

MC/23/0389

Date Received: 15 February 2023
Location: Brethrens Meeting Room Canterbury Lane, Rainham Gillingham
Proposal: Outline application with all matters reserved for residential development of up to 22 residential units.
Applicant Agent: Long Reach Gospel Trust
Planning Insight
Mr Peter Higginbottom
12-18 Theobalds Road
London
WC1X 8SL
Ward: Rainham North Ward
Case Officer: Amanda Barnes
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 20th December 2023.

Recommendation - Approval Subject to: -

- A. The applicant entering into a S106 agreement to secure the following:
- i) Contributions towards improved Education provision comprising:
 - a) Nursery: £34,084.38
 - b) Primary: £45,416.30 (£83,661.60 x 19 full year groups out of 35)
 - c) Secondary: £66,287.98
 - d) Sixth Form: £2,492.76 (£17,449.30 x 2 full year groups out of 14)

Total: **£148,281.41**
 - ii) Contribution towards Existing Library: **£4,082.10**
 - iii) Contribution towards Sports Facilities **£6,018.10**
 - iv) Contribution towards Public Realm **£5,390**
 - v) Contribution towards improvements to Local Health Facilities: **£15,630.12**
 - vi) The Strategic Access Management and Monitoring Strategy (SAMMS): **£6,909.91**
 - vii) Contribution towards Youth Provision: **£1,935.78**
 - viii) Contribution towards Community Facilities: **£5,155.70**
 - ix) Contribution for improvement and links to Public Rights of Way: **£1,650**
 - x) Contribution to enhance open space facilities within the vicinity of the development and towards Medway's Metropolitan park - Great Lines Heritage Park: **£71,791.28**

B) The imposition of the following conditions:

- 1 The development for which permission is hereby granted shall not be commenced before detailed plans showing the layout, scale, access, appearance and landscaping of the site (referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 Application for the approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission or before the expiry of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Received 21 September 2023
21/145/01 Rev F - Indicative Master Plan 3

Received 15 February 2023
21/145/01 - Site Location Plan

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

- 5 The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 22.

Reason: To define the planning permission and for the avoidance of doubt.

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

- 7 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation. Details shall include:
- i. Plans and information providing details of existing and proposed finished ground levels (including slab levels), means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and 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 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).

A timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timetable 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.

- 8 Any application for the approval of reserved matters in relation to layout and landscaping shall include: a tree survey; a tree retention/removal plan (with root protection area, the proposed layout, level changes and alignment of utility apparatus shown); an arboricultural impact assessment, a tree protection plan; arboricultural method statements designed to protect and safeguard trees identified for retention; a schedule of works to retained trees; and an arboricultural site monitoring schedule. All of these details shall accord with the British Standards 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' (or any such subsequent revision) relevant to the development. The details shall follow the landscape and open space

design required by condition 7. The relevant development shall be implemented in accordance with the approved details.

Reason: To ensure the wellbeing of the trees and hedges to be retained and continuity of tree cover, and maintaining and enhancing the quality and character of the area in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003 and 174 of the NPPF 2023.

- 10 No dwelling or building shall be occupied until a plan indicating the positions, design, materials, and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of amenity in the locality, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 11 No development shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards. No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

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

- 12 Any application for the approval of reserved matters relating to the layout shall include a parking layout to be submitted including internal dimension of the garages. No part of the development shall be occupied until vehicle parking space has been provided in accordance with details that have first been

submitted to and approved in writing by the Local Planning Authority. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. In accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 13 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2023.

- 14 Prior to the first occupation of the development hereby permitted details of the refuse storage arrangements, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- 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.

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2023

- 16 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 National Planning Policy Framework 2023 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 17 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) 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 168 of the National Planning Policy Framework 2023.

- 18 Prior to 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 1845-AF-00001-01 dated 25 January 2023 including an acoustic barrier with absorptive backing as shown on plan 21/145/02 Rev A - Acoustic Barrier Visual Received 22 September 2023 shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure no detrimental effect on residential amenity of future residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 Prior to the commencement of the development 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 amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control 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: Required prior to commencement to prevent harm being caused to the amenity of the area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 20 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: -

Height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels), hours of use, details of any phased dimming scheme, a report to demonstrate its effect on the landscaping of the site and nearby residential properties (including an overlay of the proposed lighting onto the site landscaping plans). All lighting shall be in accordance with the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequently updated guidance).

Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

- 21 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Statement shall include full details of the following standard air quality mitigation measures:

All gas fired boilers to have oxides of nitrogen (NO_x) emissions of less than 40mgNO_x/kWh;

The provision of one electric vehicle charging point per dwelling;

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 amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003 and paragraph 109 of the National Planning Policy Framework 2023.

- 22 Notwithstanding the Energy Statement submitted with the application, any application for the approval of reserved matters relating to the appearance shall include full details of the measures to address energy efficiency and climate change.

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 2023.

- 23 Any application for the approval of reserved matters in relation to layout and landscaping shall include: an ecological enhancement plan must be submitted detailing what ecological enhancement features will be incorporated into the buildings and erected within the open space. The details to be submitted pursuant to the requirements of this condition shall include details of:

- i. Provision of bat boxes within new buildings and/or on retained trees;
- ii. Provision of bird boxes on new buildings and/or on retained trees;
- iii. Provision of log piles;
- iv. Native species within the landscape planting specification;
- v. Landscape planting that provides food and replacement nesting opportunities for birds;

The development shall be implemented in accordance with the approved details and shall not be occupied until the ecological mitigation has been provided in accordance the approved details.

Reason: To protect and enhance the natural environment in accordance with paragraph 180 of the National Planning Policy Framework 2023.

- 24 Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

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

- 25 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 26 The approved remediation scheme must be carried out in accordance with its terms approved under condition 25 unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a

result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 27 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 25, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 27 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 26.

Reason: To avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

Proposal

This is an outline application with all matters reserved for residential development of up to 22 residential units.

The indicative plans show the site to have 22 units. Five of those units, with associated parking would have access from Canterbury Lane, with the remaining units gaining access from Otterham Quay Lane. The layout does not show a vehicular through route between Otterham Quay Lane and Canterbury Lane.

To the north of the site an area of open space is indicated with a pedestrian footpath link from Canterbury Lane to Otterham Quay Lane.

The indicative layout shows 13, 3-bedroom and 9, 2-bedroom units together with 38 dedicated residents parking spaces, 6 garages and 10 visitor spaces.

The indicative plans show two-storey housing with gable roofs. Each house would be provided with a rear garden typically more than 10m in depth.

The indicative layout shows that the houses fronting Otterham Quay Lane have been set back approx. 10m from the road with an area of soft landscaping to the front.

An acoustic fence has been shown to the east of the site for a length of approx. 25m to overcome noise relates concerns with the industrial units to the east of the site.

The existing hedgerow around the site is shown in the most part to be retained.

Site Area/Density

Site Area: 0.7 hectares (1.73 acres)

Site Density: 31 dph (12.7 dpa)

Relevant Planning History

MC/19/1917 Construction of a portacabin for use as a shop and project centre for the Brethren Community.
Approved 23.09.2019

MC/14/2133 Construction of a single storey rear extension to rear of hall.
Approved 19.09.2014

Land at Otterham Quay Lane

MC/16/2051 A sustainable urban extension comprising up to 300 new dwellings (of a range of sizes, types and tenures, including affordable housing), including public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service infrastructure works (all matters reserved except for points of access) - resubmission of MC/15/0761.
Approved 27 February 2017

MC/18/2328 Application for approval of reserved matters of appearance, landscaping, layout, and scale pursuant to MC/16/2051 - A sustainable urban extension comprising up to 300 new dwellings (of a range of sizes, types and tenures, including affordable housing), including public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service infrastructure works (all matters reserved except for points of access) - resubmission of MC/15/0761.
Approved 2 November 2018

Representations

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

SSE Utility Solutions, Swale Borough Council, NHS Medway, Southern Gas Networks, Southern Water Services and EDF Energy have also been consulted.

7 objections, 2 from the same household have been received raising the following concerns:

- Too many houses in an area which is swamped with over-development.

- Too much traffic - transport routes are inadequate.
- Widening Canterbury Lane (a recent planning application at Swale BC) will lead more cars to use it to avoid the A2.
- Pollution increasing.
- Nearby school making it impossible to get anywhere during drop off/pickup times, will get worse when it is at full capacity.
- Canterbury lane is a rat run sometimes as getting out on to Otterham quay lane is ridiculously impossible.
- Unsustainable for the local amenities - Not enough doctors. Medway Maritime hospital is under so much pressure that residents' health is suffering.
- More frequent power cuts.
- The local infrastructure cannot cope with any more cars on the road.
- This area has seen an excessive amount of developments in the last few years and has had a detrimental effect on the local area.
- The noise, dirt and heavy traffic caused by the developments has caused the air pollution to increase.
- The additional volume of traffic from the developments already granted permission has yet to have its impact felt in terms of congestion and air pollution.
- This area has always been a semi-rural location with its heritage in farming. This has traditionally been an area rich in green spaces and in natural biodiversity.
- Wildlife has had so much of its territory trashed by developers.
- Loss of community facility contrary to Policy CF1 of the Local Plan.
- No marketing evidence to demonstrate that alternative sites have been sought for a replacement facility within Medway and no mechanism for securing its replacement and the proposed site is a comparable size to the site they are vacating and no guarantee that planning permission will be granted.
- Not considered that the exceptional circumstance put forward meet the test set out in Policy CF1 of the Local Plan.
- Has not fully explored the feasibility of extending the current site.
- Site has not been marketed for other community uses.
- Concern raised that the erection of residential dwellings close to the employment site could cause future issues for the viability of industrial/employment site.
- Noise assessment date questionable as to whether it provides robust data.
- The noise assessment advises that noise can be mitigated with a 5m fence, this is not suitable at this site or at the source. It should be noted that the site presently operates without any noise issues and therefore any mitigation at source would need to be covered by the applicant proposing the development along with any ongoing commitment to maintain where necessary.
- NPPF paragraph 187 states that new development should be integrated with existing uses and existing uses should not have unreasonable restrictions places on them as a result of development.
- Should safeguard the existing industrial/employment site.
- Council have refused schemes (MC/21/2225 and MC/21/3125) in the area for highways reasons. The application site would add further to the residual cumulative impacts on the operation of the road network.

Swale BC objects to the application on air quality grounds. The Air Quality Assessment submitted with the application does not specify if committed development or cumulative impacts have been addressed as part of the assessment. Only four receptor sites are included in the assessment, which appear to be located around the proposed site. This could be for site suitability; however, the assessment does not consider the impacts to other sensitive receptor sites along the A2, including Air Quality Management Areas within Swale Borough at Newington and Keycol Hill.

Swale Borough Council would not object to the loss of the church as a community facility, provided that Medway Council is satisfied that a replacement facility has been secured. It is noted that the supporting information submitted with the application suggests an alternative facility has been found at Orchard House and has support from Swale Borough Council. At the time of providing this response, no planning application or a replacement church at Orchard House has been received. In addition, Orchard House is located within the countryside and is isolated from any settlement and would be subject to rural restraint policies within the Swale Borough Local Plan. As such, it is questionable whether planning permission would be granted for such development on this site.

UK Power Networks have advised they have equipment at the site.

Kent Police have given advise on measures that should be incorporated into any future reserved matters design. (*this has been sent to the applicant*).

SGN advised that there are high pressure pipelines in the vicinity of the proposed work area. SGN formally object to this planning application until such time as a detail consultation has taken place. (*this has been sent to the applicant*).

Southern Water have advised that they require a formal application for a connection to the public sewer to be made by the applicant or developer. In situations where surface water is being considered for discharge to our network, we require the hierarchy for surface water to be followed (Reuse - Infiltration - Watercourse - Storm Sewer - Combined Sewer) which is reflected in part H3 of the Building Regulations.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation

of the sewer will be required to ascertain its ownership before any further works commence on site.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

KCC Ecological Advice Service advise that no ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts.

We have taken this view for the following reasons:

- The site is largely hard standing,
- The photos in the design and access statement suggest the building has limited potential to be used by roosting bats
- The hedgerows within the development site have reduced connectivity and will be or could be retained.

As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

Measures to benefit biodiversity - Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2023) biodiversity should be maintained and enhanced through the planning system. The updated indicative plan has confirmed that the majority of the hedgerows will be retained within the development site. The only exception is the centre of the eastern boundary which will be removed to instal an acoustic barrier and within this area a replacement hedgerow will be planted.

The submitted plan is only an indicative plan and we advise that MC must ensure that if planning permission is granted a condition is included requiring the existing hedgerows to be retained as demonstrated within the Indicative Master Plan version F (Town Planning Design; April 2022)

The plans suggest an ecology zone will be created within the site which could enhance biodiversity. We advise that the area will have a large footfall and therefore there is a need to ensure that the area is designed to take in to account the recreational pressure to ensure it can establish as intended and provide ecological benefits. We advise that a condition must be included requiring habitat establishment and management plan. We have not provided suggested wording as the open space area may have other requirements than just ecology.

Lighting - The proposed development is likely to result in an increase in lighting and lighting can have a negative impact on bats and other nocturnal species. We advise that the lighting plan is designed to minimise impacts on biodiversity. We recommend that the lighting condition requires the following information to be included:

- Plan showing the locations of the light and details of anticipated light spill.
- The recommendations within the Bat Conservation Trust's 'Guidance Note

8 Bats and Artificial Lighting' (or subsequently updated guidance) are followed within the design.

- Details of any phased dimming scheme.

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 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Principle

To the north of the site, on the opposite side of Canterbury Lane is a relatively new residential development of detached and semi-detached houses (Eastwood Meadow and Quilters Yard) designed in a traditional style built in brick with pitched roofs. The site is bounded to the east and south by class E employment units housed in single level warehouse units with pitched roofs, with loading docks and staff parking in front of the buildings.

South of the industrial area is the nearly completed first phase of Otterham Park, a new development of family houses by Persimmon Homes. This scheme comprises of two, three and four bedroom semi-detached and terraced houses with parking. The scheme is built in a traditional style with brick, pitched tile roofs, and front or side gables. A lawned open space is included in Thomas Stanley Drive. The development is set back approx. 10m from Otterham Quay Lane along the western boundary.

The site comprises a church building and separate portacabin style building for use as a shop and project centre with the remainder of the site being used as a car park. The site is enclosed with a steel fence covered with mature creepers. Medium-sized trees grow along the perimeter fence.

The site is classified as previously developed brownfield land with two buildings and the remainder of its extent a car park sealed with tarmac.

The proposed scheme falls inside the urban area of Rainham, in an undesignated area within the Local Plan. The current use of the land is for a meeting hall, as such there is a need to protect existing community facilities, such as community halls/churches, unless it can be demonstrated that exceptional circumstances exist where it would be beneficial to redevelop sites. Local Plan Policy CF1 sets out that proposals that would result in the loss, without replacement, of community facilities should clearly demonstrate that those facilities are no longer needed.

The application documents advise that owing to the church congregation increasing in size and outgrowing the size of its existing facilities, the applicant started the search for new premises in 2020. The membership of the congregation grew from 220, in 1997 when the existing church was constructed, to 460 in 2022. It is projected that the

congregation will grow to 550 members by 2030, and as such it is demonstrable that the church is growing beyond the limits of the site.

Most congregants reside in Swale Borough Council (BC). In this regard, most congregation members are travelling from the neighbouring authority to the application site. As such it is proposed to relocate the church to a larger site to accommodate growth and closer to its congregation members. The locality of the applicant's churches and gospel hall are also determined by reach and proximity to the school associated with the church, OneSchool Global. The success of the Maidstone campus has contributed directly to the need for a larger gospel hall.

The existing site cannot accommodate the level of growth necessary for the existing community use. At present, the existing site is limited in terms of the car park. Enlarging the building would result in the loss of ancillary facilities which are already under strain, this means that a new site is necessary for the success of the existing community use. The applicants have advised that in order to fund the construction of a new facility the development of the existing site is necessary.

As demonstrated above it is considered that there are exceptional circumstances which necessitate the site to come forward for housing and relocation of the community site which is detailed below.

The second strand of policy CF1 states that replacement facilities in size and kind are required. A replacement site is proposed on Oak Lane/London Road in Upchurch. It is a relatively short distance from the site; however, it is located in a more convenient location for the existing congregation and crucially it will accommodate the growth of the church. The applicant has submitted a planning application to Swale BC for the construction of the new church (Ref: 23/505148/FULL 23/503028/OUT). Due to the set of circumstances set out above it is considered that the application is in accordance with Policy CF1 of the Local Plan.

Policy H4 of the Local Plan, states that within the urban area, residential development will be permitted on land within residential areas provided such development results in a clear improvement to the local environment. Within the NPPF, there is presumption in favour of sustainable high-quality homes for different people offering a mix of choice (paragraphs 11 and 38 of NPPF).

Paragraph 69 of the NPPF advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should *“support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”*.

Medway Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In view of this deficit, the Council's housing supply policies are out-of-date in the context of housing allocations. Paragraph 11 is therefore engaged and under paragraph 11(d) it is necessary to make an assessment as to whether this development is sustainable, having regard to the definition of sustainability contained in the NPPF. The site is located on the edge of Rainham and within walking distance

of Rainham Centre with its associated shops, Health facility, Schools, Train Station and Bus links.

In assessing the proposal in line with the 'presumption', the benefits of the scheme are outlined below:

- The provision of housing in Medway, that is currently experiencing a shortfall in housing provision.
- The reuse of a previously developed site in a sustainable location for housing.
- A much-improved community facility provided to serve the same congregation.

The site is considered to be in a sustainable location and the development of the site for housing would be in accordance with the Policies H4 and S1 where the development strategy for the plan area is to prioritise re- investment in the urban fabric, including the redevelopment and recycling of under-used and derelict land within the urban area and paragraphs 11, 38 and 69 of the NPPF.

Layout and Design

The NPPF attaches great importance to the design of the built environment. Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The current built form comprises a large footprint church hall building placed diagonally across the site and the temporary church shop. The redevelopment presents an opportunity to build housing closer to the street boundaries to define the streets and improve the sense of enclosure, currently lacking. In addition, the proposed development will result in the tarmac surface of the car park being removed, which will free up significant areas for gardens. Gardens provide additional areas for planting, that is beneficial for improving ecology on site, and also creates permeable surfaces that aid sustainable drainage of rainwater.

The indicative layout shows a set back of the development from Otterham Quay Lane of approx. 10m, which is in line with that of the Persimmon development to the South. It is envisaged that the setback from Otterham Quay Lane will be planted in hardy plant species that encourages species to shelter and build habitats.

A mix of two and three-bedroom semi-detached houses and terraces are shown on the indicative plan, built in yellow brick, with some feature engineered timber cladding. The houses are indicated to have pitched front or side gable roofs in keeping with the local character and likely be grey to match the tiles used at Otterham Quay Park.

A pedestrian route is shown through the site offering a shortcut between Canterbury Lane and Otterham Quay Lane, providing a safe and pleasant pedestrian environment. The route will be paved and illuminated and connect with existing public footpaths.

The site has two existing vehicular and pedestrian access points, one from the north

on Canterbury Lane and one from the west on Otterham Quay Lane. Both will be retained in the same position. These retained entrances connect to the existing footpath that wraps around the corner of the Canterbury Lane / Otterham Quay Lane junction. A footpath runs along the western side of Otterham Quay Lane that leads to Wakeley Road, through Rainham Recreation Ground, to Rainham Station and the town centre. From these entrances all houses, parking spaces and garages are accessible.

Each dwelling has been shown to have a private garden space enclosed with boundary fences.

Larger established trees and hedges line all four boundaries of the site, and these are proposed to be retained in the site layout plan for screening and greenery.

The relationship of development to Canterbury Lane effectively mirrors that of the development opposite. While the large expanse of carparking is not ideal soft landscaping is shown to the front that will partially screen the hard surfacing and in addition to this a large open space is proposed that will also add to the sense of openness and greenery.

An acoustic barrier will be required for a length of approx. 25m along part of the eastern boundary. While this is not on face value an aesthetically pleasing feature it has the ability to be screened with planting. The barrier would be set centrally along the eastern boundary such that it would not be visually prominent in the wider street scene. In addition to this the gardens of the houses at this point are shown to be capable of being approx. 15m in depth with the current back drop of the rear walls of the commercial units, such that a sensitively landscaped acoustic fence of a similar height could be regarded as preferable.

On balance the indicative plans have shown that the site can accommodate up to 22 units and the proposal therefore accords with the provisions of Policy BNE1 of the Local Plan and Paragraphs 126 and 130 of the NPPF with matters of, appearance, landscaping, scale, layout and access reserved for future consideration.

Amenity

Policy BNE2 of the Local Plan requires all development to protect those amenities enjoyed by nearby and adjacent properties. It states that the design of development, should have regard to: (i) privacy, daylight, and sunlight; and (ii) noise, vibration, light, heat, smell and airborne emissions consisting of fumes, smoke, soot, ash, dust and grit; and (iii) activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the houses on the neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 130f of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

Amenity of Future Occupiers - The indicative houses have been designed to meet the Nationally Described Space Standards, 2015 for two and three-bedroom houses. All

dwellings have access to private amenity space. However, as these are indicative plans this is a matter for the reserved matters application.

Neighbouring Residential Amenity - Due to the distances involved between the proposed houses and those neighbours in Canterbury Lane and Otterham Quay Lane it is considered that there would be no new issues raised with regard to loss of sunlight, daylight privacy or outlook.

Due to the location of the site with regard to residential properties a condition is recommended on any permission for a Construction Environmental Management Plan (CEMP) to be submitted.

Subject to this condition no objection is raised and the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

Noise

To mitigate any future noise issue from the commercial units to the east, an acoustic barrier is required. With the barrier being so close to the source the reflections between the barrier and the building at the rear, could increase sound pressure levels behind the barrier reducing its effectiveness, as a result the rear of the barrier would need to be absorptive. The barrier is important to not only protect prospective residents from noise from the industrial buildings but also to protect the future of the employment uses from complaints from the new residential properties.

Subject to a condition to secure a scheme for protecting the proposed development from noise no objection is raised with regard to Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

Air Quality

The site is not far from the Rainham Air Quality Management Area, and whilst the development is unlikely to be affected by poor air quality or contribute to a worsening in the AQMA, mitigation to offset the development related road transport emissions will be required. Standard mitigation in the form of the provision of EV charging points and low NOx gas fired boilers (or even no gas boilers) will be required. It is recommended that this aspect is secured by condition.

The Councils Environmental Protection Officer has advised that a development of up to 22 units would have an imperceptible impact upon air quality and does not understand the comments made by Swale Borough Council in their objection who follow the same air quality guidance that was written by Medway Council.

Subject to this condition the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 186 of the NPPF.

Contamination

The report submitted Phase 1 Site Investigation by Lustre Consulting is in line with current guidance and recommends an intrusive investigation with soil testing,

groundwater monitoring/testing and ground gas monitoring and an investigation to confirm that there is not a residual below-ground fuel tank present on site, as such a land contamination condition is recommended on any approval.

Subject to this condition the application is considered to be in accordance with Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

Ecology

Under section 40 of the NERC Act (2006), and paragraph 174 of the NPPF, biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

Currently the site is largely hard standing and as such any reduction in the amount of hardstanding and increase in soft landscaping is of benefit to biodiversity. The indicative plan demonstrates that the majority of the hedgerows will be retained within the development site. The plans suggest an open space area will be created within the site and this could enhance biodiversity. In order to ensure that this will be realised on site, conditions are recommended to secure biodiversity ecological enhancement features and a habitat establishment and management plan to ensure long term maintenance.

The proposed development is likely to result in an increase in lighting and as lighting can have a negative impact on bats and other nocturnal species, a lighting condition is recommended to ensure that there will be no negative impact on biodiversity.

Subject to the above-mentioned conditions the application is considered to be acceptable and in accordance with paragraphs 174 and 180 of the NPPF 2023.

Flood Risk

The site is situated within Flood Zones 1 'Low risk' per Environment Agency mapping. Additionally, it is noted that sections of the site experience a Low and Medium risk of surface water flooding and it should be ensured that any application will improve the flooding experienced at the site.

Paragraph 079 of National Planning Policy Guidance: *Flood and Coastal Change* states that when considering major development, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

Paragraph 80 presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

This is reflected also in Part H3 of (Part H) of the Building Regulations.

Appropriate conditions regarding SUDs are recommended.

British Geological Mapping indicates the presence of Thanet formation at bedrock which suggests that infiltration may be likely. The submitted reports that a Phase 2 Ground investigation will need to be undertaken with any subsequent application to determine the suitability of deep bore infiltration. This will be required as a priority. Conditions are recommended to ensure that this aspect is adequately dealt with as part of any approval.

Subject to the recommended conditions the application is considered to be in accordance with Policy CF13 of the Local Plan and paragraphs 159 and 160 of the NPPF.

Access and Parking

Pursuant to the Medway Council's parking standards, the development attracts a minimum demand for 44 parking spaces. 54 parking spaces in the form of 38 dedicated residents parking spaces, 6 garages and 10 visitor spaces are proposed.

The application is in outline, but it should be noted that any detailed layout would require that the minimum vehicle manoeuvring distance between bays should be 6.0m and the length of any horizontal bays should be 6.0m. Any proposed garages would need to accord with the Councils standard set at 7.0m x 3.0m (measured internally).

The indicative layout plan demonstrates that the estate provides sufficient room to facilitate the turning manoeuvres of a refuse vehicle.

The Transport Statement accompanying the application predicts that during the AM and PM peak periods, the residential units could potentially generate 12 and 11 vehicular trips respectively. Considering the recent appeal decision in relation to development to the north within Swale area, it is not considered that any justifiable ground of refusal can be made regarding traffic impact for a scheme of 22 houses. Based on the analysis undertaken, the development of up to 22 units is not considered to conflict with Policies T1 and T13 of the Local Plan, or paragraph 111 of the NPPF.

Waste and Refuse Storage

Every dwelling is required to have a designated space for waste. It is unclear where these are from the indicative plans, however as the application is in outline with all matters reserved it is considered that this could be positively addressed in the reversed matters applications.

Climate Change and Energy Efficiency

The Energy Statement illustrates two heating scenarios (Electric Boiler or ASHP), that both meet Part L 2023 targets, including emissions (DER), Fabric Efficiency (DFEE), and Primary Energy (DPER). These are achieved through:

Energy Efficiency Measures

- U-Values are at least 50% better than the Part L 2023 limiting parameters.
- Air Permeability 50% better than the Part L 2023 limiting parameter.
- Mechanical Ventilation with Heat Recovery is proposed.

Decentralised Energy Connections

- The proposed scheme does not possess the location or have sufficient heat demand to economically connect to any nearby off-site district heating networks either now or in the future.

Renewable Technologies

- Air Source Heat Pump (ASHP – modelled using Mitsubishi Ecodan 8.5 kW) are to be installed into each dwelling, or
- In-lieu of this, an enhanced Fabric Specification, in-line with the Future Homes Standard (due to come into legislation in 2025) will be specified with normal electric heating (Electric Boiler) in order to achieve compliance with Part L 2023.

Both scenarios (Renewable Energy or Enhanced Fabric Solution) achieve over a 50% reduction against Part L 2023 thus compliant with local, regional and national Planning Policy and emerging guidance.

A condition is recommended on any approval to ensure the above measures are adhered to subject to this condition the development is considered to be in accordance with paragraph 154 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. There was therefore a need under the Conservation of Habitats and Species Regulations 2017 for an appropriate assessment to be carried out as part of this application.

As a result of the Appropriate Assessment Natural England has advised that an appropriate tariff of £314.05 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries by way of mitigation for the adverse effects of the development. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been

informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has agreed to pay this obligation therefore subject to payment no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

S106 Matters

Policy S6 of the Local Plan states conditions and/or legal agreements should be used to make provision for additional demand for local services generated by new developments.

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 (s106 agreement) may only be taken in to account if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The Approved Guide to Developers Contribution (2018) sets the Council's detailed approach towards ensuring that the demands generated by new developments is properly provided for by way of financial contributions made by the developer towards the provision of new and improved infrastructure and services. The Guide sets out comprehensive advice on how financial contributions will be calculated in respect of a broad range of different services.

In accordance with Guide to Developer Contribution the following contributions have been sought in respect of this application:

- i) Contributions towards improved Education provision comprising:
 - a) Nursery: £34,084.38
 - b) Primary: £45,416.30 (£83,661.60 x 19 full year groups out of 35)
 - c) Secondary: £66,287.98
 - d) Sixth Form: £2,492.76 (£17,449.30 x 2 full year groups out of 14)

Total: **£148,281.41**

- ii) Contribution towards Existing library: **£4,082.10**
- iii) Contribution towards Sports Facilities **£6018.10**
- iv) Contribution towards Public Realm **£5,390**
- v) Contribution towards improvements to Local Health Facilities: **£15,630.12**
- vi) The Strategic Access Management and Monitoring Strategy (SAMMS):

£6,069.36
vii) Youth Provision: **£1,935.78**

These requests have been calculated in accordance with the Approved Developers Contribution Guide (2018 Version 6: Charges updated April 2023) and based on the quantum and location of the development and are thereby considered to comply with the CIL Regulation Tests.

The applicants have agreed to all of the requested obligations and therefore no objections are raised in respect of Saved Policy S6.

Local Finance Considerations

There are no local finance considerations due to the extent of works proposed.

Conclusions and Reasons for Approval

The proposal for up to 22 residential units is in accordance with Policies H4 and S1 of the Local Plan and paragraphs 11 and 38 of the NPPF, being situated within the urban area of Rainham. The development is in outline form with all matters reserved for future consideration however it is shown on indicative plans that the housing could fit onto the site without causing demonstrable harm to the character of the local area, amenity or issues with regard to the highway network and as such is in accordance with Policies in the Local Plan and the NPPF.

The loss of the community facility is regrettable, but the applicants have advised that this is to be replaced in a more suitable location for the congregation, the proposal is therefore considered to be in accordance with Policy CF1 of the Local Plan.

It is therefore recommended that planning permission is granted subject to conditions and Section 106 agreement.

The application is being referred for Committee determination due to the number of representations received expressing a view 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/>