

MC/20/1868

Date Received: 17 July 2020
Location: Land North of Commissioner's Road Strood
Rochester Kent
Proposal: 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
Applicant: Medway Preservation and Developments Ltd
Kate C/O Agent
Agent: Invicta Planning
Miss Kate Holland C/O Borough Green Sandpits
Platt Industrial Estate
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Ward: Strood North Ward
Case Officer: Hannah Gunner
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 21st July 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;
0284-2001-rev 1, 0284-2002-rev 1, 0284-2003-rev 1. Received 10 August 2020.028.100, 20.028.101,
CR-ETL-ZZ_XX-DR-L-2001 P2, CR-ETL-ZZ_XX-DR-L-2002 P2, CR-ETL-ZZ_XX-DR-L-2003 P2, CR-ETL-ZZ_XX-DR-L-2004 P2, CR-ETL-ZZ_XX-DR-L-2005 P2, CR-

ETL-ZZ_XX-DR-L-2006 P2, CR-ETL-ZZ_XX-DR-L-2007 P2, CR-ETL-ZZ_XX-DR-L-2008 P2, CR-ETL-ZZ_XX-DR-L-2009 P2, CR-ETL-ZZ_XX-DR-L-3001 P2, CR-ETL-ZZ_XX-DR-L-3002 P2, CR-ETL-ZZ_XX-DR-L-3003 P2, CR-ETL-ZZ_XX-DR-L-3004 P2, CR-ETL-ZZ_XX-DR-L-0800 P2. All received 14 April 2021.

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

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

Reason: In order to limit the impact of the lighting on the: Listed Buildings, the landscaping of the site, the surrounding landscape and heritage features, nearby residents and wildlife and with regard to: Policies BNE1, BNE2, BNE5 and BNE39 of the Medway Local Plan 2003.

- 4 Prior to the commencement of construction of the flatted blocks (F and G), full details of the design of these spaces and how they will be accessed, managed, and maintained in the future shall be submitted to and approved in writing by the Local Planning Authority. This detail should contain technical information and should demonstrate the drainage layer, soil profile, planting treatment and any supporting hibernacula for supporting biodiversity.

Reason: To ensure that the green roof system to be installed is sufficient and appropriate in this location in accordance with Policy BNE1 of the Medway Local Plan 2003

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

Proposal

This proposal follows the recent approval of MC/20/1867, by Members at the 23 June 2021 Planning Committee. That approval was for the reserved matters for appearance, layout and scale. This application is a reserved matters purely in respect of landscaping.

The original Outline Permission was 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.

While the original outline application approved up to 130 dwellings, the already approved 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 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.

This application does not deal with design and layout as that has already been agreed by Members under MC/20/1867. This application deals specifically with landscape which includes open space and play provision. 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 5 (landscaping) and 24 (play spaces)

Relevant Planning History

MC/20/1867 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).

Decision Approved with Conditions
Date 28 July 2021

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.

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

(NB – these predominantly relate to the overall development, not the landscaping)

- 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 are 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?

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 the 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.

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 landscaping.

It should be noted that Appearance, Layout and Scale take the form of a separate Reserved Matters application (see relevant history section above) which was approved by Planning Committee Members at 23 June 2021 Planning Committee.

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 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. It is considered that the site itself, within the quarry with the cliff face forming part of the feature, allows for the development to be incorporated here without detrimental impact to the wider area.

The landscape aspects of this proposal include all hard and soft landscaping across the whole of the site. This includes aspects within the street layouts as well as all open spaces, boundary treatments and the proposed play spaces.

The general principle of these spaces was originally discussed at outline stage, with further development and improvements being made during this reserved matters process. Namely, creating wider secondary roads to accommodate trees and better planting opportunities but also at the north of the site with the play area and its relationship with the adjacent parking area.

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, resulting in enhancement in terms of landscape design.

It is considered that the design of this development (as amended), in both built and landscape terms, 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. Policies BNE42 and 43 of the Local Plan relates to protecting where possible important trees and hedgerows on development sites.

Landscaping plays an important role in the proposed masterplan. The landscape design and architecture of the proposed Reserved Matters masterplan has been carefully conceived to respect the adjacent conservation area to the north and east of the site (Frindsbury and Manor Farm Conservation Area).

The proposals show the trees to the north west of the site along the boundary with the recreation ground being retained and new planting proposed within the Steppes area. The landscape proposals provide opportunities for users to enjoy the views south across the River Medway whilst enjoying a usable recreation/leisure space.

The 10m landscape buffer is retained along the boundary with Commissioner's Road. This will be planted with new trees and vegetation to replace the existing hedge and boundary fence. The 5m safety buffer beneath the cliff face, shown on the outline application, is also retained. A gabion wall is proposed to separate the safety zone from public access. A landscaped pathway is proposed to run adjacent to the gabion wall and a natural play area has been proposed to the north east of the site.

The pedestrian routes located at the site perimeter and along the north/south spine road are proposed to be set within landscaping and planting. Meandering walkways are incorporated to provide safe and attractive pedestrian and cycle routes for residents. The plans show staggered barriers within the proposal used to restrict the speed of cyclists on these routes. This is to ensure that the paths feel safe and comfortable for pedestrians to use.

All of the proposed open space areas have been landscaped with an acceptable mix of soft and hard landscaping and it is considered that the breakdown of species and plant mixes proposed are in the round acceptable.

Boundary treatment is to be dealt with through a future submission pursuant to condition 23 of MC/16/4268.

The submission of a Landscape Management Plan is also still to be required through the submission pursuant to condition 26 of MC/16/4268.

The issue of lighting is one not covered within the original outline permission, although it is considered to be an important consideration within the overall landscaping and setting of the development. As a result, a lighting condition is recommended to ensure that lighting conserves amenity and enhances the overall hard and soft landscaped areas.

The main spine road and secondary roads 1, 2 and 5 have pavements for pedestrians. Secondary roads 3,6,7 and 8 are proposed to be of a shared surface design, whereby footpath zones will be delineated by a change in the materiality.

The materials shown within the plans are considered to be acceptable and of a standard to ensure a good quality is delivered on site, helping to ensure an overall high standard of design throughout the scheme affirming that the development of this site could set a precedent in relation to the standard that can be achieved within the wider area

No objection is raised under policies BNE6, BNE42 or BNE43 or paragraph 175 of the NPPF.

Amenity

Amenity issues relating to the actual development proposed have been covered extensively within the recent application MC/20/1867. This application relates to landscaping and does not raise any further issues other than enhancing the environment for prospective residents.

Flood and Drainage

Initially the information submitted in relation to flood and drainage was considered to be insufficient and additional information was requested. This has now been received and is satisfactory.

The proposed drainage strategy includes permeable paving, swales with check dams, an attenuation tank, and a lined attenuation pond which discharges at a restricted rate of 5l/s into the Southern Water Surface Water Sewer. This is considered acceptable.

Highways

Highways issues relating to the development were addressed in the original outline application and have been covered extensively within the recent application MC/20/1867. This application relates to landscaping and does not raise any further issues.

Climate Change

Climate change issues have been covered extensively within the recent application MC/20/1867. This application relates to landscaping and will enhance how the development will respond to the climate change emergency

Conditions

This application is for Reserved Matters but as part of that, also proposes to discharge conditions 1, 5 and 24 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/20/1867 (the Reserved Matters application for Appearance, Scale and Layout) 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 5 (Landscaping)

Condition 5 states:

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

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

This condition has been dealt with within the main report above, namely the landscaping section. This condition relates specifically to detailing of species proposed, which have been supplied within a planting. The detailing within these submissions are all considered to be satisfactory. As a result, it is considered that the submitted details for the Landscaping (hard and soft) is sufficient and **condition 5 of MC/16/4268 can be discharged.**

Condition 24 (Play Space)

Condition 24 states:

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

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

The plans submitted along with the application that relate to the play area show the equipment that will be used within this area and the location of said equipment. This has been drawn up through consultation with the Local Authority and as such is appropriate.

On the basis of the above information, it is considered that Condition **24 of MC/16/4268 can be discharged.**

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The proposed development is considered to be acceptable in terms of landscaping. 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, the proposal is considered to comply with the provisions set out under Local Plan Policies BNE1, BNE2 and BNE6 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.

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/>