

MC/21/3125

Date Received: 26 October 2021
Location: Land North of Moor Street Rainham Gillingham Medway
Proposal: Full planning application for the construction of 66 residential dwellings (including 25% affordable housing), together with open space, landscaping, drainage, access, parking and associated works
Applicant: Bellway Homes Ltd
C/o Agent
Agent: DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
Ward: Rainham South Ward
Case Officer: Klaire Lander
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 - Approval subject to:**A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions/obligations:**

- Secure 25% affordable dwelling units (equal to 17 dwellings);
- Contribution of £16,752.78 towards SAMMs bird mitigation measures;
- Contribution of £11,266.86 towards improving library facilities and equipment within the vicinity.
- Education contribution total: £296,116.22 broken down as:
 - Nursery: £91,227.52
 - Primary: £19,193.25
 - Secondary: £172,351.63
 - Sixth Form: £13,343.82
- Contribution of £43,141.56 towards primary and social health;
- Contribution £87,035.85 towards open space and outdoor formal sport, broken down as follows;
 - £82,035.85 for open space
 - £4,351.79 for Great Lines Heritage Park
- Contribution of £16,610.88 towards sport facilities;

- Contribution of £5,342.70 towards youth provision;
- Contribution of £11,806.08 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development;
- Contribution of £3,630 towards PROW signage in the immediate area;
- Contribution of £16,170 towards public realm;
- 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 £1,300 per dwelling (total £85,800) if demonstrated to be necessary to be used towards traffic displacement mitigation.
- Contribution of £25,000 towards a pedestrian crossing on Moor Street in accordance with drawing number 15019-H-03-Rev P2. Section 278 Agreement to secure this.

Total £618,672.93

B. The imposition of the following conditions:

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

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

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

Drawing numbers P001; P002 Rev G; P003 Rev D; P004 Rev D; P005 Rev D; P006 Rev D; P007 Rev D; P008 Rev C; P009 Rev C; P010 Rev C; P011 Rev C; P012 Rev C; P013 Rev C; P014 Rev C; P015 Rev C; P102; P103; P104A; P110C; P111B; P113B; P114B; P115; P122B; P125A; P126; P130B; P131A; P140c; P151B; P153C; P154; P160B; P161B; P162B; P171B; L P172C; P174; P180D; P190C; P191B; P200B; P210; P200A; P221 P300C; P301 C; 1592-001 Rev I; 1592 002 Rev F; 1592 003 Rev F; 1592 004 Rev E; 1519T02 Rev P5; 1519T03 Rev P5; 1519T04 Rev P5; 1519T05 Rev P5 received March and June 2022.

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

- 3 No development above ground floor slab level of any part of the development hereby approved shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- A schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and rainwater goods of the buildings;

- For the eastern part of the site (plots 40 to 66): detailed drawings at scale 1:5/1:10/1:20 of ridge, eaves, verge, brick bonding & joint types, mortar colours, scheme colourways, entrance recess soffits, window and door cills/jambes/heads, ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements.

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

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

- 4 Within the eastern part of the site (plots 40 to 66):
- Facias and soffits to all ground floor bay window, porches, and roof projections to be provided in timber rather than plastic.
 - Service meter cupboards to be internal. Where external, they should not interrupt the line of brick plinths to any elevations.

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

- 5 Prior to the first occupation of any dwelling/the development herein approved, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall be based on the "Landscape Masterplan", prepared by Murdoch Wickam, Dwg 1592/001 Rev I and the Tree Planting Strategy prepared by Murdoch Wickam, Dwg 1592/003 Rev F and include:

i. Plans and information providing details of coordinated hardworks & softworks, overlaying utilities, services. Planting plans should represent tree planting both graphically and at maturity (demonstrating expected canopy spreads after a period of 25 years). 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, services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree and hedge planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, calculated soil volume, tree

support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

iii. A timetable for implementation.

The development shall be implemented in accordance with the approved details and 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 The means of enclosure/boundary treatments, car parking layouts, vehicle and pedestrian access and circulation areas to be carried out in accordance with drawing numbers 4215/p009c; 4215/p004d; 4215/p008c 4215/p010c and 4215/p015c.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Local Plan and in order to provide suitable parking and pedestrian facilities.

- 7 The open amenity land and tree planting within the central part of the site shall be provided in accordance with "Landscape Masterplan", prepared by Murdoch Wickam, Dwg 1592/001 Rev I and the Tree Planting Strategy prepared by Murdoch Wickam, Dwg 1592/003 Rev F and retained in perpetuity. No development shall take place on this land, 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), without the written consent of the Authority.

Reason: To retain adequate open space central to the site and to ensure the provision of landscaping in accordance with Policies BNE1, BNE6 and BNE34 of the Medway Local Plan 2003.

- 8 Prior to commencement of development, the tree protection measures identified in the Arboricultural Impact Assessment prepared by Fellgrove dated August 2021 shall be installed and maintained until all equipment, machinery and surplus materials have been removed from Site. No tree shown for retention shall be damaged, cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Existing trees shall be retained and protected in line with BS 5837:2012 Trees in relation to design, demolition and construction. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance

with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these areas without the written consent of the Local Planning Authority. If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with Policy BNE43 and BNE34 and NPPF.

- 9 Prior to the first occupation of the development details of the Locally Equipped Area for Play (LEAP) shall have been submitted to and approved in writing by the local planning authority. The details shall include the layout, drainage, equipment, landscaping, fencing and future management of the areas to be provided. The LEAP shall take account of views from Moor Street to the south through the site. The development shall only be implemented in accordance with the approved details prior to the occupation of the 30th dwelling or in accordance with an alternative timetable which has been agreed in writing by the Local Planning Authority.

The respective play area shall be maintained in accordance with the approved details thereafter.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the future residents and to comply with Policy L4 of the Local Plan and in the interests of landscape and visual amenity.

- 10 Prior to commencement of development, an Ecological and Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the ELMP will ensure appropriate long-term management of wildlife habitat areas, and will include the following:
- a) long-term design objectives
 - b) management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space and communal areas (except for small, privately owned, domestic gardens) for a minimum period of five years from commencement of development and arrangements for implementation. description and evaluation of features to be managed.

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.

11 No development (excluding the erection of tree protection fencing and site hoarding) shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

12 Within one month of the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 2005820-03D by Ardent Consulting dated March 2022 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. The acoustic fencing as specified on drawing 4215/p009c to be provided and retained in perpetuity.

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

13 Prior to the commencement of the development (excluding the erection of tree protection fencing and site hoarding) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, details of any site lighting and its location and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

14 Prior to the commencement of the development (with the exception of the erection of tree protection fencing, erection of hoarding, site clearance works,

archaeological works or remediation works) an Air Quality Emissions Mitigation Statement shall be 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 full 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 and Emissions Mitigations Assessment, reference 2005820-04, dated 14 March 2022. 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: In the interests of residential amenity and in compliance with Policy BNE2 of the Local.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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

- 16 No development (with the exception of the erection of tree protection fencing, erection of hoarding, site clearance works, archaeological works or remediation works) shall take place until a scheme based on the sustainable drainage principles outlined in the Flood Risk Assessment and Drainage Strategy (Ardent Consulting, March 2022), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (where applicable):

- i. Details of the design of the scheme in conjunction with the landscaping plan.
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.
- v. Details of flood resilience and resistance measures specific to the building construction and site layout.

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

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

- 17 Prior to occupation (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 by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 18 No development shall commence (with the exception of the erection of tree protection fencing, erection of hoarding, site clearance works, archaeological works or remediation works) 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 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 19 No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles, nesting birds and hedgehogs during site clearance and construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement will be in accordance with the Preliminary Ecological Appraisal and Reptile Survey Report prepared by Corylus Ecology and dated October 2021 and will include the:

- a) Purpose and objectives for the proposed works
- b) Working method, including timings, necessary to achieve stated objectives
- c) Extent and location of proposed works shown on appropriate scale plans
- d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake /oversee works.

The works shall be carried out in accordance with the approved details.

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

- 20 From the commencement of works (including site clearance), all precautionary mitigation measures for reptiles shall be carried out in accordance with the details contained in section 5 of the 'Preliminary Ecological Appraisal and Reptile Survey Report' (Corylus Ecology April 2021).

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

- 21 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the measures recommended in the Preliminary Ecological Appraisal and Reptile Survey Report, in addition to bat and bird boxes integrated to buildings on the site. This will include a completed biodiversity net-gain Defra metric assessment. The approved details will be implemented and thereafter retained.

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

- 22 Prior to the installation of any external lighting a "bat sensitive lighting plan" for the site boundaries shall be submitted to and approved in writing by the local planning authority strategy (in accordance with the specifications in Appendix 3 of the Preliminary Ecological Appraisal and Reptile Survey Report' (Corylus Ecology April 2021). The lighting plan shall:

Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

A. Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

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

- 23 Clearance of vegetation on the site should be undertaken outside the bird breeding season, limiting this work to between September and February (inclusive), or the vegetation should be checked for active nests before works commence.

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

- 24 Prior to first use of the proposed development details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Access arrangements as outlined in drawing 15019-H-01

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: 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 of the Medway Local Plan

- 25 The residential units herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space/garaging has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging.

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

- 26 Prior to the occupation of the proposed development, a revised Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based on the "Interim Travel Plan, October 2021 prepared by DHA Transport. The approved Travel Plan shall be promoted and carried out by the future occupiers of the dwellings.

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

- 27 Prior to any development above ground floor slab level details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority: 1 Electric Vehicle charge point per residential unit.

Reason: In the interests of sustainability in accordance with paragraph 110E of NPPF 2021.

- 28 The residential units approved shall not be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied 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.

- 29 The development shall follow SBD Homes 2016 guidance as outlined in the Kent Police letter dated 29/03/22.

Reason: To address designing out crime, crime prevention and community safety.

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

Reason: In the interests of visual amenity and residential amenity

- 31 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 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.

- 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), no external alterations or extensions shall take place to the dwellings in the eastern part of the development (plots 40 to 66), without the written consent of the Authority.

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 and due to the proximity of heritage assets.

- 33 No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 to 1800 hours, Saturdays 0830 to 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Proposal

This is a full planning application for the construction of 66 residential dwellings (including 25% affordable housing), together with open space, landscaping, drainage, access, parking and associated works.

The proposal includes a children's play space, two surface water attenuation ponds and ancillary works, large central amenity open space and areas of soft landscaping, including along some of the site boundaries. Pedestrian linkages are included onto Moor Street in the south-eastern corner of the site and Otterham Quay Lane, within the south-western corner of the site.

The built form is located within the eastern and western areas of the site, with a block paved roadway linking the two areas which runs through the central open area. Access is from the north-west onto an existing road which leads to the Leigh Academy adjacent to the site.

The proposal was originally for 74 dwellings. The revised proposals have reduced the number of dwellings by 8, to 66, as well as increasing the area of central amenity space which provides separation so that Moor Street Conservation Area and Rainham still read as separate entities. The play area has been moved from the southern area of the central amenity space, adjacent to Moor Street, further north to enable views through the site from the south.

The layout of the eastern and western areas has also been revised, with the western area having a density of 28 dph and the Moor Street eastern section, a density of 26 dph. The western section is more linear and regular in its layout. The layout of the eastern section is looser and more informal.

The design of the units within the eastern part of the site has also been revised to respond to the neighbouring Conservation Area, to be more traditional in style and materials. The large attenuation pond and SuDS required for the scheme have been relocated north, directly south of the school boundary and north of the access road between the two site parcels.

Relevant Planning History

MC/14/3784 Land North of Moor Street Rainham Kent ME8 8QF
Outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for residential development of up to 200 dwellings (including a minimum of 25% affordable housing), planting and landscaping, informal open space, children's play area, surface water attenuation, a vehicular access point from Otterham Quay Lane and associated ancillary works
Appeal dismissed 2 August 2016. Appeal ref: APP/A2280/W/15/3012034

MC/15/2731 Land North of Moor Street Rainham Kent ME8 8QF
Outline application with some reserved matters (Appearance, Landscaping, Layout and Scale) for residential development of up to 190 dwellings (Including a minimum of 25% affordable housing), planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Otterham Quay Lane and associated works (Resubmission of MC/14/3784).
Refused 22 October 2015

It should be noted that these two applications relate to a larger site to that currently proposed, to include the current Leigh Academy site and playing fields, up to the railway line.

The Leigh Academy was approved under reference MC/19/2530. Planning references MC/16/2051 and MC/16/2051 relate to the development of up to 300 dwellings to the north of the Leigh Academy site.

Site Area/Density

Site Area: Net developable area – excluding amenity space etc – 2.11 hectares (5.21 acres)

Site Density – western part: 28dph

Site Density – eastern part: 26dph

Representations

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

The original scheme resulted in **17 neighbour letters** being received expressing comments about the following issues:

- Request footpath/cycleway from the south-eastern corner of the site to avoid walking along the A2
- Traffic at the junction will get worse especially with new school years being added at the Academy and other housing coming forward
- Otterham Quay Lane used as a rat run
- Exit onto the A2 preferred
- Capacity of local services (GP/dentist/hospital)
- Noise concerns
- Air quality and carbon emissions concerns
- Development of a green space
- Wildlife
- View from Listed properties and Conservation Area
- Drainage concerns
- Urban sprawl
- Not allocated in Local Plan
- Use for community or wildlife preferred
- Archaeological remains
- Previous refusal on the site
- Precedent

A letter from **Rehman Chishti MP** objects to development on the following grounds:

- highway capacity,
- capacity of the road network,
- parking and congestion as a result of the Leigh Academy.

The second round of consultation undertaken following the amended plans received March 2022 received **3 neighbour letters** raising concerns of:

- air quality,
- traffic,

- loss of wildlife (polecat, buzzard nesting, rabbit, fox) and
- green space.

The Lead Local Flood Authority Initially objected and requested further information. Following receipt of further information, they raise no objections, subject to conditions. A sustainable drainage scheme to be submitted for approval, along with a Construction Surface Water Management Plan.

Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. No additional flows other than currently received can be accommodated within exiting sewerage network.

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Natural England Since the application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Medway has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

KCC Biodiversity has stated that sufficient ecological information has been provided. In relation to specific species, it states:

Reptiles

As there is potential for reptiles to be present on-site, a precautionary approach has been recommended. We concur and advise that this is secured via condition with any granted planning permission.

Breeding Birds

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

Biodiversity and Ecological Enhancement

It is unclear if the development is achieving a net-gain and, therefore, it is strongly recommended that the Defra metric is used to objectively assess this – suggested condition.

Historic England raised concerns on the original 74 unit scheme layout. Since the comments below, the scheme has been revised to take on board the comments of Historic England and of the Council's Conservation Officer.

The original comments stated that the proposal to build on the remaining undeveloped parcel of land which separates Rainham and Moor Street on the north side of the A2 would remove the ability to appreciate their historically separate characters, as Moor Street would be subsumed by Rainham. The central amenity space would be landscaped and enclosed by houses on three sides. It would retain none of the open character which is the wider context for the Conservation Area.

in conjunction with the approved applications MC/19/2530 and MC/18/3577, that the cumulative effect of losing all the wider rural landscape setting of the conservation area to the north of the A2 between Rainham and Moor Street would cause a high degree of harm, albeit less than substantial, to the character and appearance of the conservation area.

Outlines guidance as set out within the NPPF. If it is concluded that the development cannot be delivered in a less harmful form, then you will also need to be satisfied that the remaining harm has clear and convincing justification as required by Paragraph 200, before weighing the harm against the public benefits in the manner described in Paragraph 202.

In relation to the revised x66 unit scheme, Historic England has commented that they continue to be of the view that that whilst the applicant has made some effort to reduce the harm previously identified through the creation of an enlarged village green area in the centre of the site, this does not lessen the harm as the site would still be landscaped and enclosed by houses on three sides.

This would diminish the open character of the conservation area and blur the boundary of the Moor Street hamlet setting with that of Rainham town, causing some harm to its significance. If your Council concludes that the development cannot be delivered in a less

harmful form, then you will also need to be satisfied that the remaining harm has clear and convincing justification as required by Paragraph 200, before weighing the harm against the public benefits in the manner described in Paragraph 202.

Kent Police Provide advice regarding designing out crime. Many of the initial comments/concerns have been addressed through the revised layout for 66 units. Request a condition to follow SBD Homes 2016 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

National Grid The area has been found to not affect any National Grid Electricity Transmission plc's apparatus.

SGN Plan provided of mains records. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

UK Power Networks Plan provided of electrical lines and/or electrical plant.

KCC Archaeology Recommend that provision be made for a programme of archaeological works. Such work would involve 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). Condition suggested.

The Lead Local Flood Authority Initially raised queries, however, the applicant has addressed the comments made and subsequently the LLFA recommends approval subject to conditions. Where proprietary systems are proposed the LLFA expect details about the level of mitigation provided to be consistent with the Simple Index Approach. This should be submitted during the detailed design stage.

Development Plan

The Development Plan for the area comprises the saved policies of 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

Previous planning applications on the site also included the land upon which is now the Leigh Academy. The current application site is much smaller, excluding the Leigh Academy land to the north. The surroundings and local context of the site have changed significantly since the previous applications were submitted. In particular, the previous larger parcel has been divided up and the Leigh Academy has been constructed on the northern part of the site, along with its associated playing fields and infrastructure.

The application site is a roughly rectangular area of land measuring about 3.72 hectares and is an open field with a gradual land level change. The site has vehicular access onto an access road leading to the Leigh Academy off Otterham Quay Lane within the north-western part of the site. The Leigh Academy and its playing fields lie to the north of the site. To the east of the site is a commercial premises and the site is bounded by Otterham Quay Lane to the west.

Moor Street adjoins the site's southern boundary in three places. The remainder of the southern boundary wraps around residential properties which front Moor Street. The Moor Street Conservation Area and a small number of grade II listed buildings, including the grade II listed West Moor Farmhouse and grade II East Moor Street Cottages lie to the south-east of the site. To the south of the site is the grade II listed Westmoor Cottage.

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.

Landscape/Visual Impact

The site is not covered by any national or regional landscape designations. The site falls within the Meirscourt/ Meresborough Area of Local Landscape Importance (ALLI), a local landscape designation.

Paragraph 174 of the NPPF indicates that planning policies and decisions should protect and enhance valued landscapes, and in a measure commensurate with their identified quality in the Development Plan. Paragraph 174 also refers to recognising the intrinsic character and beauty of the countryside.

Paragraph 3.4.107 of the Local Plan sets out the guidance on the landscape features that the Council will aim to protect within ALLI's. The Meirscourt/Meresborough ALLI is described as an: *Area of traditional Kentish farm landscape with country lanes on the eastern periphery of the borough*'. The function of this ALLI is outlined as providing valuable countryside and recreation opportunities and:

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

Local Plan policy BNE34 outlines that within ALLI's, development will only be permitted if: (i) it does not materially harm the landscape character and function of the area; or (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. Development should be sited, designed and landscaped to minimise harm to the area's landscape character and function.

In terms of the first point of Local Plan policy BNE34, the landscape character and function of the site as part of the ALLI must be considered. The site is not functioning well in this respect, since it has (relatively recent) built development to the north (the Leigh Academy and housing further north of that), built development to the west (housing) and also to the east (commercial). The functioning of the site as a 'restrictor' to development is therefore limited by these factors, albeit it is still open space within the ALLI.

The landscape character is therefore impacted upon by existing built development which surrounds the site on three sides. The Landscape Visual Impact Assessment submitted as part of the application assesses that the proposal has been designed and landscaped to minimise harm to the landscape character and function of the ALLI. It sets out that the contribution of the wider site to the green buffer function of the ALLI is already compromised by the Leigh Academy scheme and that, on completion, the proposed

development would not result in any further erosion of the special qualities or objectives of the ALLI.

It is considered that the site is not performing well as a 'buffer zone', restricting outward expansion of the urban area and the degree of harm that would be caused to the ALLI function as a result of the development is not significant. It is further considered that the economic and social benefits brought about as a result of the proposal (outlined within a later section of the report), outweigh the harm caused.

The proposal addresses Local Plan policy BNE34's requirement for developments to be sited, designed and landscaped to minimise harm to the area's landscape character and function. The proposal provides a significant area of open space within the central part of the site (100m wide by 120m deep). The overall open space provision on the site is 1.59 hectares, including parks and gardens, natural and amenity greenspace and play area. The size of this area was formerly 1.24 hectares, such that the size has increased by 0.35ha (28% increase) from that originally proposed. The significant provision of open space on the site, including fundamentally, the central area of open space serves to retain a functioning of the ALLI.

The proposal also separates built development on the site into two separate areas (west and east). The western parcel of development aligns with built development at the Leigh Academy to the north and the eastern parcel of development is designed to read as part of Moor Street to the south-east. In this way, the development within the western part of the site will read as part of Rainham and the development within the eastern part of the site will read as being more closely linked to existing development at Moor Street.

Importantly, views from Moor Street to the south reflect the countryside located to the south, with the central open amenity space maintaining openness within this corridor and views through the site. Through the application process, the applicant revised the layout as a result of feedback and provided a much larger central amenity space. The design of the space has also changed to be more rural/natural in character through its landscape treatment and the movement of more urbanising features, such as the equipped play and SuDS, to the peripheries of the open space. This has enabled the functioning of part of the ALLI to be retained to a degree and respects its designation.

It is considered appropriate to condition the play space design to be developed further. This is in order to keep equipment at a low level to maximise the openness of the view from the south and maintain sightlines connecting with the ALLI. An appropriate condition is recommended.

The Landscape Visual Impact Assessment (LVIA) submitted as part of the application notes that the proposed development would be visible from the immediate locality, but only in limited views from further afield. Given that there is existing built form to the north (Leigh Academy and housing beyond), to the west (existing housing) and to the east (commercial development), this is agreed. The site is most publicly visible from immediate

views from the south from Moor Street in places, and from the north-western part of the site neighbouring Otterham Quay Lane.

In terms of the views from the ALLI to the south, the proposal maintains a gap between built development within the western part of the site and the eastern part of the site. Open views into and through the site are thereby retained. There are mature trees along part of the southern boundary of the site which offer partial screening. Other built development on the site, where visible, would be perceived as built form which complements the existing urban fabric of the area. The school scheme is a dominant element of built form in all existing views across the site.

Therefore, there is some harm in respect to the ALLI designation, the character of the site would change. However due to the self-contained nature of the site and its separation from the wider countryside to the south, the proposed development would not introduce suburban residential forms to an open rural landscape. The site's self-contained landscape character would be changed rather than the overall character of the wider rural landscape to the south. The additional built form would also be experienced within the context of the school scheme.

The submitted LVIA assesses a range of viewpoints and concludes that the proposed development can be accommodated without any unacceptable adverse effects on the prevailing landscape character. It is stated that visibility of the site would increase and the proposed built form would be visible from some locations, however it would not be experienced as a discordant or inappropriate addition to the townscape.

The proposal has responded to the ALLI designation by retaining a large central open space and further landscaping throughout the site. Open views into and through the site from the ALLI to the south are retained and the design of the central open space is sympathetic to the agricultural character further south, with the provision of a more sympathetic block paved roadway through the central open space, and tree and hedge planting throughout the site.

Views of the site to the north-west where it is visible from Otterham Quay Lane will be partially interrupted by tree and hedgerow planting along the boundary in this location. The dwellings are set back from Otterham Quay Lane and Moor Street, enabling open space and landscaping between the houses and these roads. The plan has been revised to ensure that the landscape treatment of the SUDS feature adopts more of a screening approach around the sites main frontage, rather than one that provides views into the drainage feature.

The agent confirmed that the SUDS attenuation area forms part of the usable open space since it will not hold a permanent body of water. The agent also confirmed that as Medway Council does not adopt open spaces, the open space will be managed by a management company.

The previous appeal decision on the site noted that the previous proposals on the site would cause harm to the ALLI, by virtue of erosion of the separation between Rainham and Moor Street. However, the previous scheme did not allow for the separation of the two parts of the site (east and west). The current proposal has addressed this issue as outlined above, ensuring that Moor Street retains its character as a separate settlement. In any event, the Inspector concluded that the benefits brought about as a result of the proposal would '*easily outweigh the landscape harm*'. The Inspector concluded that the proposal would accord with limb (ii) of Local Plan Policy BNE34.

It is therefore considered that the harm to the ALLI overall is minimised and that the benefits outweigh any harm caused as a result of the proposal.

Conservation Area/Heritage assets

The site is not located within a Conservation Area and does not contain any Listed buildings or scheduled monuments. The site does however lie adjacent to the Moor Street Conservation Area and Listed buildings, including the grade II listed West Moor Cottage to the south and grade II listed West Moor Farmhouse and East Moor Street Cottages which lie to the south-east of the site. Paragraph 199 of the NPPF outlines that great weight should be given to the heritage asset's conservation. Local Plan policy BNE18 outlines that development which would adversely affect the setting of a Listed building will not be permitted. Local Plan policy BNE14 requires the setting of Conservation Areas to be preserved and enhanced.

The scheme has been revised to take account of the setting of nearby Listed buildings and Conservation Area, following comments from Historic England. The following changes were made:

- the overall number of units on the site has been reduced;
- the layout on the eastern parcel of the site has been revised to be looser in form;
- a larger central open space has been provided, with other areas of landscaping/amenity space; and
- the design within the eastern part of the site has been improved to include traditional features such as chimney stacks, weatherboarding, brick window arches, car ports and open rafter feet. The materials and architecture of the proposed dwellings in this portion of the scheme are appropriate

The Council's initial concerns in relation to the 74 unit scheme have been addressed with the amendments to the scheme and the harm to the heritage assets is 'less than substantial'. The impact on the Listed buildings is due to the erosion of open green space formerly in agricultural use which contributes to the setting of the buildings. With regard to the setting of the Moor Street Conservation Area, it was designated as it represents one of the small historic agricultural settlements on the North Kent Fruit Belt along the A2. Moor Street is identified as an individual settlement from that of Rainham to the west and forms a cluster of buildings that have developed over time to service the surrounding agricultural land, which now forms the setting of the Conservation Area. The erosion of

this setting therefore reduces the legibility and understanding of the significance of this cluster of buildings that form the Conservation Area.

The harm has been reduced through negotiation with the developers by reducing the density of the development, creating green buffers around adjacent heritage assets, ensuring a physical open and green separation between the east and west sections of the site, and the appropriate use of design and materials within the development. The conclusions on the whole are that the level of harm is at the lower end of 'less than substantial' to all of the identified heritage assets.

Due to the less than substantial harm (albeit at the lower end) to the setting of the Conservation Area and the Listed buildings, the proposal is contrary to Local Plan policies BNE14 and BNE18.

Historic England maintain the view that that whilst the applicant has made some effort to reduce the harm previously identified through the creation of an enlarged village green area in the centre of the site, this does not lessen the 'less than substantial harm', as the site would still be landscaped and enclosed by houses on three sides. Their view is that this would diminish the open character of the Conservation Area and blur the boundary of the Moor Street hamlet setting with that of Rainham town, causing some harm to its significance.

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 of preserving 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 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).

The previous appeal decision on the site noted that the previous proposals on the site would cause harm to the setting of the heritage assets as a result of the closure of views into the Conservation Area from Otterham Quay Lane and from the Listed buildings. The site surroundings have changed since the appeal, most notably with the construction of the Leigh Academy which is most prominent in viewpoints from the north-west now. Also, the proposal now provides a large area of open space central to the site.

The large amenity space central to the site provides good separation between the eastern and western parcels of the site and thereby respects the setting of the Conservation Area and retains its identity, rather than the scheme forming a continuous extension of Rainham to the west.

The areas of open space within the site and the separation between the nearby Listed buildings and the proposed development will ensure that the proposal will protect the setting of these buildings. The proposal includes a large swathe of open space (the central amenity space) to the north of Westmoor Cottage, preserving its setting. The views from Westmoor Farmhouse will also be across this central open space.

The previous appeal Inspector noted (paragraph 32) that a thick belt of planting where the site fronts Moor Street, running behind Westmoor Cottage, has the potential to enhance the setting of the Listed buildings to the south when they are experienced from Moor Street.

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 this harm, 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.

Layout, Scale, Design and Density

The built form is located within the eastern and western areas of the site, with a block paved roadway linking the two areas which runs through the central open area. Access is from the north-west onto an existing road which leads to the Leigh Academy adjacent to the site.

The layout provides for two distinct character areas – a more formal layout to the west and design to reflect the character of the houses to the west in Rainham, and a more informal layout to the east and a design to reflect the houses within the adjacent Conservation Area.

A large central open amenity space ensures that a semi-rural character is retained in this part of the site and that separation is retained between Rainham and Moor Street. The children's play space is located within the southern part of the central open space. Two surface water attenuation ponds are located within the northern part of the site, one at the site entrance and the other, to the south-east of the Leigh Academy building. Other areas of soft landscaping are proposed in the south-eastern corner of the site, adjacent to Moor Street, within the eastern section of the site and along the site's western and north-western boundaries.

Pedestrian linkages are included onto Moor Street in the south-eastern corner of the site and Otterham Quay Lane, within the south-western corner of the site.

NPPF Chapter 12 'Achieving well-designed places' reinforces that design is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 12 also confirms that high-quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development responds to the local character and history and reflects the identity of local surroundings and materials, to create distinctive places, with a consistent and high-quality standard of design. However, the level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.

The surrounding houses on Otterham Quay Lane are of a mixed character and a more modern design than those at Moor Street which include more traditional properties. The scale of properties within the area is predominantly two-storey, with some bungalows.

As originally submitted, the application proposed 74 dwellings. In assessing the scheme, it was considered that there was a need to reduce the number of units, increase the size of the central open amenity space within the site and to improve the design and detailing of the dwellings in the eastern part of the site in order to better protect the neighbouring Conservation Area. Revised plans were received, which:

- reduced the number of units by 8 down to 66;
- increased the size and design of the central amenity area;
- enhanced landscaping within the site;
- revised the design within the eastern part of the site, which has enhanced the character of the dwellings.

A variety of different house types, sizes and tenures, including 25% affordable dwellings, is proposed to be provided to create a diverse and mixed community. This comprises 23 four bedroom, 26 three bedroom, 15 two bedroom and 2 one bedroom dwellings. The

dwellings have a variation in their scale, form and massing that would provide a diverse and attractive street scene. Dwelling houses would be 2 storey in height and the arrangement of buildings across the site have changes in roof form, to create a varied roof line across the development which adds visual interest to the street scene.

The proposed dwellings are of a suitable size and scale with a design that would be in keeping with the mixed character of the area. The layout would reflect the spatial pattern of built form and it provides a visual interest in the form of a street hierarchy.

A key factor to the success in delivering a quality scheme on this site is the architectural detailing and materials of the dwellings as well as the detail of the landscaping. The plans demonstrate that this can be achieved subject to appropriate conditions to ensure high quality design in accordance with paragraph 127 of the NPPF.

The design in the eastern parcel takes its cues from the neighbouring Conservation Area and the recent development on Seymour Road to the north-east. The materials proposed for each section of the proposed scheme are appropriate to their locations. Architectural details proposed for this area include: half-hipped roofs, brick chimney stacks, arched brick headers and white surrounds to window openings, monopitch chimneys, eavesline gables, car ports and open rafter feet. Materials proposed for this area include black cladding, buff brick and red clay effect roof tiles.

Within the western side of the site, the design cues are taken from Rainham and the modern 20th century expansion of the settlement. This results in a more restricted materials palette, a reflection of the more standardised housing of Rainham. Materials and architectural details include slate effect roof tiles, red brick, pitched roof and gables, tile hanging and cant window headers.

The density of development is considered to be appropriate to the surrounding built development and the scheme reflects a slightly lower density in the eastern side of the site (to respond to the looser layout in the Conservation Area).

Having regard to the above, it is considered that the site can satisfactorily accommodate the number of dwellings proposed and the development would relate well to the character, density and appearance of the wider surroundings. Therefore, the development is considered to comply with Policy BNE1 of the Local Plan and the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127 (f) of the NPPF relate to the protection of these amenities.

Neighbouring Residential Amenity

The nearest residential properties to the site are along the southern boundary adjacent to Moor Street. With regards to privacy, outlook, sunlight and daylight, the scheme, by virtue of the siting, size and scale and the distance and relationship to neighbouring properties, would not result in an unacceptable loss of privacy, overlooking, loss of light or overbearing to neighbouring occupiers. Notwithstanding this there is the potential for neighbouring occupiers to be impacted on during construction. Due to this, a condition is recommended for a Construction Environment Management Plan (CEMP).

Amenity of Future Occupiers

The proposed dwellings are compliant with the nationally described space standard (NDSS) dated March 2015 and all habitable rooms would also be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The proposed depth of the gardens would measure between approx. 10.5m and approx. 17m and therefore no objection is raised.

The proposed development is considered acceptable in terms of the impact on the amenity of the future occupiers of the proposed dwellings in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 17 of the NPPF.

Noise

An amended noise assessment report has been submitted which demonstrates that acceptable internal and external noise levels can be achieved with relatively modest mitigation to secure satisfactory amenity levels including thermal double glazing, trickle ventilation, close boarding and acoustic fencing, all of which are to be secured by condition.

Air Quality

Air pollution has a wide-ranging impact on human health and new development can have an adverse impact on air quality through increased transport movements and congestion. The application includes an Air Quality Assessment including a damage costs assessment, carried out in accordance with the requirements of the Medway Air Quality Planning Guidance. Subject to an appropriate condition securing a scheme of mitigation the proposed development will not generate adverse air quality effects and would comply with Local Plan policy BNE24 and paragraph 181 of the NPPF.

Contamination

A contamination watching brief condition is recommended.

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

Moor Street is subject to a 40mph restriction on the eastern boundary of the site, becoming a 30mph restriction on approach to the Otterham Quay Lane signal junction with street lighting adjacent to the carriageway. Otterham Quay Lane lies to the west of the site, which would provide access into the site via the new access road at Leigh Academy and benefits from traffic calming measures recently installed due to the secondary school.

The closest railway station is Rainham, which is located approximately a kilometre to the west of the site by road. From this station, regular train services depart to a range of destinations including London St Pancras International via Gravesend and Ebbsfleet International, Faversham, Margate, Ramsgate, Deal, Dover Priory, and Maidstone West. Direct train services to and from London run six to eight times per hour during peak periods, with High-speed journey times of just 35 minutes available.

Accessibility

In terms of accessibility, as part of Leigh Academy application, improvements to crossing facilities along Otterham Quay Road have been recently installed. There is a footpath provided on the western side of Otterham Quay Lane which follows the full length of the carriageway. The TA also identifies Public Rights of Way within the vicinity of the site.

Regarding public transport infrastructure, it is noted that whilst the site is located on the suburban edge of Rainham, it is not well served by public transport. Table 2.1 demonstrates that the frequency of buses is limited within the vicinity, with 120/121 and 326/327 only providing 11 services per week day and only the 326/327 providing Saturday services (only 5 services) with no services on Sunday.

Rainham Train Station is within 1200m of the site and provides high speed links to neighbouring Medway Towns and locations further field such as London and Canterbury.

Concerns have been raised regarding accessibility of residents accessing the bus stop along the southern edge of the A2 and the public right of way. It is considered that a safe crossing point is required to allow residents to safely access the PROW or return to the development site from the bus stop.

A pedestrian path is proposed along the western boundary of the site. The path provides a safer route for school children which are already walking along the road verge to access the secondary school to the north. A footpath connection from the site to the A2 and a

pedestrian crossing is proposed on the A2 to link to bus stops and the countryside to the south.

Accident Data

The applicant has provided accident data both within Medway's highways network and Kent's highway network. 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.

Site Access

Drawing 15019-H-01 has been provided which demonstrates the access arrangements for the site. It has been subject to a Road Safety Audit. Access to the site will be derived from a priority junction off the eastern arm of the new roundabout junction from Otterham Quay Lane which also serves the Leigh Academy school. The access has been designed with a 5.5m carriageway width and kerb radii of 6.0m. Access can achieve acceptable visibility in both directions.

Internal Layout

In line with Medway Interim Parking Standards, 1 car parking space should be provided for every 1 bedroom dwelling, 1.5 parking spaces for every 2 bedroom dwelling and 2 spaces for every 3+ bedroom dwelling.

In terms of electric charging points, one would be provided per property and secure cycle storage would be provided for each property. The applicant has provided swept path analysis for all sizes and vehicles, which demonstrate no issues with the internal layout.

Based on the information provided within the application, a total of 65 private allocated parking spaces would be provided, 24 spaces for housing authority housing, 2 unallocated spaces, 15 visitor spaces and 29 car port spaces (overall total of 135 spaces). In terms of electric charging points, one would be provided per property and secure cycle storage would be provided for each property.

The applicant has provided swept path analysis for all sizes and vehicles, which demonstrate no issues with the internal layout.

Development Trip Generation and Impact

The proposed development has the potential to generate in the region of 337 vehicle trips across the 12-hour weekday period, of which 37 would take place during the AM peak hour and 36 would occur during the PM peak hour.

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 original Transport Assessment provided isolated junction models to outline the impact on the highway network. The following junctions were assessed:

- A2 High Street / Mierscourt Road signal junction;
- A2 High Street / Otterham Quay Lane / A2 Moor Street / Meresborough Road signal junction;
- Otterham Quay Lane / Blackthorne Road / Leigh Academy Access Roundabout; and;
- Leigh Academy Access / Site Access Priority Junction

The junction capacity assessment considered two scenarios:

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

The opening year of 2026 was considered (i.e year of application plus 5 years) with industry standard software to packages to assess the impact with the RFC/DOS providing the primary measure of junction performance and is reported for each entry arm. An RFC of 0.85/ DOS OF 85% or lower indicates that the specific arm of the junction is operating within capacity; an RFC of between 0.85 and 1.0/ DOS 90L to 100% indicates that the arm is operating over its practical capacity and an RFC of 1.0/ DOS of 100% and over indicates that traffic demand exceeds theoretical capacity.

A2 High Street / Mierscourt Road Signal Junction

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

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.

Other Junctions

The other two junctions assessed, the site access and Otterham Quay Lane/Blackthorne Road/Leigh Academy Roundabout outline no significant impacts on highway function.

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 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 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 were 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 junctions in close vicinity to the scheme 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/21/2225 Land at Seymour Road) an additional scenario was conducted with both applications.

Table 6 demonstrates the impacts across the network

AM Peak	Base Year 2016	Forecast Year 2026 Reference Case	Forecast Year 2026 Do-Something	Do Minimum - Do Something % diff
Travel Time (sec/km)	125.0	144.2	145.5	0.9%
Mean Speed (kmh)	30.5	27.8	27.6	-0.7%
Delay Time (sec/km)	33.8	55.0	56.3	2.4%
Mean Queue (veh/km)	57.9	171.5	173.1	1.0%
PM Peak				
Travel Time (sec/km)	132.0	150.1	160.2	6.7%
Mean Speed (kmh)	29.5	27.1	26.3	-3.2%
Delay Time (sec/km)	40.8	61.6	71.7	16.4%
Mean Queue (veh/km)	80.5	193.0	218.2	13.0%

Table 8 demonstrates the impacts across the network including the adjacent application (Seymour Road)

AM Peak	Base Year 2016	Forecast Year 2026 Do-Minimum	Forecast Year 2026 Something	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

A 'Level of Service (LoS)' metric was used to assess the operation of junctions, determining average junction delay. The operational performance of the junction was evaluated using letters from A to F, with A being the best and F being the worst.

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 considers that the differences between the 2026 reference case and the 2026 scenario 1 are insignificant. However, the Highway Authority's view is that when the additional development is taken as a whole, in combination with the "forecast do nothing" situation, it results in an unacceptable, severe impact as the Otterham Quay Lane/High Street junction is identified as 'F' (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 (Unstable flow – congested and queues fail to clear). Many junctions are also approaching unstable flow (D - tolerable delay, occasionally wait through more than one signal cycle before proceeding).

Furthermore the MAM model indicates from the baseline year, queue lengths have increased by 197% in the AM and 139% in the PM. Delay time increases by 62% in the AM and 50% in the PM. The Highway Authority's view is that comparison should be made

against the Forecast year with increased levels of traffic which would be further exacerbated by additional major development within the local vicinity.

The Highways Authority's view is that when the proposed development is taken as a whole, including consideration of the future "do nothing" scenario, a severe impact results. They also state that video simulation models provided by the applicant which, albeit covering a short period, demonstrates the cumulative impact. In comparing the reference case to scenario 1, it is apparent that during the AM, queue lengths at Otterham Quay junction extend back to the school access and extend to Seymour Road. During the PM peak by contrast the congestion is focused on the Mierscourt Road junction which significantly blocks back east bound.

In terms of the scenario 3 during the AM, queue lengths increase for vehicles travelling west bound, with queues blocking back to the new proposed access for MC/21/2225 (Land to the east of Seymour Road and north of London Road). The largest impact is for scenario 3 is during the PM peak, with significant queuing across the network, the A2 at Otterham Quay Lane Junction, Mierscourt Road, Orchard Street Junction and Maidstone Road junction. The Highways Authority note that due to the queues at the Orchard Street junction, this results in significant queuing along 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 has also referred 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 a reduction in numbers (which was recently dismissed). 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/21/2225 – Land at Seymour Road – 48 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. The Highways Authority concludes 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



The Highways Authority therefore concludes that adding these additional developments would result in a 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 children) due to vehicles rerouting down residential roads (which is demonstrated in figure 4-2 of the MAM report) or waiting at extended queues at primary junctions along the A2 corridor. Furthermore, with the increased delays at the Otterham Quay Lane junction, may see parents pull over

and drop school children at the roadside and not in the designated drop off/pick up section of the school to avoid being caught in the queues.

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 the Scott Avenue and Solomon Road junction which has seen a number of incidents in recent years. These roads are stated as 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 the view of the Highway's Authority that the impacts to highway safety would be unacceptable.

The Highway Authority 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, and that 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 (Moor Street and Seymour Road) which have been assessed together and in isolation are not shown to have a material impact on the surrounding network.'*

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

1. Relates to an assessment of the impact on the A2 High Street/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 Transport 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 and have provided the above response (in part) 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, it is considered 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.

Archaeology

Reflecting the comments of KCC archaeological officer a full archaeological investigation in accordance with a pre-agreed specification is recommended via an appropriately worded condition. Subject to that no objection is raised in relation to archaeology with respect to Policy BNE21 of the Local Plan.

Ecology

The application is supported by a Preliminary Ecological Appraisal and Reptile Survey Report. The Site falls within the Impact Risk Zone for Medway Estuary and Marshes SSSI/SPA and Ramsar and Queendown Warren SAC and SSSI. As a result, financial contributions are required to mitigate increased recreational disturbance on coastal SPAs and Ramsar Sites (see following section).

The mature trees along the southern boundary of the site have 'low' potential to support roosting bats due to ivy cover. It is recommended that should any of the trees need to be removed (i.e in the future) that the ivy is cut from the trees and the trees inspected for potential for roosting bats prior to being felled or cut. This is the subject of a recommended condition.

The site is considered to support 'low' quality bat habitat. No further activity surveys for bats are required, however, a sensitive lighting strategy has been recommended to maintain some suitable bat habitat within the site and wider landscape.

Recommendations have been made for the timing of the removal of any vegetation in relation to breeding birds. This should be undertaken outside the bird breeding season, limiting this work to between September and February (inclusive), or the vegetation should be checked for active nests before works commence. These items are listed as an informative.

A presence / likely absence reptile survey has been completed in 2020 and 2021. No reptiles have been recorded during these surveys. In 2014 and 2019, a low population of slow worm were recorded within habitats immediately adjacent to the northern boundary of the site. Consequently, precautionary methods regarding habitat removal and compensatory habitat for reptiles should be provided through the development and a detailed Method Statement has been provided within the submitted report.

Regarding NPPF and the enhancement of the site for biodiversity, outline recommendations have been provided and these include provision of bird boxes, planting of native trees and shrub species and enhancements of the site for hedgehog. It is recommended that a detailed ecological enhancement strategy is conditioned.

Subject to the conditions suggested no objection is raised under Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

Surface Water Management and Drainage, Flood Risk

The site is situated in Flood Zone 1 (low risk) with respect to river and tidal flooding. there are localised areas within the site that are subject to low, medium and high surface water flooding risk as highlighted by the most up to date Environment Agency Mapping. Floor levels of affected properties should be raised a minimum of 150mm and suitable flood resilience measures adopted to manage residual risk via solid floor construction, raised sockets and services.

It is noted within the submitted FRA/Drainage Strategy report that geological investigation confirms that infiltration would not be suitable at the site and therefore the proposal is to connect into the existing Southern Water surface water sewer located on Otterham Quay Lane. The drainage proposal includes two attenuation basins, permeable paving and a hydrobrake system to control the water before it enters the surface water sewer system.

The SuDs components proposed offer appropriate water quality mitigation in accordance with the most up to date guidance contained within the CIRIA SuDs Manual C753. Where proprietary systems are proposed the LLFA expect details about the level of mitigation provided to be consistent with the Simple Index Approach. This should be submitted during the detailed design stage.

Subject to conditions for full details, verification report, Construction Surface Water Management Plan and flood resilience measures, the application is considered to be acceptable and in accordance with paragraph 165 of the NPPF.

Climate Change and Energy Efficiency

The applicant has indicated that the proposal will make every attempt to exceed the current requirements of Part L: Conservation of Fuel and Power. It will address other key issues such as sustainable waste management, ecology and biodiversity, and environmentally friendly materials as appropriate.

The application notes that the proposals would be constructed to very high standards of energy efficiency with high levels of insulation and air tightness. The fabric-first approach would be proposed which significantly reduces energy demands and carbon emissions. It is the intention to achieve as close to 50% reduction in dwelling emission rates in comparison to the target emission rates set within Part L1A of the building regulations. The use of renewable energy sources will be explored for power and heating such as solar panels, and air source heat pumps including the potential of air filtration.

A condition will require details of how the development will offset biodiversity loss and enhance biodiversity. To ensure that waste sent to landfill is minimised at whatever point it is generated, a waste management strategy will be put in place during the construction process to maximise the levels of materials re-used and recycled on the site.

The close proximity of amenities including public transport, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car.

Secured bike storage can be provided within the secured rear private gardens or within garages, as such the development offers the opportunity for a sustainable transport solution. Electric car points are also conditioned as part of this application.

Loss of Grade II agricultural land

The proposal would result in the development of Grade II (very good quality) agricultural land. However, the previous appeal Inspector determined that the loss of best and most versatile agricultural land would be outweighed by the public benefits of the proposal. 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.

Trees

The Arboricultural Impact Assessment (AIA) submitted with the application outlines that the overall impact of the proposed development on the site trees is low with no removals recommended. Trees on the boundaries of the site will be retained and protected by protection fencing.

A new landscaping scheme is proposed which includes significant new tree and hedge planting. Trees are proposed throughout the site including: as street and verge trees; in

front and back gardens; close to the southern boundary where it adjoins Moor Street; along the north-western corner boundary adjoining the Otterham Quay roundabout; and also within the central open amenity space including along the northern boundary. Street and verge trees will be planted as semi-mature and advanced nursery stock.

Existing trees adjacent to Moor Street, the eastern boundary of the site and adjacent to Otterham Quay Lane would be retained and protected by protection fencing.

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 (excluding legal and monitoring officer's costs) 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 (SAMMs) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and have agreed that this is included in the S106 process. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Affordable Housing and other Contributions

The application seeks planning permission for 66 dwellings. In compliance with the Local Plan Policy H3, the development would need to deliver 25% affordable units, equal to 17 dwellings. Also, in compliance with the Council's developers' contribution guide, 60% of the 17 units would need to be for social rent and 40% for shared ownership. This will be secured through the S106 agreement proposed and the applicant has agreed to this.

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:

- Secure 25% affordable dwelling units (equal to 17 dwellings);
- Contribution of £16,752.78 towards SAMMs bird mitigation measures;
- Contribution of £11,266.86 towards improving library facilities and equipment within the vicinity.
- Education contribution total: £296,116.22 broken down as:
 - Nursery: £91,227.52
 - Primary: £19,193.25
 - Secondary: £172,351.63
 - Sixth Form: £13,343.82
- Contribution of £43,141.56 towards primary and social health;
- Contribution £87,035.85 towards open space and outdoor formal sport, broken down as follows:
 - £82,035.85 for open space
 - £4,351.79 for Great Lines Heritage Park
- Contribution of £16,610.88 towards sport facilities;
- Contribution of £5,342.70 towards youth provision;
- Contribution of £11,806.08 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development;
- Contribution of £3,630 towards PROW signage in the immediate area;
- Contribution of £16,170 towards public realm;
- 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 £1,300 per dwelling (total £85,800) if demonstrated to be necessary to be used towards traffic displacement mitigation.
- Contribution of £25,000 towards a pedestrian crossing on Moor Street in accordance with drawing number 15019-H-03-Rev P2. Section 278 Agreement to secure this.

Total £618,672.93

Local Finance Considerations

None relevant

Overall Planning Balance and the Presumption in favour of Sustainable Development (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 Local Plan policy S1 (development strategy) which seeks to prioritise development within the existing urban fabric and restricts outward peripheral expansion onto 'fresh land'. Local Plan policy S2 (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 confines of Rainham, so accords with the aim of this policy.

In relation to Local Plan policy BNE34 (ALLI), the proposal is in partial conflict by providing development on the ALLI, however it has been outlined within the report that the proposal would not materially harm the landscape character and function of the area and also the economic and social benefits outweigh the local priority to conserve the area's landscape, thus the proposal complies with the second part of the policy. The proposed development has been sited, designed and landscaped to minimise harm to the area's landscape character and function.

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

In relation to the neighbouring Conservation Area and Listed buildings, the proposal will 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 'less than substantial' harm to the heritage assets. The proposal is thus compliant with the NPPF in this regard. Local Plan policies BNE14 and BNE18 are more restrictive and there is a conflict with these policies, however the NPPF provisions post-date the Local Plan policy and allow for 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.

In assessing the sustainability of the proposal, the three objectives of sustainable development are addressed in turn:

Economic:

The new residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy and vitality of Rainham. The development would also boost the local economy by providing construction jobs and supporting local building trades, albeit this would be for a temporary period. This also has multiplier effects along the supply chain. Moderate weight is 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 the 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 66 dwellings towards housing land supply, of which 25% would be affordable dwellings, which would contribute to the identified significant need in the Medway area. It is considered that 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.

The applicant has agreed a shorter timeframe for the commencement of development (eighteen months rather than three years) on site which will see the required houses needed built earlier than the standard condition allows. This further increases the weight that can be attributed to housing delivery.

The proposal will also be delivered by a recognised developer and therefore could be delivered in a reasonable timeframe. This would be subject to the successful completion and signing of a Section 106 agreement, compliance with the Section 106 as well as any pre-commencement conditions.

The impacts from COVID have highlighted the need for dwellings to be adaptable, allowing for the occupiers to spend a significant amount of time at home, including working from home. Taking account of this, the proposal is designed with spacious plots and would also facilitate home working. This contributes to and promotes well-being for the future occupiers. Limited weight is attached in this regard given that it largely benefits the occupiers of the development itself and not the surrounding population.

The application will secure a large area of open space and also play facilities on site which would benefit the wider community as well as the future occupiers, which is attributed some 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 – in respect of highway capacity, and road safety, and BNE2 – in respect of residential amenity. Accordingly, this harm should be given substantial weight.

The proposed highway mitigation provides a contribution of £25,000 to provide a pedestrian crossing on the A2 to allow safe crossing to the bus stops on the A2 and the countryside to the south. This is a social benefit as this would be used by other residents in the area as well as residents of the proposal. This is also true of the pedestrian footpaths provided along the western boundary of the site and from the A2 in the south-eastern corner, which allow pedestrian interconnectivity through the site to the Leigh Academy from the A2, and along the eastern side of Otterham Quay Lane. These routes will provide safer footpath links to the Leigh Academy. These benefits are attributed some weight.

Environmental:

The site lies outside of the built-up area of Rainham and within an Area of Local Landscape Importance (ALLI). Whilst the development would have an impact on the current open character of the site causing some environmental harm, it would not result in any further significant erosion of the special qualities or objectives of the ALLI. This is attributed moderate weight.

Any harm to the ALLI is overridden by the public benefits of the proposal including the provision of much needed housing. Furthermore, the layout has responded to the ALLI designation by retaining a significant central open space within and also throughout the site. The central open space is designed to have a rural character and tree and hedge planting is proposed throughout the site.

The proposal will have a less than substantial harm to the neighbouring Conservation Area and Listed buildings. Great weight is given to this, as addressed in more detail above.

The proposals respect the setting of the Conservation Area and retain its identity, rather than the scheme forming a continuous extension of Rainham to the west. In this way, Moor Street would retain its character as a separate settlement.

The areas of open space within the site and the separation between the nearby Listed buildings and the proposed development will ensure that the proposal will help minimise the harm to the setting of these buildings. 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.

The site is in a sustainable location and is well connected to Rainham's shops, services and railway station to the west by foot and bicycle and a secondary school lies immediately to the north of the site. The site has good access to sustainable modes of transport. The development would conform to the sustainable development aspirations of the NPPF. This aspect is attributed great weight.

The site is of low ecological value, dominated by poor semi-improved grassland. The development proposals will provide ecological and landscape benefits through the enhancement of existing features and creation of new habitats and environments on the site. Ecological mitigation measures have been outlined to be appropriate.

Other matters of layout, scale, design, density; residential amenity on the site; archaeology; ecology; surface water management and drainage; climate change and energy efficiency; loss of agricultural land; trees; affordable housing and other contributions have all been adequately addressed in the application.

Conclusion – Planning Balance

The proposal conflicts with Local Plan policies S1, T1 and BNE2 and is partly in compliance with policies BNE25 and BNE34. The proposal complies with the aims of policy S2. The proposal conflicts with Local Plan policies BNE14 and BNE18, however the NPPF provisions post-date the Local Plan policy and allow for a balancing exercise in relation to the heritage assets. Given the identified Local Plan policy 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. It is considered that the application proposal would not result in any further significant erosion of the special qualities or objectives of the ALLI. Furthermore, the limited harm to the ALLI is outweighed by the public benefits of providing open market and affordable housing.

The less than substantial harm at the lower end of the scale to the setting of the Listed buildings and Conservation Area should be given great weight. However, 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. These public benefits are considered to outweigh the harm to the designated heritage assets, notwithstanding the great weight that must be given to this harm. 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 would have a number of other economic, social and environmental benefits as outlined. The site is sustainably located at the edge of Rainham and is close to Rainham's shops, services and railway station and is on a bus route. The development would form a sustainable extension to Rainham.

Therefore, the social and economic benefits of this application for the provision of up to 66 new dwellings with 25% affordable housing towards the Council's five-year housing land supply is considered to significantly and demonstrably outweigh the adverse impact of the development in the countryside, ALLI, the setting and fabric of the Conservation Area and Listed buildings, 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 significant benefits of the scheme and the fact that local highway network is likely to suffer from 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 66 dwellings, to be commenced within an accelerated timescale of 18 months 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 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 development would provide 66 new dwelling units of which 25% would be affordable housing. This proposal will deliver a mix of market and affordable dwellings of different sizes, types and tenure required to meet the needs of a mixed community in a quality and attractive environment and will assist in delivering and enhancing infrastructure in the locality, whilst safeguarding the environment and biodiversity as well as being sympathetic to local character, including the ALLI and neighbouring Conservation Area and Listed buildings.

Notwithstanding the breaches with the development strategy (S1, BNE14, BNE18 and BNE25 in part) and highway impacts (T1 and BNE2), 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 proposal is considered to be in compliance with Local Plan policies S2, S6, BNE1, BNE3, BNE6, BNE21, BNE23, BNE24, BNE25 (in part) BNE34 (in part), BNE37, BNE39, BNE43, BNE48, H3, H10, T3, T13 and the NPPF 2021.

The application is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation including from Rehman Chishti 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/>