

MC/21/2225

Date Received: 26 July 2021

Location: Land To the East of Seymour Road and North of London Road
Rainham
Gillingham Medway

Proposal: Outline Application with all matters reserved (except access) for a residential development of up to 48 dwellings, including associated access, parking, landscaping and open space.

Applicant Esquire Developments
Mr A Wilford

Agent DHA Planning
Mr David Harvey
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Ward: Rainham South Ward

Case Officer: Tom Stubbs

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 6th October 2022.

Recommendation – Resolution to grant approval subject to:

- A. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure the following maximum contributions:
 - i. £73,156.14 green space contribution. Split £69,498.33 would go towards improvements within the vicinity of the development and £3,657.81 (5%) would go towards the Great Lines Heritage Park.
 - ii. £223,387.07 Education contribution. Broken down:-
£68,420.64 for nursery provision and £14,394.94 for primary provision within 2 miles of development site or SEND education within Medway.
£133,065.60 for secondary provision and £7,505.89 for sixth form provision within Medway.
 - iii. £9,091.68 towards community facilities within the vicinity of the site.
 - iv. £8,194.08 towards equipment and facilities at Rainham Library.

- v. £31,375.68 health contribution towards contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility.
- vi. £11,760 towards public realm improvements for new square/civic space within Rainham Shopping precinct and car parks.
- vii. £2,640 towards public rights of way improvements.
- viii. £12,183.84 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- ix. 25% affordable housing.
- x. Highways mitigation: A2 Crossing contribution of £25,000 to be split between applicants of this application and MC/21/3125.
- xi. Highways mitigation: A 'traffic displacement obligation' to assess traffic displacement, to include a baseline survey report, monitoring survey report and a traffic displacement analysis report. A traffic displacement contribution to be made of £113 per dwelling if demonstrated to be necessary to be used towards traffic displacement mitigation.

B. And the following conditions: -

- 1 Approval of the details of the scale, layout, 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 one 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 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 1 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Received 18 March 2022:

15626-H-01 Rev P6 - Proposed Access Design

Received 3 May 2022:

Drawing number 300 Rev H - Parameter Plan

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

- 5 Applications for the approval of reserved matters in relation to landscaping shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of 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.

The landscape details must include the plans to demonstrate as minimum the ecological enhancement detailed within the Ecological Appraisal (Aspect Ecology; July 2021) have been implemented.

The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 6 Details submitted pursuant to Condition 1 above shall include:

- a) A plan showing the location of all existing trees on site or on land adjacent to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference

number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.

b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.

c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within the root protection area if any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.

e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

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

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

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

- 8 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 9 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 10 In the event that contamination is found at any time when carrying out the approved development within a phase or sub phase 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 8 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 8.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11 No development shall take place until a Construction Environmental Management Plan (CEMP) in relation to that phase has been submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, but mitigation measures indicated within the ecology report and site contact details in case of complaints. The construction works within that phase shall be undertaken in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 12 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 13 No development shall take place including site clearance until a detailed ecological mitigation strategy has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The strategy must include:
- Preliminary Ecological Appraisal (if survey data is older than 12 months)
 - Recommended species surveys
 - Overview of mitigation proposed for habitats and species
 - Detailed methodology to implement mitigation
 - Timings of works
 - Details of who will be carrying out the works
 - Interim management plan of mitigation area
 - Map showing existing and proposed habitats
 - Details of replacement hedgerows along the highway

The development shall thereafter be carried out in accordance with the approved strategy.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any ecology interest and in accordance with Policy BNE35 of the Local Plan 2003.

- 14 No development shall take place 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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the agreed details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 15 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, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

- 16 No development shall take place until the access into the development site has been agreed and constructed with a Section 278 agreement, so that there is clear visibility from 2.4m x 120m, with no obstruction above 0.6m above the level of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow to a height on the area of land so formed which would obstruct the visibility from the access.

Reason: Required prior to commencement to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic in accordance with Policies T1, T2, and T3 Medway Local Plan 2003.

- 17 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Required before commencement to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

- 18 No development shall take place above slab level until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 210102/1 dated 12 July 2021, shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure no long term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Reason: To ensure no long term detrimental harm to conditions of amenity in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 20 No development shall take place above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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 Medway Local Plan 2003.

- 21 No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (1 per dwelling for dwellinghouses and 1 per 4 flats) 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112E of National Planning Policy Framework 2021.

- 22 Prior to the first use of any of the buildings (or within an agreed implementation schedule), a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 168 of the National Planning Policy Framework 2021.

- 23 No part of the development shall be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority for that phase. The cycle storage facilities shall be implemented in accordance with the approved details prior to the occupation of that phase and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2018 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan

- 24 No dwelling shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

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

- 25 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Sustainable Design and Construction Assessment within the design and access statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 26 No part of the development shall be occupied until the final details of the Travel Plan have been submitted to and approved in writing by the Local Planning Authority. Implementation of those parts identified in the approved Travel Plan as being capable of implementation shall then be carried out in accordance with a timetable and complied with as long as any part of the development is occupied.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 27 Applications for the approval of reserved matters in relation to layout shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. None of the buildings shall be occupied until this area 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) Order 2015 (or any order amending, revoking and re-enacting 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.

- 28 Applications for the approval of reserved matters in relation to layout which contain carports shall not be enclosed and no other permanent development shall take place, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or reenacting that Order). The car port parking spaces shall remain available for parking.

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

- 29 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space, ecological enhancements and mit, communal courtyard, and green roofs (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture and any play equipment, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

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

- 30 Prior to the installation of any external lighting details 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 and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the Listed Buildings, the Conservation Area, the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

- 31 Prior to the first occupation of any dwelling, details of the areas for equipped play facilities together with the play equipment and safe surfacing to be provided shall be submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting 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.

Proposal

This application seeks outline planning permission with all matters reserved (except access) for a residential development of up to 48 dwellings, including associated access, parking, landscaping and open space.

The residential development would be accessed from London Road (A2). The access would result in the loss of an existing hedgerow on the site to provide the entrance, footpath and pedestrian crossing.

The application proposes to provide sufficient vision splays for access by maintaining the hedgerow to the east on highways land and on land within Swale Borough Council. Where the hedge is to be lost it is proposed to be replanted within the highways land area not obscuring vision splays. To the west the existing boundary treatment would block the vision splays and the application seeks to set back this boundary treatment outside of the vision splays. Full details of the hedge replacement and replacement boundary treatment details are to be considered under any forthcoming reserved matters application if approved.

As part of the mitigation an island on the A2 is proposed to aid residents crossing to reach the existing bus stop.

The proposed parameters plan sets out two housing type areas and the landscaping/suds and play provision areas on the boundaries with annotations of more specific boundary provision. An area of two storey development is located to the north of the site and Farriers Court and the annotation also clarifies this could provide residential, parking, internal roads open space and play facilities and SUDs if required, while a single storey residential element with associated roads are also proposed adjacent 19 Farriers Court. With regards to the specific boundary treatment the annotations on the parameters plan indicate:

- North boundary – To include a minimum of 4m of existing and proposed landscaping.
- East boundary - To provide a majority minimum 15m depth of existing and proposed landscaping and Suds. Effective winter/summer screening to the adjacent 2 storey development.
- South boundary - To provide existing and proposed rural landscaping to London Road frontage open space and footpath links. Effective winter/summer screening of 1 storey development.
- The West boundary – Low hedge and continuous roadside grass verge.
- North of Conservation boundary – 4m buffer to allow tree root protection areas and existing and proposed footpath links.

An indicative site layout has also been provided to demonstrate the site has the capacity to accommodate 48 dwellings.

Site Area/Density

Site Area: 1.96 hectares (4.84 acres)

Site Density: 24.49 dph (9.92 dpa)

Relevant Planning History

Application site

MC/04/1847

Change of use from agricultural to land for keeping and grazing horses

Decision: Approval with Conditions

Decided: 15 September 2004

Live applications at Moor Street

MC/21/3125

Full planning application for the development of 66 dwellings (including 25% affordable housing) together with open space, landscaping, drainage, access, parking and associated works.

Decision: Under consideration

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. East Kent Planning, Mid Kent Planning Services, KCC Archaeology, KCC Biodiversity, NHS Medway, EDF Energy, Southern Gas Networks, Southern Water, Highways Agency, Environment Agency, Royal Society of Protection for Birds, Natural England, Kent Wildlife Trust, Network Rail Southeast and Kent Police have also been consulted.

Eleven letters of objection have been received from the public raising the following concerns which are planning considerations:

- Development would add more pressure onto existing A2 network which cannot cope with existing traffic.
- Original traffic investigation undertaken during the pandemic when less traffic on the road.
- Lack of buses and unsuitable public footpaths in the area so people will drive, and use proposed hazardous junction.
- Loss of countryside and open space. The application proposes a dense urban development adverse impact on local area, countryside, conservation area and listed buildings.
- Existing local infrastructure (hospitals, schools, doctors etc) cannot cope with more houses.
- Adverse impacts on air quality and global warming.
- Not enough space around Poplar trees to north of site.
- Disturbance of potential Roman archaeology.
- Grade 1 listed land for agriculture.
- Loss of privacy and noise to neighbouring properties from proposal and footpaths and noise and disturbance during construction.
- Overdevelopment of the site and wider Rainham area.
- Loss of hedgerows and impact on wildlife and ecology.
- Impact on future occupiers from close proximity to railway.
- Proposed island in A2 will not provide any significant benefit.

Rehman Chishti MP has objected on the basis that the proposal is an unacceptable development on farmland on the boundary of both Rainham and Medway. Gillingham and Rainham is the most densely populated constituencies in Kent and one of the most densely populated constituencies in the entire Southeast of England. This proposal is seeking to extend outward the urban boundary further east from Rainham on what is vital green space on the edge of my constituency. It is difficult to conceive how this plot of less than 5 acres could sustainably provide 48 homes with 108 parking spaces and sufficient outdoor space for residents to enjoy without being cramped in its design or layout. He also raises concerns regarding the additional traffic impact, congestion and air quality onto the A2, which is already operating at over capacity.

Swale Borough Council have objected based on the urbanisation of the site resulting in the loss of open countryside within an Area of Local Landscape Importance, which currently makes pleasant contribution to the boundary of Swale BC and causing harm to the landscape character of the area and wider surroundings. It would also result in the loss of most versatile agricultural land with no assessment provided or alternative site for consideration.

Upchurch Parish Council have objected to the additional access onto A2 and suggest this should utilise Seymour Road. Development erodes the Important Countryside Gap between Medway and Swale and that the future residents would have a poor access to services and be dependent on private transport which will use roads including rural lanes which are already congested.

The Environment Agency have written to raise no objection subject to a condition regarding unexpected contamination and no infiltration other than approved by the LPA to protect water sources from contamination. These conditions would be imposed if the application were recommended for approval.

EU Networks have provided a map of their owned plant, details for applicants regarding protection of their equipment and who to contact if they require to divert apparatus and if the applicants wish for an estimate to be prepared by EU Networks to accommodate the proposed works. An informative will be added to any decision to bring this to the applicant's attention.

Southern Gas Networks responded with a plan describing the location of SGN assets and guidance notes about locating pipes onsite and safe digging practices. An informative will be added to any decision to bring this to the applicant's attention.

UK Power Networks provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment and details of who to contact if the development will affect UK Power Networks High Voltage Equipment. An informative will be added to any decision to bring this to the applicant's attention.

Kent Police have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD). An informative would be included within the application to bring this letter of representation to the applicant's attention.

Southern Water (SW) have provided records of their sewers. SW initial investigations show that there are no dedicated public surface water sewers in the area to serve the development and alternative means are required. There is possibly a sewer crossing the site and a public communication pipe within the site. They also indicate the need for an application to SW for foul sewage disposal and connection to the water supply. They also indicate a condition for surface water runoff is required in accordance with SUDs principles. With enhanced mitigation to protect from contamination contaminating the Source Protection Zone of Hartlip Hill public water supply groundwater abstraction. An informative will be added to any decision to bring this to the applicant's attention.

Natural England have written to advise that the application would result in a net increase in residential accommodation which would impact the Special Protection Areas and Ramsar sites and the need for mitigation and an appropriate assessment under the Conservation of Habitats & Species Regulations 2017 as amended. It also informs of the impact of the People over Wind judgement.

Highways England (now National Highways) offer no objection advising that the proposals will generate minimal additional traffic on the Strategic Road Network (SRN) being A249 and M2 and would not materially affect the safety, reliability and or operation of the SRN.

KCC Biodiversity have written to indicate the site includes the following habitats and species; semi-improved grassland, Native Species Hedgerows and mature trees, 3 species of foraging bats, low numbers of common lizards and slow worms, 6 species of birds and potential for mammals (including badgers and hedgehogs) for foraging and commuting within the site. The surveys provided are acceptable and no further information is required. The key ecological interest is the hedgerows, and the submitted information indicates a precautionary approach is required when clearing the site which is agreed, and a condition required if the application is given consent. It is encouraged that hedgerows are retained where possible within the site and the grassland and orchids are translocated to the landscape area and can be included with the precautionary approach. The landscaped area should also be managed with biodiversity in mind. A condition would also be required for ecological enhancements and lighting to be sensitive to the bats present onsite. Finally due to the distance to the SPA and Ramsar sites the bird mitigation should be sought via the SAMMs.

KCC Archaeology have written to indicate that the desk-based assessment provides a reasonable account of the sites archaeological potential being adjacent Watling Street, the main Roman road between London and the Channel ports. Multi period remains have been found in the area including evidence for activity of Bronze Age, Iron Age, Romano-

British, Anglo-Saxon and medieval date recorded during recent investigations at a site to the north of the railway line and adjacent to Otterham Quay Lane. A condition would be required to secure a programme of archaeological works to include specialist assessment of the site's Palaeolithic potential and evaluation by archaeological trial trench in the first instance, with the results of this evaluation informing the scope and requirements for any subsequent work (such as archaeological excavation).

Network Rail (NR) have written to indicate that due to the close proximity of the proposal to NR land and operational railway, it is requested that the applicants contact the NR Asset Protection and Optimisation (ASPRO) team prior to commencing works. The ASPRO team will review the proposal to ensure that the development can be completed without any risk to the operational railway and may require an Asset Protection Agreement. The rep provides a website for further information and provides a copy of their Asset Protection informative which will also need to be adhered to by the applicant. The rep also encourages the application to consider the impact not only on the railway itself but also on the first and last mile element of passenger's journey regarding access to and from the railway and how other transport modes are integrated and how well communities are connected and ensuring there are good pedestrian and cycle lines to the railway station. This response will be included as an informative with any decision.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The weight to be attributed to policies in the 'saved' Local Plan is determined according to their consistency with the National Planning Policy Framework 2021 ("the Framework") as outlined in paragraph 219, the greater the degree of consistency, the greater the weight.

Planning Appraisal

Background

There is a full planning application, MC/21/3125, under consideration for the provision of 66 dwellings to the west of the site which is a material consideration with regards to the highway impacts and therefore the highways impacts of this application are also considered within the highway section of the report below.

Key Planning Issues

The key planning issues are considered to be:

- the principle of development;
- landscape and visual impact;
- the Conservation Area/heritage assets;
- layout, scale, design and density;
- residential amenity;
- access/highway safety, including capacity of the local highway network;

- archaeology;
- ecology;
- surface water management and drainage;
- climate change and energy efficiency;
- loss of agricultural land;
- trees;
- affordable housing and other contributions; and
- sustainable development.

These areas are addressed below.

Principle

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. The development plan consists of the relevant saved policies of the Medway Local Plan 2003. The scheme should also be assessed against the Government's National Planning Policy Framework (The Framework), and The Government's National Planning Practice Guidance (NPPG), both of which are important material considerations.

The application site lies outside of the built confines of Rainham and within the Meirscourt/ Meresborough Area of Local Landscape Importance (ALLI), a local landscape designation. Policies BNE25 (development in the countryside) and BNE34 (ALLI) of the Local Plan therefore apply. Policies S1 and S2 seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location.

Local Plan policy BNE25 states that development in the countryside will only be permitted if it maintains or enhances the character, amenity and functioning of the countryside, offers a realistic chance of access by a range of transport modes and meets one of the listed exceptions. In this regard, the site is not allocated for housing or any redevelopment within the Local Plan and the proposal would involve the development of greenfield site. Thus, the development would largely conflict with this policy. The site is however accessible by a range of transport modes and the proposal complies with this part of the policy.

It is acknowledged that the Local Plan is however of some age, being adopted in 2003 and that the Council does not currently have a five-year land supply. The recently published 2021-2022 Housing Delivery Test outlined that the Council had only delivered 67% of its target number of dwellings compared with the defined housing requirement. The Housing Supply Index, June 2022 published that Medway has a housing land supply of 3.64 years.

The NPPF seeks to pursue sustainable development in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF

provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Those elements of Policy BNE25 which therefore seek to control the supply of land for housing are therefore considered to be out of date as the LPA cannot currently demonstrate a five year supply of deliverable housing land. Those parts of the Local Plan policies which seek to set out particular landscape characteristics that should be protected remain relevant.

In terms of national policy, paragraph 60 of the NPPF seeks to significantly boost the supply of homes by ensuring that a sufficient amount and variety of land can come forward where it is needed.

In determining whether this proposal is acceptable, it will therefore be important to assess the matter of sustainability as well as the wider implications of the development as detailed under the relevant headings below.

Affordable Housing, Housing Mix and play provision

Supported by paragraphs 62 and 63 of the NPPF, Policy H10 of the Local Plan supports a range and mix of house types and sizes where the site is over 0.5ha or 1ha (depending on if rural or urban setting) and the principle of development is acceptable. Policy H3 of the Local Plan also requires a proportion (minimum 25%) of residential developments to be affordable housing where there is an identified need and where the development is of sustainable scale.

Given the application is outline with all reserved matters except access so the considerations of the final mix and type cannot be fully considered at this stage. This will be considered as part of the reserved matters applications that will follow should planning permission be forthcoming. However, the applicants have agreed to 25% affordable housing provision in line with requirements of Policy H3 of the Local Plan.

A development of this size would require an onsite Locally Equipped Area of Play (LEAP) to the standards of the Fields in Trust guidance including buffers to nearest housing frontages. The landscape strategy shows informal play areas close to the A2 which may not be appropriate. Accordingly conditions are recommended to secure play provision within the subsequent reserved matters application. It is noted that the play area could fall in the development and landscaping areas in the parameters plan, the acceptability of the siting within the landscape area would depend on its impact on the effectiveness of the landscape buffer it falls within and would be considered at reserved matters.

Design and impacts on countryside, landscape, heritage and trees

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 126 and 130 of the NPPF emphasises the importance of good

design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policies BNE14 and BNE18 of the Local Plan seeks to ensure development is not detrimental to the setting of the conservation areas and listed buildings. Paragraphs 194-207 set out how to assess the impact on heritage assets. As previously mentioned, Policies BNE25 and BNE34 of the Local plan set out what development is acceptable within the countryside and ALLI while BNE43 seeks to protect protected trees on development sites. The NPPF also sets out at paragraph 174 that planning decisions should protect and enhance valued landscapes and sites of biodiversity and contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystems.

Given the nature of the application the final design of the “up to 48 dwellings” is to be considered within any forthcoming reserved matters application. The application is supported with a parameters plan showing two separate areas of development. There are landscaping buffers on all boundaries with the northern area of the site to be two storey development and a section adjacent the Farriers Court eastern boundary for single storey development. The applicants have provided an indicative site plan to show that 48 dwellings could fit on the site, however the layout is set out as a more dense, urban housing estate appearance contrary to the existing rural spatial pattern of development in the area and this impact on both landscape and conservation is discussed in more detail below.

Landscape and Visual Impact

The application site is located within the Mierscourt/ Meresborough Area of Local Landscape Importance (ALLI) and the Moor Street Farm Landscape Character Area. The site is also adjacent to the Moor Street conservation area and settlement.

A development of up to 48 dwellings in this location has the potential to have a severe harm on the visual impact if not appropriately designed or mitigated against. A suburban development, similar to the proposed indicative plans would be contrary to Policies BNE25 and BNE34 of the Local Plan and the guidance in the Medway Landscape Character assessment. New development proposals for rural settlements should blend comfortably with the surrounding countryside, strengthen and reinforce local distinctiveness and identity, conserve and protect all landscapes and aim to incorporate green infrastructure beyond district boundaries.

This is an outline application with all matters other than means of access reserved for later approval. The application is supported by parameter plans and based on these it is considered that a residential development could be designed and laid out in a way that respects the landscape sensitivities of the area and the relationship with the adjacent conservation area/settlement and listed buildings.

The planning parameters plans have evolved to provide confidence that suitable effective winter/summer landscape mitigation can be provided whilst securing the ability to provide

rural appearance on the boundaries, subject to the proposed housing design and layout. It should also be noted that a sensitively design southern boundary of a rural nature and managing how the Oast Houses appear could result in an improved gateway to Medway.

With regard to landscape mitigation the parameters plan secures a 15m landscaped buffer to screen the two-storey development to the east boundary which would screen the development when viewed traveling into Rainham from Swale and the Southern Boundary to secure suitable landscape to mitigate the views of the single storey development area. The key to a successful reserved matters application would rely on the impact of the proposed SUDs and play provision and the impact of the effectiveness of this buffer by the thickness of the screening. As a result, the proposed Suds and play areas may need to be relocated elsewhere in the development which could then have a knock-on effect on the total number of dwellings which could be achieved. However, as the application proposed an up to 48 dwellings this would not be a reason for refusal.

The LPA consider a sensitively designed scheme at reserve matters which achieve effective winter/summer landscape mitigation of the development core, along its north, east and south site boundaries, and an appropriately designed rural residential frontage along the western boundary, also screening the core can be achieved in an acceptable way. A suitable designed scheme would reduce the visual harm to the rural character of the Historic North Kent Fruit Belt, ALLI and Countryside from severe to moderate harm medium to long term. Although the indicative plans do not demonstrate this, the amended parameter plans are sufficient to secure principles of these rural appearance boundaries and achieve the reduced harm which would be considered acceptable considering the councils current five-year land supply position. This would therefore be in accordance with the second limb of Policy BNE34 of the Local Plan that the economic and social benefits outweigh the moderate harm to the ALLI.

Impact on Conservation Area and Listed buildings and trees

The development would wrap around the north and part of the east boundaries of Farrier Court which form part of the Moor Street Conservation area and the setting of the grade II listed Oast House. Policies BNE14, and BNE18 of the Local Plan set out how development should be sympathetic to the setting of conservation areas and listed buildings.

The special characteristics of the Conservation Area are focussed around it being a small historic agricultural settlement containing a range of agricultural and associated buildings and being surrounded by open countryside much of which was historically in agricultural use. Many such villages and hamlets sprung up along the Roman Road (Watling Street) as it follows the fertile soil of the North Kent Fruit Belt, with Rainham and Moor Street being located at the western extremity of the Fruit Belt. The significance of the Listed Buildings lies in their architectural, historic and archaeological interest as 18th and 19th century vernacular buildings forming a notable historic cluster that would have once made use of the agricultural land that now forms the proposed development site.

The setting of the designated heritage assets comprises the rural open space surrounding them, typifying the countryside in which the settlement was established and when the Listed Buildings developed, which at the time would have been put to agricultural use. Whilst much of the agricultural use of the surrounding land has since ceased, including the large industrial unit to the west of Farriers court, the sense of openness and rurality remains and contributes positively to the setting of the Conservation Area, providing a functional visual link between the countryside and the heritage assets, and underpinning the legibility of Moor Street as a distinct rural settlement. Consequently, the proposed development has the potential to cause harm to the setting of both the Conservation Area and the Listed Buildings by reducing the existing legibility of the visual link between the historic use and form of the land and the Listed Buildings, but also as reducing the sense and amount of rural openness that contributes positively to the setting of the Conservation Area, particularly in views from within the Conservation Area looking out, and from outside looking towards the conservation Area.

The proposal includes the relocation of part of the existing boundary treatment of the listed Oast House to secure the required visibility splays for the junction to the A2. Full details of the appearance of the boundary treatment will need to be submitted in the reserve matters application with a supporting listed building application.

The applicant's heritage impact assessment indicates the harm to be '*less than substantial*' with a low level of less than substantial harm to the conservation area and listed Moor Street House and a low to medium level on the Oast House. These conclusions are agreed and are assisted by minimising harm by increasing buffers to this area including those to the north of Farriers court and reducing to 1 storey dwellings proposed closest to the Oast.

The buffer to the north of Farrier Court is also required to protect the existing TPO trees on the boundary.

Therefore, the proposal would have a less than substantial effect on (a) the setting of the Conservation Area and (b) the setting of Listed buildings within the Conservation Area. The level of harm is at the lower end of the scale. In respect of the Listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged, with decision makers required, as a matter of law, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case-law has emphasised that this means that considerable weight and importance must be given to the desirability preserving of the significance of listed buildings, in circumstances where any harm would be caused to the significance of designated heritage assets

Furthermore, and consistent with the section 66 duty, in accordance with paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This applies to conservation areas as well as listed buildings and applies irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF requires the Council to be satisfied that the harm has clear and convincing justification. In accordance with paragraph 200 of the NPPF, it is considered that the low level less than substantial harm to the setting of the heritage assets has clear and convincing justification, as detailed later within this report, most notably, the provision of market and affordable housing in a sustainable location.

In accordance with paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal provides public benefits, most notably the provision of market and affordable housing and would bring forward a sustainable form of development. It is considered that the public benefits of the proposal outweigh the 'less than substantial' harm at the lower end of the scale, to the heritage assets, even when applying the statutory and policy weighting to such harm (discussed above)

Any harm to the heritage assets is at the lower end of the scale of less than substantial harm. Whilst great weight is given to the harm to the designated heritage assets, there is clear and convincing justification for and public benefits of the proposal that outweigh the harm caused which provide the justification required by paragraphs 200 and 202 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

As this scheme is an outline application the details of impact on neighbour amenities of sunlight, daylight, outlook, privacy can only fully be considered at the reserved matters stage of the application when scale, layout and appearance is to be considered. Concerns have been raised from the public consultation responses with regards to privacy and noise.

The concerns with regards to overlooking are from the proposed footpath links adjacent Farriers Court, whom have lower boundary treatments which are the character this development. The landscaping and housing design in this area at reserve matters stage would have to suitably mitigate the impact of overlooking of these properties from any footpaths and proposed dwellings.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

Occupier Amenity

The application is outline and at reserved matters it would be required that the houses meet the technical housing standards – nationally described space standard 2015 (the national standard) for gross internal floor area and the Medway Housing Design Standards (MHDS) for garden sizes with 7-10m gardens.

The application is supported by a noise assessment relating to impact from rail noise, which demonstrates that with mitigation the noise impact can be reduced to a suitable level and an appropriate condition is recommended.

Subject to the recommended conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policy BNE2 of the Local Plan and paragraphs 130 and 174 of the NPPF.

Highways

The Transport Assessment (TA) submitted with the application summarises the relevant sections of policy from the NPPF, NPPG, Medway Local Plan, the emerging Medway Local Plan (2012 - 2035) and Medway's Interim parking standards for both car and cycle parking.

Existing Conditions and accessibility

The A2 Moor Street / London Road takes a general east / west alignment and has a carriageway width of approximately 7.0m across the site frontage. Moor Street is subject to a 40mph speed restriction, which reduces to 30mph on approach to the Otterham Quay Lane signal junction to the west.

To the east, the A2 provides access to the A249 and Sittingbourne. To the west, it connects with the A278 Hoath Way, which provides a link to the M2 Junction 4, and to the centres of Rainham, Gillingham and Chatham. The M2 continues west towards the M25 and London, and east towards Faversham, Canterbury, Dover and Thanet

A narrow footway is located on the northern side of the A2. The footway continues to both the west and east of the site, leading towards Rainham and Newington respectively. A footway is also provided on the southern side of the A2, leading from South Bush Lane towards Rainham. Uncontrolled pedestrian crossings are provided at the A2 / Otterham Quay Lane / Meresborough Road signal junction.

With regard to cycling infrastructure, the applicants have provided figure 2.3 in the TA to outline proximity to the National Cycle Route 1. The route is accessed from Seymour

Road to the west of the site and travels towards Medway Towns to the west and Sittingbourne to the east.

In relation to public transport, the closest bus stops to the site are situated on the A2 Moor Street, approximately 100m from the site frontage. From these stops, access to the Route 326 service can be achieved, which operates between Sittingbourne and Chatham at a frequency of up to six services per day. Further low frequency services are available along Otterham Quay Lane (approx. 850m from centre of site) with a high frequency service available along Mierscourt Road (approx. 1.2km)

Rainham Railway Station is located approximately 1.8km to the west of the site. From this station, train services to Dover Priory, Ramsgate, Faversham, London Victoria, London St Pancras International and Luton can be accessed, at a frequency of up to eight services per hour. The service to London St Pancras International provides access to London in under an hour.

Given the close proximity of the administrative boundary, the applicant has provided accident data both from Medway Highway Authority and Kent Highway Authority. Since the submission the Highway Authority have carried out their own assessment covering a 5-year period which demonstrates a high incident record with over 47 incidents contained within the survey area. Given the proximity of the site access to the neighbouring authorities administrative boundary, a review was undertaken within Kents highway boundary, a further four incidents (1 serious) have occurred. A common factor between these incidents is vehicles turning/manoeuvring to and from side streets onto the A2 and vice versa.

Access

Access is a consideration of this outline application. The application proposes a new priority junction fronting onto the A2. The access has been designed with a 5.5m carriageway width and kerb radii of 6.0m and 10.0m to the west and east respectively with Visibility splays of 2.4m by 120m. Providing the proposed access in the existing environment would result in issues in achieving the required sightlines for the proposed access due to the neighbours boundary of fence at 11 and 15 Farriers Court and existing street furniture to the west and the existing hedgerow to the east.

The access plans provided with the application indicate the street furniture and neighbour's boundary treatment would be relocated within land that is in the applicant's ownership providing the required sightlines to the west. While an approx. 7m section of the hedge would be removed and replanted in highways land and maintained to ensure visibility splays to the East. It is considered that these amendments can provide the required sight lines. A condition is recommended to ensure the access arrangements/vision splays finalised at reserved matters are provided prior to construction of the new dwellings on site via a section 278 agreement.

Internal Layout

Layout is a reserved matter to this outline planning application. However, the applicants have outlined that they intend to meet the Medway Parking Standards and Planning guidance in terms of internal layouts. This would include the use of car ports and the applicant has requested a condition to prevent the enclosing of car ports which could prevent them being adequately used for their intended purpose. Further conditions are recommended to secure reserved matters parking, cycle provision and electric charging points.

Road Safety/development Trip Generation and Impact

The level of trips that will be generated by the proposed development has been estimated by reference to the TRICS database. The assessment has estimated the proposed development would generate a total of 24 vehicular trips in the AM peak and 24 vehicular trips in the PM peak with an additional 222 over a 12-hour period.

The Highway Authority has raised concerns regarding the ability of the A2 to accommodate additional development. It is noted that currently there are several applications which will directly affect the operation of this highway corridor.

The applicants have provided two modelling assessments regarding the impact on the local highway network after comments were raised by the Highway Authority. Each assessment has been reviewed and the Highway Authority's comments are outlined below.

Transport Assessment

The transport assessment dated July 2021 (TA) submitted by the applicants considers the impact of the estimated additional traffic that would be generated by the proposed development on the local transport network.

The junction capacity assessments consider a future year of 2026, to encapsulate the full build-out period for the proposed development. In order to ascertain the extent to which the junctions have capacity for future traffic, the following scenarios have been considered: -

- 'Do Nothing' (no development but including committed development).
- 'Do Minimum' (as above, plus the proposed development traffic).

Due to the location of the development, 3 off site junctions were reviewed regarding impact resulting from the development with the applicant reviewing.

- A2 Moor Street / Site Access junction.
- A2 High Street / Mierscourt Road signal junction.
- A2 High Street / Otterham Quay Lane / A2 Moor Street / Meresborough Road signal junction.

Furthermore, at the request of the Highways Authority, the applicants had provided additional sensitivity scenarios to include two developments that were at appeal (MC/19/1566 and MC/20/1705).

It is noted that given the future year, the full impact of the Leigh Academy school would not be reached (full occupancy due in 2028)

A2 Moor Street/Site Access Priority Junction (table 6-5)

The modelling does not raise any concerns regarding its function.

A2 High Street/ Mierscourt

The assessments show that substantial issues arise during the future year assessments, with junctions operating significantly over theoretical capacity with delays and queues significantly increasing. The queues resulting from this junction block back into Otterham Quay Lane Junction and the Highways Authority's view is that this demonstrates a severe cumulative residual impact of the proposal.

A2 High Street. Otterham Quay Lane/ A2 Moor Street/ Meresborough Road signal Junction (table 6-4)

The junction appears to operate within theoretical capacity with adjustments made to the signal times. The Highway Authority raise concern regarding the signal times used, that the isolated junction model did not take into account vehicles blocking back from Mierscourt Road junction and that the assessment has over estimated capacity.

Conclusion – Transport Assessment

The Highways Authority notes that the traffic generated from the development in comparison to the current traffic flows is low. However, this does not mean that the residual cumulative impact on the highway network is not severe. Their view is that the network corridor is significantly over capacity and with the further development proposed this situation would be compounded. The Highways Authority considers that the residual cumulative impacts on the road network would be severe. The Transport Assessment however concludes that: *'The overall impacts of the development proposals are, however, considered to be limited at this location (the A2 / Mierscourt Road signal junction).'*

The Highways Authority's view is that given the severity of the congestion, it is also likely that vehicles would reroute on adjacent roads, which could result in an unacceptable impact to highway safety for example down Seymour Road and Canterbury Lane to avoid the Otterham Quay Lane junction or use Meresborough Road to avoid the Mierscourt Junction. Alternatively, vehicles could be re-routed onto residential roads that run adjacent to the A2.

The Highway Authority outlined the above concerns relating to the isolated modelling to the Transport Consultants and recommend that the further work should be carried out using the Local Authority Own Strategic Modelling Software (AIMSUN).

The applicant agreed with this proposal and submitted further modelling work to try and overcome the Highway Authority's concerns regarding impact to the highway network.

Strategic Model

The applicant has used the Medway Aimsun Model (MAM) to assess the traffic impacts of the proposed housing developments in Rainham, most notably at Pump Lane but also Leigh Academy. The MAM is calibrated and validated at both macroscopic and microscopic (micro-simulation) levels enabling both wide area strategic and detailed operational scheme assessments. A cordon microsimulation network was developed for the 2016 Base Year and 2026 Forecast Year that covers the AM (0800 to 0900) and PM (1700 to 1800) peak hours.

The following scenarios have been developed and assessed:

- Base Year 2016 – existing traffic conditions
- 2026 reference case (including committed schemes) but without any of the proposed developments assessed in scenarios 1-3.
- Scenario 1 - 2026 forecast with addition of the site 1 development (Land North of Moor Street)
- Scenario 2 - 2026 forecast with the addition of the site 2 development (Land East of Seymour Street)
- Scenario 3 - 2026 forecast year with the addition of both site 1 and 2 developments

The MAM model provides strategic advantages over isolated junction modelling as it captures the cumulative and wider area traffic impact rather than solely assessing individual junctions and provides greater functionality and detail, considering observed trip patterns and interactions between junctions (blocking back) especially along congested corridors such as the A2

Network

The results have been broken down into network statistics during each microscopic model scenario, these include Travel Times, Speeds, Delays and Queue. As part of the MAM model assessment, given the proximity of an adjacent application (MC/21/3125 Land North of Moor Street) an additional scenario was conducted with both applications.

Table 7 demonstrates the impacts across of the network

AM Peak	Base 2016	Year	Forecast Year 2026 Do-Minimum	Forecast 2026 Something	Year Do-	Do Minimum – Do Something % diff
Travel Time (sec/km)	125.0		144.2	145.2		0.6%
Mean Speed (kmh)	30.5		27.8	27.7		-0.5%
Delay Time (sec/km)	33.8		55.0	56.0		1.8%
Mean Queue (veh/km)	57.9		171.5	171.9		0.2%
PM Peak						
Travel Time (sec/km)	132.0		150.1	159.8		6.5%
Mean Speed (kmh)	29.5		27.1	26.3		-3.1%
Delay Time (sec/km)	40.8		61.6	71.2		15.7%
Mean Queue (veh/km)	80.5		193.0	219.6		13.8%

Table 8 demonstrates the impacts across the network including the adjacent application (Moor Street)

AM Peak	Base 2016	Year	Forecast Year 2026 Do-Minimum	Forecast 2026 Something	Year Do-	Do Minimum – Do Something % diff
Travel Time (sec/km)	125.0		144.2	144.7		0.3%
Mean Speed (kmh)	30.5		27.8	27.8		-0.2%
Delay Time (sec/km)	33.8		55.0	55.4		0.8%
Mean Queue (veh/km)	57.9		171.5	173.4		1.1%
PM Peak						
Travel Time (sec/km)	132.0		150.1	162.8		8.5%
Mean Speed (kmh)	29.5		27.1	26.0		-4.3%

Delay Time (sec/km)	40.8	61.6	74.4	20.8%
Mean Queue (veh/km)	80.5	193.0	233.6	21.0%

Junctions

To identify the operation of junctions the Level of Service (LoS) metric was used. This uses average junction delay. As shown in table below, letters from A to F, with A being the best and F being the worst are used to evaluate the operational performance by junction type.

In order to define the average control delay of a junction, the queue delay of each approach is computed and then the LoS of the junction is defined based on the average of the queue delay of each of the approaches, weighted by the flow for each approach

Level of Service	Control Delay (sec/veh) Signalised	Delay (sec/veh) Unsignalised	General Description
A	≤ 10	≤ 10	Free Flow
B	10-20	10-15	Stable Flow (slight delays)
C	20-35	15-25	Stable Flow (acceptable delays)
D	35-55	25-35	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	55-80	35-50	Unstable flow (congested and queues fail to clear)
F	> 80	> 50	Forced Flow (congested and queues fail to clear)

The modelling assessment outlines;

Junction Name	Control Type	2026 Ref	2026 Sc2	2026 Sc3
AM Peak				
Site 1 Junction	Unsignalised	A	A	A
Site 2 Junction	Unsignalised	N/A	C	C
Otterham Quay Lane / High Street	Signalised	F	F	F
Mierscourt Road / High Street	Signalised	D	D	D

Station Rd / High Street	Signalised	C	D	D
Maidstone Rd / High Street	Signalised	D	D	D
PM Peak				
Site 1 Junction	Unsignalised	A	A	A
Site 2 Junction	Unsignalised	N/A	A	A
Otterham Quay Lane / High Street	Signalised	E	E	E
Mierscourt Road / High Street	Signalised	D	E	D
Station Rd / High Street	Signalised	C	C	C
Maidstone Rd / High Street	Signalised	D	D	D

The MAM report concludes that, when considered in isolation the differences between 2026 Ref and 2026 sc2 (Seymour Road proposal) are insignificant. However, the Highway Authority consider that when the cumulative residual impact is considered as whole, it does result in an unacceptable severe impact.

The above table identifies that Otterham Quay Lane/High Street is identified as F i.e. Forced Flow (congested and queues fail to clear) and in the afternoon PM peak Otterham Quay Lane/High Street and Mierscourt Road/High Street identified as E i.e. Unstable flow (congested and queues fail to clear). The table also shows that many junctions are approaching unstable flow (D - tolerable delay, occasionally wait through more than one signal cycle before proceeding)

Furthermore as the MAM model indicates from the baseline year, queue lengths have increased by 197% in the AM and 172% in the PM, Delay time increases by 65% in the AM and 74% in the PM. The applicant's notion that comparison should only be made against the Forecast year, fails to understand whether the forecast year has increase levels traffic that itself is resulting in a severe impact which would be further exacerbate by additional major development within the local vicinity. Especially as the development would not do anything to change that - indeed it would exacerbate the situation.

As highlighted previously, the Highways Authority is concerned that each development outlines that their own development only adds minor increases to queue lengths/travel time and delays, however when these are taken as a whole including consideration of the future "do nothing" scenario, results in severe impact.

This is particularly relevant when reviewing the video simulation models provided by the applicant. Whilst this acknowledged cover a relatively short period, it demonstrates the cumulative impact. In comparing the RC to SC2, it is apparent that during the AM, queue lengths at Station Road Junction extend along the A2 impacting several junctions. During the PM peak in contrast the congestion is focused on the Maidstone Road and Station Road junctions.

In terms of the SC3 during the AM, this magnifies the issues for vehicles travelling west bound with queues now blocking back to the proposed access to the site. However, the largest impact is reserved for SC3 during the PM peak, due to the additional trips that significant queuing can be seen across the network with significant queueing along the A2 at Otterham Quay Lane Junction, Orchard Street Junction, Mierscourt Road and Maidstone Road Junction. It is noted that due to the queues at the Orchard Street Junction this consequently results in significant queuing along the Thames Avenue.

The Highways Authority sought clarification regarding Appendix B of the MAM modelling report which outlines that in certain sections of the network flow differences are lower. It was explained that the decreased flows in congested situations does not mean that the model is assigning less vehicles, but that the throughput is less due to downstream congestion. The Highway Authority consider that this further demonstrates the inability of the corridor to accommodate yet further development.

Leigh Academy School

The Highway Authority would refer to the Leigh Academy School traffic modelling (MC/19/2530), which also used the MAM. It is stated that this traffic modelling work highlights the pressure to the network in the foreseeable future and is relevant to the determination of this application.

- 2028 Future Year
- 2028 + Committed Development
- 2028+ Committed Development + Leigh Academy
- 2028 + Committed Development + Upcoming Development + Leigh Academy

The upcoming developments included MC/18/3160 Land Rainham Road, MC/18/1796 Land East of Station Road and MC/19/0188. It is noted that MC/18/3160 and MC/18/1796 have been approved with MC/19/0188 resubmitted under MC/20/1705 for reduction in numbers (subsequently dismissed at appeal). It is important to state that since that MAM report was conducted, further developments have been submitted and are unaccounted for in the cumulative impact, these include

MC/21/3125 – Land North of Moor Street – 66 dwellings (awaiting decision)

MC/22/0440 - SWALE BC proposal off Otterham Quay Lane - 74 dwellings (awaiting decision)

MC/19/2898 – Land West of Station Road - 76 dwellings (Approved)

MC/20/1800 Land off Lower Rainham Road (increase of 13 units from previous outline (Approved)

MC/19/2532 Land at Maltings 29 dwellings (Approved)

Table 9 demonstrates that when the school is at full capacity, significant decline in function on the highway network occurs.

Table 9: Junction LoS Summary Table – Upcoming Development Sensitivity Test

	2028 Future Year	2028 + Committed Developments	2028 + Committed Developments + Upcoming Developments	2028 + Committed Developments + Upcoming Developments + Leigh Academy
AM Peak				
Otterham Quay Lane / Blackthorne Road	A	A	A	A
A2 / Otterham Quay Lane	D	E	F	F
A2 / Meirscourt Road	E	E	D	E
A2 / Station Road	D	D	D	D
A2 / Maidstone Road	D	D	D	D
Inter Peak				
Otterham Quay Lane / Blackthorne Road	A	A	A	A
A2 / Otterham Quay Lane	C	C	C	D
A2 / Meirscourt Road	D	D	D	E
A2 / Station Road	E	D	D	E
A2 / Maidstone Road	C	C	C	C
PM Peak				
Otterham Quay Lane / Blackthorne Road	A	A	A	C
A2 / Otterham Quay Lane	E	F	F	F
A2 / Meirscourt Road	F	F	F	F
A2 / Station Road	E	E	E	E
A2 / Maidstone Road	C	C	D	D

The above tables notwithstanding those developments unaccounted for, demonstrates that of the four main junctions along the A2 corridor, two have force breakdown, one junction has unstable flow, and another is approaching unstable flow. It is concluded that the model demonstrates that the additional development exacerbates existing capacity issues (even without including later developments submitted/approved).

Due to the additional trips, vehicles are queuing back from the Otterham Quay Lane Junction to the proposed site access roundabout (serving both the school and the proposed development). Whilst the figure is taken from the PM peak period, similar tailbacks would be expected during the AM.

It is considered that this could also impact driver behaviour, especially parents who may be dropping off their children to the secondary school, not utilising the drop off and pick up spaces within the school site but letting children exit the car along Otterham Quay Lane.

Figure 5: Otterham Quay Lane Queuing – 2028 PM Peak



It is therefore considered that adding these additional developments, would result in additional cumulative impact that would be severe in terms of Highways function and safety.

Highway Safety

Two key thresholds of cumulative impact (capacity and function of highway) and impact in terms of highway safety need to be passed if a highway reason for refusal is to be sustained. In terms of Highway Safety, the question is whether the impacts would be “acceptable”.

From the accident records, the A2 suffers from a poor accident record, with approximately 30 incidents recorded between Maidstone Road and Otterham Quay Lane during the latest 5-year period July 2017 to July 2022.

The Highways Authority’s view is that the proposal increases travel time, delay time which may result in drivers becoming frustrated and lead to riskier driver behaviour with increased conflict with vulnerable pedestrians (including school children) due to vehicles rerouting down residential roads (which is demonstrated in figure 4-3 of the MAM report) or waiting at extended queues at primary junctions along the A2 Corridor.

Vehicles are shown re-routing through High Dewar Road/Solomon's Road/Station Road/Longley Road to avoid congestion along the A2 and the Highways' Authority's view is that this convoluted route demonstrates how motivated drivers are willing to divert to avoid the increasing congestion along the primary A2 route.

The route suggested by the modelling travels through primarily residential roads, with significant on street parking and passing through Scott Avenue and Solomon Road junction which has seen a number of incidents in recent years. These roads are not suitable, given the extent of on-street parking narrowing the road to effectively become one way working, traffic calming and accident records. It is therefore considered the impacts to highway safety would be unacceptable.

The Highway Authority also carried out their own check using satellite navigation systems mapping, which establishes vehicles would be directed via Oak Lane to Canterbury Lane and then onto Otterham Quay Lane to travel down Lower Rainham Road to avoid the congestion on the A2.

Mitigation

The applicants provided a revised technical note to outline potential mitigation in the form of "Monitor and Mitigate". This approach carries out traffic surveys on adjacent roads to the development to establish whether residents/visitors to the development are utilising them.

For ease, the below paragraphs have been taken from the revised technical note:

The applicants have provided an example of Sutton Road, Maidstone. Where a survey location would require an Automatic Traffic Count (ATC) and Automatic Number Plate Recognition (ANPR) survey, allowing for the identification of vehicles associated with the development in question.

Having established the baseline levels of use of these routes, it will be possible to quantify the extent to which the development trips are responsible for a material increase and therefore whether mitigation measures are required.

If this is judged to be the case, then mitigation to reduce the desirability of the route(s) in question would be identified by the applicant in consultation with the Council and funded from an agreed maximum contribution secured through the Section 106 Agreement.

The applicant is willing to provide a proportionate financial contribution towards such a 'monitor and mitigate' scheme in Rainham, involving the completion of traffic surveys both prior to commencement and following full occupation of the proposed development.

A monitor and mitigate approach has been proposed involving the completion of traffic surveys both prior to commencement and following full occupation of the proposed development via a Section 106 obligation. However, it is the Highway Authority's view

that it is not just vehicles that may arise from this development using residential back roads to avoid congestion on the A2 but existing vehicles rerouting to avoid the increasing delay/congestion. Furthermore, no schemes have been presented to demonstrate feasibility of any proposed mitigation and therefore it is uncertain if any improvements can be delivered, and it only relates to vehicles entering and exiting the development.

Travel Plan

Whilst Travel Plans have the potential to reduce vehicle trips, the level of improvement cannot be guaranteed and even were an appropriately worded planning condition to be imposed requiring mitigation funding to be made available Travel Plan mechanisms, such as bus passes are considered to be a one-off action which is generally restricted to the first occupying householders. Consequently, it is the Highway Authority's view that the long terms impacts are likely to be limited.

A2 Pedestrian Crossing

A pedestrian crossing on the A2 would be required to provide safe and suitable access to bus stops and the countryside to the south and an indicative drawing has been provided. If members are minded to approve this application, this would need to be secured either via a Section 106 agreement or a Section 278 Legal agreement to be delivered prior to first occupation.

Conclusion of the Highways Authority

The NPPF at paragraph 111 requires consideration of whether the residual cumulative impacts on the road network are severe, and if they are, states that development should be refused on highways grounds.

The submitted Transport Assessment concludes that: *'there should be no sound transport-based objections to the proposed development.'* However, the highway authority considers the applicant's own traffic models demonstrate that the residual cumulative impact of the development is severe, even though they likely overestimate junction performance due to blocking back from downstream junctions that cannot be captured in individual junction models.

To address the methodology issue, at the request of the highway authority, the applicant commissioned SWECO to undertake an assessment of the impact using the Medway Aimsun Model. The conclusion of SWECO's Traffic Assessment Report (7 July 2022) is that the "two proposed residential developments which have been assessed together and in isolation are not shown to have a material impact on the surrounding network."

However, as confirmed by SWECO on 18th August 2022, this conclusion:

1. Relates to an assessment of the impact on the A2 Highstreet/Moor Street stretch (as shown on Figure 3-1) of the report, and is not a conclusion of the impacts of the proposed developments on the wider study area (as shown on Figure 2-1)';
2. Considers only the differential between the 2026 Reference Case and the three assessed scenarios (Scenarios 1, 2 and 3 as defined in section 2.5); and
3. Makes no assessment as to whether the predicted highway conditions in the 2026 Reference Case could be characterised as severe

It is therefore considered by the Highways Authority that SWECO's conclusions on highway impact, upon which the appellants rely, do not consider the full picture. The Highway Authority state that once the residual cumulative impacts on the road network are fully considered, the impact is severe. It is their view that the scheme is therefore contrary to paragraph 111 of the NPPF and policy T1 of the Medway Local Plan.

The key requirement in this instance is to consider the 'cumulative' impact, taking into account the forecast performance of the network, committed developments and the proposed development together, rather than solely focusing on the change arising from any one development alone. This principle is well established in various appeal decisions, including at Leckhampton (ref 3001717).

'Cumulative' can also be interpreted to require consideration of the impact across the road network together, rather than treating the impact on each junction/link individually. The SWECO report shows that vehicles wishing to travel along the A2 would divert along residential roads such as High Dewar Road and Solomon Road. The applicants have clarified that this is a result of congestion on the A2, and such diversionary impacts are considered to demonstrate how poorly the junctions on the A2 are forecast to perform.

The Highways Authority consider that given the forecast increases in vehicle movements along residential roads such as Solomon Road and High Dewar Road, this is an unacceptable impact on highway safety, contrary to paragraph 111 of the NPPF. These roads are not suitable, given the extent of on-street parking narrowing the road to effectively become one way working, traffic calming and accident records. The diversion of traffic away from the A2 onto residential roads could result in harm to residential amenity, contrary to policy BNE2 of the Medway Local Plan.

The Highways Authority also raises concerns regarding the potential conflict of parents forgoing the use of the dedicated drop off area within the secondary school and dropping children off along the carriageway due to the congestion on the highway network causing unacceptable safety hazard for both vehicles and pedestrians.

The Applicant's response

Having been provided a copy of the final comments from the Highways Authority, the applicant's highway consultant raised the following additional points:

The response acknowledges that the vehicular trip generation of the site will be 'low' but the officer is apparently taking the view that any further development in the area would result in a 'severe' residual highway capacity impact due to existing and forecast congestion on the A2 corridor, which is clearly an untenable position.

The submitted Transport Assessment (page 45) references several relevant appeal decisions in this regard, which make it clear that mere congestion and inconvenience are not sufficient to trigger the NPPF Para 111 severity test. Indeed, the Council's (deferred) Committee report for the Trenport application at Cliffe references a further decision, where the Inspector concluded that:- "It is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion, especially existing congestion" [my emphasis added].

In referring to the local highway safety record, which is typically a key part of any Para 111 'severity' case, the response focuses on absolute numbers but provides no commentary as to the principal causation factors for the recorded incidents. The submitted Transport Assessment confirms that human error was the dominant cause of these incidents, rather than factors such as driver frustration, the use of unsuitable routes and/or faults with the highway layout or condition; therefore it is unreasonable to suggest that the proposed development would materially increase the risk of further such incidents.

In relation to the A2 pedestrian crossing, the response asserts that: "The applicant now recognises that a crossing would be required to access [sic] safe and suitable access"; however as clarified during our meeting on Tuesday, this is not an accurate representation of our position. Whilst we do not consider that the crossing is necessary to make the development acceptable, the applicant is willing to agree to its provision if it assists with your overall balancing exercise.

Highways Summary

Medway Highway Authority's view is that the proposal would result in a severe cumulative impact to the highway network and would have an unacceptable impact on highway safety and residential amenity, contrary to Local Plan policies T1 and BNE2 and the NPPF. The applicants are of the opposite view to the Highway Authority's comments.

Medway Highways Authority's assessment, which is based on a detailed analysis of the transport evidence, is to be preferred.

In particular, the applicant's assessment inappropriately focuses on the effects of the proposed development in isolation, divorced from the context into which the development would be inserted. As the Highways Authority have explained, the NPPF requires an assessment of the cumulative impacts taking into account the forecast performance of the network, committed developments and the proposed development together, rather than solely focusing on the change arising from any one development alone. This has

been established in appeal decisions such as Leckhampton (ref 3001717), and the subsequent refusal by the High Court to grant permission to challenge the decision (CO/3029/2016).

In addition, the Highways Authority does not accept the applicant's position that impacts on a highway network in terms of capacity and congestion are not, of themselves, capable of triggering the threshold of severity in NPPF, para 111 (i.e. unless they give rise to some other 'harm' such as highway safety or amenity). Again, this is supported by appeal decisions, including Pump Lane (ref 3259868), a decision which addressed (in part) the same highway network as in this application. The Trenport application at Cliffe Woods is different from this application because in that case the Highways Authority is not advising that the residual cumulative impacts on the highway network in terms of capacity and congestion would be severe.

Furthermore, officers consider that the Highways Authority reasons for concluding that highway safety would be worsened – including because traffic would be diverted onto routes which are unsuitable for significant volumes of through traffic – are sound.

Loss of Agricultural Land

The land is designated as most versatile agricultural land, which is backed up by Defra's MAGIC Agricultural Land Classification map which shows the site within the post 1988 surveys. However, part of the application site was subject to a change of use of agricultural land to grazing of horses in 2004, the area not covered by this application for development is partially proposed for planting and possible community orchard. The proposal would result in the development of Grade II (very good quality) agricultural land. The land has not been used for farm and food production for a very long time and also, the site is relatively small. It is therefore considered that its loss to housing would not have a detrimental impact on the local or national agricultural production.

Ecology

The application has been supported by an Ecological Appraisal which indicates the following species and habitats are present onsite. Semi improved grassland; Native Species Hedgerows including mature trees; 3 species of foraging/commuting bats; low number of common lizards and slow worms; at least 6 species of birds and potential for mammals including hedgehogs and badgers for foraging and commuting within the site.

The greatest ecological interest of the site is the hedgerows. The parameter plans secure the boundary hedgerows/tree lines are to be replaced and enhanced but the internal hedgerows are lost. With regards to the highway hedge the loss of some existing hedge is considered acceptable but should be replaced to ensure that the proposal does not result in the loss of connectivity. The applicants have proposed a precautionary approach for when clearing the site and an appropriate condition is recommended to secure an ecological mitigation strategy.

The grassland is assessed as semi-improved grassland with records of orchids. These should be translocated to the area of retained grassland and will need to be included in the above-mentioned ecological mitigation strategy condition and management of mitigation should be included within any landscape management plan.

The open spaces provided should be managed appropriately with regards to biodiversity and the landscaping secured at reserved matters as a minimum.

As bats have been recorded within the site, a further condition requiring a lighting plan would be required to ensure that bats are not significantly impacted.

Subject to the recommended conditions no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment.

No supporting information has been submitted with regards to possible contamination onsite. Due to the previous use as an orchard and the site being within 250m of an old landfill site there is a potential for contamination onsite. Appropriate conditions are recommended. The Environment Agency have also requested a condition to restrict infiltration to prevent pollution to water sources.

Subject to above mentioned conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 174 and 183 of the NPPF.

Flooding/SUDS

The application is supported by a Flood Risk Assessment. The site is located within flood zone 1 of the Environment Agency flood map and has no record of surface water flooding.

Inspection of British Geological Mapping indicates the presence of Thanet Formation. This geology would likely preclude the use of infiltration measures. However, the Ground Investigation details submitted highlight the presence of Chalk beyond the Thanet formation which would likely be suitable for Deep Bore Soakaway, however this would need to be confirmed through soakage testing during the detailed design stage. The use of rainwater harvesting, grey water recycling and water butts where practicable are also encouraged in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. It should be ensured that the drainage calculations account for drainage of the entire developable site, and not just the impermeable areas.

A maintenance regime will need to be submitted for each of the SuDs elements during the detailed design stage to reflect the eventual scheme and to ensure that the information is passed on to an eventual Service Management Company. The SuDs Management Train proposed would also fulfil other planning objectives such as increased biodiversity, landscaping, and enhanced amenity. A key part to a successful SuDs scheme will be how the design and integration with the surrounding landscape/public open space and how they will be the design of the basins as amenity areas where possible. Care should be taken at a detailed design stage to avoid retaining walls for example to support pond side slopes; a shallower, wider basin should be provided to avoid that which may necessitate consideration of a more fragmented SuDs Management Train which promotes a greater number of attenuation features to reduce the need for retaining walls.

Conditions of the management of surface water throughout the construction phase from entering the site and removal of topsoil to the completion of the development will be required. This 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). Details of the proposed water quality measures on the site will need to be submitted during the detailed design stage.

Subject to suitably worded conditions regarding the submission of a suitable SUDs scheme (including details of maintenance), a Construction Surface Water Management Plan (CSWMP) and a verification report the proposed development is in accordance with paragraphs 167 and 169 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF requires new development to take account of the impact on air quality.

The application has been supported by a revised air quality assessment which comprehensively considered the potential cumulative impacts on air quality of this development in combination with other permitted developments. This includes the worst-case assumption for vehicle emissions using baseline year emissions. The assessment also assesses sections of the High Street as Street Canyons which is appropriate and provides a good coverage of receptors in Rainham, including within the AQMA.

The report indicates that existing committed development is predicted to result in an increase in NO₂ concentration in Rainham, notably at receptors 12 and 13 where concentrations are predicted to exceed the annual mean objective and at receptor 6 which is close to the objective. However, it should be noted that proposed development contributes very little to the future increase in NO₂ in Rainham and that the assessments based upon pessimistic scenario based on 2019 emission factors which does not take into account predicted emissions reductions in the vehicle fleet. On this basis no objection is raised subject to suitable air quality mitigation being secured by condition.

Subject to the abovementioned condition no objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

The application is supported by a desk-based assessment which provides an acceptable account of the sites archaeological potential being adjacent Watling Street, the main Roman road between London and the Channel ports. It is noted that multi period remains have been found in the area including evidence for activity of Bronze Age, Iron Age, Romano-British, Anglo-Saxon and medieval date recorded during recent investigations at a site to the north of the railway line and adjacent to Otterham Quay Lane. Accordingly an appropriate condition is recommended to secure a programme of archaeological works to include specialist assessment of the site's Palaeolithic potential and evaluation by archaeological trial trench in the first instance, with the results of this evaluation informing the scope and requirements for any subsequent work such as archaeological excavation.

Subject to the abovementioned condition the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

Climate change and energy efficiency

The applicant has provided a list of energy efficiency mitigation measures within the Sustainable Design and Construction Assessment of the design and access statement. The applicant intends to achieve a 40% reduction of CO₂ emissions by utilising local materials to create energy efficient buildings with low embodied energy, reducing water consumption and enhancing biodiversity. These details should be further updated when layout and design of houses are finalised within reserved matters stage and a verification condition attached to these final designs. The site is therefore considered appropriate with regards to paragraph 154 of the NPPF.

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 £253.83 per dwelling 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.

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. It should be noted that the totals are maximum figures which could be secured if a reserved matters application was successful in achieving all 48 dwellings. The actual s106 agreement would secure a contribution per dwelling.

- £73,156.14 green space contribution. Split £69,498.33 would go towards improvements within the vicinity of the development and £3,657.81 (5%) would go towards the Great Lines Heritage Park.
- £223,387.07 Education contribution. Broken down:
 - £68,420.64 for nursery provision
 - £14,394.94 for primary provision within 2 miles of development site or SEND education within Medway.
 - £133,065.60 for secondary provision and
 - £7,505.89 for sixth form provision within Medway.
- £9,091.68 towards community facilities within the vicinity of the site

- £8,194.08 towards equipment and facilities at Rainham Library.
- £31,375.68 health contribution towards contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility
- £11,760 towards public realm improvements for new square/civic space within Rainham Shopping precinct and car parks.
- £2,640 towards public rights of way improvements
- £12,183.84 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- 25% affordable housing
- Highways mitigation: A2 Crossing contribution of £25,000 to be split between applicants of this application and MC/21/3125.
- Highways mitigation: A 'traffic displacement obligation' to assess traffic displacement, to include a baseline survey report, monitoring survey report and a traffic displacement analysis report. A traffic displacement contribution to be made of £113 per dwelling if demonstrated to be necessary to be used towards traffic displacement mitigation.
- £12,183.84 towards SAMMS

Local Finance Considerations

None relevant

Presumption in Favour of Sustainable development and the Overall Planning Balance (Having Regard to the Council's Position on its Five-Year Land Supply)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal, being outside of the urban area, largely conflicts with Local Plan policy BNE25 (development in the countryside) as it does not maintain or enhance the character, amenity and functioning of the countryside, nor meet the criteria set out in the

policy. The site is however accessible by a range of transport modes, so the proposal accords with this aim of this part of the policy.

The proposal is contrary to Policy S1 of the Local Plan (development strategy) which seeks to prioritise development within the existing urban fabric and restricts outward peripheral expansion onto 'fresh land'. Policy S2 of the Local Plan (strategic principles) requires a sustainable approach to the location and mix of new development using a sequential approach to location. In this regard, the proposal does provide a sustainable location for development, adjacent to the existing residential areas, so accords with the aim of this policy.

In relation to Policy BNE34 of the Local Plan (ALLI), the proposal is in partial conflict by providing development on the ALLI, however it has been outlined within the report that the measures secured by the parameters plan should allow a reserved matters scheme to come forward to minimise the.

The proposal thus conflicts with Policy S1 of the Local Plan and conflicts in part with Policy BNE25 of the Local Plan. Given these conflicts, the proposal is considered to be contrary to the Development Plan as a whole. The proposal is in part compliant with Policies S2 and BNE34 of the Local Plan.

In relation to the neighbouring Conservation Area and Listed buildings, the parameters plan would ensure that scheme coming forward at reserve matters application would cause less than substantial harm at the lower end of the scale and great weight is given to this, in accordance with the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Special regard is given to the desirability of preserving the setting of the heritage assets.

Notwithstanding this identified harm, it is considered that clear and convincing justification, most notably, the provision of market and affordable housing in a sustainable location outweighs this harm. Furthermore, the public benefits of the provision of market and affordable housing in a sustainable location outweigh the low level 'less than substantial' harm to the heritage assets. The proposal is thus compliant with the NPPF, whilst in breach of Policies BNE14 and BNE18 of the Local Plan which are more restrictive and therefore a conflict with these policies, however the NPPF provision post-dates the Local Plan Policies and allow a balancing exercise.

Notwithstanding the policy conflicts as outlined above, the Council accepts that the current Local Plan is of age, being adopted in 2003. Furthermore, the Council cannot demonstrate a five year supply of housing land sought by paragraph 74 of the NPPF. The recent East Hill, Chatham appeal decision (APP/A2280/W/21/3280915) determined that supply is between 3.47-3.64yrs, which the Council agreed was "significant" (appeal decision, para 19). There is therefore a significant need for new housing in the Medway area, including affordable housing and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged. Paragraph 11(d) states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that development plan policies will be out of date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The recently published 2021-2022 Housing Delivery Test notes that the Council delivered 67% of its target number of dwellings compared with the defined housing requirement.

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. It is therefore appropriate to balance the assessment of the development against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

New residents within this area will generate more demand for local services and facilities and this would contribute to boosting the local economy contributing to the vitality of the community and the local economy. The application would provide employment opportunities in construction jobs and supporting local building trades, albeit that this would be for a temporary period. Moderate weight would be given to these factors.

In relation to the impact on existing infrastructure, including services such as schools and health, these can in principle can be addressed through Section 106 contributions.

Social

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would deliver up to 48 dwellings towards housing land supply, of which 25% would be affordable dwellings contributing to the identified need in the Medway area. Significant weight can be attached to this social benefit

Furthermore, the Council's Published Local Housing Needs Assessment (October 2021) identifies a minimum housing need of 1,586 dwellings per annum. The Council aims to provide at least 25% of affordable homes through S106. Notwithstanding this, within the last published Annual Monitoring Report (December 2021) records that in the period of 2020/21 just 216 homes (gross) were delivered. There is therefore a significant need for affordable housing in Medway, which the development proposals will contribute to meeting. It is considered that significant weight can be attached to this social benefit.

It should also be noted that the development would be delivered by an SME developer who have agreed conditions to shorten timeframes for both the submission of reserved matters applications and implementation on site which will see the required houses needed, built earlier than standard conditions allowed adding to this significant weight.

The proposed highway mitigation seeks to provide an island to allow safe crossing to the bus stops on the A2 is also seen as social benefit for not just the future residents but other residents in the area and carry moderate weight. Seymour Road residents will also benefit from a safe pedestrian route to the A2 where there is currently no footpath, as secured by the parameters plan and should have moderate weight.

Similarly, the application will secure play facilities onsite which would benefit the wider community as well as the future occupiers which carry a moderate weight.

However, as outlined above, the development would give rise to an unacceptable impact on highway safety and the residual cumulative impacts on the local road network would be severe. These are circumstances in which national policy indicates development should be refused on highways grounds. The proposal is therefore contrary to Local Plan Policies T1 and BNE2 of the Local Plan. Accordingly, this harm should be given substantial weight.

Environmental

In terms of the residential development, this application is at the outline stage and carbon reductions/efficiencies through construction cannot therefore yet be specified, however the applicants are confident that they can achieve a 40% reduction in CO₂. It is noted however that these details will have to come forward at the Reserved Matters stage and carbon footprint reduction should be demonstrated within that application. Conditions are in place to ensure that electric vehicle charging points are incorporated into the reserved matters design. The Carbon reduction measures are considered to carry moderate weight given that some proposals are to meet the requirements of the NPPF but recognising that some go beyond the minimum for the newly proposed Part L of Building Regulations.

Landscaping is a reserved matter, however the supporting information indicate the biodiversity enhancements achievable onsite which will be secured through conditions requiring their provision within any subsequent reserved matters application.

The proposed residential development would result in the harm of the setting of the Countryside, setting of ALLI as highlighted above. The proposed open space and landscaping provided as part of the scheme would mainly benefit future occupiers however it is noted that the open spaces within the residential will be available for public use and the parameters plan shows easy pedestrian movements through the site. The landscaping proposed to the eastern elevation is considered, subject to a suitably designed scheme at reserved matters, to mitigate the incursion of the development into the rural landscape of the ALLI. Any harm to the ALLI is overridden by the public benefits of the proposal including the provision of much needed housing.

The development would result in some harm considered to be less than substantial to the setting of the conservation area and listed buildings. Subject to a sensitive final design at reserved matters it is considered that this harm can be minimised and would be low level less than substantial. As explained above, the harm caused would be outweighed by the public benefits of the proposal in delivering much needed housing in a sustainable location.

Conditions regarding contamination, SUDs, Air Quality and noise would offset the impact of the development and therefore considered neutral.

Conclusion - Planning Balance

The proposal conflicts with Policies S1, T1 and BNE2 of the Local Plan and is partly in compliance with Policies BNE25, BNE34 and S2 of the Local Plan. Given these conflicts, the proposal is considered to be contrary to the Development Plan as a whole.

Within the planning balance, the environmental harms of the impact on the countryside and ALLI should be assessed. Subject to the securing of a suitably designed scheme at reserved matters stage guided by the proposed parameters plan which secure suitable protection measures it is considered that the application would minimise the harm to the ALLI. Furthermore, the harm to the ALLI is outweighed by the public benefits of providing open market and affordable housing.

The less than substantial harm to the setting of the Listed buildings and Conservation Area should be given great weight. Subject to the securing of a suitably designed scheme at reserved matters stage, guided by the proposed parameters plan which secure suitable protection measures, it is considered that clear and convincing justification, most notably, the provision of market and affordable housing in a sustainable location, at a time when the Council cannot demonstrate a five year housing land supply (indeed it has a significant shortfall) outweighs this harm. Furthermore, these public benefits are considered to outweigh the harm to the designated heritage assets, notwithstanding the great weight that must be given to these harms. The proposal is thus considered to be in accordance with the NPPF in relation to the neighbouring Conservation Area and Listed buildings.

Notwithstanding the policy conflicts identified above, material considerations, including the NPPF's presumption in favour of sustainable development outweigh that conflict. The proposal has a number of other economic, social and environmental benefits as outlined. The site is considered to be in a sustainable location.

Subject to the securing of a suitably designed scheme at reserved matters stage the social and economic benefits of this application for the provision of up to 48 new dwellings with 25% affordable housing towards the Council's five-year housing land supply is considered to demonstrably outweigh impact of the countryside, AMLI, the setting of the listed buildings and conservation area, as per the guidance set out in the NPPF.

However, with regard to highways considerations, the position is far more finely balanced. After detailed scrutiny of the submitted supporting highways information and models, the Highways Authority view is the development would give rise to an unacceptable impact on highway safety and the residual cumulative impacts on the local road network would be severe. NPPF, paragraph 111 outlines that development should only be 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.

In many cases this conclusion would, in accordance with the policy set out in NPPF, paragraph 111, result in the refusal of permission for development. However, in this case, having regard to the benefits of the scheme and the fact that local highway network is likely to suffer from significant congestion whether or not the development goes ahead (which the development would exacerbate), it is officers' opinion, on balance, that the adverse highway implications would not significantly and demonstrably outweigh the social and economic benefits that arise from the proposal (including the much-needed housing of up to 44 dwellings, to be commenced within an accelerated timescale for both the submission of reserve matters, 1 year, and commencement, 1 year from approval of reserve matters, and including 25% affordable housing at a time that the Council does not have a five year housing land supply).

In coming to this conclusion, it is recognised that parts of the A2 in close proximity to the site and surrounding roads are at capacity and it is not necessarily the case that other proposed developments in the area would result in a similar balance. Each case is determined on its own merits.

The impacts of the traffic generation from the proposal itself therefore, whilst compounding an existing capacity issue and giving rise to highway safety concerns, are not considered to tip the balance when weighed against the benefit of the housing delivery and other economic, social and environmental benefits.

In terms of mitigation, a travel plan and a contribution of £25,000 to provide a pedestrian crossing on the A2 are proposed, along with a 'monitor and mitigate' proposal in order to monitor if re-routing takes place from the development site itself, and if it is, a 'traffic displacement contribution' will be provided to assess traffic displacement, to include a

baseline survey report, monitoring survey report and a traffic displacement analysis report. A traffic displacement contribution would be made of £1,300 per dwelling if demonstrated to be necessary, to be used towards traffic displacement mitigation.

Whilst the proposed mitigation offered by the applicants does not overcome the highways harm, for the reasons outlined in the report above, it should still be secured appropriately by a Section 106 obligation, to aid in the reduction of the impact of the proposal on this balanced decision.

Taking all of the above into consideration and applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, subject to a suitable reserved matters application, conditions and securing the required Section 106 matters. Accordingly the presumption in favour of sustainable development in the NPPF is engaged.

Conclusions and Reasons for Approval

The proposal would provide the quick provision of up to 48 dwellings and associated 25% affordable housing required within the Medway area. Notwithstanding the breaches with the development strategy (Policies S1, BNE14 and BNE18 and BNE25 in part) and highway impacts (Policies T1 and BNE2 of the Local Plan), it is considered on balance that material considerations outweigh any harm identified and justify a grant of permission. Most notably, the presumption in favour of sustainable development is engaged and, for the reasons outlined in the report, the adverse impacts do not significantly and demonstrably outweigh the benefits of the scheme

The proposals are considered to comply with Policies S2 (in part) S6, BNE1, BNE2, BNE21, BNE23, BNE24, BNE25 (in part) BNE34 (in part), BNE35, BNE37, H3, H10, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 55, 57, 58, 62, 63, 79, 80, 112, 126, 130, 154, 167, 169, 174, 180, 181, 183, 186 and 194-207 of the NPPF.

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 including those of the local MP.

Background Papers

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>

