

MC/20/1867

Date Received: 17 July 2020

Location: Land North of Commissioner's Road Strood  
Rochester Kent

Proposal: Application for approval of reserved matters being appearance, layout and scale pursuant to planning permission MC/16/4268 - for the construction of 123no. dwellings including earthworks to create development levels, new internal access roads, car parking, drainage and associated landscaping and infrastructure in accordance with Conditions 1, 6, 7, 22 and 28 of Outline planning permission MC/16/4268 (Outline planning application with all matters reserved except means of access from Commissioners Road for up to 130 residential dwellings).

Applicant Medway Preservation and Developments Ltd

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Ward: Strood North Ward

Case Officer: Hannah Gunner

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd June 2021.**

**Recommendation - Approval with 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:

Drawing numbers;

20.028.100, 20.028.101, 20.028.102, 20.028.103, 20.028.110, 20.028.111, 20.028.120, 20.028.121, 20.028.130, 20.028.131, 20.028.140, 20.028.141, 20.028.142, 20.028.150, 20.028.151, 20.028.160, 20.028.161, 20.028.162, 20.028.163, 20.028.164, 20.028.165, 20.028.165, 20.028.166, 20.028.167, 20.028.168, 20.028.170, 20.028.171, 20.028.172, 20.028.173, 20.028.174, 20.028.175, 20.028.176, 20.028.180, 20.028.181, 20.028.182, 20.028.183, 20.028.184, 20.028.185, 20.028.190, 20.028.191, 20.028.191, 20.028.192, 20.028.193, 20.028.194, 20.028.195, 20.028.196, 20.109.100 Rev B, S11120-JNP-66-XX-DR-T-1001-P09, S11120-JNP-66-XX-DR-T-1002-P09, S11120-JNP-66-XX-DR-T-1003-P09, S11120-JNP-66-XX-DR-T-1004-P07. All received 23 March 2021.

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

- 3 The residential units herein approved shall not be occupied until final details of the traffic calming measures (drawing S11120-JNP-66-XX-DR-T-1004-P07) within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

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

- 4 The residential units herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking/garaging 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.

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.

- 5 The proposed residential units shall not be occupied, until details of the provision of the electric vehicle charging points have 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.

- 6 The site must be continuously managed to ensure vegetation does not re-establish on site. If vegetation re-establishes on site works any vegetation clearance must be carried out under the watching brief of an ecological ecologist.

Reason: To ensure that reptile population is not re-established without suitable ecological watching briefs being undertaken

- 7 The development shall be implemented in accordance with the measures to address energy efficiency and climate change set out within the Planning Committee Report. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures have been undertaken and will thereafter be maintained on site.

Reason: In the interests of sustainability and to positively address concerns regarding Climate Change in accordance with the NPPF.

**Application Number: MC/20/1867**

**Location: Land North of Commissioners Road, Strood**

**Proposal:** Application for approval of reserved matters being appearance, layout and scale pursuant to planning permission MC/16/4268 - for the construction of 123no. dwellings including earthworks to create development levels, new internal access roads, car parking, drainage and associated landscaping and infrastructure in accordance with Conditions 1, 6, 7, 22 and 28 of Outline planning permission MC/16/4268 (Outline planning application with all matters reserved except means of access from Commissioners Road for up to 130 residential dwellings).

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

This proposal follows the approval of an Outline Permission for up to 130 residential units, new internal access roads, car parking, open space, sustainable urban drainage systems and associated landscaping and infrastructure. Part of this outline permission also approved the infill of the quarry up to the level of the adjacent Commissioners Road level. This infill is currently ongoing and has between 12 and 18 months scheduled left to fill up to the required development level. Whilst being filled the material going in is also being compacted as they go, with a deadweight roller compaction method. This means that at the end of the fill period there is no significant settle time required.

This application is a reserved matters application pursuant to the residential part of the proposal and seeks approval in relation to appearance, layout and scale. The

reserved matter relating to landscaping is subject to a separate application. Means of access was determined and approved as part of the original outline application.

While the original outline application approved up to 130 dwellings, this reserved matter application proposes that only 123 are constructed. This will consist of 78 terraced, semi-detached and detached houses as well as 45 x 1 and 2 bedroomed flats.

The flats consist of 2 blocks, both located to the east of the main entrance to the site. The blocks are to be 4 storey, flat roof structures, however the 2<sup>nd</sup> block (Block G) has an element of 3 storey where it is closest to the proposed houses. In total there are 28 x 1 bedroomed units and 17 x 2 bedroomed units over the two blocks.

The proposed houses are to be 3 and 4 bedroomed units varying between 2 and 3 storeys. There are 64 x 3 bedroomed houses proposed and 14 x 4 bedroomed houses.

The development is laid out so that there is a spine road that runs through the centre of the whole site, from the entrance at Commissioners Road up through to the proposed open space at the northern most part of the site. There are to be 6 secondary roads off the proposed spine road. Each of these secondary roads accesses the residential units and their associated parking.

In terms of parking, there are 228 spaces proposed overall. These break down to 45 spaces for the 45 flats (1 each) with an additional 12 visitor spaces, plus 2 car parking spaces for each of the houses (156 in total) with 35 visitor spaces (20 of these are on-plot visitor spaces and 15 are for general public use).

While the submitted plans show open space and play provision, they are part of a separate reserved matters application (MC/20/1868). Part of the open space also includes a 2m footpath that runs around the base of the cliff edge.

This application also proposes the discharge of conditions 6 (landscaping of the Steppes area); 7 (crime prevention); 22 (Surface water disposal); and 28 (site levels).

### **Relevant Planning History**

MC/20/1868            Application for approval of reserved matters being landscaping (in accordance with Conditions 1, 5 and 24) pursuant to planning permission MC/16/4268 - Outline planning application (with all matters reserved except means of access from Commissioners Road) for up to 130 residential dwellings earthworks to create development levels: new internal access roads car parking, open space, sustainable urban drainage systems and associated landscaping and infrastructure

Decision Pending

MC/18/0613            Details pursuant to condition 8 on planning permission MC/16/4268 - Outline planning application (with all matters

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

Decision Condition discharged  
Date 26 April 2018

MC/17/2685

Details pursuant to conditions 13, 15, 16, 17 and 18 on planning permission MC/16/4268 for Outline planning application (with all matters reserved except means of access from Commissioners Road) for up to 130 residential dwellings earthworks to create development levels: new internal access roads car parking, open space, sustainable urban drainage systems and associated landscaping and infrastructure

Decision Condition discharged  
Date 25 Sept 2017

MC/16/4268

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

Decision Approved with conditions  
Date 18 July 2017

## Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**18 representations** have been received from neighbouring residents with the following concerns:

- No consultation has been received in relation to traffic calming
- Introduction of parking restrictions on Commissioners Road is unfair to existing occupants.
- Access on curvature of the road is incorrect/deceitful – dangerous on blind bend.
- On site car parking is insufficient
- Screening on boundary adds to visibility issues at access
- Nothing in proposals about timings
- Vibrations have made rockface unstable – rockfalls now common. Is 5m buffer zone acceptable?
- Concern over foundation methods to be used – further damage to existing homes.

- 3 storey houses close to Commissioners Road will impact on light to existing residents
- Will result in the loss of privacy
- Houses will appear out of place
- Too many homes squeezed in – overdevelopment
- Block of flats will be intrusive to existing occupants
- Planting and screening is utterly inadequate
- Do not appear to be sections demonstrating impact on existing houses
- Wider views of cliffs will be compromised
- The CEMP for the infill has been continuously ignored and no further applications should be approved
- Concern relating to where the infill spoil is coming from – how do we know this isn't contaminated?

**The Frindsbury and Wainscott Community Association** have made the following comments on the proposal:

- No cover letter with submission
- Plans inadequate – no cross sections
- Landscaping strip is not detailed
- Overall site levels are not clear
- Concern that parking within the site is inadequate
- Footpath around the site is close to the quarry edge
- Concern in relation to Natural England's responses about ecology matters

**KCC Ecology** has stated that given the site is bare earth and in the process of being infilled that it is highly unlikely that a reptile population would have re-established on site since the translocation work associated with MC/16/4268 was completed. It is recommended that a condition is included requiring updated ecological survey/mitigation.

**The Environment Agency** have commented that the submitted technical note of March 2021 is acceptable and that they are satisfied there will be no infiltration.

**Highways England** have stated that this site is not adjacent to the Strategic Road Network and there are no objections to this proposal.

**Natural England** have stated that they do not have any comments to make on this Reserved Matters application.

**Southern Water** have no objections to the Reserved Matters application and also have no objection to the discharge of Condition 22 (surface water drainage).

**Southern Gas Network** have confirmed that there are no pipes on site and recommend Informatives relating to safe digging practices and gas plant.

**UK Power Network** have stated that there is no impact from this proposal and they do not object.

**Kent Police** have reviewed the submitted crime prevention strategy in relation to the design of the overall scheme and have confirmed that there is no in principle concern in relation to this proposal. In relation to Condition 7, Kent Police have also confirmed that the submitted documents and plans are for the most part satisfactory and meet the requirements of the condition.

## **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**

### *Principle*

The principle of this application was considered in full at the outline application stage and it was concluded that principle of the infill of the former quarry and the residential development was acceptable.

It was also considered within that outline permission that a residential development of up to 130 dwellings could be accommodated within the local landscape with limited adverse impact upon the wider landscape character and visual resources.

In relation to the objections raised by neighbouring residents, it should be noted that the issues relating to the impact to the area, loss of open space and pressures on infrastructure were all considered at this outline stage and were considered to be acceptable.

This application for reserved matters deals with the design, scale and layout. These are dealt with accordingly below.

It should be noted that Landscaping takes the form of a separate Reserved Matters application (see relevant history section above) which is still under consideration.

### *Design*

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 Government attaches great importance to the design of the built environment. Paragraph 127 is key to the achieving well designed places.

The proposed scheme, as set out above, consists of a mix of 1, 2, 3 and 4 bed flatted, terrace, semi-detached and detached homes. This variety of provision means that the design and layout of the scheme is varied also. The whole scheme consists of 2 and 3 storey pitched roof housing as well as 4 storey flat roof blocks. Whilst it is acknowledged that the flats are not particularly characteristic of the immediate area it is considered that the site itself, within the quarry with the cliff face forming part of the

feature, allows for such development to be incorporated here without detrimental impact to the wider area.

There are 5 different house types within the overall proposal: types A, B, C, D and E.

House Types A and B – These are all 2 storey houses. The design features of both of these types of houses includes gable fronts, projecting header details and recessed doors. These houses also have feature corner glazing at first floor level.

House Types C and D – These are all 3 storey houses. The design features of both of these types of houses includes dark grey coated window frames, projecting header details, timber cladding on front gable features and recessed ground floors. The properties are gable ended with sloping front and rear roofs.

House Type E – These houses are all detached properties. They are all 2 storey units which are designed with gable ends (sloping front and rear roofs). The units all have feature front gables with large first floor windows. As with the other house types, there is to be projecting header details throughout. All of these units have secure car ports.

The flats are located within 2 separate blocks (F and G). The main feature of these blocks is the yellow brick with natural tone composite timber cladding. The blocks are to be flat roofs, with sedum roof covering. The units within the blocks are also designed with glass Juliette balconies.

Since the original submission these houses have been altered. The original scheme was not considered to be of the right level of detail or character to sit here as a high level and well-designed scheme. The amended plans/details are considered to work better within the wider area.

Where houses sit adjacent to junctions, work has now been carried out on the design so that there is a turning of corners. The flank elevations now include feature corner glazing. This creates interest and overlooking opportunities (creating active frontage) to the main spine road of the development.

The similar/repeating features that run through all of the house types enables a cohesion in design to occur with familiarity and a level of uniformity without all appearing the same or too contrived.

The layout and roof scape has been dramatically altered since the initial submission and is now considered to create an interesting and varied development that will appear acceptable when viewed from any direction – including from the All-Saints Church area at the top of the cliff face.

The introduction of the second block of flats (which has come about as a result of ongoing discussions throughout the application process) allows for the layout to become better spaced with the front of the site being less cluttered. The number of terraces on the west side of the development is reduced and the streets are now wider with more planting opportunities within them.



The rear gardens are all tiered with refuse storage located at the rear in some of the housing areas. The town houses have their bin storage within the ground floor parking areas. From a design perspective this ensures that this everyday detritus is taken out of the main streetscape.

It is considered that the design of this development (as amended) has been tackled well and the resultant scheme is of a high quality and will contribute to improvements in the wider area. This could be the catalyst and design aspiration for other local schemes going forward.

No objections are raised in respect to the appearance of the proposed development in accordance with policy BNE1 of the Local Plan. It is also considered that the design of this scheme is in accordance with the principle of well-designed spaces as set out in Section 12 – ‘Achieving Well Designed Spaces’ of the NPPF.

### *Landscaping / Tree Preservation Orders*

Policy BNE6 of the Local Plan relates to landscape design. Paragraph 175 of the NPPF seeks a net gain in biodiversity for development. Policy BNE41 of the Local Plan relates to trees protected by a Tree Preservation Order and applications will have regard to the future health and appearance of the trees and require replacement of felled trees.

It should be noted that the landscaping details for this proposal/site have been submitted as a separate reserved matters application (MC/20/1868). For the purposes of this application it is not therefore necessary to review the landscaping at a Reserved Matters level.

Notwithstanding this, the application does also deal with the discharge of a number of conditions from the original outline permission (MC/16/4268), including condition 6 (landscaping of the steppes area). Condition 6 states:

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

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

In general, the landscaping for the entire site is well thought out and is the subject of the associated reserved matters application MC/20/1868. There are some minor changes needed before that proposal can be presented to Committee, but they do not require amendments to this the main reserved matters application.

What has been considered in detail is the landscaping of the Steppes section of the site, as required by condition 6 above.

The original concept for the ‘Steppes’ in the outline permission was to create a grassed, stepped seating area that people could walk through to get up to the adjacent

recreation ground. The plans now in place forming part of this scheme result in the 'Steppes' area being much more of an interactive space that can be used by residents of the area in an interactive way and is much more of a play space than originally set out. This being the case, the advantages of such a space here is considered to be great and ensures that the overall development can become part of a wider community benefit as it will sit with the existing recreation ground to create a more desirable space for families to spend leisure time locally.

It is emphasised that this reserved matters application does not deal with landscaping directly, but only in relation to condition 6 of the outline permission relating to the Steppes. This being the case, no objection is raised under policy BNE6 or paragraph 175 of the NPPF.

### *Amenity*

Policy BNE2 relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

### Neighbouring residents

In terms of the proximity of this scheme to the existing neighbours on Commissioners Road, it is acknowledged that this varies across the site. The closest property to any of the development appears to be 46 Commissioners Road, which will be approx..27m to the corner of a proposed 2 storey house. Some of the existing housing is approx..50m away from the nearest point of the development.

Due to the positioning of the houses, the proposed units do not directly face the existing houses and are at an angle. The result of this is that there is no direct overlooking to existing properties and no loss of privacy to the occupants in Commissioners Road.

In addition, landscaping will remain on the boundary of the application site, which will act as a visual buffer of the new houses.

The proposed flats are set back within the site, so despite the flats being 4 storeys high, the closest existing neighbour is some 48m away. This distance is considered to be acceptable in terms of impact as it will not detrimentally harm the occupants already in the area.

Overall, given that the proposed units are some distance from the existing Commissioners Road dwellings and are also set at an angle with landscaping and trees as a buffer, it is considered that there will be no overlooking and no loss of light to the existing neighbours. The visual impact of these units is acknowledged but given the quality of design, distance and landscape buffer this is not considered to be of detrimental harm. The impact on neighbouring residents is therefore acceptable.

No objection is, therefore raised in terms of neighbour amenity under Policy BNE2 of the Local Plan.

### Future occupants

As stated, this scheme comprises 78 terraced, semi-detached and detached houses and 45 x 1 and 2 bedroomed flats.

The flatted units are all 1 and 2 bed. The breakdown of these are as follows:

Unit type	No. of units	Size
1 bed/2 person	28	All over 50m <sup>2</sup>
2 bed/3 person	4	All over 61m <sup>2</sup>
2 bed/4 person	13	All over 70m <sup>2</sup>

The units are not of a standard size or layout and are all quire individual. Sizing therefore varies between each unit. It is considered that each unit has a reasonable outlook and are all compliant with National Housing Standards.

The proximity of these units to the cliff face and public footpath has been reviewed as there was initial concern that some units may have to experience the cliff face as an outlook. However, measures have been taken to ensure outlook and amenity for future occupants is priority. As a result, the majority of windows (and therefore flats) have outlook to the front of the block (south west facing). It is noted that of the 26 units within Block F, only 4 units have windows facing toward the footpath/cliff edge that rises toward Parsonage Lane at the top. These 4 units are all 2 bed units and all have primary windows that do not face the footpath in both the main living area and the master bedroom. The second bedroom is the only room with only 1 window, which faces east, toward the cliff. Given that this is the lowest part of the footpath and that this concern relates to only 4 of the second bedrooms, it is not considered that poor outlook or amenity will be an issue for these units. Overall, the outlook for the proposed flats in Block F are considered to be acceptable.

Block G contains 19 units. Of these, only 3 have windows that face toward the adjacent rising footpath. These 3 windows are all to the bedrooms within 1 bedroomed units and are some 23m from the footpath itself. There are no windows at ground floor level (as this is an under-croft parking area). Given the relationship of the building to the footpath and the fact that these three flats all have good sized primary windows within the main living space, the amenity of these flats is considered to be acceptable.

The houses that are proposed within this scheme comprise 3 bed/4 person, 4 bed/5 person and 4 bed/7 person homes. Each of these units are compliant with the National Housing Standards and provide homes that are in excess of the minimum size requirement. All of the proposed houses also have acceptable private amenity areas.

House type	Unit size/storeys	Min requirement	No. of units
3b/4p	85.73m <sup>2</sup> - 2 storey	84m <sup>2</sup>	27
	117.75m <sup>2</sup> and 123.19m <sup>2</sup> - 3 storey	90m <sup>2</sup>	35
4b/5p	117.75m <sup>2</sup> and 123.19m <sup>2</sup> - 3 storey	103m <sup>2</sup>	8
4b/7p	131.44m <sup>2</sup> - 2 storey	115m <sup>2</sup>	8

It is therefore considered that no objection is raised in terms of the amenity of future occupants under Policy BNE2 of the Local Plan.

### *Highways*

Saved policy T1 of the Local Plan relates to the highways impact of new development. Saved policy T13 relates to the council's adopted vehicle parking standards. Paragraph 127 of the National Planning Policy Framework requires that new development functions well within the area in which it is situated. Paragraph 109 of the NPPF clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.

### Internal road layout

The development would be accessed via a priority 'T' junction with Commissioner's Road, which was approved as part of the outline planning application. A secondary access on Commissioner's Road for emergency vehicles only was also approved previously and will have 4 no. removable bollards with fire brigade padlocks.

The central spine road has a width of 5.5m with the gradient of the spine road being 1:18, sloping in a south-east to north-west orientation. The secondary roads have a width of 6m, except for Secondary Road 5 which has a width of 5.5m.

The kerb radii at the junction of each secondary road with the spine road is 6m. The secondary roads will be shared surfaces. A 2m wide footway will be provided on the south-west side of the spine road carriageway.

The footway on the north-east side of the spine road is set back from the carriageway due to the presence of on-street visitor parking, and is 3.5m wide, providing a pedestrian route towards the Steppes area.

Traffic calming measures are proposed throughout the site and been Road Safety Audited. It is considered these measures are acceptable and will be implemented prior to occupation of the units

In terms of geometry and vehicle tracking throughout the site, the applicants have provided which demonstrate the development layout would function.

### Parking

In terms of parking for the proposed houses, 156 spaces have been allocated either on plot or adjacent to the plot with an additional 15 public visitor spaces disbursed within the site. To minimise the impact on landscaping, 20 dwelling units have on plot visitor parking. The provision is considered acceptable.

Driveways throughout the site have dimensions of 2.7m x 5.5m, while integral carports are 3m x 7m. The detached carports along the south side of Secondary Road 4 have dimensions of 3.45m x 7.3m.

The parking spaces and driveways along Secondary Roads 1, 2, 3, 5 and along the south side of Secondary Road 8 are 2.5m x 5m. The parking spaces within the parking courts off Secondary Road 6 also have dimensions of 2.5m x 5m.

The driveways for the properties along the north side of Secondary Road 4 are of varying layouts. These dwellings will also have carports/garages adjacent to the dwelling.

With regards to the flatted development, each flat will have one allocated parking space with an additional 12 visitor parking spaces. It is considered that this level of provision would accommodate the likely parking demand and therefore parking is considered to be satisfactory on site.

In relation to electric charging points, each dwelling will have a charging unit, with 10% of the flat parking provision having active charging points.

In terms of cycle storage. The dwelling units have sufficient space to accommodate cycle storage within the car ports and rear gardens and the flat development have sufficient cycle storage to the ground floor of each apartment block.

### Public Pedestrian Paths

Public pathways are designed to be open to view and are overlooked by dwellings and/or roads. The spine pathway is visible on all sides from houses and the road. The eastern cliff path is visible from houses to the west and is inaccessible from the east due to the topography of the site.

Low level lighting will be put in place to keep paths safe to use at night. Pedestrian paths with cycle access have been designed to restrict the speed of cyclists.

Overall, it is considered that subject to conditions, the development would comply with the objectives of paragraphs 109, 110E and 127 (f) of the National Planning Policy Framework 2018 and Policies T1, T2, T4 and T13 of the Medway Local Plan 2003.

### *Climate Change*

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 124). Paragraph 131 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 150 of the Framework states that new development should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

All new buildings constructed in the UK must be designed and built to meet or better the requirements of Building Regulations Part L1a (2013) through the adoption of enhanced energy efficiency measures. The Government carried out consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations between October 2019 and February 2020 as part of introducing a Future Homes Standard for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

With regards to the above, the following sustainability points are relevant to the development proposal:

- The proposal represents efficient use of a derelict site within the urban boundary of Strood,
- Provision of public open amenity space,
- The proposed dwelling houses are orientated in such a way that the principle elevations face north and south providing each dwelling with adequate natural light, utilising solar gain and cross ventilation.
- The flat roofs to both apartment buildings will be sedum roof with the potential for PV cells at a shallow incline in the future.
- All proposed buildings are to be constructed with high quality materials that help conserve energy and provide energy efficient dwellings in a fabric first approach
- The proposals include EV charging points and would not preclude the installation of additional points should they be required in the future
- The proposals will comply with the water efficiency standards as set out by Building Regulations Approved Document G
- Landscape and biodiversity enhancements are proposed and form a separate Reserved Matters Application, the details of which improve the existing unused quarry landscape providing high quality native planting and improved biodiversity.
- The drainage strategy implements sustainable drainage system providing passive surface water management throughout the scheme.
- The proposals aim to use locally sourced materials as far as possible.

### *Conditions*

This application is for Reserved Matters but as part of that, also proposes to discharge conditions 1, 6, 7, 22 and 28 of Outline planning permission MC/16/4268 (Outline planning application with all matters reserved except means of access from Commissioners Road for up to 130 residential dwellings).

### Condition 1 (Approval of Reserved Matters)

Condition 1 states:

*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*

It is considered that the application before us, along with MC/20/1868 (the Reserved Matters application for Landscaping) complies with the above condition. The wording and nature of this condition does not require 'discharge' as no details are required to be considered. **The submission of the RM applications is enough to satisfy the condition however and it is noted that this is complied with.**

#### Condition 6 (Landscaping of steppes area)

Condition 6 states:

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

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

This condition has been dealt with within the main report above, namely the landscaping section. This condition relates specifically to the Steppes feature. The design, level of play and pedestrian routes are all considered to be satisfactory. As a result, it is considered that the submitted details for the Steppes area of the scheme are sufficient and condition **6 of MC/16/4268 can be discharged.**

#### Condition 7 (Crime Prevention through Environmental Design)

Condition 7 states:

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

*Reason for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Medway Local Plan (2003) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013 or in accordance with good design NPPF.*

The revised application includes an extract within the Design and Access Statement that sets out the ways and design approach that are aimed at preventing crime through

design. This has been reviewed by the Kent Police Design Out Crime Officer and it is considered that the active frontages, open footpaths, low level lighting, back-to-back gardens and high natural surveillance all contribute toward achieving Crime Prevention through Environmental Design.

It is noted that the Kent Police Officer details and sets out requirements for the Secured By Design status, but this is not part of this condition. The low-level lighting, part of the CPTED design has been identified as not being 'ideal' by Kent Police, however the Council have considered that this is a balance between design and Crime Prevention in this instance. The low-level lighting is only within the secondary roads and does not take account of individual house lighting, lighting from Commissioners Road and lighting from the spine road.

As a result, it is accepted that for this scheme, and given the detail above, the requirements of Condition 7 are fulfilled and therefore **Condition 7 of MC/16/4268 can be discharged.**

#### Condition 22 (Disposal of Surface Water)

Condition 22 states:

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

*Those details shall include:*

- i. a timetable for its implementation, and*
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.*

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

The Environment Agency have reviewed the information that has been submitted in relation to this condition and have commented that this aspect of the proposal is satisfactorily dealt with by the submission of the March 2021 Technical Note. This confirms no infiltration will occur on site and that surface water will discharge to an attenuation pond.

On the basis of the above information, it is considered that **Condition 22 of MC/16/4268 can be discharged.**

#### Condition 28 (Site Level Details)

Condition 28 states:



*The details submitted pursuant to condition 1 shall include details of the proposed site levels following completion of the infill operations and include cross sections through the site, proposed site contours and slab heights for the proposed buildings. The development shall be undertaken in accordance with the approved details.*

*Reason: In the interests of protecting the visual amenities and character of the area.*

Since the original outline application submission, there have been some alterations to the site levels within the site. This does not impact on the levels where the quarry meets with commissioners Road, but relates to the degree of the incline across the site as a whole. This revision (within the context of the Reserved Matters application) has been considered and is acceptable.

It is therefore considered that the requirements of the condition are being met. It should be noted that generally, given the wording, **Condition 28 of MC/16/42268 does not require discharge.**

#### *Local Finance Considerations*

No local finance considerations.

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

The proposed development is considered to be acceptable in terms of design, scale and layout. The relationship with Commissioners Road and the wider area is acceptable, and results in a development that utilises what was an unused and neglected quarry by way of a natural expansion within Strood without having an unacceptable material impact on the wider area. The open space provision with good public footpaths and a unique play area enhances the leisure opportunities within the area benefiting a wider community.

Subject to the above and adequate reserved matters submission addressing landscape, the proposal is considered to comply with the provisions set out under Local Plan Policies BNE1, BNE2, BNE6, T1, T2, T4 and T13, and the provisions set out within the National Planning Policy Framework.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the number of representations received expressing views contrary to the recommendation.

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### **Background Papers**

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

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>