is assessed through paragraphs 109-125 of the NPPF. Significant to this development is the dependency on the car and the impact on the environment by way of increasing damaging emissions including those that contribute to climate change. The impact on the existing open space is also important and commented on above.

The traffic along Commissioners Road originating from Chatham and filtering through Medway City Estate causes significant congestion at peak times. There is therefore concern for the increased traffic generated in the immediate area (Commissioners Road) as a result of 130 residential units with single access on to Commissioners Road.

The proposal suggests support of sustainable transport modes and thereby focuses on the provision of footways, cycle paths and traffic calming rather than any significant improvements to the road network. This is supported by a transport study, which concluded a minimal impact on the current road network. With the current road network and the amount of growth planned through this proposal, it is considered that people would be commuting into London or the surrounding areas for employment. There are bus stops and a train station in close proximity and employment locations within walking distance. The reliance on vehicles could significantly be reduced in support of sustainable travel.

The transport study also makes reference to the road network interventions planned by the Council for delivery by 2018. The effect of the combined proposals needs to be tested to determine whether the resulting impact would be minimal. The combined proposals should not significantly increase congestion in the area or cause displacement of congestion to other areas. Routes through the Sans Pareil roundabout and through Rochester are the only other alternatives to access this part of Strood.

## Conclusion to Principle

The proposed development is in a sustainable location and would contribute to economic goals. The scheme would assist in meeting the basic social goal of providing much needed homes for Medway's growing population particularly with 25% affordable.

However, there are concerns over exacerbating the existing traffic congestion at popular hot spots, loss of open space and increased pressure on existing services and facilities in the immediate area. In considering the benefits against the identified harm, it is considered that the package of S106 contributions will mitigate the harm and make the scheme sustainable and therefore acceptable in principle.

## *Design*

The concept of this proposal is to create a residential development that reconnects the

landscape whilst maximising public open space with a degree of unique character that results in a high quality residential space.

With regard to reconnecting the landscape, the proposals link the Church Green to the west with the public right of way and then toward Commissioners Road itself creating an access toward the river. The Parameter plans clearly show that the vehicular access (main avenue) to the development runs north to south with smaller residential access roads off the main avenue running east/west. The 'Avenue' is set out to be a central 'green' street and is the 'backbone' of the scheme, with the 'Steppes' featuring at the northern end of the street. The Steppes link the proposed scheme to the higher recreation ground at Church Green by means of a series of soft terraces. This particular space would be informal in character with naturalistic planting design. A path would connect the open spaces with informal tree planting characterising this area also.

The main parameter plans that need to be taken into account when assessing the design merits of this proposal are:

- Land Use and Access & Movements Parameter Plan
- Building Heights and Levels Parameter Plans
- Landscape Strategy Plan
- Design and Access Statement

These are a good indication of the heights and format of the built form as well as the open space without detailing the individual house designs or materials.

The design of this development manages to provide 1.25 acres of open space but at the same time it opens up the adjacent open space also. This is viewed to be a good way of maximising the area and utilising the adjacent play facilities and open space at the same time. The infilling of the quarry allows for this development to become part of the existing residential area and integrate with the neighbouring established estates. Joining this site with the recreation ground allows for users of not just the proposed development but also of neighbouring areas to utilise the space, using it as a place to walk the dog or simply as a short cut to the play area to the north.

The character of the proposal is that it will be an area of mixed housing types, including flats, town house style terraces, semi-detached and detached houses. These will be between 2 and 4 storeys and are set out within the parameter master plan. A building heights parameter plan coincides with this proposal (plan no: 211/200/010-C). This shows what areas of the site will be 2, 3 or 4 storey. It is accepted that this parameter plan is acceptable and would coincide with a detailed plan similar to that set out as an example within the masterplan.

The proposal therefore accords with Policy BNE1 of the Local Plan.

### *Landscape*

Currently the site is for the most part a clear area with self sewn trees and hedges around the perimeter of the site. It was discussed at the pre-application meeting that coppicing and replanting would occur here and that some of the cliff growth will also be removed. It was also tabled that a more generous footway could be considered to

include a shared pedestrian/cyclist space. This is important to the setting of the overall development and pedestrian movements through the site are considered to be a positive way in which to link the site up with neighbouring sites and also to ensure that the scheme is inviting for non-residents to use for recreational purposes. It is considered that the parameter plans incorporate a good scheme with clear pedestrian/cycle linkages to the recreation ground to the north and to Commissioners Road itself and will result in a spacious usable scheme.

The urban and landscape design, which will be in more detail at the reserved matters stage, should promote the sites sense of place through use of chalk and flint in features such as the gabions, which is possible option for the 'Steppes' feature at the northern end of the site.

The proposal therefore accords with Policy BNE6 of the Local Plan

### *Amenity*

In terms of amenity there are a number of factors that need to be considered here. A key concern is the impact that this proposal will have on the neighbouring established residential properties as well as on the overall character of the area. The amenity of future occupants is also an important issue.

With regards to existing neighbouring occupants this application is two-fold. The infill and build being one aspect and the occupancy of the dwellings being another.

Firstly, it is acknowledged that the infilling of the site in particular is something that is of concern to some neighbours. The quarry is due to have over 434,000m<sup>3</sup> of compacted infill added within a 3 year period. This has been calculated as 66 lorry deliveries a day. Whilst the highway considerations of this are one thing, the general impact in terms of amenity and disturbance to neighbours is also a factor. The movements have been set out within the Transport Assessment and further verified with the applicant that vehicles for the infill will not operate before 09.00 hours or after 17.00 hours Monday to Fridays, and only between the hours of 09.00 and 13:00 on Saturdays. It has been stated that the site will open at 07:00 Monday - Friday but the lorry movements will not commence before 09:00. Not only does this ensure that local school traffic is not impacted by this infilling but it also ensures that additional traffic pressures are not put on the Medway City Estate within its busiest times. The Saturday hours of operation will not commence at all before 09:00 in order to protect against unacceptable noise disturbance for the neighbouring residential properties. Appropriate conditions are recommended.

It is noted that lorry access will have to come though the Medway City Estate and not down Commissioners Road itself, which will reduce disruption, however the fact that 66 lorries per day will be arriving here is not something to be considered lightly. This will have an impact on neighbours, however this will only operate within restricted hours and will not operate on Sundays, while it is only for a limited period whilst the quarry is being filled. It also has to be recognised that the quarry was actually excavated in the 1970s and during this time it would have been a bustling site. The adjacent residential properties were in existence at this point and activity on this site would have gone on for some time. In order for this site to be developed

appropriately infilling will need to occur. It is thought that the infilling will result in a more integrated and better considered development overall and therefore on balance the infilling is considered to be necessary and acceptable. Restrictions on hours will help to ensure that disturbance is kept to a minimum.

In terms of the impact of the finished development it is considered that the distance between the houses and the landscaping/tree planting that is proposed will ensure that the proposed housing will not overlook or impact on the amenity or outlook of the existing houses of Commissioners Road to any unacceptable degree.

The amenity issues for future occupiers are a different consideration. The layout and proximity of the houses to each other will be considered, but at a reserved matters stage when house design and final layout can be considered in detail. The current parameter plans and master plan indicate that separation distances and general layout will be acceptable. Given that infilling is to occur and that the houses will be developed on a level with the existing residential development means that the outlook and integration of the scheme will be as best as it can be.

Each of the houses and flats that are to be provided are to have private amenity space of some sort. Additional to the private space it will be possible for residents to take advantage of public space in the form of the open space that is provided with the scheme. Children will have a direct access to the recreation ground at Church Green without having to walk along roads. In general terms, amenity provision both private and public for the future occupants of this site is considered acceptable and it is also considered that access to public space is made easier for many of the existing neighbouring properties.

The schedule of accommodation below gives an indication of the possible breakdown of house types and flat sizes. As can be seen from this, there is to be a similar breakdown of houses to flats and the general housing mix is considered to be varied.

Indicative Schedule for Accommodation:

<b>House Typology</b>	<b>Number</b>
2 storey terrace	18
3 storey terrace (with garage)	33
Semi-detached (with garage)	12
Detached (with garage)	5
<b>TOTAL</b>	<b>68</b>
<b>Apartment Typology</b>	
1 bed (2 person)	25
2 bed	25

3 bed	12
TOTAL	62
<b>TOTAL</b>	<b>130</b>

<b>Car Parking</b>	
Circa 1.5 spaces per unit	230

One of the points that need to be assessed in relation to this proposed scheme is the loss of open space, given that this was a consideration of the appeal dismissal for the B1 use application. The Inspector stated within his decision notice that:

*“In considering alternative provision, the first point to address is the nature of what is being lost. At the time of the Plan’s adoption, it appears that sports field use of the site had already ended. Although the precise circumstances of the site’s designation are unclear, that use had taken place over a long time and had ceased relatively recently. It is now a considerable period since such use. The site was not identified in the Medway Playing Pitch and Outdoor Sports Facilities Study (December 2012). No public access to the site is permitted, and it currently makes no contribution to either public or private outdoor sport and recreation. At the inquiry the appellants were explicit that there is no intention to commit expenditure to bring the site back into use as a sports pitch or allow public access. A robust implementation of policy L3 means that a restriction on public access should not be a determinative factor in allowing loss of open space. Nevertheless, there is no evidence to suggest a realistic possibility of future recreational open space use of the whole site in a manner similar to that which took place previously.”*

In taking this viewpoint into account, the proposal will result in the creation of an open space that is over 1 acre in area that also allows for the adjacent recreation ground to be linked up with it, resulting in a more accessible and usable space. The overall results are the improvement of the quality of this land; opening it up to the public; the creation of walkways; and linkage to the recreation ground. Therefore in terms of amenity provision it is considered that the proposed residential scheme along with associated open space will be sufficient in terms of quality and quantity to ensure that public space and private space is balanced.

The proposal therefore accords with Policy BNE2 of the Local Plan.

### Noise

The submitted acoustic assessment has considered the potential impacts of noise on future occupiers, including from both road transport and industrial noise sources. The assessment has concluded that mitigation will be required so that acceptable noise levels can be achieved within internal habitable rooms and external amenity spaces. The development itself will have a negligible operational impact on road traffic noise in the area, however there will be some short term impacts associated with construction



traffic.

Detailed design and mitigation proposals are currently not available, but they should be informed by the results of the acoustic assessment before being subsequently submitted.

Due to the proposed arrangement of the dwellings on the site, careful attention will need to be paid to mitigation measures, bearing in mind the noise contour predictions. It would appear that noise levels at the rear of a number of properties are still high which is probably due to the configuration of the properties which appear to be set approximately at a 45 degree angle to Commissioners Road, reducing the screening effect which could be afforded by a more conventional arrangement of properties facing the road.

Whilst specific recommendations on glazing have been made for property facades with direct line of sight to Commissioners Road, no specific recommendations have been made in relation to the facades not directly facing the sources of noise, but which also appear to have high façade noise exposure levels during the daytime. It may be that standard double glazing is sufficient to achieve acceptable internal noise levels for rooms on these facades, however there may still be high internal noise levels when windows are open. The internal layout, including the positions of habitable rooms, and the predicted façade sound pressure levels should be considered further when developing more detailed design proposals.

Although acceptable internal noise levels may be achieved through appropriate glazing specifications, where this requires occupiers to keep windows closed appropriate acoustically screened mechanical ventilation will also be required, which should provide trickle as well as rapid ventilation.

The acoustic assessment has also recommended that further mitigation is provided for properties which are likely to experience high noise levels in external amenity areas, and those closest to the industrial units, in the form of a 2.5m high barrier around gardens and the boundary with the industrial area. Further details will be required, and again the design should refer back to the findings of the acoustic assessment.

Appropriate conditions are recommended.

The development itself, once operational, is not expected to contribute to a worsening of the existing traffic noise levels in the area, with the maximum predicted noise impact being 0.3dB, which is not perceptible.

There are some concerns with regard to the emissions of noise and nuisance dust during the construction phase of the development, which could cause problems for existing residents in the vicinity of the site. Whilst the acoustic assessment has indicated a minor impact from construction traffic related noise levels, this will be potentially be for a prolonged period of time, spanning the course of the development. Furthermore, no consideration has been made of other onsite construction related noise. For this reason it will be important that the applicant sets out how noise, general nuisance and dusts emissions will be managed and controlled. An appropriate condition is recommended requiring the submission of a Construction Environmental

Management Plan.

The proposal therefore accords with Policies BNE2 and BNE3 of the Local Plan.

### Air Quality

The Air Quality Assessment submitted with the application is acceptable.

The assessment is suitably conservative, and has used the 2014 background concentrations as the basis for future year predictions. The modelling results demonstrate that the operational phase of the development will have a negligible impact for both nitrogen dioxide and particulate matter, including existing properties within the Central Medway Air Quality Management. However, vehicles travelling to and from the development when in operation will still have a local emissions impact and therefore this requires air quality emissions mitigation in accordance with the 2016 Medway Air Quality Planning Guidance.

The assessment has identified that specific construction phase mitigation should be implemented, and a comprehensive set of mitigation measures have been detailed for incorporation into a Dust Management Plan (DMP). It is recommended that a DMP is secured by a condition on any permission. The DMP may be a standalone document, or may be incorporated into a wider Construction Environmental Management Plan, which covers a broader range of environmental considerations (i.e. noise, pollution control etc.). Either way, the DMP or CEMP must refer back to, and be consistent with, the initial air quality assessment (and subsequent Addendum) and the Institute of Air Quality Management guidance on the Assessment of Dust from Demolition and Construction.

An addendum has been provided to the main air quality assessment which deals with the calculation of air quality damage costs associated with the development, and the extent of mitigation to be provided to offset the additional emissions generated. The damage costs assessment has calculated that the total monetary value to be spent on air quality mitigation equates to £71,077. This is in addition to the standard mitigation required for all major developments (Low NOx boilers, electric vehicle charging points, IAQM dust mitigation).

Alternatively, rather than pay the contribution set out above, the applicants could submit a scheme of mitigation that will secure standard air quality mitigation and mitigation at a level which is equal to, or greater than, the calculated air quality damage costs. While no further details have been provided at the current time with respect an appropriate condition is recommended to allow this option.

### *Highways*

#### Trip Generation & Traffic Impact

The Transport Assessment uses the TRICS trip generation database to estimate that the proposed development is likely to generate around 70 vehicle trips during each peak period. Travel-to-work data from the 2011 Census has been used to calculate how these trips would be distributed on the local network: it is predicted that 58% of

trips would route to and from the A228, 22% to and from the Medway City Estate and the remaining 20% via Station Road/A2.

Traffic surveys indicate that Commissioners Road carries up to around 770 vehicle movements during the peak periods, and therefore the proposed development would increase traffic levels by around 10%. A assessment of the proposed access junction indicates that this additional traffic unlikely to generate significant highway capacity issues. Notwithstanding this, it is possible that existing concerns about the speed of traffic on Commissioners Road would be intensified.

The impact on the other roads and junctions would be lower as vehicles disperse on to the local network. The major junctions in the vicinity of the site - Anthony's Way roundabout and the signalised junction of Station Road and Frindsbury Road – currently carry around 5,300 and 1900 peak hour vehicle movements respectively, and would experience increases of up to 19 vehicles as a result of the development. This is a small amount of additional traffic – less than 1% of existing flows – that would not have a material impact on conditions of highway safety and capacity. On this basis, no objection is raised in respect of Policy T1 of the Local Plan.

#### Access and internal layout

Vehicle access is proposed from Commissioner's Road via a priority junction at the south-east corner of the site. Sightlines from the access of 70 metres in each direction can be provided, marginally above the recommended value for the recorded speed of traffic. An emergency access is proposed at the south-west corner of the Site, with a barrier installed to prevent its use by general traffic. In order to ensure that the barrier represents an appropriate feature in the street scene, it is recommended that details of its design be secured by planning condition or as part of any reserved matters application. Subject to this, the application is considered to accord with Policy T2 of the Local Plan.

The internal layout is not put forward for approval at this stage. It is expected that future applications would include details of car parking in accordance with the Council's Standards and pedestrian facilities and access points on to Commissioners road.

#### Road Safety

The applicant's survey indicates that 85<sup>th</sup> percentile vehicle speeds on Commissioner's Road are between 35 and 36mph. In order to reduce vehicle speeds and make the street safer for pedestrians, it is proposed to install a traffic calming scheme as part of the development proposals. The applicant has submitted an indicative proposal for priority workings to disrupt the south eastern (down hill) traffic flow, with kerb buildouts to narrow the available through lane. The Council's Traffic Manager has expressed concerns that this proposal would cause a significant amount of congestion at peak times, an opinion shared by some local residents. A series of speed cushions along Commissioners Road is considered more appropriate in this location, as vertical deflection measures would maintain traffic flow as well as reduce vehicle speeds. As part of this scheme, the development should ensure a continuous footway width of 2 metres is provided on the eastern side of Commissioners Road,

widening into the site if necessary. The existing street lights on Commissioners Road provide a relatively poor level of illumination that does not meet the current British Standard. The installation of a modern LED lighting system should therefore accompany the traffic calming scheme, in the interests of highway safety and pedestrian amenity. The replacement lighting system would also reduce energy costs by up to around 50%.

### Sustainable transport

There are bus stops within 400 metres walking distance of the Site on Commissioner's Road and Riverside. These stops are served by buses running between Strood town centre, the Medway City Estate and Chatham town centre. There are two buses per hour in each direction from Monday to Friday, and one bus per hour in each direction on Saturday. Additional bus services can be accessed from the bus stops on Frindsbury Road, including services to and from the Hoo Peninsula. The walking distance from the edge of the Site to the station, via Wingrove Drive, is 600 metres. The traffic calming scheme and street lighting improvements would provide a safer environment for pedestrians, and the application proposes a crossing island on Commissioners Road between the site access and Wingrove Drive. Amenities within 1.2km of the site include primary schools, retail outlets, GP and dental surgeries, Strood library and parks. National Cycle Route 1 runs along the eastern boundary of the site and continues along Riverside, which is closed to general traffic. The route runs north-west to Gravesend and south-east across the River Medway to Rochester, Chatham and Gillingham.

### Construction

The Transport Assessment includes outline proposals for managing the construction phase of the development, which is predicted to generate 66 HGVs per day during the filling stage and 10 HGVs per day thereafter. A temporary site access and traffic signals would be required, along with the repositioning of the existing width restriction barrier. It is recommended that a Construction Management Plan be submitted prior to commencement of the development, including details of the Traffic Management Plan agreed with the Local Highway Authority.

The proposal therefore accords with Policies T1, T2, T3 and T4 of the Local Plan.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for

new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and have agreed that this be included within the S106 process. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Contamination*

It is not considered that there are any contamination issues on the site. The CGMS Desk Study states that this site remained as open field from at least the Medieval period until the mid-20<sup>th</sup> century, when it was quarried away to extract the underlying chalk. Given the history of this site, and the fact that it is to be partially infilled again and compacted it is not considered necessary to impose any contamination conditions on the decision. The proposal therefore accords with Policy BNE23 of the Local Plan.

### *Ecology*

Further to the initial comments from KCC Ecology additional reptile information has been submitted. Any updated comments from KCC Ecology will be included on the supplementary report for the meeting.

Apart from this matter, the information submitted and the reports that have been carried out in relation to ecology appear to be acceptable, subject to appropriate conditions requiring the recommendations within the reports to be carried out. The proposal therefore accords with Policies BNE 37 and BNE39 of the Local Plan.

### *Flood Risk*

The proposals are acceptable in principle. Due to the proximity to the tidal River Medway, attenuation may only be required to account for a tide locked situation as opposed to the 1 in 100 year + 40% climate change event. An assessment should be undertaken at detailed design stage in order to establish the attenuation requirement on this basis. An appropriate condition is recommended.

### *Other matters - raised in objection letters*

Whilst most of the issues or concerns that have been raised by neighbours have been dealt with/considered above there are a couple of comments that have been raised that also need to be clarified within this assessment.

It has been raised that this proposal could be compromising neighbouring occupants

Human Rights in relation to Article 8 (Right to Respect for Private and Family Life). Whilst it is accepted that there is to be some disturbance to these occupants, especially during the infill and build stages, it is not considered that the neighbours Human Rights are compromised as the hours of operation will be restricted. The properties that are to be built will be sufficiently spaced from these neighbours and are not considered to impact privacy once completed. Overlooking will be minimal (if at all present) and loss of light is not considered to be an issue given separation distances.

The timing of the ecology reports have been questioned, however the Local Authority are satisfied that no substantial works or clearance have taken place prior to the ecological study. Given the nature of the space as an unoccupied open space, surrounded by cliff faces there are no significant trees in place on site, and many of those that are on site are poor quality self sewn saplings. Both KCC Ecology and the Councils Tree officer are satisfied that no significant works have been undertaken to impact the assessment of this site.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

- i) Secure a minimum of 25% affordable housing (no less than 32 units)
- ii) Provision of highway works on Commissioners Road, comprising:
  1. A raised table and an uncontrolled pedestrian crossing point in the vicinity of the junction with Banks Road
  2. A series of speed cushions, including carriageway resurfacing and associated signs and road markings
  3. A pedestrian crossing island between the site access junction and Wingrove Drive
  4. The provision of a 2 metre wide, resurfaced footway along the site frontage
  5. New system of street lighting
- iii) A financial contribution of £540,836.44 in total to be provisionally split in the following ways
  - £71,468.80 towards Nursery provision
  - £174,015.77 towards primary education
  - £169,002.77 towards secondary education

- £20,207.20 toward waste and recycling (£155.44 per dwelling)
- £17,772.30 towards community centres and neighbourhood facilities (improvements to Woodside Community Centre and Public Toilets in Rochester)
- £60,833 towards local GP services
- £16,243.50 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
- £29,065.40 toward Habitats Regulations (mitigation against Wintering Birds – at £223.58 per dwelling)

### *Local Finance Considerations*

None relevant

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

It is considered that the proposed earthworks and subsequent building of 130 homes with associated car parking, open space and landscaping and infrastructure will be a suitable and sustainable development within this area of Strood and will result in an integrated development that will enhance the wider residential area and create a more usable and integrated open space that will maximise the potential use of the existing recreation ground to the north.

The existing open space is considered to be of poor quality in that it has been inaccessible to the public for a period of more than a decade and currently does not have significant aesthetic value within the residential area. The proposal retains views of the cliff faces and retains the character of this area.

The principle of the proposal has been considered against Local Policy and the NPPF and the details of the proposal have been assessed in terms of character, amenity and highway matters as well as ecology. It is concluded that the provision of these residential units here and associated open space are acceptable in relation to Policies BNE1, BNE2, BNE3, BNE6, BNE7, BNE12, BNE14, BNE34, BNE37, BNE39, L3, H3, H4, H10, T1, T2, T3 and T4 of the Medway Local Plan (2003) and relevant paragraphs of the National Planning Policy Framework (2012). The application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of the representations received and the significance of the proposal.

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