

MC/19/2532

Date Received: 24 September 2019

Location: Land At The Maltings Rainham Gillingham Medway

Proposal: Construction of 29 dwellings alongside associated parking, access, infrastructure and landscaping works

Applicant
Redrow Homes (South East) Ltd

Agent
DHA Planning
Mr John Collins Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Ward: Rainham South Ward

Case Officer: Wendy Simpson

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29th April 2020.

Recommendation – Approval subject to;

- A. The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- Contribution of £5,018.45 towards waste and recycling activities related to the development
 - Contribution of £7,060.63 towards improving Sports Facilities in the area
 - Contribution of £139,417.89 towards education and the provision of nursery, primary and secondary school places in the area.

- Contribution of £2,271.28 towards youth services to support creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.
- Contribution of £7,121.40 towards bird disturbance mitigation measures
- Contribution of £18,338.44 to support the foundation and development of the Rainham locality Primary Care Network.
- Contribution of £4,789.35 towards the improvement of facilities and equipment at Rainham library.
- Contribution of £60,977.60 towards the maintenance and management of open space within the ward (in addition to the on-site provision of a small Local Area of Play, to be secured by planning condition value at £13,015,90).
- Contribution £24,556.00 towards improvements at A2/Mierscourt Junction.
- Contribution of £5,200.00 towards improving the GB12 path and also mitigating the effects of increased usage of the other local PROW's in this rural setting, namely GB13 and GB16.
- Contribution of £5,313.96 towards improvements at Farthing Corner Community Hall payable on 22nd occupation.
- 25% Affordable Housing units

B. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received on 2 April 2020:

- A858 001A (Site Location Plan)
- A858 02 rev H (Planning Layout)
- A858 03 rev D (Enclosures Plan)
- A858 04 rev D (Materials)
- A858 05 rev D (Parking Plan)
- A858 06 rev D (Occupancy Plan)

- A858 07 rev D (Massing Plan)
- A858 08 rev D (Refuse Plan)
- A858 11 rev D (Street Scenes)
- A858 12 rev D (Public Open Spaces Plan)
- A858 051 (Critical Dimensions Plan)
- Q6492 (LAP)
- A858 18 (Plots 7, 13 - Stratford Plans and Elevations)
- A858 19 (Plots 5, 18, 17 - Stratford Plans and Elevations)
- A858 20 (Plots 9, 16, 27 - Oxford Plans and Elevations)
- A858 21 (Plot 12 - Oxford Plans and Elevations)
- A858 22 (Plots 8, 28 - Marlow)
- A858 45 (17, 26 - Cambridge)
- A858 23 (Plots 6, 19 - Cambridge)
- A858 24 (Plot 29 - The Canterbury floor plans)
- A858 25 (Plots 29 - The Canterbury elevations)
- A858 31 (Plots 1 - 4 - Special Snowdon Apartment Block - Floor Plans)
- A858 32 (Plots 1 - 4 - Special Snowdon Apartment Block - Front and Side)
- A858 33 (Plots 1 - 4 - Special Snowdon Apartment Block - Rear and Side Elevation)
- A858 34 (Single Garage)
- A858 35 (Bike Store)
- A858 13 (Plots 10, 14, 23, 11, 15, 24 - Letchworth)
- A858 49 (Plots 20, 21, 22 - Affordable Terrace - floor plans)
- A858 50 (Plots 20, 21, 22 - Affordable Terrace - elevations)
- A858 51 (Critical Dimensions)

Received on 19 February 2020 :

- 17193_07 rev F (Landscape Proposals)
- 17193_02 rev D (Landscape Masterplan)

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

- 3 All materials used externally on the dwellings hereby approved shall be as detailed in the Design and Access Statement, received on 19 February 2020, and materials drawing A858 04 rev D.

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.

- 4 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out in full accordance with the agreed programme of work.

Reason: To ensure that features of archaeological interest are properly examined and recorded to comply with Policy BNE21 of the Medway Local Plan 2003.

- 5 No development shall 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 in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of National Planning Policy Framework 2019.

- 6 None of the dwellings hereby approved shall be occupied until a signed verification report carried out by a qualified drainage engineer (or equivalent) has been submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 165 of the National Planning Policy Framework 2019.

- 7 Notwithstanding submitted landscaping details, no development shall commence until full details of a hard and soft landscape scheme have been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include:

- i. Plans and information providing details of existing and proposed finished ground levels, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), minor artefacts and structures (seating and refuse receptacles). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated

with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment, calculated soil volume, tree support and tie specification, guards, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and 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.

Reason: To ensure the landscaping scheme suitably addresses the site boundaries, living conditions of neighbours and ecology requirements of the site in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No development shall commence until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (hard & soft), including areas of public open space and ecological buffers (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and the protection of wildlife in accordance with Policies BNE1 and BNE39 of the Medway Local Plan 2003.

- 9 Prior to works commencing on site (including vegetation clearance) a detailed Ecological Mitigation Strategy must be submitted to and agreed in writing with the Local Planning Authority. The strategy must include the following:
- Overview of the mitigation required
 - Methodology to implement the mitigation
 - Timing of the proposed works - including establishment of the reptile receptor sites.
 - Map showing the proposed reptile receptor sites
 - Details of enhancements required on the reptile receptor sites.
 - Details of who will be carrying out the works
 - Details of on going monitoring
 - Details of interim management plan

The works must commence in full accordance with the details within the agreed Ecological Mitigation Strategy.

Reason: To ensure the ecological mitigation accords with Policy BNE39 of the Medway Local Plan 2003.

- 10 Prior to the reptile translocation commencing a letter must be submitted to the Local Planning Authority demonstrating that the on site and off site receptor sites detailed in the agreed Ecological Mitigation Strategy have established sufficiently to support the reptile population. The translocation must not commence until written approval has been received from the Local Planning Authority.

Reason: To ensure the mitigation habitat is suitable for the translocation of reptiles to accord with Policy BNE39 of the Medway Local Plan 2003.

- 11 No development shall commence until a Construction Environmental Management Plan (CEMP) has been 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; parking of operatives vehicles; deliveries to the site; lighting; 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 arising from the construction phase of the development. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to BNE2 of the Medway Local Plan 2003.

- 12 No development commence until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment, reference AQ107964R2, dated February 2020. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure the development does not contribute at a worsening air quality in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 13 to 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until conditions 13 to 15 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 15 No development shall take place until 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 has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 16 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. 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 first occupation of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 17 Notwithstanding drawing Q6492 no development shall commence above foundation/slab level until revised details of the Local Area of Play (LAP) have been submitted to and agreed in writing with the Local Planning Authority showing a minimum of four pieces of play equipment, in addition to the a bench and fencing. The LAP development shall be completed in accordance with the agreed details prior to the occupation of the 15th dwellinghouse hereby approved.

Reason : To accord with the provisions of Policy L4 of the Medway Local Plan 2003.

- 18 Notwithstanding the Enclosures Plan A858 03 rev D no development shall commence above foundation/slab level until details of enclosures have been submitted to and approved in writing by the Local Planning Authority. The details shall include the subdivision of the communal garden for the flat units 1 and 2 to provide private garden areas for the two ground floor units. The boundary treatment shall be implemented in accordance with the approved details before any dwelling or building within that phase is occupied and shall thereafter be retained.

Reason : To ensure the appearance and security of the development complies with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 19 Notwithstanding drawings A858 24 and A858 25 (drawings received on 2 April 2020) no development shall commence above foundation/slab level until amended plans are provided showing a window in the flank elevation of the lounge of this dwelling (plot 29) have been submitted to and agreed in writing with the Local Planning Authority. The development shall be built in accordance with the agreed details.

Reason : To break up the elevation in this prominent flank wall to accord with policy BNE1 of the Medway Local Plan 2003.

- 20 None of the dwellings herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space/ garaging for that unit has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 21 Prior to the first occupation of any of the houses herein approved (excluding flats) that dwelling must be provided with one electric vehicle charging, either slow charging or fast charging. The charging units shall be maintained in place and in good working order thereafter.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 22 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and Arboriculture Impact Assessment

(Aspect Arboriculture, ref 10356_AIA.001 rev A, dated September 2019); and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

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

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

Reason: 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.

- 23 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on : the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), bats (including reference to the recommendations of the Bat Conservation Trust)] and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the ecological interests on and around the site and with regard to Policy BNE39 of the Medway Local Plan 2003.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) in relation to plots 5 to 19 (inclusive) no development shall be carried out within Schedule 2, Part 1, Class

A(h) of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of neighbouring 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

Full planning permission is sought for the erection of 29 dwellings (25 houses and 4 flats) together with parking, access, landscaping. The proposed dwelling mix would be 1no. x 1-bed unit, 3no. x 2-bed units, 13no. x 3 –bed units and 12no. x 4 bed units. 25% of these units would be provided as affordable housing.

Access to the site would be gained from the adjacent Redrow ‘Manor Park’ site that is currently close to completion. The proposed development is designed as an extension to that development, with the housing design and materials being consistent with those on the main development site. The layout of the site relies on a single road running west to east through the site before turning south at its eastern end. At the eastern end of the site is proposed a large open area to be planted with a community orchard and utilised for sustainable drainage, ecology mitigation and biodiversity enhancement. Within the site is also proposed a Local Area of Play (LAP). Parking would be on-plot with a minimum of two parking spaces per house and one per flat. Visitor parking spaces would be provided in parking bays on street.

This proposal has been revised during the course of the application with the number of units proposed reducing from 38 to 29 and changes to the layout of the site.

Site Area/Density

Site Area: 1.42hectares (3.51 acres)

Site Density: 20.42 dph (8.29 dpa)

Relevant Planning History

Adjacent Redrow site to the south:

MC/15/4539	Construction of 134 dwellings with associated parking, access, landscaping and infrastructure works Approved 18 November 2016
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Adjacent land to the east (Orchard Kennels, Meresborough Road):

MC/19/0188 Outline planning application with some matters reserved (appearance and scale) for the development of up to 130 residential dwellings with associated parking and open space Refused 23 July 2019 Appeal in progress

Land East of Mierscourt Road

MC/18/2047 Outline planning application with some matters reserved (appearance, layout, scale and landscaping) for 50 Dwellings with new access.
Refused. 25 October 2018. Appeal dismissed

MC/19/0171 Outline planning application with some matters reserved (appearance, layout, scale and landscaping) for 50 Dwellings with new access.
Refused. 3 June 2019 Appeal submitted.

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 Lead Local Flood Authority, KCC Biodiversity, EDF Energy, Environment Agency, Southern Gas Networks, Southern Water, Highway Agency, RSPB, Natural England, Kent Wildlife Trust, Kent Police, KCC Archaeology have also been consulted.

62 letters have been received (including multiple from single households) raising the following objections:

- Tree planting along the boundary with The Maltings will overshadow the proposed gardens
- Traffic and queuing on Mierscourt Road is already extremely heavy and congested
- Overlooking from the flats into existing gardens and houses
- The loss of the woods will harm wildlife
- Increased air pollution
- Lack of Planting belt between the development site and Oastview is 'unfair'
- Loss of privacy to Oastview houses
- Construction traffic, noise and dust will harm residential amenity
- Increase hazard to highway safety
- Harm to local ecology
- Hospitals, schools, doctors etc do not have sufficient capacity for more development

- Cumulative traffic impact with the Bramblings development causing even greater queuing
- Moor Park will be used as a car park and walk through to the proposed development and it becomes connected when currently is a close to the detriment of privacy and quietness of the existing close
- Erosion of green spaces
- Adverse impact on the open character of Moor Park Close
- The proposed development fails to compliment the Moor Park Close design ethos
- Overdevelopment of the site and high density out of character to neighbouring residential area
- Looking across the fields the site would have a negative visual impact on the rural area
- Loss of trees
- Light pollution
- The flat block looks out of place
- When 'Manor Park' was built this area was to remain as a wildlife area
- Drainage may impact The Maltings
- The community orchard will attract vermin from fallen fruit
- Development creep erodes the green space to the Swale boundary
- Garage at the bottom of garden –unsightly/damage trees
- 11 to 17 The Maltings have 6m gardens and the site affords light and open view– loss of light, outlook and privacy and sense of being 'hemmed in'
- There should be no footpath connection between the application site and The Maltings
- 47 Moor Park Close has a side extension and side window overlooking plot 19

One letter has been received in support for the extension of the existing 'beautiful development' (Manor Park).

Councillor Doe objects to the proposal (comments provided on the original layout) for the reasons of overdevelopment, detrimental to the amenities on local residents, increased air pollution, increased traffic on A2.

Raymond Chisti MP objects to the proposal for reasons of loss of wildlife habitat, additional strain on A2 capacity and public services.

The **Environment Agency** advise that the application is low risk and have no further comments.

Highways England do not object to the proposal.

Lead Local Flood Authority comment that it is currently unclear if any porous paving is intended or there are any swales proposed but SuDS will need to be included on the site. Conditions are required.

KCC Archaeology advise that a programme of archaeological works is required if planning permission is granted.

Kent Wildlife Trust object to the proposal as the site supports various wildlife but little mitigation is supplied and the proposal does not comply with the NPPF requirement of 'no net loss'.

Natural England advise that the cumulative increased recreational disturbance of new residential development on the coastal SPAs and RAMSARs will need to be mitigated by the appropriate financial contribution.

Southern Water do not raise objection to the proposal.

KCC Biodiversity advise that the site is important for breeding birds and will result in a net loss of habitat but the submitted mitigation must be implemented. An updated management plan is required to include the management of off-site habitat areas in the applicant's ownership. In respect to badgers an updated survey is required prior to the commencement of works and an updated bat survey is required prior to the removal of any trees. A lighting plan is required to minimise disturbance for bats. For reptiles the majority of the receptor space at the eastern end of the site will be for reptiles but will need works to make it suitable. An off-site receptor area 100m from the site is also proposed. Translocation of pyramid grass and pyramidal orchids will need transplanting to the eastern open space receptor area. Conditions are required in respect to Ecological mitigation, Landscape and Ecological Management and Enhancement Plan, Lighting Plan, demonstration that the receptor sites for reptiles has established prior to translocation.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Background

The adjacent site, known as 'Manor Park', is currently almost completed being built out by the applicant, Redrow Homes. That planning permission was for 134 dwellings with associated parking, access, landscaping and infrastructure works. (Application reference MC/15/4539.) The current application is designed as an extension to that development.

During the course of this application the proposal has been significantly amended. In the original submission this application was for 38 dwellings in a layout that covered the whole of the application site. However during the application progress the number of houses proposed on the site has been reduced to 29 units and the eastern end of the site is now to be left undeveloped.

Principle

The site is agricultural land, although not actively in use for agricultural at present. The site has regenerated with scrub and trees and there are well used unmade paths through and around the site. The site falls outside of the urban boundary of Rainham and within an area designated an Area of Local Landscape Importance (ALLI).

To the north of the site is existing residential housing within the urban boundary. The area of built form within the site would be adjacent to existing housing development to its northern, southern and western boundaries – infilling an area that currently separates two residential developments. To the east of the site are fields.

The layout of the site is such that the eastern end of the site is not to be developed but is to be open space as community orchard/ecology area. As such the built area of the site forms an eastern boundary that relates roughly to the eastern boundary of the Redrow site 'Manor Park'.

An agricultural use does not meet the definition of 'previously developed land' in Annex 2 of the National Planning Policy Framework, which specifically excludes agricultural land. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas. The strategic direction of the Local Plan directs development to brownfield sites and are supported by policy BNE25 that restricts development in the countryside.

However, at this time the council cannot demonstrate a five year housing land supply and as such paragraph 11 of the NPPF directs that planning decisions should presume in favour of sustainable development when taking the NPPF as a whole. In respect to part d) of paragraph 11 what needs to be considered is whether any adverse impacts of approving the development, when assessed against the policies of the NPPF taken as a whole, would significantly and demonstrably outweigh the benefits of providing the proposed housing in light of the lack of being able to demonstrate a five year housing supply.

Sustainability is defined in paragraph 8 of the NPPF and it has three dimensions: environmental, social and economic considerations. Any assessment of 'sustainability' needs to encompass all of the dimensions of sustainable development and note that they are 'mutually dependent', as per paragraph 8 of the NPPF. Therefore further consideration is needed in order to ascertain the principle of development.

Economic – the development will provide employment through the construction phase and will also bring spend to the area to benefit local facilities and shops through its future occupiers.

Social – the proposal will provide needed housing of a mixed scale (1-4 beds) helping to meet local need while providing for much needed affordable housing. The development will link to existing housing around. Locationally the site is considered to be sustainably located between two existing built-up areas.

Environmental:

Policy BNE25 of the Local Plan requires that development within the countryside should maintain, and wherever possible enhance, the character, amenity and functioning of the countryside. Policy BNE34 of the Local Plan relates to development in an ALLI and states that development will only be permitted if : it does not materially harm the landscape character and function of the area; **or** the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. The NPPF sets out at paragraph 170 that: "Planning...decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued local landscapes...(in a manner commensurate with their statutory status or identified quality in the development plan", (b) recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystem services...'

The application site lies within the Mierscourt/Meresborough ALLI. The character of this area is described in the justification to the policy as: "Area of traditional Kentish farm landscape with country lanes on the eastern periphery of the borough."

The function of the Mierscourt/Meresborough character and ALLI is important as a buffer zone, helping to counteract outward pressure of urban sprawl and maintaining the separation of settlements. It is a continuation of adjacent areas in Swale Borough which are subject to a settlement separation policy in the Swale Borough Local Plan.

It is also necessary to have regard to the Medway Landscape Character Assessment, March 2011 (MLCA) which provides detailed guidance on landscape character. The MLCA identifies the application site as located within Moor Street Farmland Landscape Character Area. This area is characterised by undulating landscape of orchards and arable farmland; small, medium scale mixed farmland enclosed with shelter belts and hedges. The MLCA also describes the overall condition of this area as poor, subject to many detracting features, with trend away from traditional orchards towards horse paddocks and equine activity and in need to enhancement.

There will therefore be some harm as a result of the proposal.

However, reasonable consideration has been given to the layout of the development in that the built area on the site would form a roughly continuous urban/rural boundary together with the eastern boundary of the 'Manor Park' site, as the eastern end of the site

is not to be occupied by built form but is informal open space. The built form of the development is to be as 'infill' housing, surrounded by existing housing development on three sides. In the original submission this application was for 38 dwellings in a layout that covered the whole of the site, but this has been reduced during the course of the application to 29 units and the eastern end of the site being undeveloped providing a soft link through to the wider open landscape area.

As such the environmental harm to the character appearance and function of the ALLI would be balanced as the built form within the development would not significantly project into the open countryside to the east and towards the boundary with the Swale administrative area. The matter of landscaping will be very important to ensure the character of the ALLI is respected and this will be considered later in the report.

As a result of the above it is considered that on balance the proposal in principle represents acceptable sustainable development

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Paragraph 127 is key to the achieving well designed places and requires that developments (in part) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting. In accordance with the NPPF, Saved Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The layout of the site is such that there would be a single point of vehicle access to the site through the Manor Park development to the south and then onto Mierscourt Road, south of its junction with the A2.

The housing would mostly face south with the rear of the units facing north and back-to-back with the gardens of existing houses in the established urban area. There would only be four houses on this street that face north. At the eastern end of the site the access road would have a short branch off to the south and six of the proposed dwellings would be on this branch facing to the east. Most of the properties are detached or semi-detached but there is a terrace of three dwellings at the southeastern part of the site and a block of four flats at the western end of the site.

Whilst the access is from the Manor park development, that development has informal open space and retained treeline along its northern boundary with the application site, and as such the proposed development does not have the opportunity to continue any building lines from that development. As such there would therefore occur a degree of

separation from the Manor Park housing, but the housing designs and materials reflect those of the Manor Park site and create continuity in that way.

The development sits on the edge of a rural network of established and well used public rights of way (PROW). The GB12 PROW is a very popular path from Rainham, used to access the local rural area and the further GB13 PROW. The relationship of the site to this footpath has been amended with the revisions to the application and there is now proposed a link through from the development site to the PROW network and the edges of the site have been changed to retain soft planting adjacent to the footpath rather than the hard fencing enclosure originally proposed.

Overall no objection is raised to the design of the development or impact on the character of the area and the proposal is considered to be in accordance with saved policy BNE1 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Loss of Agricultural Land

Paragraph 170(b) of the NPPF which states that planning decisions should recognise *“the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...”*

The site comprises open agricultural land, which has not been actively cultivated or used for animal grazing for many years and as such has regenerated with scrub and trees. The Natural England agricultural land classification map shows the site as lying grade 1 agricultural land, which is best and most versatile agricultural land.

That though is a general classification and it may be that parts of those areas are not of grade 1 quality. Consideration must also be given to the configuration of the land and its likelihood to be able to be brought back into use for farming.

In addition Medway's housing land supply requirements are considerable and as such will certainly require the loss of agricultural land. It is also unlikely that meeting Medway's housing land supply requirements can be accommodated on agricultural land of Grade 3a or lower.

In summary, given the scale of Medway's housing requirement it is considered that the loss of agricultural land is. In addition the site has not been in an agricultural use for many years and its configuration does not lend itself to modern farming methods. It is thereby considered that the application proposal does not conflict with NPPF paragraph 170 in respect to the redevelopment of an area of land considered to be of ‘the best and most versatile agricultural land’.

Amenity

Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for existing users (neighbours), which is reflected in the requirements of policy BNE2 to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

Future occupiers

The proposed dwellinghouses would meet or exceed the minimum size within the Government's Technical Housing Standards 2015. As such the proposed houses would provide a good level of internal space for the intended level of occupation. The Medway Interim Housing Standards require that all new build flats have balconies and new houses have gardens of a size of the minimum of the width of the house by 10m depth in most circumstances. The proposed properties meet with this requirement. In respect to the flats it is preferable that the lower flats have private gardens rather than the flats share a communal garden which can lead to security issues and a poor environment. This can be required by planning condition. In addition, houses will need to have kerbside waste and recycling collection and flats bin stores of a size and location that meets the Medway Waste Guidance, which the scheme adheres to.

Neighbours

In respect to neighbours' living conditions, the orientation and layout of the dwellings in the northern part of the site to the neighbouring dwellings in The Maltings and Oastview is that there would provide a back-to-back relationship at over 20m separation and as such would afford a suitable separation. It has been appreciated by the developer that some of the gardens in The Maltings are very short – reducing down to a minimum of about 6m depth and generally with post-and-wire fencing along their rear boundary to the site. Historically these properties would have 'borrowed' an outlook over the fields to the rear and in some way that would have compensated for the smallness of their gardens. In recognition of this the applicant has not proposed the rear fences of the proposed dwellings hard up against the rear boundaries of these plots in The Maltings but has left a strip of managed, planted land between the properties in The Maltings and the new dwellings of between 4 and 5m width. In this way the occupiers of dwellings in The Maltings can still borrow an outlook across this area. There has been some concern raised about the planting within this strip becoming overbearing and overshadowing the small gardens but officers and the ecologist consider that an amendment to the planting landscaping scheme proposed can be achieved to make this landscaped area more acceptable. Such a scheme would rely less on trees and more of native species hedgerow to a maintained height. This can be secured by planning condition.

In respect to the impact of construction, due to noise, dust etc, on neighbours' living conditions an appropriate condition is recommended to secure a construction and environment management plan (CEMP).

Although the scheme does represent a very significant change for occupiers of the dwellings on the urban rural edge, overall the layout and details of the proposal as they have been amended seek to satisfactorily consider and reflect matters of outlook, privacy, overshadowing or loss of daylight. Subject to conditions the proposal is considered to comply with policy BNE2 of the Local Plan and the relevant parts of paragraph 127 of the NPPF.

Open Space/Landscaping

Policy BNE6 of the Local Plan relates to the need for detailed landscape schemes to be submitted with applications for major development to enhance the character of the locality and relate to planting, maintainability, vistas, hard landscaping, retention of important existing features, supporting wildlife, management and maintenance. Policy L4 relates to the provision of open space within new residential developments.

The applicant has provided a Public Open Space plan which includes areas of planting, a Local Area of Play (LAP) and the eastern open area which is proposed to provide a swale, ecological habitat and community orchard area.

In relation to the eastern part of the site, while it is a massive improvement to the scheme that this area does not propose any development, there is still some conflict between the various proposed uses of community woodland, informal open space, swale and ecology. It is considered that this area is more effective as an ecological area providing for net biodiversity gain which also provides for a visual landscaped/amenity asset for local residents (rather than a usable one). As such an appropriate condition is recommended to secure the appropriate landscaping/planting as well as maintenance and protection of this area.

The addition of a Local Area of Play (LAP) into the site is welcomed and will provide an area with a toddler level of play equipment for the residents. An appropriate condition is recommended to secure the details of the equipment and surfacing of this area.

Subject to the recommended planning conditions the proposal is acceptable in landscape and open space terms and thereby complies with Policies BNE6 and L4 of the Local Plan.

Ecology

Policy BNE37 of the Local Plan states that development will not be permitted unless: there is an overriding need for the development that outweighs the importance of these wildlife resources; and the development is designed to minimise the loss; and appropriate compensatory measures are provided. Consistent with statutory duties Policy BNE39 of the Local Plan states that "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained". NPPF Paragraph 175 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.'

In this case the ecological mitigation and enhancement plans rely on both on-site and off-site habitat/reprovided habitat for birds and reptiles. It is considered that with some revisions to the proposed landscape and ecological mitigation proposed that the scheme is acceptable. These revisions can be secured through the recommended conditions.

As well as an updated management plan, planning conditions are required in relation to the need for updated surveys for badgers and bats prior to the commencement of development and the removal of trees. A lighting plan is required to minimise disturbance for bats and there will need to be the demonstration that the receptor sites for reptiles have sufficiently established prior to translocation of reptiles from the main part of the site.

Subject to the recommended worded conditions it is considered that the proposal accords with policies BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 175 of the NPPF.

Highways

Paragraph 127 of the National Planning Policy Framework requires that new development functions well within the area in which it is situated. Saved policy T2 of the Local Plan requires that, where new accesses are being formed to the highway, that the access is not detrimental to the safety of vehicle occupants, cyclists and pedestrians; or the access can be improved to a standard acceptable to the Council as Highway Authority. Saved policy T3 requires that new pedestrian routes should closely follow pedestrians' preferred routes and should be designed to provide an attractive and safe pedestrian environment, and ensuring they are accessible by people with disabilities. Saved policy T13 relates to the council's adopted vehicle parking standards.

The main access to the site would be through the adjacent Manor Park development and therefore no objection would be raised in terms of access to the public highway.

A Transport Assessment has been submitted with the application which looks at the projected traffic distribution related to the site during peak hours and provides an assessment of the signalised junction at A2 High Street/ Mierscourt Road year 2024. The impact assessment demonstrates an increase of 0.3%, through the A2/Mierscourt Road junction. Whilst this appears small it is considered that additional traffic through the signalised junction could increase congestion and therefore a contribution to mitigate this impact is required towards improvements at A2/Mierscourt Junction.

The proposal would provide 1 parking space for each of the flats and a minimum of 2 parking spaces per house, with some garages in addition. 9 visitor parking spaces would be provided on street. This provision meets the interim parking standards. Additionally a secure cycle store is provided for the proposed flats. Electric vehicle charging points will be required by condition in accordance with paragraph 110e of the NPPF.

The applicant has provided vision splay details for the access and tracking diagrams showing that a waste collection vehicle can enter and turn on the site and exit in a forward gear.

For pedestrians the footways are to be continued from the adjacent Redrow development and the footpath is to link through to the Public Right of Way (PROW) at the north-eastern side of the site providing a through-route to areas in the urban area to the north and also to the rural PROW network.

Overall, subject to the recommended conditions no objection is raised in respect to matters of parking and highway safety and the proposal is considered to accord with policies T2, T3 and T13 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Contamination

Paragraphs 178 and 179 of the NPPF and Policy BNE23 of the Local Plan require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment. Policy BNE23 requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. This is in accordance with the NPPF requirements to take the likely effects into account in decision making. It is also noted that the site is located within ground water protection zone 3, indicating a sensitivity to contamination.

The applicant has submitted a Geo-Environmental Assessment Report in support of the proposal, but due to the historical land use of agriculture and orchard a desk top study will be required with a particular focus on historical pesticide use and testing. Appropriate conditions are recommended.

Subject to this no objection is raised to the proposal under policies BNE23 of the Medway Local Plan or paragraphs 178 and 179 of the NPPF.

Air Quality

Paragraph 181 of the NPPF relates to air quality and advises that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan. Policy BNE24 of the Local Plan 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'.

The site is situated in close proximity to the 'High Street Rainham AQMA' which runs along the A2. The pollution within the High Street Rainham AQMA is understood to arise from traffic on the A2.

An air quality assessment has been submitted in support of the application which is considered to be acceptable. It has assumed a worst case scenario around vehicle emissions and included the impacts of relevant committed developments. The development is predicted to have an insignificant impact on local air quality, however the development related emissions will still need to be mitigated in accordance with the requirements of the Medway Air Quality Planning Guidance. A condition is therefore required in relation to on-going mitigation.

Subject to the use of a suitably worded condition no objection is raised in respect to Policy BNE24 of the Local Plan or paragraph 181 of the NPPF.

Flood Risk & Drainage

Paragraphs 155 to 160, 163 and 165 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

In this case, some details have been provided in respect to the use of infiltration techniques for surface water drainage but further details are required and can be secured through an appropriate condition.

Subject to this no objection is raised in respect to flood risk and drainage matters.

Archaeology

A desk-based assessment was submitted with the application which suggests there is the likelihood of the presence of potentially significant archaeological remains from various periods in history. A planning condition is therefore recommended to secure a programme of archaeological works.

Subject to this, no objection is raised under Policy BNE21 of the Local Plan.

Affordable Housing

Policy H3 of the Medway Local Plan sets out the proportion of affordable housing required in schemes for residential developments. In this case the proposal is considered to be an extension to the adjacent Redrow development through which access is achieved and therefore of the proposed 29 dwellings 7 units are required to be provided as affordable housing units, which equates to a minimum of 25% of the units being provided as affordable housing.

This requirement has been met in the development with the type and tenure of housing having been discussed and agreed with officers. These units will be secured within the S106 and as such the proposal is considered to accord with policy H3 of the Medway Local Plan 2003.

Climate Change and energy efficiency

The applicant has advised that in order to achieve an energy efficiency within the buildings the following measures are envisaged:

- All materials will meet the requirements of the latest Building Regulations and in particular Part L (Energy Use).;
- Energy consumption will be reduced through energy saving devices;
- Fixed light fittings will have energy efficient fittings;
- The use of energy efficient goods including all kitchens fridge, freezers, washing machines, dishwashers and tumble dryers to be A+ rated as far as possible;
- Taps, fittings and WCs to be low water consuming;
- Boilers will be Low NOx boilers and where possible condensing combination gas boilers (low NOx);
- Electric car points are to be provided;
- All windows are double glazed and will achieve a u-value of 1.4W/m²K.

In addition to the above, reference is also made to the Eastern area where the plans are evolving in terms of that area to be used for tree planting and bio diversity net gain, along with SUDs proposals.

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 £245.56 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 as part of the planning obligations within the S106. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

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.

In this case the applicant has agreed to provide the following obligations:

- Contribution of £5,018.45 towards waste and recycling activities related to the development
- Contribution of £7,060.63 towards local Sports Facilities
- Contribution of £139,417.89 towards education and the provision of nursery, primary and secondary school places in the area.
- Contribution of £2,271.28 towards youth services to support creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.
- Contribution of £7,121.40 towards bird disturbance mitigation measures
- Contribution of £18,338.44 to support the foundation and development of the Rainham locality Primary Care Network.
- Contribution of £4,789.35 towards the improvement of facilities and equipment at Rainham library.

- Contribution of £60,977.60 towards the maintenance and management of open space within the ward (in addition to the on-site provision of a small Local Area of Play, to be secured by planning condition value at £13,015,90).
- Contribution £24,556.00 towards improvements at A2/Mierscourt Junction.
- Contribution of £5,200.00 towards improving the GB12 path and also mitigating the effects of increased usage of the other local PROW's in this rural setting, namely GB13 and GB16.
- Contribution of £5,313.96 towards improvements at Farthing Corner Community Hall payable on 22nd occupation.
- 25% Affordable Housing units

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003 or paragraph 56 of the NPPF.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The proposal is seeking full planning permission for the 29 dwellinghouses on the site together with access through the adjacent Redrow development site. Planning obligations would be secured by a Section 106 agreement.

Whilst the site is 'greenfield', at this time the council cannot demonstrate a five year housing land supply and as such paragraph 11 of the NPPF directs that planning decisions should presume in favour of sustainable development when taking the NPPF as a whole.

The proposal would be an extension to the 'Manor Park' development and built development would mostly be contained between the built-up areas to the northern and southern sides of the site. The built development would not project significantly into the open countryside to the east and on balance would not harm the character of the Area of Local Landscape Importance in which it is situated.

The layout of the site and design of the dwellings are considered to be acceptable as an extension to the adjacent Manor Park site. The units meets the adopted housing standards and, whilst the proposal would result in a significant change for house neighbouring the site to the north, the impact of the development on neighbours' living conditions does not warrant the refusal of the application. Changes to the development are required by planning condition in respect to the final landscaping of some of the site,

ensuring the ecological aims of the development are maintained, the landscaping is acceptable at its rural edges and where close to dwellings in The Maltings.

The additional traffic from the development onto the Mierscourt Road and the A2 would be limited and would not warrant the refusal of the application subject to the payment of an obligation towards improvements at A2/Mierscourt Junction.

Subject to planning conditions and/or obligations the proposal is acceptable in relation to matters of air quality, contamination, archaeology, flood risk, bird mitigation and affordable housing provision and complies with the various policies referred to in the report above.

Overall it is considered that whilst the development is on greenfield land and within an Area of Local Landscape Importance, the limited environmental harm in regard to these matters is outweighed by the economic and social benefits of the additional housing in light of the lack of being able to demonstrate a five year housing supply. Therefore the application is recommended for approval subject to conditions and the securing of obligations by Section 106 agreement.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation and that of Councillor Doe who objects to the proposal for the reasons of overdevelopment, detrimental to the amenities on local residents, increased air pollution, increased traffic on A2.

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://publicaccess1.medway.gov.uk/online-applications/>