

MC/19/2898

Date Received: 1 November 2019

Location: Land West Of Station Road Rainham
Gillingham Medway

Proposal: Outline planning application with all matters (appearance, landscaping, layout and scale) are reserved except for access for the construction of up to 76 dwellings(C3 use class), open space, landscaping (including Sustainable Urban Drainage) with associated infrastructure.

Applicant McCulloch Homes

Agent Tetlow King Planning
Mr Iain Warner
32 High Street
West Malling
ME19 6QR

Ward: Rainham North Ward

Case Officer: Majid Harouni

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 16th September 2020.

Recommendation - Approved Subject to S106

A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:

- i. 25% Affordable Housing on-site: equating to 19 dwellings to comprise 11 units (60%) rented and (8 Units) 40% shared ownership.
- ii. Contribution of £82,327.36 towards Nursery school provision to one or more of: Thames View Primary, Mierscourt Primary, Riverside Primary.

- iii. Contribution of £202,474.22 towards Primary School provision to one or more of: Thames View Primary, Mierscourt Primary, Riverside Primary.
- iv. Contribution of £129,169.37 towards Secondary School provision to one or more of, The Howard, Rainham Girls, Rainham Mark Grammar.
- v. Contribution of £5,952.32 towards youth services
- vi. Contribution of £72,364.67 towards Splashes redevelopment programme
- vii. Green space contribution of £193,914 to enhance open space facilities within the vicinity of the development, including 5% towards Great Lines Heritage Park
- viii. Contribution of £3,800 towards maintenance of the riverside section of the Saxon Shore Way.
- ix. Contribution of £12,833.74 towards Waste and recycling.
- x. Contribution of £ 31,092.43 towards improving sustainable transport infrastructure.
- xi. Contribution of £49,324.08 towards the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
- xii. Birds disturbance mitigation £18,662.56

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 2 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 18 months 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 plan:707-SL05-P1, 18-265/010 Rev A, 18-265/011, 18-265/012 and 1300-KC-XX-YTREE-TPP01 A received 1/11/2019 and 3/09/2020 .

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

5. The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 76.

Reason: To define the planning permission and for the avoidance of doubt.

6. No development above ground floor slab level of any part of the development hereby approved shall commence until schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and guttering of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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 Local Plan.

7. Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation on site. Details shall include the following:

- i. Proposed finished levels of contours of the land, means of enclosure (should be consistent with boundary treatment proposals); car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting etc);
- ii. proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc).
- iii. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and

proposed numbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.

- iv. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier or in accordance with a programme to be submitted to and agreed in by the Local Planning Authority.
- v. Detailed design for sustainable drainage systems The programme for the implementation of landscaping scheme shall include details of strategic planting and open space provision that will be delivered prior to the occupation of the 30th dwelling. These details shall have regard to the Construction Environmental Management Plan required under condition 25 to ensure that these early landscaping works are not undertaken abortively.

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

8. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

9. The Tree Survey and Impact Assessment (1330-KC-XX-YTREE) and protection plan (1300-KC-XX-YTREE-TPP01 A) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 6 of the report, by a suitably qualified tree specialist.. All trees and hedgerows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with Policy BNE 43 and NPPF.

10. Any tree and/or shrub planted pursuant to condition 7 and being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and green infrastructure, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

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.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
 - i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

13. Prior to the first occupation of each individual building of the development hereby permitted details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

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

14. From the commencement of development works, all precautionary mitigation measures for reptiles will be carried out in accordance with the details contained in section 5.1.4 and 5.1.5 of the Ecological Appraisal (Bioscan September 2019).

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

15. No development shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
 - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and these shall be maintained thereafter in accordance with the approved plan.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

16. A detailed ecological management plan to be submitted: Within 3 months of construction commencing a detailed ecological management plan is produced and submitted to the LPA for written approval. It must detail how the buffer strips will be managed and include the following:

- Details of the habitats to be managed
- Details of the aims/objectives of the management
- Rolling 5 year management plan
- Details of enhancements to be incorporated in to the site.
- Details of who will be implementing the management.
- Details of on- going monitoring

The plan must be implemented as approved.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

17. No development shall commence until details of ecological mitigation have been submitted and approved in writing by the Local Planning Authority. The details to be submitted pursuant to the requirements of this condition shall include details of:
- i. Provision of bat boxes within new buildings and/or on retained trees;
 - ii. Provision of bird boxes on new buildings and/or on retained trees;
 - iii. Provision of log piles;
 - iv. Native species within the landscape planting specification;
 - v. Landscape planting that provides food and replacement nesting opportunities for birds;
 - vi. Surface water infiltration basin that provides opportunities for wildlife in addition to any SuDS function.

The development shall not be occupied until the ecological mitigation has been provided in accordance the approved details.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

18. The access hereby approved in accordance with drawing 18/265/10 Rev A shall not be used until the detailed vision splays 2.4m x 43m have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 0.6m above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

19. The details submitted in pursuance of Condition 1 shall show land reserved for parking in accordance with the Council's Approved Interim Parking Standards (or any document which is adopted by the Council which replaces the Approved interim Parking Standards). None of the dwellings shall be occupied until the area for parking for that dwelling has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and reenacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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.

20. Notwithstanding the travel plan submitted with the application, prior to the occupation of the proposed development, a revised Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning

Authority. The approved travel plan shall be promoted and carried out by the future occupiers of the dwellings.

Reason: To encourage sustainable forms of transport in accordance with Policy T14 of the Medway Local Plan 2003.

21. The Reserved Matters application layout shall include the details of vehicular link at the application site's western boundary. There shall be no land constituting a ransom strip between the application site as showing in drawing 707-SL01 Rev P2 and the land to the east.

The exact location of this vehicular link shall be determined in consultation with the Local Highway Authority. The vehicular access link shall be constructed to an adoptable standards and be unobstructed for two way vehicle flows.

Reason: In the interests of highway safety and amenities of the local residents and in compliance with Policies, T1, T13 and BNE2 of the local plan.

22. No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, phasing (where appropriate) 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 (if applicable):

- 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 surface water during and post construction and for the lifetime of the development.

23. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: -
- ii. Temporary drainage systems.
- iii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.

iv. Measures for managing any on or offsite flood risk associated with construction.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

24. Prior to occupation of the development, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

25. 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; route of the construction vehicles, measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; fugitive dust and air quality control measures; pollution incident control, site compound, on site staff car parking, material storage 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 unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

26. 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,
- ground waters 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: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

27. 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: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

28. 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: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

29. 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 27, and where remediation is necessary a remediation scheme must be prepared in accordance with

the requirements of condition 28, 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 28 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 28.

Reason: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order with or without modification) all dwelling houses herein approved shall remain in use as a dwelling house falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and reenacting that Order with or without modification) and no change of use shall be carried out 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 amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

31. No development shall take place until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Assessment and Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Mitigation 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 that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Local Plan.

32. No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

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

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 application with all matters reserved except for the means of access for the development of up to 76 residential dwellings (use class C3), open space, landscaping (including sustainable urban drainage). An illustrative plan has been submitted which shows in terms of parameters how the development could be accommodated on site, but it is only the means of access onto Station Road that is for detailed consideration as part of this application.

The proposal will facilitate vehicular and pedestrian connection along the western boundary with the adjoining development and connection to the Lower Rainham Road.

Site Area/Density

Site Area: 2.26hectares (5.58acres)

Site Density: 33.63 dph (13.62 dpa)

Relevant Planning History

Adjacent site to the West

MC/20/1800 Construction of 84 dwellings, including affordable housing together with access, open space, landscaping, provision of car parking for the off-site dwellings and associated infrastructure works.

The application is yet to be determined

MC/18/3160 Outline application with all matters reserved except for the means of access for 64 dwellings(including 25% affordable), planting and landscaping, informal open space, vehicular access point from Lower Rainham Road and ancillary works.

Granted 29/11/2019

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.

50 letters have been received raising the following concerns:

- Roads in the whole area are already overwhelmed during school runs, going to work etc.
- There are no available GP surgeries
- Medway Hospital is up to capacity
- This is building on a greenfield site which will harm wildlife.
- Car parks at the local stations are already full
- Local primary and secondary schools do not have extra capacity and are full.
- It is already difficult to drive down Station Road, and that's before the current housing on 'Bakersfield, is occupied.
- The northern end of Station Road is too narrow and cannot cope with additional traffic and extra traffic along the Lower Rainham Road which is already excessive in the mornings going towards Chatham and evenings going home will get worse.
- The impact of extra traffic trying to get through the traffic-calmed section outside the Three Mariners.
- Rainham does not have the infrastructure to cope with all the house building that is currently taking place, let alone any future planned developments.
- Rainham needs to retain some rural space for everyone's wellbeing and mental health.
- Build on brown land.
- Adverse impact on local wildlife. Bats, pheasant, hedgehogs, foxes and wild-birds use this and the adjacent reserve site as well as slow-worms, grass snakes, rabbits and rodents. These animals require natural corridors to survive.
- The existing sewerage system cannot cope with the additional demand.
- Like development at Bakersfield site, there should be no flatted development on this site.
- Potential hazards of building on a flood plain.
- Inadequate infrastructure for pedestrian traffic along Station Road and Lower Rainham Road.
- Lack of public transport
- The proposal together with others being proposed and approved will result in overdevelopment and overcrowding of the area.

Natural England advise that subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate the potential recreational impacts of the development on the site(s).

KCC Archaeology comment as follows:

The application is accompanied by an archaeological desk-based assessment (DBA) which was prepared on the applicant's behalf by the Canterbury Archaeological Trust (CAT). The DBA provides a reasonable account of the site's archaeological interest.

The site has also been subject to Phase 2 geotechnical site investigation (SI) works and a copy of the report on these works has been submitted with the application.

The applicant's archaeological DBA suggests mitigation measures and KCC archaeological officer agrees the recommendations and has no objection subject to appropriate conditions.

Southern Water advise that they can provide surface water disposal to serve the development

Kent Police

Applicants/agents should consult us as local Designing out Crime Officers to address CPTED. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

We welcome a discussion with the applicant/agent about site-specific designing out crime.

KCC Ecology comment as follows:

Our previous advice note (dated 14th July 2020) highlighted the lack of open space associated with the proposed development. A revised site plan has now been submitted, denoting more open space which should relieve pressure upon surrounding habitats/the Local Wildlife Site. Appropriate management of these areas can be secured via condition.

Reptiles

As highlighted within the ecology report, it is unlikely that reptiles permanently utilise the site. However, as there is suitable reptile habitat within the site boundary (and one common lizard was found during the surveys), precautionary mitigation measures have been proposed, i.e. habitat manipulation and as a result an appropriate condition is recommended.

North Kent SAMMS

The development includes proposals for new dwellings within the zone of influence (6km) of The Medway Estuary & Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Medway Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent 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 the first occupation.

Bats and Lighting

As lighting can be detrimental to commuting and foraging bats, we advise that the external lighting of the development should be designed in a way that negates the impact on bat activity.

Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the birds breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist before starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends suitable enhancements, including the planting of native species in the landscaping and provision of multiple bird/bat boxes. In addition to providing amenity space, the open areas should include features that benefit wildlife, e.g. appropriately managed native wildflower meadow.

To ensure that ecological enhancements are incorporated, we advise that a condition is attached to any granted planning permission..

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 application site is an irregular area of land measuring about 2.26 hectares. The site gently slopes northward and is about a metre lower than Station Road.

The land has not been used for agriculture since prior 1940s. The northern part of the site was used as a paddock with stable buildings along the northwestern corner of the site

until recently. The remaining southern part of the site was left fallow for many years and became overgrown before being cleared a few years ago.

The site has a field vehicular access with farm gates off the Station Road.

There is a large mature tree just outside the northeast corner of the site; on the edge of the highway.

The southeast corner of the site is enclosed by the curtilage of a bungalow.

The Bakersfield phase 1 and 2 housing development for 108 dwellings are situated to the East across Station Road.

The land to the west of the application site benefits from an outline planning permission under ref MC/18/3160. Condition 25 of this permission requires the Reserved Matters application layout to include the details of a two- way vehicular access road from Lower Rainham Road to the Station road through the current application site.

Principle

Paragraph 47 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Bearing this in mind, the relevant starting point would be the consideration of the general principles of the development when assessed against the Government's National Planning Policy Framework (The Framework), The Government's National Planning Practice Guidance Notes (NPPG) and the relevant saved policies of the Medway Local Plan 2003.

Paragraph 11 of the NPPF sets out a clear presumption in favour of sustainable development. For decision making this means approving development that accords with an up to date development plan or (paragraph 11d) where the policies in the development plan are out of date because the LPA cannot demonstrate a 5 year supply of deliverable housing sites, assessing proposed sites in terms of their sustainability.

The application site is outside of the built confines of Rainham and within an Area of Local Landscape Importance. Policies BNE25 and BNE34 of the Local Plan therefore apply.

Those elements of those policies which seek to control the supply of land for housing are considered to be out of date as the LPA cannot demonstrate a 5 years supply of deliverable housing land. However, those parts of the policies which seek to set out particular landscape characteristics that should be protected are relevant.

The presumption of sustainable development, as set out in the NPPF 2019 therefore applies. Paragraph 8 of the NPPF sets out the 3 overarching objectives of sustainability – economic, social and environmental.

Taking the 3 objectives of sustainable development in turn:

Economic – the proposal will provide employment during construction and will bring new people into the area with additional spending power to help support existing services and facilities.

Social – the proposal will provide much-needed market and affordable housing. In principle, a well-designed and healthy scheme can be provided. In addition, a financial contribution will also be made toward green space provision outside the application site to facilitate and enhance social interaction for all. Moreover, vehicle and pedestrian link connection along the western boundary with the adjoining land is proposed to be provided to enhance connectivity and community cohesion. This will also assist to enhance the amenity of the residents of properties along the northern end of the Station Road.

Environmental – While the site is outside of the built-up area of Rainham and within the countryside and an Area of Local Landscape Importance (ALLI), the proposed indicative layout shows that pockets of landscaping and amenity areas can be provided along the eastern and western parts of the site to enhance the local landscape, contribute to the ecology of the area and integrate with its surrounding.

The site is also bounded to the south, and north by existing residential development; to the west by a site that has permission for residential development and to the east by Station Road across which is the Bakersfield site. In addition the site in its existing condition has limited landscape value.

It is considered that while the proposal would result in the loss of open countryside and some adverse impact on the character of the local landscape; the impact will be limited and will be diminished over time as new landscaping will gradually establish and mature across the site.

In traditional sustainability terms, the site would facilitate pedestrian, cycle and vehicular access through the land from east to west and west to east, (from Lower Rainham Road to Station Road and visa-versa) in order to reduce traffic flow and potential congestion at the northern end of Station Road, while facilitating access to public transport and Rainham Town Centre facilities to the housing development approved to the west under MC/18/3160. This link would provide positive social and environmental benefits.

Having regard to the above, it is considered that the proposal in this location is capable of forming a sustainable development that would be in accordance with NPPF guidance and acceptable in principle.

In recognising that the site and proposal represent a sustainable development and is acceptable in principle, the key planning issues to consider would be: design, visual impact and landscaping; density of the development (including whether the site can suitably accommodate up to 76 dwellings); affordable housing and other contributions;

residential amenity; access/highway safety, including the capacity of the local highway network; ecology; flood risk, surface water management and drainage.

Layout, scale and Design

NPPF Chapter 12 'Achieving well-designed places' reinforces that design is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people.

The application is in outline form with all matters reserved except for the means of access. As such the drawings in term of layout submitted are illustrative and designed to show that the proposed 76 dwellings could be accommodated on the site. The indicative plan and the submitted Design and Access Statement have been prepared which establishes an envelope within which the future detailed proposal will be brought forward. The indicative plan is intended to be flexible enough to allow the detailed design to be reserved for subsequent approval, whilst defining the key parameters and principles of the development in enough detail to allow the likely significant effects on the environment to be assessed.

The Illustrative Master plan demonstrates how the proposed residential development could be accommodated on the site with an indication of the potential development structure, (i.e. the framework and the layout of streets and pedestrian routes), and the urban grain, (i.e. the location, arrangement and design of the development blocks, plot arrangement, and green infrastructure). The street hierarchy could be used to provide interest and variety in the scheme, to create a sense of place, and to establish a safe and accessible community.

The application site is currently situated on the edge of the countryside. However, once the development to the west is built out the application site would be encircled with residential properties and thus will appear as part of the wider Rainham built-up area; similar to the Bakersfield site on the east side of Station Road.

Given that the application site is 2.26 hectares, the quantum of the 76 dwellings proposed would represent a density of about just under 33.36dph across the site which, although slightly greater than the other developments recently approved in the locality, is considered comparable with the density of the development to the south in Ellison Way.

A variety of different house types, sizes and tenures including 25% (19) affordable dwellings would be provided within the development to create a diverse and mixed community. Buildings would be designed to have a variation in their scale, form and massing that would provide a high-quality street scene. Dwellings houses would have a variation in height from ground to ridge or eaves and the arrangement of buildings within a plot would seek to ensure subtle changes in height to create a varied roofline across the development and add visual interest to the street scene.

The affordable dwelling units would ideally be pepper potted throughout the site (subject to agreement with a registered provider) and be externally indistinguishable from the market units in form and appearance.

The indicative plan shows that some areas along the eastern and western boundary of the site would be identified for landscaping, ecology area provision and where necessary surface water attenuation measures will also be provided.

Having regard to the above it is considered that the site would be capable of satisfactorily accommodating the number of dwellings proposed and the development would blend in well with the character, density and appearance of the wider surrounding area. In principle, therefore, the development could comply with Policy BNE1 of the Local Plan.

Amenity

The detailed layout of the scheme is not known at this outline stage, however, the proposed dwellings will have to be designed and located so that they comply with local and national guidelines and legislation. This will ensure that outlook is not significantly or unacceptably impacted and an overbearing impact is avoided completely while providing a good level of amenity for prospective occupiers. The nearest residential properties to the site are along the southeastern corner of the site boundaries. Therefore the future reserved matters application would need to be designed to ensure that the amenities of this property and other local residents, including the relationship of the houses within the development, are protected and comply with Policy BNE2 of the Local Plan. A condition is recommended seeking the submission of a Construction Environmental Management Plan (CEMP) prior to the commencement of development, to ensure the amenities of the local residents are safeguarded during the construction phase of the development.

Air Quality

Air pollution has a wide-ranging impact on human health and new development can have an adverse impact on air quality through increased transport movements and congestion.

On the basis that an air quality management plan will be implemented, details of which will be secured by condition, the proposed development will not generate adverse air quality effects and would comply with Local Plan policy BNE24 and paragraph 181 of the NPPF. A damage costs assessment has been carried out in accordance with the requirements of the Medway Air Quality Planning Guidance. The value of the damage costs should be used as the basis for developing a development specific air quality mitigation scheme. In line with our guidance, this should include the following standard air quality mitigation measures amongst other things:

- Installation of low NOx gas-fired boilers
- Installation of electric vehicle charging points at the rates detailed in the guidance
- Construction phase mitigation in accordance with the referenced IAQM guidance.

Noise

It is considered, having regard to the location of the application site, that there is no noise concern relating to road traffic issues. However, a CEMP condition is recommended to ensure that there are no negative impacts on the amenities of the occupiers of the properties in the surrounding area during the construction period.

Archaeology

The site has archaeological potential. A full archaeological investigation in accordance with a pre-agreed specification can be reasonably secured by the recommended condition. Therefore, subject to this, no objection is raised in relation to archaeology.

Contamination

Desktop Phase 1 Geo-Environmental reports have been submitted with the application. The report recommends a phase 2 intrusive investigation to be undertaken due to the potential contamination resulting from the previous use of the site. As further investigations are proposed and a detailed remediation scheme will be required, no objection is raised in relation to contamination subject to the imposition of appropriate conditions.

Surface Water Management

Based on the submitted Flood Risk Assessment (FRA) and the further comments submitted following the Lead Local Flood Authority's (LLFAs) original objection, the LLFA, following consideration of that information, have no objection subject to conditions. At the detailed design stage, a 10% allowance for urban creep will be required. Further details of the vortex control structure will be required along with any details of storage. Details of the swales will need to be submitted including cross-sections. The swales should have 1 in 3 side slopes with a 300mm freeboard. A plan needs to be submitted detailing the management of surface water throughout the construction phase from entering the site and removal of topsoil to the completion of the development. The plan should outline the phases of construction showing where and when drainage features will be installed and how runoff will be managed, to minimise flood risk and water quality impacts on-site and to the surrounding areas. The plan should reference when the drainage will be installed with regards to houses, roads and any other hard standing (any drainage should be installed prior to these).

Affordable Housing

The application seeks outline planning permission for up to 76 dwellings. In compliance with the Local Plan Policy H3, the development would need to deliver 25% affordable units, equal to 19 dwellings. Also in compliance with the Council's developers' contribution guide, 60% of the 19 units would need to be for social rent and 40% shared ownership.

This will be secured through the S106 agreement proposed and the applicant has agreed to this.

Climate Change and Energy Efficiency

This is an outline application and with the exception of means of access, all the other matters are reserved for future consideration. As such no details with regard to the design or construction details are available at this stage. However, at Reserved Matters stage, officers will ensure that all dwellings will be designed in accordance with the latest standards within Part L1a of the Building Regulations (2016) in order to ensure the use of energy-efficient design and measures. Where appropriate renewable energy systems would be encouraged to be introduced to reduce carbon emissions to the level that satisfies the regulations.

At reserved matters stage the officers will ensure that the layout will be designed to give south-facing orientation and aspect to as many dwellings as possible to enhance sunlight and to capture natural daylight to reduce energy use and create a more pleasant environment at micro and macro levels. Capturing sufficient daylight is linked to good design and maximising light gain and minimising heat loss.

To manage surface water on-site the reserved matter application will ensure the use of permeable surfacing and on-site water storage are incorporated into the layout and landscaping design of the development.

It is the intention to ensure that all fixed electric lighting will be energy efficient. All appliances including gas boiler where installed to be at least A-rated further minimising the use of both electricity and hot water. As part of condition 31, details will be required with respect to use of efficient gas boilers and electric charging points to be installed to reduce co2 generation on this site and minimise the impact of the development on the local air quality.

As part of the site-wide soft landscaping, a substantial number of new trees will be encouraged to be planted to make long term contribution toward carbon capture and the use of the balancing pond on the application site for surface water storage will create opportunities for enhancing local biodiversity and ecology.

Highway Matters

With regards to the access. The application proposes a single point of vehicular access into and out of the site from Station Road together with a footway. It has been reviewed via an independent Road Safety Audit and by our own Internal Road Safety Team. Whilst in principle the arrangements are acceptable, further details would be required, for example to add a painted '20' roundel and a coloured marking at the new start of the 20mph Zone.

In relation to the highway connection from Lower Rainham Road to Station Road, this would help to alleviate pressure on the Lower Rainham Road/Station Road roundabout, which would provide a wider benefit to the function of the highway network within the vicinity. A condition is recommended to secure this link through the neighbouring land to the east. The highway would need to be constructed to the Highway Authority adoptable standards. It is considered that the proposed arrangements and off-site works are acceptable in principle. While further details would be required, these can be secured via the recommended condition.

in terms of impact on the highway network, there are current capacity pressures along Lower Rainham Road. The applicants have used the vehicular trip distribution and assignment of the previously approved scheme at Bakersfield and carried out a highway impact assessment on the local network.

The assessment has estimated the proposed development would generate a total of 31 vehicular trips in the AM peak and 33 vehicular trips in the PM peak. It is considered that the assessment carried out is reasonable and reflective of the likely travel demand that would be generated by the development. Work on the emerging Local Plan includes a Strategic Transport Assessment. While plugging in this site would not result in unacceptable severe highway capacity issues, it is likely that improvements will need to be undertaken and accordingly a request for highway improvements between the site access and Berengrave Lane have been requested to enlarge the bridge crossing to facilitate two way vehicle movements.

With regards to sustainability and accessibility, it is noted that the majority of attractions are within 'acceptable' walking distances as set out in the publication 'Guidelines for Providing for Journeys on Foot' (CIHT 2000). The applicant has provided an Interim Residential Travel Plan Statement (TP) and in principle the statement appears acceptable. An appropriate condition is recommended requiring a detailed travel plan to be submitted before the first occupation of the proposal.

In relation to the internal layout, it is noted that this application is in outline, however, comments have been provided on the indicative layout and will be taken forward in discussions on a detailed scheme should this outline application be approved.

Any future reserved Matters application would need to comply with the Medway's Interim Parking Standards in order to accord with Policy T13 of the local plan.

The NPPF 2018 paragraph 110 (e) of the Frameworks requires that new development is designed to enable electric charging points to be provided in safe, accessible and convenient locations. To assist with keeping the air quality high, it is considered appropriate to impose a condition requiring the submission of the relevant details for approval by the Local Planning Authority and installation prior to the occupation of the relevant dwellings and commercial units.

It is considered the proposal would not result in a severe or significant impact on highway network or highway safety and therefore in accordance with Policies T1, T3, T4 and T13 of the Medway Local Plan 2003 and paragraphs 102, 104, 109 and 110 of the NPPF 2019.

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 into 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- 25% Affordable Housing on-site: equating to 19 dwellings to comprise 11 units (60%) rented and (8 Units) 40% shared ownership.
- ii- Contribution of £82,327.36 to Nursery provision at one or more of: Thames View Primary, Mierscourt Primary, Riverside Primary.
- iii- Contribution of £202,474.22 towards Primary education at one or more of: Thames View Primary, Mierscourt Primary, Riverside Primary.
- iv- Contribution of £129,169.37 towards Secondary Education at one or more of, The Howard, Rainham Girls, Rainham Mark Grammar.
- v- Contribution of £5,952.32 towards youth services
- vi- Contribution of £72,364.67 towards Splashed redevelopment programme
- vii- Green space contribution of £193,914 to enhance open space facilities within the vicinity of the development, including 5% towards Great Lines Heritage Park
- viii- Contribution of £3,800 towards maintenance of the riverside section of the Saxon Shore Way.
- ix- Contribution of £12,833.74 towards Waste and recycling.

- x- Contribution of £31,092.43 towards improvements to sustainable transport infrastructure.
- xi- Contribution of £49,324.08 towards the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
- xii- Birds disturbance mitigation £18,662.56

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. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None relevant

Conclusions and Reasons for Approval

The development at this site would extend the urban boundary of Rainham further to the north and west. The development would provide 76 new dwelling units of which 25% would be affordable housing.

Whilst the development would have an impact on the local ecology and open character of the area, it is not considered that this would be significant having regard to the mitigations proposed and developer's contribution agreed. In addition to this, the lack of a 5-year housing land supply and the resultant NPPF requirement to grant permission on sustainable sites holds significant weight which outweighs the harm.

The site is in a sustainable location where there is access to public transport facilities as well as a number of other services and facilities. The development would conform to the aspirations of the NPPF.

It is considered the proposed development is acceptable subject to the section 106 contributions sought and the recommended conditions. No objection is raised under Paragraphs 47, 73, 78, 110, 111, 124, 127, 165, 175, 177 and 178 of the NPPF and Policies S6, BNE1, BNE2, BNE6, BNE23, BNE25, BNE35, BNE37, BNE39, BNE43, H3, H10, T1, T2, T3, T13 and of the Medway Local Plan 2003 and the application is recommended for approval.

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.

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 on Medway Council's website.