

MC/22/1474

Date Received: 13 June 2022
Location: Land South Of Lower Rainham Road Rainham Gillingham Medway
Proposal: Application for approval of reserved matters being appearance, landscaping, layout and scale pursuant to outline planning permission MC/18/1796 for the construction of 200 dwellings (C3 use class), open space, landscaping and associated infrastructure together with application to discharge conditions number 13 (refuse provision), 24 (contamination), 25 (contamination remediation) and 28 (MUGA play provision).
Applicant Redrow Homes South East
Josephine Baker
Agent Tetlow King Planning
Mr Iain Warner
32 High Street
West Malling
ME19 6QR
Ward: Rainham North Ward
Case Officer: Wendy Simpson
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 14th December 2022.

Recommendation - Resolution to Approve subject to:

A. The agreement of Section 73 application MC/22/2646 (Bakersfield site) to align surface water drainage across the two sites and ecological matters being acceptable. Delegated authority to apply additional conditions related to these matters as required.

B. The following conditions:

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

Received on: 13 June 2022

225.02 REVA - Location Plan

2215.AMB.01 - Amberley Stamford 3 Block Plans

2215.AMB.03 - Amberley Stamford 4 Block Plans
2215.AMB.04 - Amberley Stamford 3 Block Elevations
2215.B.01 - 80mm Screen Fence
2215.B.02 - 1800mm Brick Wall
2215.B.03 450mm Knee Rail
 2215.B.05 1200mm Estate Railing
2215.CAM.02 - Cambridge
2215.CAM.03 - Cambridge Render Elevations
2215.DAR.04 - Dart 4 Block Plans
2215.DAR.05 0 Dart 4 Block Elevations
2215.DG.01 - Double Garage
2215.HAL.01 - Harlech
2215.HAM.01 - Hempsted Plans
2215.HHAM.03 - Hempsted Render
2215.HAR.01 - Harrogate
2215.HAR.01 - Harrogate Render
2215.HEN.01 - Henley
2215.HEN.02 - Henley Elevations
2215.LEM.01 - Leamington LS Plans
2215.LEM.02 - Leamington Elevations
2215.LEM.03 - Leamington Render Elevations
2215.LET.01 - Letchworth Plans
2215.LET.02 - Letchworth Elevations
2215.LET.03 - Letchworth Render Elevations
2215.MAI.01 - Maisonette
2215.OXF.02 - Oxford Elevations
2215.OXF.03 - Oxford Render Elevations
2215.OXFQ.01 - Oxford LS Plans
2215.OXFQ.02 - Oxford LS Elevations
2215.RIC.02 - Richmond Elevations
2215.RIC.02 - Richmond Render Elevations
2215.SG.02 - Single Garage
2215.SHA.02 - Shaftsbury Elevations
2215.STA.01 - Stamford Pair
2215.STR.01 - Strafford LS
2215.STR.02 - Strafford LS Render
2215.TAV.01 - Tavy Detached
2215.TAV.02 - Tavy Render Semi Detached
2215.TAV.03 - Tavy 4 Block Plan
2215.TAV.04 - Tavy 4 Block Elevation
2215.TAV.05 - Tavy 4 Block Render Elevations
2215.TWE.01 - Tweed Plans Pair
2215.TWE.02 - Tweed Elevations Pair
2215.TWE.03 - Tweed Render Elevations Pair
2215.WAR. 01 - Warwick Plans
2215.WAR. 02 - Warwick Elevations

2215.WAR. 03 - Warwick Render Elevations

Received 24th June 2022

2215.WAR. 05 - Warwick 4 Block Elevations
2215.AMB.02 REV A - Amberley Stamford Block Elevation
2215. CAM.01 Rev A - Cambridge Plans
2215.SHA.01 Rev A - Shaftesbury Plans
2215.SUN.01 - Sunningdale Plans
2215.SUN.02 - Sunningdale Elevation
2215.WAR.04 Rev A - Warwick 4 Block Plans

Received 26th September 2022

2215.HAM.03 - Hampstead Render Elevation
2215.04. A - Street Scene
2215.STA.02 - Stamford 4 Block Plan
2215.STA.03 - Stamford 4 Block Elevation
LRR-PPC-00-XX-DR-C- 0002 - Drainage Strategy
LRR-PPC-00-XX-DR-C- 0201 P2 - Catchment Plan
LRR-PPC-00-XX-DR-C- 0210 - P5 - Adoptable Drainage
LRR-PPC-00-XX-DR-C- 0211- P5 - Adoptable Drainage
LRR-PPC-00-XX-DR-C - 0302 - P2 - Highways Review
LRR-PPC-00-XX-DR-C - 0303-P2 Refuse Vehicle Tracker
LRR-PPC-00-XX-DR-C - 0304-P2 Refuse Vehicle Tracker
LRR-PPC-00-XX-DR-C - 0305 - P2 - Fire Tender Tracking
LRR-PPC-00-XX-DR-C - 0306 - P2 - Fire Tender Tracking
LRR-PPC-00-XX-DR-C - 0311 - P3 - Proposed Levels
LRR-PPC-00-XX-DR-C - 0212-P4 - proposed Levels

Received 30 November 2022

2215.01.Z - Planning Layout
2215.03.C - Materials Plan
2215.06.D - Boundary Treatment Plan
2215.07.D - Parking Plan
2215.08.C - Storey Heights Plan
2215.09.C - Tenure Plan
2215.10.C - Refused Plan
2215.11.C - EV Charging Plan
11294- FPCR-XX-XX-DR-L- 0010 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0011 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0012 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0013 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0014 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0015 P08 - Revised Hard landscape Plan

11294- FPCR-XX-XX-DR-L- 0016 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0017 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0018 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0019 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0020 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0021 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0022 P08 - Revised Hard landscape Plan
11294- FPCR-XX-XX-DR-L- 0023 P08 - Revised Hard landscape Plan

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

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

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 3 No development shall commence above foundation/slab level in any phase or sub-phase until details of the alignment of below ground services and utilities (including inspection points, drainage) and the protection of services where required, and the position of light columns have been overlayed on the approved hard and soft landscape plans and those plans have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

Reason: To ensure no harm would occur to the agreed planting by virtue of the installation of such infrastructure, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003 and to ensure biodiversity enhancement in accordance with paragraph 180 of the National Planning Policy Framework 2021.

- 4 Prior to the first occupation of any dwellings herein approved within a phase or subphase full details for the design and specification of tree and hedge planting within that phase should be submitted to and agreed in writing with the Local Planning Authority. Details should be included of the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, grilles, guards and shelters, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments). The works shall be carried out in accordance with the agreed details and completed prior to the first occupation of any dwelling within that phase or subphase.

Reason: To ensure the healthy establishment of the planting at maturity and a satisfactory external appearance in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 Prior to the construction of the walled entrance features at the northwestern and southwestern entrances of the central open space area details of the entrance features shall be submitted to and agreed in writing with the Local Planning Authority. The entrance features shall be constructed in accordance with the agreed details.

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

- 6 Prior to the occupation of 50th dwelling herein approved details of a 'trim trail', its location, equipment and maintenance provisions, shall be submitted to and agreed in writing with the Local Planning Authority. The 'trim trail' shall be installed in accordance with the agreed details prior to the occupation of the 100th unit on the site and maintained in accordance with the agreed details thereafter.

Reason : To ensure the public amenity is provided and retained for the benefit of the occupiers of the development in accordance with Policy BNE2 of the Medway local Plan 2003.

- 7 No dwelling shall be occupied until the electric vehicle charging unit for that dwelling, as shown on drawing 2215.11.C, has been installed and made fully functional. The charging units shall be maintained in place and in good working order thereafter.

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

- 8 No dwelling without a garage shall be occupied until details of private cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the

approved details before the respective dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 9 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the email tittles 'MC/22/1474 - Land South Lower Rainham Road - climate change' (Josephine Baker, Redrow, dated 23/11/2022). The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

Proposal

The proposal seeks approval of all Reserved Matters (Appearance, Landscaping, Layout and Scale) to provide 200 dwellings (C3 use class), open space, landscaping and associated infrastructure.

The outline planning permission for the site was granted for *“Outline planning application (all matters reserved except access) for the development of up to 202 residential dwellings (Use Class C3), open space, landscaping (including Sustainable Urban Drainage), access, up to 455 car parking spaces and associated works.”*

The application also seeks to discharge the following 4 conditions imposed on the outline approval:

- 13 (refuse provision)
- 24 (contamination)
- 25 (contamination remediation)
- 28 (MUGA play provision)

Relevant Planning History

MC/22/2371 Details pursuant to condition 12 (Archaeology) on planning permission MC/18/1796 - Outline planning application (all matters reserved except access) for the development of up to 202 residential dwellings (Use Class C3), open space, landscaping (including Sustainable Urban Drainage), access, up to 455 car parking spaces and associated works. (Under consideration)

MC/18/1796 Outline planning application (all matters reserved except access) for the development of up to 202 residential dwellings (Use Class C3), open space, landscaping (including Sustainable Urban Drainage), access, up to 455 car parking spaces and associated works. (Approved 14 August 2020)

Bakersfield phase 2

MC/22/2646 Variation of condition 2 (approved drawings) to allow a minor material amendment to planning permission MC/21/2493 (Construction of nine 3-bedroom dwellings with associated parking, landscaping, refuse stores and community amenity space) for amendments to drainage details (Under consideration)

MC/21/2493 Construction of nine 3-bedroom dwellings with associated parking, landscaping, refuse stores and community amenity space (Approved 12 April 2022)

MC/18/1307 18, 3-bedroom houses with associated car parking spaces with the vehicle and pedestrian access to the development through Bakersfield residential development and its access to Station Road. (Approved 24th July 2020)

Bakersfield

MC/17/1820 Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 1 of MC/14/0285 (APP/A2280/W/15/3002877) for outline planning permission with all matters reserved for future consideration, ref Outline application with all matters reserved for residential development comprising 90 dwellings. (Approved 7 December 2017)

MC/14/0285 Application with all matters reserved for future consideration, ref Outline application with all matters reserved for residential development comprising 90 dwellings (Refused 18 July 2014, Appeal Allowed 7th December 2015)

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.

LLFA, Southern Water, Kent Police KCC Biodiversity, Swale Borough Council, Council, EDF Energy, Southern Gas Network have also been consulted.

The **Lead Local Flood Authority (LLFA)** advise that the site falls within Flood Zone 1 (low risk) but within an area at high risk of surface water flooding. No objections are raised however it is noted that detailed surface water condition on the outline planning permission has not been applied to be discharged at this time. A further condition is recommended in respect to the agreement of a Construction Surface Water Management Plan.

Southern Water has no comments to raise.

KCC Biodiversity advice is awaited following submission of the revised layout, landscape strategy and planting plan.

Last Mile Asset Management Ltd has supplied extracts showing their infrastructure in the vicinity.

Southern Gas Network – there is a high-pressure pipeline in the vicinity of the works and the exact location of the pipeline and other SGN assets need to be located before any work commences. Other instructions to the developer are also provided.

UK Power Networks has supplied extracts showing their infrastructure in the vicinity.

55 letters have been received from neighbours raising the following concerns:

- Removal of existing boundary trees and hedgerow is unwelcome by neighbours and will harm wildlife
- Removal of existing trees at the boundary will allow overlooking to neighbouring dwellings/properties
- Very dense development
- SGN gas line has a 6m easement
- Lack of open space and play space
- Part of the site is McCullochs site (Bakersfield phase 2)
- Disturbance to neighbours through noise during construction and from the new population
- The plans are very different to the plans in the outline planning application
- The plans show house orientations different to the outline application
- Site is higher than that of neighbouring land so new houses would tower over neighbours
- Lower Rainham Road and Station Road not able to cope with the increased traffic from this application in addition to other recent developments
- Lack of schools, doctors, dentists
- The access point is near a blind bend
- Traffic volumes and speeds using the Lower Rainham Road is dangerous
- Additional traffic on Lower Rainham Road will result in increased air pollution
- House numbers in the development have increased

- Concern from various Swale residents in respect to the pedestrian access to the east (Pear Tree Grove Estate) – no benefit, noise, disturbance, litter, lack of security, crime, anti-social behaviour, increase footfall, cyclists, used to access the Leigh Academy by school children, overrun the use of the playground, harm to the character of the area, increased light disturbance
- Layout will have detrimental affect along Grenadier Close and Woolbrook Close
- No footpath shown along Lower Rainham Road
- Close proximity between existing and proposed houses
- The outline proposal showed a 30m buffer between the existing and proposed houses
- There will be an increased risk of flooding from Flood Zone 3 land that runs through the middle of the site
- Loss of daylight to/overshadowing of neighbouring properties
- Increased risk of flooding in the area from the development
- Emergency access to the high-pressure gas line is required
- Release of gases during construction due to the former use of the site
- Air pollution from dust during construction
- Boundary treatment between the existing and proposed development
- Upkeep and maintenance of the tree on the boundary
- Lack of social housing
- Neighbouring bungalow sites are being overlooked by two storey dwellings at close distance and without any landscaping retained between the sites
- Lack of details in respect to contamination, flood risk and MUGA

1 letter of support has been received also making the following comments:

- Site traffic should be routed via Otterham Quay Lane (not Station Road)
- Pedestrian access should be continued through to Tilbury Road Estate and beyond as is no footway along Lower Rainham Road

Councillor Martin Potter supports the position that site traffic should use Otterham Quay Lane and not use Station Road, Rainham.

Councillor Alan Horton (Swale) objects to the proposal for the following stated reasons:

- There has long been a presumption of a green gap between the urban conurbation of Medway and the more rural communities to the east in Swale
- This site if developed reduces that gap to a narrow strip of hedgerow and trees
- This proposal has within it the direct intent to completely destroy that very narrow gap and open a walkway from Medway direct into an established community in Swale
- The proposal will have a direct impact on the safety, security and amenity of the residents of my ward with NO benefit whatsoever
- This 'cut-through' ... is simply a ruse to place a higher density on the application plot

- It is unfair, unnecessary and should not be in the gift of Medway to allow as it is clearly a Swale community that is directly impacted

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Background

In considering planning application MC/21/2493 relating to Bakersfield phase 2, the Planning Committee agreed a method of dealing with surface water drainage that relied on land within the site the subject of this application for Redrow. Since that approval Redrow have been working up the details for the application currently under consideration. This includes changes to the surface water solution for both this site and the adjacent Bakersfield phase 2. As a result an application to amend the approved drainage for Bakersfield phase 2 has been submitted. The two developers have provisionally agreed the drainage solution.

The outline planning permission (MC/18/1796) for the current site (all matters reserved except access) was granted planning permission on 14 August 2020 with a requirement to submit reserved matters within 2 years - a reduction on the normal 3 years to assist Medway in bringing forward appropriate development delivery.

Planning Appraisal

Main matters for consideration:

- Layout
- Scale
- Appearance
- Amenity
- Housing mix and affordable housing
- Open Space
- Landscaping
- Ecology
- Flood Risk/Drainage
- Parking/Highway
- Climate Change
- Local Finance Consideration

Layout

'Layout' is a reserved matter under the outline planning permission MC/18/1796.

Consideration of the reserved matter of 'Layout' is multi-faceted not only including layout of the properties and roads proposed but also consideration of landscaping, impact on the ALLI, amenities, open space, drainage, traffic movements, waste collection/fire, parking, high pressure pipeline and easements, overlap with Bakersfield site and permeability to outside of the site. As such the consideration of the matter of 'layout' is discussed throughout the remainder of the report.

The Health and Safety Executive (HSE) previously advised in respect to a high-pressure gas pipeline which runs along the eastern and northern boundaries of the application site. They advised an easement of over 8m and 15m respectively must be provided. Due to this same gas pipeline the HSE also imposed a density restriction of no more than 30dph within a 47m buffer area along the eastern and northern boundaries of the site. The current application layout meets this density restriction.

The site is sited within the Gillingham Riverside Area of Local Landscape Importance (ALLI) and as such an area of open space has been provided at the northern edge of the site to respond to this and the rural location. No footways are proposed along the Lower Rainham Road to respect the rural character of that road and whilst the northern boundary hedgerow is required to be removed to allow for groundworks it is proposed to be re-provided so as to avoid the easements on site, vision splay for the agreed access and below ground infrastructure.

In the original layout drawings provided for this application there was shown a pedestrian/cycle link to/from the Bakersfield site to the west of the application site and also a similar link to/from the housing area to the east, which falls within the Swale administrative area.

During the progress of the application the layout has been revised to provide a full vehicular access to/from the Bakersfield site to the west (as per condition 19 of the outline planning permission) but, following investigation, the pedestrian/cycle access to the east (Swale area) the proposed footway/cycleway has been removed from the layout. The applicant advised that there was found to be a ransom strip in place that restricted any link through. It is also noted that there was significant objection to the link from residents of the adjacent housing with Swale area and an Upchurch Parish Councillor advised that the open space to which the footway cycleway would join was, he had been advised, maintained by a service charge on the residents of that adjacent housing development. On a balance of all of these matters, whilst such a link would be highly desirable for reasons of permeability in the vicinity and facilitate pedestrian/cycle access through to Otterham Quay Lane and on to the new secondary School, it has not been possible to deliver it.

The layout does provide a crossing point at the north-western part of the site to give access to the public right of way (PROW) on the northern side of Lower Rainham Road and to the riverside 'Saxon Shore Way'. The technical details for the crossing will need to

be agreed with the Highway Department and a condition is already secured on the outline planning permission for the timely delivery of the Section 278 works required.

Scale

Scale is a reserved matter under the outline planning permission MC/18/1796.

The current proposal shows two storey dwellings across the whole site. Four one-bedroom maisonette apartments are proposed within the affordable rent allocation in the southern western part of the site, arranged in two 'bookends' to terraced dwellings. The scale of the units proposed is considered to be acceptable for this development.

Appearance

Appearance is a reserved matter under the outline planning permission MC/18/1796 and relates to the built form.

The dwelling types proposed are standard two-storey 'Heritage' house types from the applicant's portfolio arranged in such a way as to provide a mix of house designs within the created streets for much of the site.

In terms of the house types, the front half of the site and around the more central green space is proposed as all detached housing. Within the rear half of the site there is proposed a mix of semi-detached and terraced dwellings, together with detached dwellings. The terraced dwellings are mostly congregated in the southwestern corner of the site, with a small number in the south-eastern corner. This is also where the majority of the affordable housing units are proposed. The four maisonette apartments are also in the south-eastern part of the site.

The materials palette shows a mix of red and yellow multistock bricks with 3 different roof tiles intermixed in the more mixed street lengths but used more uniformly for the terraced housing. There is also differentiation in the detached housing and some of the semi-detached housing by the use of hanging tiles and render sections and wavy edge timber board on some of the garages. The use of hanging tiles and render is used in a greater amount on some of the corner dwellings along the main street through the site and along the frontage dwellings facing onto the open space at the front of the site.

Boundary Treatments are standard in relation to plots with front gardens open, rear gardens enclosed with 1.8m high close board fencing, other than on corners plots where 1.8m high brick walls would be utilised set back from the back edge of the plot so as to ensure a good visual quality of these key plots within the street scene.

In terms of the reserved matters of Layout, Scale and Appearance it is considered that the proposal is acceptable and appropriate for this site and therefore accords with the aspirations of Policies S2, and BNE1 of the Local Plan and Paragraphs 126, 130, 132 and 134 of the NPPF 2021

Housing mix, including affordable housing

The application proposes 200 dwellings of which 50 (25%) will be affordable homes. The mix proposed is as follows

Private

18 2-bedroom
55 3-bedroom
57 4-bedroom
20 5-bedroom

Affordable

4 1-bedroom
22 2-bedroom
18 3-bedroom
6 4-bedroom

It is therefore considered that there is a good mix of dwellings throughout the site both for private and affordable, which will meet the needs of the area and comply with Policies H3 and H10 of the Local Plan and paragraph 130 of the NPPF 2021

Amenity

Policy BNE2 of the Local Plan seeks to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions as well as providing for a good level of amenity for prospective occupiers. Paragraph 130 of the NPPF 2021 requires that development functions well over its lifetime and provides a high standard of amenity for existing and prospective residents.

Future occupiers

The proposed units all meet the minimum floor areas within the Nationally Described Space Standards (NDSS) and gardens meet the required sizes within the Medway Housing Guidance (Interim) 2011. The four flats within the site each have a smaller garden area available to them – with the upper floor flats' gardens being accessible via a footpath and gate.

The consideration of 'waste and recycling' is relevant in respect to the future occupiers' amenities and the matter of 'Layout'. As such the application also seeks to discharge condition 13 (refuse provision) of the outline planning permission.

Tracking details for waste collection vehicles and bin store positions, within rear gardens, have been provided and are considered acceptable. It is recommended that the details pursuant to condition 13 are therefore discharged subject to the facilities being provided in accordance with the approved details prior to occupation of the relevant property.

The applicant has provided a sizable area of open space within the middle part of the development and in addition made a full off-site contribution as part of the S106 signed with the outline permission. This will provide a significant benefit to the future population of the site and facilitate the establishment of a sense of community. The applicant has also advised that they are willing to provide a trim trail in the northern landscape area which would again be an additional provision and an appropriate condition is recommended which will also detail its maintenance and management. All these will be to the benefit of the prospective occupiers and help facilitate a healthy place in which to live.

Impact on neighbours

Whilst the northern edge of the site faces open space, along the eastern, western and southern boundaries are existing housing.

For the most part there has been retained or provided a buffer between the rear of the new dwelling gardens and the existing neighbouring dwellings. It is in fact only along part of the western boundary of the site that such a buffer has not been achieved in the proposed layout.

The Medway Design Guide requires that in an urban situation new dwellings have a minimum garden depth of 10m. For much of the site between new dwellings the measurement back-to-back is around 20-21m with a minimum of 10m garden depths. For terraced dwellings this garden depth is inclusive of rear access footpaths. This same approach has been applied to housing around the perimeters of the site – a minimum of 10m gardens, other than on one plot that has an angled boundary reducing to 9m depth. There is a minimum of 20m back-to-back with existing neighbouring dwellings around the perimeters of the site.

For the section of the western boundary where there is no perimeter planted buffer achieved, the separation between properties meets or exceeds the required standards and therefore no unacceptable overlooking will result and at only 2 storeys these dwellings will not be overbearing or result in an unacceptable extent or duration of shadow on neighbours' gardens.

The amenities of neighbours would need to be protected during the construction phase and a condition requiring a Construction Environmental Management Plan (CEMP), was secured on the outline planning permission.

There is a condition on the outline planning permission that the units be retained in a C3 use only.

It is considered that the proposed scheme is acceptable in relation to Policy BNE2 of the Local Plan and paragraph 130 of the NPPF2021.

Open Space/Play Space

Policy L4 (Provision of Open Space in New Residential Developments) requires well located open space for developments proposals of this scale.

As set out above a full offsite contribution towards open space and play space was secured as part of the outline permission. In addition, the applicant has proposed significant areas of open space on the site along the northern frontage of the site and within the middle part of the site, along with small pocket areas throughout with various pathways providing permeability.

The open space in the middle of the site details a more traditional 'public garden' approach with a criss-cross of footpaths and two 'gateway' feature walls in the north-western and south-western corners. The whole area is to be enclosed with 1.2m high bow-top fencing and as such will be safe for small children to run around. Orchard trees are to be provided in this area, replacing some of the trees lost to allow for the development.

The frontage open space also allows for the surface water drainage infrastructure for both this site and the neighbouring Bakersfield site. This open space area has a more informal and rural character, especially on the eastern side, with an open water body in the form of a pond with an overflow area for high rainwater events. Hedgerow planting is shown along its length, set back from Lower Rainham Road and a further orchard area and tree planting. The applicant has advised that they will provide a trim trail within the northern open space area and an appropriate condition is recommended.

The S106 signed as part of the outline approval had as one of its clauses:

"3. To either :

- a) Pay the sum of £308,745.84 towards the provision of open space within the Borough of Medway and £194,179.62 towards improvement of facilities at Splashes Leisure Centre, Bloors Lane, Gillingham...; OR*
- b) Submit to the Council for approval a scheme of for the provision of a multi-use games area in the Site and make a reduced contribution to the Council of £194,179.62 towards improvement of facilities at Splashes Leisure Centre, Bloors Lane, Gillingham..."*

This therefore provided an either/or option. If the applicant decided to proceed with option b) then that was supported by Condition 28 of the outline approval which states:

"No development shall commence until details of a multi-use games area (MUGA) shall be submitted to and approved in writing by the local planning authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the MUGA facility. The MUGA shall be implemented in accordance with the approved details prior to the occupation of the 100th dwellings.

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

However, should the developer seek option a), i.e. not to provide a MUGA but pay a full off-site open space, including play space, contribution, then condition 28 becomes effectively obsolete.

This is in fact what the applicant has opted to do and as such condition 28 can be considered as 'discharged'.

The proposal is considered to comply with Policy L4 of the Local Plan.

Landscaping

Landscaping is a reserved matter under the outline planning permission MC/18/1796.

Policy BNE6 of the Local Plan directs that in relation to major development important existing landscape features, including trees and hedgerows, should be retained and structural landscaping schemes should enhance the character of the locality. Paragraph 131 of the NPPF 2021 refers to the importance of trees and requires that trees are incorporated into development and existing trees are retained where possible.

Whilst the submitted arboricultural report shows the retention of a small number of trees on the site, much of the vegetation and self-seeded trees will be removed to make way for the development. There is a condition on the outline planning permission related to details to protect retained trees. The applicant has not sought to discharge that condition with this application, but has supplied information for the layout to be sufficiently well understood.

The landscape proposals have been revised and developed during the progression of the application. In terms of amenity planting within the public realm there are the two large amenity open space areas already referred to. These areas both integrate areas of orchard tree planting along with hedgerow and shrub planting and landscape trees. The landscaping in the northern open space area also includes margin planting for the pond.

In response to the NPPF requirement for 'tree lined streets' the developed strategy responds to the hierarchy of the streets and the central access corridor road and two secondary streets have achieved tree planting within public verges. In other streets trees are proposed within private property front gardens and as such will not be managed by the management company. Within the areas of affordable housing, whilst the proposed trees are within public areas, they are in smaller planting beds.

A number of conditions are recommended to ensure the success of the proposed planting particularly regarding location of below-ground services and light columns to ensure no conflicts with the agreed tree planting, details of planting pits and conditions, details of

the two gateway wall arrangements to the central open space. A Landscape Management Plan is required by a condition attached to the outline planning permission.

Ecology

Policy BNE39 of the Local Plan states that *"Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained"*. Paragraph 180 of the NPPF 2021 states that *'d) ... opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...'*

Conditions in respect to reptile surveys and mitigation, which are attached to the outline planning permission, have not been requested to be discharged at this time and as such remain to be discharged under a separate application following completion on site of the surveys.

In respect to the policy requirement to enhance the biodiversity of the site this matter is intrinsically linked to the reserved matters of 'Layout' and 'Landscape', which are both for consideration at this time. At the time of writing final comments have not been received from the KCC Ecologist following the recent submission of a revised layout, landscape strategy and planting plans.

Contamination

This application seeks to discharge conditions 24 (contamination) and 25 (contamination remediation) of the outline planning permission.

To applicants have submitted a Phase 2 Geo-Environmental Assessment Report, which included a Remediation Strategy. These are considered to appropriately address the requirements of conditions 24 and 25 of planning permission MC/18/1796 and subject to the works taking place in accordance with the agreed reports, the proposal accords with Policy BNE23 of the Local Plan and conditions 24 and 25 can be discharged.

Highway/Parking

Policy T4 of the Local Plan relates to the provision of cycle parking and policy T13 to car parking standards. Paragraph 112 of the NPPF 2021 relates to the provision of electric vehicle charging.

The matter of Access was approved as part of the outline planning. The layout also provides the pedestrian crossing point to the PROW as required by condition on the outline permission.

Furthermore, Condition 19 of the outline planning permission required:

19. The Reserved Matters application layout shall include the details of vehicular link with at least a footway at the application site's Western boundary. There shall be no land constituting a ransom strip between the application site and the land to the west as showing in drawing AC13584-02-22-2H.

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

Prior to commencement of development, the timescale for making the vehicular and pedestrian link from the western boundary to become operational shall be submitted and agreed in writing with the Local Planning Authority. The vehicular and pedestrian link shall be made operational in accordance with the agreed timescale.

The layout proposed accords with the first two paragraphs of this condition. The timescale for the provision is the subject of the third paragraph and the applicant has not provided a timescale to be in place yet for operational reasons and as such this will need to be agreed by separate discharge of that part of the condition.

Residential parking proposed, including visitor parking, will meet the requirements of the interim parking standards. Garages are provided in addition to on-plot parking and can be used for additional parking and/or other ancillary purposes. No cycle parking is shown and for properties that do not have garages a condition is recommended requiring details to be submitted, agreed and implemented.

The layout of the Electric Vehicle charging points is provided and considered to be acceptable.

Climate Change and Energy Efficiency

The outline planning permission dates from 2018 and the only condition related indirectly to climate change matters was the securing of energy efficient boilers within the Air Quality Mitigation Strategy.

The applicant of the Reserved Matters application purchased the site after the outline planning permission was granted and has advised the following energy efficiency measures will be utilised:

- Compliance with Part L of building regulations
- High performance building envelope with minimal heat loss through fabric, thermal bridging and air infiltration
- Installation of energy efficient building services such as temperature zone control and high efficacy lighting.
- All units will have Air Source Heat Pumps.

In addition to this a condition is recommended to secure electric charging for every house and 10% of apartments parking.

Local Finance Considerations

None

Conclusions and Reasons for Approval

The reserved matters details submitted relating to Layout, Scale, Appearance and Landscaping are considered acceptable. The proposals will provide for a well-considered and detailed development which reflects its location and provides for a healthy development both in terms of internal environment for prospective occupiers and also external in terms of the quality of landscaping and open space provision. The details submitted in relation to conditions 13 (refuse), 24 (contamination) and 25 (contamination verification) are acceptable and those conditions can be discharged. As the applicant has made a full contribution towards off site play facilities, there is no requirement for the provision of a MUGA on site and as such condition 28 can be discharged.

Subject to the satisfactory resolution of the surface water solution to serve both this site and the adjacent Bakersfield phase 2 and the confirmation re ecological/biodiversity matters, the application is considered to accord with policies S2, BNE1, BNE2, BNE4, BNE6, BNE23, BNE39, H3, H10, T4, T13, and L4 of the Local Plan 2003 and paragraphs 112, 126, 130, 132, 134, 131 and 180 of the NPPF 2021 and is recommended for approval.

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

Background Papers

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

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